

Bainbridge Township, Ohio
Board of Zoning Appeals
March 3, 2005

Pursuant to notice by publication and certified mail, a special public hearing was called to order at 7:16 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

Mr. Lamanna swore in all persons who intended to testify.

Application 2004-46 by Daniel M. Fine for property at 9519 Taylor May Road –
Continuance

The applicant is requesting a conditional use permit with area variances for the purpose of establishing a cluster housing development. The property is located in a R-5A District.

Mr. Dale Markowitz, attorney for the applicant, Mr. Chip Hess, engineer and Ms. Julie Ellis were present to represent this application.

Mr. Lamanna stated that there have been previous hearings on this application and objections have been raised between the applicant and the adjacent property owners and added that a revised plan has been submitted.

Mr. Markowitz testified that at the last meeting the applicant had just delivered a new plan to the board and the board wanted Mr. McIntyre's comments on it. He continued by saying that the plan consists of a 25' access strip that was added, there will be no interconnection to Auburn and an additional road was added from Taylor May Road. He said they added two additional lots so there will be 22 building lots instead of 20. He said they are requesting two variances, the first being the two additional lots and the second being a variance from the 25% open space requirement to 19%. He said that Mr. Chip Hess will be explaining the additional road and the additional lots and added that the applicant has come to an agreement with the Edgewater Reserve Homeowners Association that was recently revived and he received verification of that from the Secretary of State today. He continued by saying that the agreement was signed by the Edgewater Reserve President and Andrew Brickman, the developer also signed it. He said they do have a signed agreement that deals with aspects of the project and we (applicant) agreed to hire Dr. Yorum Eckstein to determine if the wells that are drilled won't have an adverse effect on the neighboring wells and if so, he will advise. He said Dr. Eckstein is collecting well logs from the surrounding homes for analysis and we will be subject to his analysis and if Dr. Eckstein determines we need to drill a couple of test wells on this property we will. He continued by saying there are three aquifers surrounding the Edgewater Reserve Subdivision and right now there is a good opportunity to drill in the shallower aquifer that is the Sharon or the deeper aquifer that is the Berea. He said if Dr. Eckstein determines we cannot develop this property with 22 lots where they are located, we will come back to the board and ask for a modification. He said he sent the final version of the agreement to Mr. Greenberger and Mr. Lamanna today and the applicant agrees to take care of the culdesac at Nighthawk Drive and install culvert pipes and drains and will be done according to county standards. He said the applicant also agrees to jointly petition to reduce the speed limit between the two subdivisions.

Mr. Chip Hess reviewed the revised site plan. He testified that there will be a connection to Taylor May Road, and there will be 1,349' of additional road so two additional lots were added. He said they moved the retention pond to be used as a dry hydrant, 20 acres will be for the farm and there will be 19.55 acres of open space. He said the road to Taylor May will not be a through road, but an intersection at Nighthawk Drive and as part of the design they researched the site distance on Taylor May Road and talked to the Geauga County Engineer's Office and they determined the site distance is not a concern on Taylor May Road. He said it will be a second egress for the Nighthawk residents and will cut down on traffic in the Edgewater subdivision. He said two new lots were created to offset the cost of the additional 1,349' of road that will cost \$269,000 to build.

Mr. Markowitz said that Ms. Julie Ellis will talk about the value of the additional lots and the impact on the new road.

Ms. Julie Ellis testified that according to the Geauga County market the lots will bring \$115,000 to \$125,000 but we feel that because now there will be a through street, it brings the value down a little bit. She said that the lots in Hawksmoor are \$180,000, take longer to sell but are pretty and the lots in the Woods of Wembley are \$121,000 for one acre and that is why we have the prices where they are for these lots.

Mrs. Stanton asked how long it will take to sell out the lots.

Ms. Ellis said it will take about three years to develop and sell.

Mrs. Stanton asked if the price won't go up in a couple of years.

Ms. Ellis said it is hard to say but these are preliminary numbers.

Mr. Markowitz said there are still costs for improvements and the increase in value is offset by building costs and these extra lots will probably not cover the costs of the increase in the road but will be close to it.

Mr. Lewis asked if the \$269,000 is additional or for all of the road.

Mr. Hess said it is for the additional road only.

Mrs. Stanton said the lots in the middle are longer and asked if they would consider shortening them for more green space.

Mr. Hess said they want to make sure they have enough room for septic systems because of the wetlands and we are trying to make the lots slightly larger, between 2.5 acres to 3 acres.

Mr. Olivier asked why not pull the additional land from the farm to make up the green space on the eastern side.

Mr. Hess said they tried to split it equally and it was the desire of the farm owner.

Mr. Markowitz said that Mr. Fine felt he needed a minimum of 20 acres to operate the farm to not interfere with the neighbors.

Mr. Takacs said there is a 6% variance from lot coverage and asked how many acres would be needed to comply with the open space.

Mr. Markowitz said it is short by a little more than six acres.

Mr. Lewis said it is 6.24 acres.

Mr. Hess said because of the road shape, we could not have green space or an island there, it would do no good and the goal was to have the open space contiguous.

Mrs. Stanton asked if there was any other way to get to 25% open space.

Mr. Hess said they can't take it out of the farm.

Mr. Markowitz said if they take six acres out of the farm it will be hard to operate on 14 acres and if he were to give up more land, somebody would have to pay for it.

Mrs. Stanton asked if some could be taken out of the perimeter.

Mr. Markowitz said the people in the adjacent community are concerned about the lot size and wanted a 2.5 acre minimum.

Mr. Hess said they may be able to come up with 2.5 to 3 extra acres.

Mr. Markowitz said they are trying to maintain a balance among competing interests.

Mr. Lamanna said the undeveloped area is being preserved and the intent of the common open space was to preserve a reasonable part of the property and a natural state is being preserved as an agricultural state and he is not uncomfortable with that. He said they are preserving the rural character of the property and it will be kept agricultural and added that they are preserving almost 40 acres and added that the individual lots are still subject to the same lot coverage so there will be no increase in lot coverage.

Mr. Takacs said it seems like a substantial variance for the common open space.

Mr. Hess said they left the retention pond as part of the property with an easement held by the Geauga Soil & Water Conservation District and the end result equals protected area.

Mr. Markowitz said they could take two pieces and put it in the open space and get it up to 22%.

Mr. Takacs said that is a little more palatable in his mind.

Mr. Olivier asked what the restrictions will be on the farm property.

Mr. Markowitz said the deed restrictions will prohibit further subdivision of the property otherwise the applicant would have to come back to the board for a variance.

Mr. Lewis referred to the retention pond in the upper left hand corner and asked if that one lot could be reduced and thrown into the open space.

Mr. Markowitz said they have to look at the land costs.

Mr. Lewis said the cost of the road is not that dramatic.

Mr. Markowitz said they proposed 20 lots but because of the request of the Nighthawk residents to not extend the road into Auburn and to go out to Taylor May and by adding additional roadway, we had to find a way to absorb that cost by adding two additional lots.

Mr. Lewis said he is struggling with the additional lots and the size of the common open space and the fact that the landowner wants to sustain 20 acres.

Mr. Markowitz asked why the board had a problem with the farmer wanting to keep 20 acres and said they can pick up one-half of the difference or decrease the overall lot size in the subdivision but are trying to avoid the appearance of one acre lots versus two acre lots because the people on Nighthawk won't like it.

Mr. Lewis said if three detention ponds were moved into the open space it will make a difference.

Mr. Markowitz explained that the retention ponds would be landlocked and the county planning commission would not let them do that.

Mr. Lewis said he had no issues with the overall plan but it is still a substantial variance and asked if they could shuffle some of the lines around.

Mr. Markowitz said yes they can do that but cannot say they can get back to 25% but could pick up 2.5 – 3 acres.

Mr. Takacs asked if the strip is in the buffer.

Mr. Markowitz said the strip is owned by the lot owner and maintained by the lot owner.

Mr. Takacs said they could pick up 1-1/2 acres on the pond on the left.

Mr. Lewis said that one lot picks up 1/2 of the road construction costs and the difference is \$130,000 and asked if \$130,000 kills the project.

Mr. Markowitz replied yes because this is a small project.

Mr. Takacs asked how much can be picked up on the right upper pond.

Mr. Hess said they could gain one acre per pond.

Mr. Takacs asked about the size of the common open space and the farm.

Mr. Hess said the farm is 20.1 acres and the common open space is 19.5 acres.

Mr. Takacs said the common open space is short by 6.24 acres and said that three acres could be added.

Mr. Hess said yes and there would be 22.5 acres of open space.

Mr. Takacs said that would be easier on his mind.

Mrs. Stanton said she agreed.

Mr. Lewis asked what the lower pond is worth regarding acreage.

Mr. Hess said it is a concept stage for the ponds.

Mr. Takacs asked if the upper left will be added into the green space or added to the farm parcel.

Mr. Hess said it is a separate lot.

Mr. Markowitz said he would rather not include the buffer in the open area because it creates a nuisance.

Mr. Takacs said the landowners may not want people in their backyards.

Mr. Markowitz replied yes.

Mr. Paul Greenberger, attorney for the homeowners in Edgewater Reserve Subdivision, testified by asking the board if they had a copy of the signed agreement on behalf of the association and said he wants to direct the board's attention to paragraph two and said they do not want to confront the original plan, but urge the board to impose paragraph two.

Mr. Lamanna said the board will impose that as a condition prior to issuance of the zoning certificate and referred to Dr. Eckstein's report and the other understanding will be that there is nothing in the agreement that imposes anything on the township.

Mr. Markowitz said if the association has some objections, they can raise them to the township.

Mr. Lamanna said the applicant will have to rely on Dr. Eckstein.

Mr. Greenberger said he thinks “well” of him also.

Mr. Lamanna said there is one other issue and that the board is allowing an operating farm as a part of a cluster residential development and allowing the farm to gain the advantage of a cluster development. He said this property is no longer an agricultural property and that the property owner is clearly acknowledging that and it is not an agricultural property when it is a lot within a residential cluster subdivision and allowed to be used as an agricultural use and added that it is also unfortunate that the interpretation of agriculture is to allow certain properties to become quasi-retail establishments. He said the board has to look at it once it is created and established and the new owners may have different ideas on how they want to use the agricultural property and if there are future owners that may want something different they will have to come back to the board. He continued by saying that there are concepts that need to be considered and that is the property will be subject to zoning regulations, setbacks, height requirements on new structures and also there will be some limitations on the total number of structures on the property. He said regarding animal husbandry, the number and types of animals allowed, will be the normal type of animal that some may want to raise for their own use. He said the board will want to assure that no retail operation other than what is indicated to what is being raised on the property will be permitted and referred to the Therapeutic Riding Center as an agricultural use and this farm should not be available for a similar situation. He said one other concern was the question of manure and how it is dealt with but with Alpacas, it is not an issue, but if some other animals other than Alpacas are brought onto the property, the applicant will have to come back to the board.

Mr. Markowitz said because of the conditional use permit, the board can impose these conditions as part of the motion, but he has noticed that on other farms, they always seem to have a small amount of other animals, other than that, it is okay. He added that they would agree to impose paragraph two regarding Dr. Eckstein.

Mr. Lamanna asked how many Alpacas will be on the farm.

Mr. Fine testified that 150 will be the absolute maximum and said there should be less than 10 per acre for their health and to have enough grass to graze on.

Mr. Lewis asked about the proposed development and if all of the construction traffic will come off of Taylor May.

Mr. Markowitz said yes, they will notify all of the contractors to come off of Taylor May.

Mr. Lewis asked if “no construction” signs will be placed at Nighthawk Drive.

Mr. Markowitz replied yes.

Mr. Lewis said there was a discussion about a bond for the road and he is still concerned about preserving the road and asked if there will be a blockade on the road and removed when the road is dedicated.

Mr. Markowitz said the road will have to be dedicated before they start building homes.

Mr. Lewis asked who will manage the road construction.

Mr. Markowitz explained that all of the construction traffic will come off of Taylor May Road and signs will be put up to bring all the trucks off of the new road on Taylor May. He added that the times the trucks are the heaviest is when they bring the block and the roof trusses and they will do anything they can so there is no incentive to go through Nighthawk.

Mr. Lewis said he wanted an understanding of that and thanked Mr. Markowitz for his explanation.

Mr. Olivier asked if accessory buildings for the farm can be placed close to the property lines of the new lots.

Mr. Lamanna said they have to meet the setbacks.

Mr. Takacs referred to a letter from the Geauga County Health Department.

Mr. Markowitz said they have to re-submit to the health department and they had soil scientists look at it.

Mr. Hess said the next step is to go the planning commission for final approval.

Mr. Takacs asked if there was an issue on certain lots regarding septic systems.

Mr. Markowitz said they looked at the soil maps in certain areas and there are specific soils you have to stay out of and the lots were renumbered such as former lot #20 is now #15.

Mr. Olivier asked about storm water run-off and how the northwest corner is going to drain.

Mr. Hess explained that the water will go to a swale on the north side of the mound and flow to the west.

Mr. Markowitz confirmed.

Mr. Lamanna asked if there is an oil & gas well issue on the property.

Mr. Markowitz said they were terminated and all the wells were abandoned and nothing is there. He said there may be pipelines under the ground that they don't know about but all the wells are abandoned.

Since there was no further testimony, this application was concluded.

Motion BZA 2004-46 – 9519 Taylor May Road

Mr. Lamanna made a motion to approve the application for a cluster development on this site to be constructed as provided in the application as submitted including the construction of the berming areas and landscaping plans that are part of that application and to grant the following variances:

1. A variance from the maximum number of permitted units from 20 to 22 for a variance of two.
2. A variance with respect to the required minimum common open space from the required 25% to 21.6% for a variance of 3.4%.

With the following conditions:

1. The applicant has entered into an agreement with the neighboring property owners with respect to certain obligations and conditions and the board will include such agreement as part of the conditions for this application. However, the inclusion of this agreement does not in any way obligate this board or Bainbridge Township or any other governmental authority to take any action that may be suggested or referenced in such agreement.
2. With respect to paragraph two of such agreement, the study to be performed by Dr. Eckstein, that this will be a condition to the issuance of the zoning certificate that the zoning inspector will receive from Dr. Eckstein in a letter stating that he has completed the study required by this provision and that he has found that the cluster development can be developed without unreasonably interfering with the aquifers serving the neighboring properties including but not limited to the Edgewater Reserve Subdivision.
3. An additional condition to the zoning certificate being issued is that the final form of the deed restriction will be submitted to the zoning inspector for review by the zoning inspector and the township and board's legal counsel for compliance with the requirements of the cluster zoning.
4. In addition, the board is providing that there are certain other conditions that will be applied to this property with respect to the parcel that is going to remain in an agricultural use for the purposes of allowing it to be operated for the growing of crops and the husbandry of Alpacas.
5. The following conditions will apply to the largest lot in the cluster development (the "Lot").
 - A. The Lot will be permitted to be used for agricultural purposes, but such activities will not extend into the common use area. The Lot will not be considered an 'agricultural use' not subject to zoning but will remain subject to all zoning requirements of the zoning district in which the Lot is located except as provided herein. The applicant acknowledges and agrees that the restrictions herein are applied to a lot that is part of a platted residential subdivision which will be permitted to have agricultural uses for the purpose of obtaining approval of the cluster development of which it is a part.

Motion BZA 2004-46 – 9519 Taylor May Road - Continued

- B. The Lot may not be further subdivided or any part transferred (other than to the common area) which restriction will be contained in the cluster deed restriction and will inure to the benefit of Bainbridge Township.
- C. The Lot may be used for the following agricultural purposes (including all activities reasonably necessary to conduct those purposes): growing of any type of plant not requiring flooded fields; the raising, boarding and/or husbandry of Alpacas provided that the total number of Alpacas will not exceed 150 present at any one time on the premises. The resident of the Lot may also have up to 5 large and 10 small domestic animals which are family pets of the residents or used for their domestic purposes only (the Household Animals).
- D. No processing of agricultural products will be conducted on the Lot other than those reasonably necessary for consumption on the Lot, short term storage or for preparation for shipment. No boarding of animals owned by others will occur, other than Alpacas within the number limitations set forth above. Retail sales will be permitted for only those agricultural products actually grown or raised on the Lot and no more than 400 sq. ft. of building may be used for retail purposes. No service businesses, except as permitted under home occupation rules, are allowed on the Lot. There will be no regular activities for third parties conducted on the Lot other than sporadic events (3 per year), provided this is not intended to apply to family gatherings.
- E. All agricultural activities to be conducted so as to not unreasonably and materially adversely affect adjacent residential areas. Discharge or release of fertilizer and chemicals to adjacent property will be properly controlled. Appropriate action will be taken to control flies and odors. Manure will be appropriately handled and stored without excessive on site accumulation. Alpaca (and Household Animal) manure only may be spread.
- F. The farm may have up to fifteen (15) accessory structures for agricultural purposes and one (1) for non-agricultural purposes. Such structures must meet all set back, height, etc. restrictions and the aggregate lot coverage (of all structures, roads, etc. will not exceed 10%). Additional agricultural structures and modifications to existing structures which satisfy such restrictions will not require additional approval under this conditional use.
- G. These conditions may be enforced by any other property owner of the cluster or other contiguous property owner to the Lot upon the consent of Bainbridge Township. Nothing herein would prevent the applicant from seeking future modification of the above provisions from the BZA pursuant to its then applicable rules.

Motion BZA 2004-46 – 9519 Taylor May Road - Continued

Based on the following findings of fact:

1. The reason for granting this conditional use is that the board finds that part of this application meets the purpose of a cluster zoning in that it will help preserve undeveloped space as well as help preserve an operating agricultural farm which enhances the rural character of the community.
2. With respect to the variance for the additional units, the board finds that actually this is a 1.2 unit variance based on the total acreage.
3. This variance is being granted because the applicant has provided an alternative plan which satisfies certain concerns raised by the residents but also provides the township benefits in creating a two point access to this subdivision as well as the adjacent Edgewater Reserve Subdivision and therefore it is reasonable to grant this variance because of the additional benefits provided to the township by this revised plan which caused increased road development costs to the applicant.
4. With respect to the common open space, the board finds that it is a small variance which is offset by the fact that a large amount of open space will be also provided by the farm part of this and that the farm provides additional space that is otherwise within the purpose of the cluster zoning for the preservation of notable features in the community.
5. The board also finds that the conditions that have been applied to this application are necessary to satisfy the requirements of the cluster zoning and to assure that the residential part of the cluster zoning is not adversely affected by the operation of the one lot as an agricultural use.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye; Mr. Takacs, aye.

Application 2003-56 by McGill Property Group fka Heritage Development Company for property at PP# 02-420598 Aurora Road - Continuance

The applicant is requesting a conditional use permit with area variances for the purpose of building a commercial retail center. The property is located in a CR District.

Mr. Dale Markowitz, attorney for the applicant, Mr. Ron Shaw, engineer from URS and Mr. Kevin Westbrooks of URS were present to represent this application.

Mr. Markowitz testified that when they were here last time, the public hearing was closed for public comments. He continued by saying they went over the agreement with the trustees and they met again on Wednesday and they met last night and indicated to him they were satisfied with what he had drafted and if the board of zoning appeals grants approval they will sign the memorandum of understanding. He said to a large extent it is the same as on the south side but the township trustees asked for more things and the substantive change in the memorandum of understanding was the land we would acquire and donate to the township that is owned by Carson Associates and Solon could acquire the other 16 acres and keep them as open space and it seems that is what the City of Solon would like to do.

Mr. Markowitz said if the JEDD is created, Solon would use the revenue from that to pay for the land acquisition and his client will pay for the balance (eight acres) and they have a certain budget for the eight acres. He said they would use those eight acres to get the lot coverage down to 45%. He said they agreed that all of the water will go to the north part of the property and not to Rt. 43 and agreed that all of the roads within the project would be private because the trustees said they don't want to have to pay for maintenance. He said they talked to the Chagrin River Watershed Partners for better retention with the green spaces and agreed with the trustees on the architectural features that will be the same kind as on the south side as well as the signage. He said they talked to the trustees about a satellite safety center for the fire and police departments off of Geauga Lake Road and would give that land to the township and if the township builds on that land, it would not count against them for lot coverage, and also they could put a safety road from Pettibone Road to the safety center.

Mr. Lamanna asked about the left turn onto Geauga Lake Road.

Mr. Markowitz said it will be a right turn only and will be set up so if the township wants to have a left turn lane, it could be changed and added that Mr. Desiderio did not want a left turn onto Geauga Lake Road from the shopping center. He said there will be a right turn into the shopping center and a right turn lane out.

Mr. Lamanna said the best way is to leave it that way for now and if enough people want it, it could be changed and it is best to keep the traffic minimized on that part of the road. He asked where they are on lot coverage.

Mr. Markowitz said they are at 49.77% without the eight acres and asked what Mr. McIntyre showed for coverage with the eight acres.

Mr. Takacs said 45.31%.

Mr. Markowitz said that sounds right.

Mr. Takacs asked if they had a pretty good assurance that the water will run to the north part of the property.

Mr. Ron Shaw of URS testified that there is a culvert there right now and does not know what ODOT wants them to do, but it serves as an equalization pipe rather than a culvert.

Mr. Lamanna said they found the old pipe and it was cleaned by ODOT and the water ran to the north.

Mr. Shaw said yes.

Mrs. Stanton asked for a clarification on item #3 of the proposed memorandum of understanding that referred to signage and asked, if variances are needed, if they will still come back to the board of appeals.

Mr. Markowitz said they would like three monument signs and are only allowed two so they will come back and ask for a variance.

Mr. Olivier asked if they expect that variance to be granted prior to April 5th.

Mr. Markowitz said no, that items #3 and #5 should be taken out.

Mr. Lamanna said it won't meet the dates.

Mr. Markowitz said that was carryover language from the old form.

Mr. Lamanna said the dates are not relevant because the board's approval is contingent upon the applicant entering into a binding agreement.

Mr. Markowitz said the township trustees won't sign this until after the board grants approval.

Mr. Lamanna asked what will happen to the eight acres of land.

Mr. Markowitz said they have a contract to acquire all 24 acres and to give eight acres to the township and sell 16 acres to the City of Solon.

Mr. Lamanna asked why they are conveying land to the township and said he prefers it be retained and a conservancy easement put on it.

Mr. Markowitz said the township trustees wanted to put it in the name of the Chagrin River Land Conservancy.

Mr. Takacs asked what that does.

Mr. Markowitz said they feel that CRLC would be a better steward of the property.

Mr. Lamanna said he would at least state that the appellant owns this land and if at some future time, the trustees decide another way to handle this, it could be changed and it would make more sense to combine the acreage and keep it in a conservation easement and asked if all 24 acres will be purchased.

Mr. Markowitz replied yes and said he will put the change in to keep it in their name with an easement or to give it to the township.

Mr. Lamanna said the lot coverage will be at 45.31% with the additional eight acres and the possibility has been raised that rather than give the township the eight acres, give them four acres and the applicant would commit to acquire other open space at the same cost of the other four acres and the applicant would donate it to the township so the township could acquire property elsewhere. He said assuming the deal goes through with Solon regarding the JEDD, Solon would acquire 20 acres and all 24 acres would be undeveloped land in a conservation easement and the township will end up in the same place.

Mr. Lewis asked what the lot coverage would be then.

Mr. Lamanna said it would be 47.57%.

Mr. Markowitz referred to the Muggleton property and said it is a 17 acre parcel with the power lines going through it on E. Washington Street.

Mr. Takacs said it was an open field before the power lines went in.

Mr. Markowitz said there are no easements on the property and the power line is owned by First Energy.

Mr. Lewis said that neither one is in excess of what was granted on the south side.

Mr. Lamanna said if it proceeds down that path, it would achieve the same results.

Mr. Markowitz said the JEDD is a revenue tool.

Mr. Lamanna said the JEDD would fund the purchase for Solon.

Mr. Markowitz said there should be a few hundred thousand dollars for Solon.

Mr. Lamanna asked what the variances are.

Mr. McIntyre said they are for lot coverage only.

Mr. Lamanna said they are fully covered on drainage.

Mr. Markowitz said they have spoken with the law director from Aurora regarding utility extensions and the city requested the right to come onto the property for inspections and we agreed to that.

Mr. Lewis said he hopes the signage will not be in excess of what has already been granted.

Mr. Lewis asked who will handle the timing of the lights.

Mr. Kevin Westbrooks testified that they will re-evaluate the coordinating of the timing of the lights.

Mr. Takacs asked if the issue with parking spaces is resolved.

Mr. Lamanna said they reduced the number of parking spaces.

Mr. Olivier said there will be less than what is on the south side.

Mrs. Stanton asked if they could put grass on the roof.

Mr. Shaw said those are called roof gardens and you cannot convince the structural engineers in this area to do that.

Mr. Markowitz said he will give them the option to keep the eight acres in the applicant's name as well if the township wants us to do that. He added that they want sign monuments – one at Pettibone Road and two at Rt. 43 (one at each entrance).

Since there was no further testimony, this application was concluded.

Since there was no further testimony, the public hearing was closed at 10:00 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier
Ellen Stanton
Donald Takacs

Attested to by: Linda L. Zimmerman, Secretary
Board of Zoning Appeals

Date: March 17, 2005