

CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
MEETING

November 10, 2009

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

Gordon Hanford, Chairman
James Rowe, Vice Chairman
Richard Smith
Claudia Hemphill
Blair Hamilton

Also Present:

Kathy Mitchell, Board of Zoning Appeals secretary,
Zoning Inspector

King & Melton Court Reporters

11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

1
2 7:15 p.m.
3

4 CHAIRMAN HANFORD: The Board of Zoning Appeals
5 meeting of November 10, 2009, is now in session, finally. I'd
6 like to introduce the Board. Moving from my left to right,
7 Blair Hamilton, Claudia Hemphill, Richard Smith, and Vice Chair
8 Jim Rowe. I am Gordon Hanford. And to my far right is Kathy
9 Mitchell, zoning inspector.

10 Under advice of our counsel, anyone wishing to speak
11 tonight must be sworn in. Therefore, if you plan to speak,
12 please stand and raise your right hand. Do you swear the
13 testimony you are about to give will be the truth, the whole
14 truth and nothing but the truth, so help me God? If so, say "I
15 do."

16 (Speakers sworn en masse.)

17 CHAIRMAN HANFORD: Thank you. When presenting your
18 case or commenting from the — for the appeal or against the
19 appeal, please come to the microphone and give your name and
20 address and confirm that you've been sworn in. Okay?

21 Kathy, were the legal notices published in a timely
22 manner?

23 MS. MITCHELL: Yes, they were.

24 CHAIRMAN HANFORD: Thank you.

25 If your request is denied, you have the right to file
26 an appeal. If this is the case, Kathy will help you with the
27 details.

28 We have two items on the agenda tonight. Item
29 Number 1 on the agenda is Appeal 1009-956, and that reads —
30 Got a sheet? Thank you — Site Quest, on behalf of Verizon
31 Wireless, is proposing a revised 345 square foot radio
32 equipment shelter for the wireless telecommunications facility

1 at 12751 Concord Hambden Road (R-4 Residential District), in
2 lieu of the maximum allowable size of 300 square feet for
3 equipment shelters, as set forth in Section 13.19 D.3 of the
4 Zoning Resolution. The wireless telecommunication facility at
5 this location was previously approved under a Conditional Use
6 Permit Application Number 28, or 28. Alltel was purchased by
7 Verizon Wireless within the past year, which has delayed the
8 start of the project.

9 Please come forward to the microphone and give your
10 name, address, and confirm that you are sworn in, please.

11 MR. PITCHURE: Good evening, everybody. Hail, hail,
12 the gang's all here.

13 CHAIRMAN HANFORD: Yes.

14 MR. PITCHURE: My name is Clayton Michael Pitchure.
15 I go by my middle name, Mike. And I have been sworn in
16 tonight.

17 CHAIRMAN HANFORD: Thank you.

18 MR. PITCHURE: I work for Site Quest. We are
19 consulting engineers and architects for Verizon for this
20 particular project. A little bit of history before I go into
21 this evening's meeting. As you had mentioned, about 13 months
22 ago, to date, we had a meeting with a lot of familiar faces
23 here.

24 CHAIRMAN HANFORD: Yes.

25 MR. PITCHURE: And relative to Alltel for this
26 particular site, what we called Whitlam Woods, this is a new
27 tower site, a 100-foot tall structure with a radio shelter.
28 Since that time, Verizon had purchased Alltel. At that point
29 in time, at the beginning of this year, 2009, things came to a
30 bit of a halt while they reevaluated their radio system to see

1 how this particular project and others like it fit into the
2 combined system of Verizon and Alltel. After about four or
3 five months of them evaluating this, they have come to the
4 conclusion that this site, in particular, that was passed last
5 year is a critical site for their system and they want to be
6 able to move forward.

7 As part of that evaluation, there were a couple
8 things that the engineers made note of — in comparison to
9 Alltel's standards and in comparison to Verizon's standards.
10 One thing in particular is Verizon needs a little bit more
11 radio shelter space for their radio equipment for now only the
12 present but, likewise, for growth.

13 Secondly, and maybe even more importantly, for
14 reliability of their overall system, they wanted to be able to
15 add an emergency generator to the site. In the process of
16 adding an emergency generator, one of the standards that they
17 do hold to is trying to keep that emergency generator inside
18 the shelter for a couple of different reasons. The number one
19 reason is for longevity of the unit. Secondly and, certainly,
20 I think in this case, most importantly, is to reduce the amount
21 of noise that's shed from the equipment.

22 So tonight, and as of our application here about a
23 month ago or so, the one thing we are requesting is a variance
24 from the standard of the maximum shelter size of 300 square
25 feet and for the allowance of the 345 square foot shelter for
26 the additional radio space and for the emergency generator.

27 The one thing that we would like to try to expound on
28 here a little bit is the fact that since we are in a
29 residential zone, the way that Verizon looked at it is the best
30 thing that we could possibly do for the local residents is to

1 try to reduce the amount of noise from the emergency
2 generator. That's one of the reasons that we are here
3 tonight. In the process of putting that generator inside a
4 shelter, we have likewise reduced the amount of mechanical and,
5 likewise, exhaust noise from that genset.

6 So in the long run, Verizon is trying to do the best
7 thing they possibly can for the community and for the local
8 residents. I will be more than happy to open up for questions.

9 CHAIRMAN HANFORD: Questions from the Board?

10 MR. HAMILTON: Mr. Chairman, I do have a question.
11 Maybe you can explain a little bit more about what drove the
12 requirement for the generator. Is there additional power
13 consumption at the site as opposed to what was initially
14 proposed?

15 MR. PITCHURE: No real power consumption changes here
16 whatsoever. It's more of a reliability of system. The one
17 thing that Alltel had as a standard is that they would put an
18 emergency generator at a site where they had FAA lighting
19 requirements but not necessarily for normal backup situations.
20 I think, as of a few instances that happened even here in
21 Northeast Ohio relative to extended power outages, that's, I
22 think, what they are looking at in the long run is trying to
23 absorb any kind of drastic emergency like that for an extended
24 period of time.

25 MR. HAMILTON: This was something that was not
26 anticipated by Alltel.

27 MR. PITCHURE: Not by Alltel, it was not part of
28 their standards. It's part of Verizon's standards.

29 MR. HAMILTON: And there still is significant UPS
30 backup in that building.

1 MR. PITCHURE: There is an eight-hour backup of
2 batteries or a supposedly eight-hour of backup of batteries for
3 running the radio equipment itself. It doesn't run the lights
4 in the shelter or the receptacles or anything else, just
5 basically runs the radios but, yes, there is another backup
6 system.

7 MR. HAMILTON: Based on your diagram, you had
8 something in the order of 2,200 amp hours of reserve indicated
9 in the battery power.

10 MR. PITCHURE: And that would be the maximum that
11 they would end up putting in. In this particular case, I don't
12 think that they would put in that much battery-related
13 equipment here, maybe at a later date that they would have
14 enough growth space for something like that. But most of the
15 space inside the radio shelter that they would need would be
16 for radio equipment itself.

17 MR. HAMILTON: I am just trying to weigh the need of
18 uninterruptible power supply as a backup versus the need to
19 install a generator backup.

20 MR. PITCHURE: I understand that. But the backup
21 generator is needed for an extended outage is what they're
22 looking for, and for running the lights and everything else
23 inside the site should there be an outage of some type.

24 MR. HAMILTON: How often will this generator need to
25 run just purely for maintenance requirements?

26 MR. PITCHURE: To exercise the generator, they'll
27 exercise that once a week. They usually do that during a
28 weekday period of time for approximately 10 minutes. That
29 doesn't mean that we couldn't change that time per the
30 residents' request or the community's request.

1 MR. HAMILTON: That's an automated system? Automated
2 system?

3 MR. PITCHURE: Yes, it is completely automated,
4 although it's remotely monitored.

5 MR. HAMILTON: Are you able to determine from other
6 installations just what kind of noise level we're looking at
7 adjacent to the building?

8 MR. PITCHURE: Adjacent to the building, I don't have
9 any dB levels. I could probably get some of that information
10 for you. The way that I've always described before, it's no
11 louder than a lawn mower that you would regularly have at a
12 residential location. The generator itself, even inside the
13 shelter, has a soundproof housing and then, of course, has the
14 generator — or the shelter around it, too, in order to help
15 deter the noise.

16 MR. HAMILTON: Okay.

17 CHAIRMAN HANFORD: Even inside the building it's
18 going to be that noisy?

19 MR. PITCHURE: Well, inside the building, you know,
20 they still want to attenuate as much of the noise as they
21 possibly can because people working inside there and the like.

22 MR. HAMILTON: Do you know what size generator this
23 is?

24 MR. PITCHURE: It's either a 50 or a 60 kW genset,
25 one of the two. I'm not sure which one will come with this
26 shelter.

27 MR. HAMILTON: That's all.

28 CHAIRMAN HANFORD: Any other questions? Thank you.

29 MR. PITCHURE: Thank you very much.

30 CHAIRMAN HANFORD: Is there anyone speaking for the

1 appeal? For the appeal? Anyone speaking against the appeal?
2 Seeing that there are no further questions, the public hearing
3 for Appeal Number 1009-956 is now closed and the chair will
4 entertain a motion to approve Appeal 1009-956.

5 MR. SMITH: So moved, Mr. Chairman.

6 MR. ROWE: Second.

7 CHAIRMAN HANFORD: Thank you. Moved and seconded.
8 Any other comments? questions? comments?

9 MR. ROWE: One thing I noticed in the referred-to
10 section as far as building size, we do specify 300 square feet;
11 and if somebody else is also in use of a similar tower, we
12 could have a maximum of 750 in, like, two buildings, whatever.
13 So space wise, it's not an issue. I mean, they could have a
14 separate generator and call that another building and it would
15 be covered. The likelihood of that operating to the
16 distraction of the neighbors, I don't think is a particular
17 issue.

18 CHAIRMAN HANFORD: Issue, no, I don't think so.
19 Anyone else? Richard?

20 MR. SMITH: No, thank you.

21 CHAIRMAN HANFORD: Okay. If there is no further
22 discussion, we will proceed. The question is on Appeal
23 Number 1009-956. A yes vote is for the approval of the use, a
24 no vote denies the use. Kathy, please call for the vote.

25 MS. MITCHELL: Mr. Hamilton?

26 MR. HAMILTON: Yes.

27 MS. MITCHELL: Ms. Hemphill?

28 MS. HEMPHILL: Yes.

29 MS. MITCHELL: Mr. Smith?

30 MR. SMITH: Yes.

1 MS. MITCHELL: Mr. Rowe?

2 MR. ROWE: Yes.

3 MS. MITCHELL: Mr. Hanford?

4 CHAIRMAN HANFORD: Yes. The ayes have it and it's
5 approved.

6 MR. PITCHURE: Thank you very much for your time
7 tonight.

8 CHAIRMAN HANFORD: Thank you. See Kathy on your way
9 out, please. Thank you.

10 The next item on the agenda is Appeal Number 1009-
11 957, and that reads Mr. John — Dolce?

12 MR. DOLCE: Very good, Dolce.

13 CHAIRMAN HANFORD: Thank you. — Dolce, owner of
14 Lakeland Realty Limited, requests a use variance to allow for
15 an ambulance service within an existing building located at
16 7661 Crile Road (BX, Business Interchange District). Ambulance
17 services are currently not listed under the list of permitted
18 uses for the BX District, as set under Section 22.03 of the
19 Zoning Resolution.

20 Do you want to come forward and present your case?
21 Thank you.

22 MR. DOLCE: Good evening. My name is John Dolce,
23 7661 Crile Road, and I have been sworn in.

24 Again, I am requesting this variance for the property
25 at 7661 for a nonprofit ambulance service called Community Care
26 Ambulance Service. I don't see any particular reason why this
27 would affect any particular property around me or anything that
28 would not enhance the area, so that's what I am here to ask,
29 for your permission to do this.

30 CHAIRMAN HANFORD: Any questions?

1 MS. HEMPHILL: I have a question.

2 MR. DOLCE: Yes?

3 MS. HEMPHILL: You say on your application "in an
4 existing building."

5 MR. DOLCE: Yes.

6 MS. HEMPHILL: But then you have a couple drawings on
7 here that don't look like —

8 MR. DOLCE: Which drawings can I help you with? Can
9 I come up here?

10 MS. HEMPHILL: Sure. This drawing.

11 MR. DOLCE: This is currently right in here.

12 MS. HEMPHILL: Okay. So that's part of that?

13 MR. DOLCE: Yes.

14 MS. HEMPHILL: You are going to put —

15 MR. DOLCE: I am actually in here myself. I have a
16 scaffold company that I will be moving out and moving in. I
17 have some vacant areas that I could move into. They're going
18 to take this facility, the square footage for their ambulance,
19 and this would be for their office. All their ambulances would
20 be stored inside.

21 MS. HEMPHILL: Great, because you also had this one.

22 MR. DOLCE: This, you know, this was the only thing I
23 had. This was an old copy that's been — I should have
24 probably X'ed that out. I apologize.

25 MS. HEMPHILL: That's fine.

26 MR. DOLCE: So this is actually where it would be,
27 in here.

28 MS. HEMPHILL: That's what I was thinking, that that
29 probably was it. Okay. Thank you very much.

30 MR. DOLCE: Any other questions?

1 MR. HAMILTON: No questions.

2 MR. SMITH: How many ambulances would be in this
3 facility?

4 MR. DOLCE: Talking to the, one of the supervisors,
5 anywhere from eight to nine. They would all be stored inside.

6 MR. SMITH: I assume they would be on call 24/7.

7 MR. DOLCE: Yes. I can give you a little background
8 on the ambulance service. It, actually, this was left out —
9 not left out, it was not put into the BX in our particular
10 area.

11 CHAIRMAN HANFORD: Any safety issues coming out of
12 that?

13 MR. DOLCE: None that I'm aware of.

14 CHAIRMAN HANFORD: Crile Road, lights flashing,
15 sirens?

16 MR. DOLCE: No. I don't think, actually, the sirens
17 aren't really as they leave or come. They are actually when
18 they're actually, if they're even carrying maybe a patient that
19 needs. My understanding, the majority of theirs is just
20 transportation.

21 MR. ROWE: Transport.

22 MR. DOLCE: Yeah.

23 CHAIRMAN HANFORD: Okay. Any other questions?

24 MR. ROWE: No.

25 CHAIRMAN HANFORD: I actually don't see anyone in the
26 audience.

27 MR. DOLCE: Everybody left me.

28 MR. ROWE: The one guy fell asleep in the bench back
29 there but —

30 CHAIRMAN HANFORD: Seeing no one for or against the

1 appeal, we will just move on and close this section.

2 MR. ROWE: Thank you.

3 CHAIRMAN HANFORD: Thank you. I close the, this
4 portion. The chair will entertain a motion to approve Appeal
5 Number 1009-957.

6 MR. HAMILTON: So moved.

7 MS. HEMPHILL: Second.

8 CHAIRMAN HANFORD: Thank you. Discussion among the
9 Board? Well, everybody, we've got a question for the approval
10 for the Appeal 1009-957, right? Now, let's go on to the
11 questions. I don't have any questions on this particular
12 aspect.

13 MR. ROWE: No.

14 MS. HEMPHILL: I have a comment. I spoke with the
15 chief.

16 CHAIRMAN HANFORD: Yes.

17 MS. HEMPHILL: And he said he is very much in support
18 of their coming because they will be doing a lot of
19 transporting of patients, which Concord certainly does and can
20 do but he likes to see Concord's ambulances ready for the
21 emergencies.

22 MR. ROWE: Emergencies.

23 MS. HEMPHILL: This actually is an assistance to the
24 township.

25 MR. ROWE: Makes sense.

26 MS. HEMPHILL: He said they're a good company.

27 CHAIRMAN HANFORD: What is the name of the company,
28 again?

29 MR. DOLCE: Community Care.

30 CHAIRMAN HANFORD: Pardon?

1 MS. HEMPHILL: Community Care.

2 CHAIRMAN HANFORD: Community Care, okay.

3 MS. HEMPHILL: They're white with light green letters
4 or something like that.

5 MR. DOLCE: I'm a little color blind, so they're
6 white with, like —

7 MS. HEMPHILL: Greenish blue.

8 MR. DOLCE: Yeah, thank you.

9 MR. ROWE: That's very important to know.

10 CHAIRMAN HANFORD: If there is no further discussion,
11 let's move on to approval for Appeal Number 1009-957. A yes
12 vote is for the approval, a no vote is for denial of the
13 approval. Kathy, call the vote.

14 MS. MITCHELL: Mr. Rowe?

15 MR. ROWE: Yes.

16 MS. MITCHELL: Ms. Hemphill?

17 MS. HEMPHILL: Yes.

18 MS. MITCHELL: Mr. Hamilton?

19 MR. HAMILTON: Yes.

20 MS. MITCHELL: Mr. Smith?

21 MR. SMITH: Yes.

22 MS. MITCHELL: Mr. Hanford?

23 CHAIRMAN HANFORD: Yes.

24 MR. DOLCE: Thank you.

25 CHAIRMAN HANFORD: The appeal is approved, and please
26 see Kathy before you leave.

27 MR. DOLCE: Thank you.

28 CHAIRMAN HANFORD: Thank you. The next item on the
29 agenda is approval of minutes of the September 9, 2009,
30 meeting, which I wasn't here for.

1 MS. HEMPHILL: I have a correction.

2 CHAIRMAN HANFORD: You have a correction.

3 MS. HEMPHILL: Yes. Page 30, line 13, "The Court"
4 wasn't present but they were going to let me use the pool.
5 That line says it's — I made a little paper pool that we
6 used —

7 CHAIRMAN HANFORD: Oh, I see.

8 MS. HEMPHILL: — on the drawing and I moved it
9 around. And the chair at that time — I believe "The Court"
10 was the chairperson — said that they could use my pool. You
11 had to have been here.

12 CHAIRMAN HANFORD: Well, I did read it. It was
13 rather lengthy.

14 MS. HEMPHILL: It was.

15 CHAIRMAN HANFORD: Yes. I ended up with tall notes.

16 MR. ROWE: So I would move —

17 CHAIRMAN HANFORD: So move the —

18 MR. ROWE: — to accept the minutes as submitted to
19 members of the Board with the amendment.

20 CHAIRMAN HANFORD: With the amendment. Seconded?

21 MR. HAMILTON: Second.

22 CHAIRMAN HANFORD: Okay. It is moved and seconded.
23 All in favor of approving the minutes?

24 (Five aye votes.)

25 CHAIRMAN HANFORD: It is passed. Thank you. This
26 ends the meeting of November 10th, 2009.

27 (The meeting was adjourned at 7:35 p.m.)
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29

1 STATE OF OHIO)
2)
3 COUNTY OF CUYAHOGA)
4

CERTIFICATE

5 I, Melinda A. Melton, Registered Professional
6 Reporter, a notary public within and for the State of Ohio,
7 duly commissioned and qualified, do hereby certify that, to
8 the best of my ability, the foregoing proceeding was reduced
9 by me to stenotype shorthand, subsequently transcribed into
10 typewritten manuscript; and that the foregoing is a true and
11 accurate transcript of said proceedings so taken as
12 aforesaid.
13

14 I do further certify that this proceeding took
15 place at the time and place as specified in the foregoing
16 caption and was completed without adjournment.
17

18 I do further certify that I am not a friend,
19 relative, or counsel for any party or otherwise interested
20 in the outcome of these proceedings.
21

22 IN WITNESS WHEREOF, I have hereunto set my hand and
23 affixed my seal of office this 2nd day of December 2009.
24
25
26
27

28 _____
29 Melinda A. Melton
30 Registered Professional Reporter

31 Notary Public within and for the
32 State of Ohio

33 My Commission Expires:
34 February 4, 2013
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