

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
July 28, 2010
7:30 p.m.**

Present - Board of Appeals Members: Glen Goist; Rich Baldin; Ken Evans; William Harr; Frank Bohac

Administration: Assistant Law Director: Dan Kolick

Building Department Representative: Joe Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

1) ANGEL HOUSE CENTER/Carol Dombrose, Owner

Extension of the determination of January 23, 2008 and January 14, 2009 of the Board of Zoning and Building Code Appeals:

Requesting a 23.5' Front Yard Setback variance from Zoning Code Section 1256.04 (a) which requires a 100' Front Yard Setback from the center line of Mill Hollow Lane and where a 76.5' Front Yard Setback is proposed in order to construct a New Building; property located at 14217 Mill Hollow Lane PPN 399-05-007 Zoned Public Facility.

The Board stated that there are no changes from the last request for an extension. Mr. Kolick reminded the Board that they need to make the same conditions on the original approval conditions on this approval.

2) WILLIAM VRANIC, OWNER

- a) Requesting a 9' Rear Yard Encroachment variance from Zoning Code Section 1252.16 (e), which permits a 14' Rear Yard Encroachment into the 30' Rear Yard Setback and where a 23' Rear Yard Encroachment is proposed in order to approve an Existing Deck;
- b) Requesting a variance from Building Code Section 1438.06, which requires that no structure can obstruct a drainage easement and where the applicant constructed a Deck 3' into the drainage easement;
- c) Requesting an 8' variance from Zoning Code Section 1252.16 (e), which requires a 5' setback from any easement and where the applicant constructed a Deck 3' into the drainage easement; property located at 13800 Blackberry Circle PPN 398-10-105 zoned R1-75.

The Board discussed if the Building Department can fine people for putting up structures without permits. Mr. Baldin stated that the Building Department or the BZA can force the applicant to remove the structure. Mr. Harr stated that if the applicant

had come to BZA with the deck when he came to BZA with the pool, the BZA would probably have approved the deck too.

3) LISA WOSNAK, OWNER

Requesting an 11' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 39' Rear Yard Setback is proposed in order to construct an Addition; property located at 18471 Meadow Lane PPN 396-07-016 zoned R1-75.

The Board discussed the shed being on the property line and said they wanted the Building Department to look into any violation for the shed and the fence around the back yard, which is on City property. The Board stated they would reserve comments regarding the addition until they hear comments from the Public Hearing portion of the meeting.

**4) CLEARWIRE, APPLICANT/STRONGSVILLE CITY SCHOOLS,
PROPERTY OWNER/John Sindyla, Esq., Representative**

- a) Requesting a 442' Setback variance from Zoning Code Section 1273.07 (b) (4), which requires a 500' Setback abutting a Residential Lot or Use and where a 58' Setback (North) is proposed in order to install a 190' Monopole;
- b) Requesting a 178' Setback variance from Zoning Code Section 1273.07 (b) (4), which requires a 500' Setback abutting a Residential Lot or Use and where a 322' Setback (South) is proposed in order to install a 190' Monopole; property located at 15650 Pearl Road PPN 393-27-017 zoned Public Facility (PF).

The Board stated the variances changed because the 500' distance needs to be from property zoned Residential District not a property with a home on it. The Board stated that the school property zoned Residential District would need to be rezoned to decrease the variance amounts, which would need to go to a vote by the public. Dr. Goist suggested the cell tower could be put closer to the stadium without a variance. Mr. Harr stated the cell tower could negatively impact residents trying to sell their homes and by approving the cell tower we would be creating a hardship for those residents. He also stated that most of the variances we approve do not create a hardship for others.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

July 28, 2010

The meeting was called to order at 8:00 PM by the Chairman, Dr. Goist.

Present: Dr. Goist
Mr. Baldin
Mr. Bohac
Mr. Harr
Mr. Evans

Also Present: Mr. Kolick, Assistant Law Director
Mr. Allen, Building Department Representative
Ms. Zamrzla, Recording Secretary

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this July 28, 2010 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL PRESENT

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have an amended agenda this evening. I will ask for a motion approving the amended agenda.

Mr. Baldin – Motion to approve.

Mr. Bohac – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll, please.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – We also have some minutes from July 14, 2010. I'll entertain a motion if there are no corrections or additions to the minutes.

Unidentified audience participant – Could you speak up, we can't hear you back here.

Dr. Goist – We can try to speak up. I don't know if the speakers go out that far. Am I right? We'll try to speak up for you. Sorry. We haven't had this full a room for a long time. We have to learn to adjust too. I'm asking for approval if there are no changes or additions to the minutes of July 14, 2010.

Mr. Harr - Mr. Chairman, I make a motion to approve the minutes as submitted.

Mr. Evans – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Now, this is very important. All of you here tonight who are planning on speaking, I'd like you to rise and be sworn in by our Assistant Legal Counsel and we're going to try and watch for all the people who stand up because if you are not sworn in, you cannot speak.

Mr. Baldin – Whether you are for or against any particular issue or plan to speak for anything.

Mr. Kolick – Even if you think you may speak, stand up and be sworn in.

Dr. Goist – It's better that you all be sworn in than it is not to have everybody sworn in.

Mr. Baldin – Everybody stand up. There we go.

Mr. Kolick then stated the oath to those standing.

Dr. Goist – Our meetings are usually in two portions, the first being our New Applications and we have no New Applications. So, all of our items are for the Public Hearings this evening.

1) **ANGEL HOUSE CENTER/Carol Dombrose, Owner**

Extension of the determination of January 23, 2008 and January 14, 2009 of the Board of Zoning and Building Code Appeals:

Requesting a 23.5' Front Yard Setback variance from Zoning Code Section 1256.04 (a) which requires a 100' Front Yard Setback from the center line of Mill Hollow Lane and where a 76.5' Front Yard Setback is proposed in order to construct a New Building; property located at 14217 Mill Hollow Lane PPN 399-05-007 Zoned Public Facility.

Dr. Goist – Our first Public Hearing is Angel House Center, Carol Dombrose, Owner. If you would come forward and give us your name and address and again, we know that you have been here previously. I would like you to, briefly, tell us what you're doing and we know this is an extension of the variance that we gave you back in 2008 and that's all it is. Am I correct?

1) **ANGEL HOUSE CENTER/Carol Dombrose, Owner, Cont'd**

Ms. Dombrose – Yes. My name is Carol Dombrose, 14217 Mill Hollow Lane and that is Strongsville and that is what I'm here for. The building that we already got okayed on the side of the house, we need an extension for it until we can get the funds to be able to build it.

Dr. Goist – Okay, I apologize but I was not here at the last meeting. I was out of town. I did understand that you brought some drawings that showed some future development but that is not what we're concerned with tonight at all.

Ms. Dombrose – Right, you wanted to see the whole layout and so that is what the drawing showed but this particular extension is just for that one building.

Dr. Goist – I think the Board members knew that as well. I'm going to ask the Board members if they have any further questions.

Mr. Baldin – Mr. Chairman, I have no questions. Again, we know what this is all about. I'll just pass to any other member.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I just want to make sure Ms. Dombrose understands that should this extension be granted here this evening that it carries the same conditions that the previous one of January 2008 does.

Ms. Dombrose – Right, absolutely. Okay.

Dr. Goist – Any other comments? Mr. Evans?

Mr. Evans – No.

Dr. Goist - Mr. Bohac?

Mr. Baldin – No, thank you.

Dr. Goist – Okay. Now, this is a Public Hearing. If there is anyone who would like to come and speak for this variance, would you come forward? Is there anyone who would like to speak against this variance? Seeing none and hearing none, I will entertain a motion to approve the extension.

2) **WILLIAM VRANIC, OWNER, Cont'd**

Mr. Vranic - Yes, sir. William A. Vranic, Junior, 13800 Blackberry Circle, Strongsville. I'm asking for a variance for a deck from the rear property line so I need a 9' variance and then with the easement and whatnot.

Dr. Goist – Okay, but you know you have three variances?

Mr. Vranic – Yes, sir. Yes. The other one, the 8' variance, which with the 5' setback so it's 3'.

Dr. Goist – And you also understand that if we approve this variance that you have to bring the plans in for your deck, you have to go through the entire process that anybody else would go through if they would have received a variance and a permit, you have to pull a permit and then on condition you have to meet all of the City Code's, which means the inspector will be out. If he chooses to have you uncover the whole deck, he could do that.

Mr. Vranic – Yes, sir.

Dr. Goist – We have had some comments in our caucus. There are people who are very adamant and we're getting more and more of these so we are not pinpointing you but tonight maybe is a good time because we know there is some coverage of this meeting and I think our Board needs to get to the media and say when you build something in Strongsville you pull a permit for it and if you're in question, you ask if you need to pull a permit. I think you knew you needed to pull a permit and I understand there are some mitigating circumstances.

Mr. Vranic – Yes, sir.

Dr. Goist – But we want you to know we probably would have approved it had you asked for it, you just didn't ask for it before.

Mr. Vranic – Sure.

Dr. Goist – So, we want everyone on notice that when you're building something or changing you need to at least ask. If they don't need a permit, they don't get it. If they do, they need to get one.

Mr. Vranic – Yes, sir.

Dr. Goist – Board members, I'll open it up to comments.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

2) **WILLIAM VRANIC, OWNER, Cont'd**

Mr. Harr - I would just point out also to Mr. Vranic that because you are encroaching into the easement, in the event that the City needs to get in there for any type of underground work, any type of grading issues, anything like that, you'll have to remove the structure that impedes them.

Mr. Vranic – Okay.

Mr. Harr – So, that is a possibility if they need to get into the easement for anything. Are there undergrounds there, Mr. Allen, or is that –

Mr. Allen – Just a swale.

Mr. Harr – Just a swale so in all likelihood that will never come to pass but in the event they need access to that for any reason, you would be asked to move the structure.

Mr. Vranic – Yes, sir.

Mr. Baldin – He would have to bear the cost.

Mr. Harr – Correct.

Mr. Vranic – Of moving the structure.

Mr. Harr – Correct.

Dr. Goist – Board members, any other questions.

Mr. Baldin - Mr. Chairman, I think I voiced my opinion in caucus. I'm not in favor of this kind of thing happening. It's been here before. I hope we don't see it again.

Mr. Vranic – No, sir, you won't.

Mr. Baldin – Thank you.

Dr. Goist – Any other comments? If no, I'll entertain a motion to approve this variance.

Mr. Evans – It's a Public Hearing.

Dr. Goist – I'm sorry. Is there anyone here who would like to speak for this variance? Is there anyone here who would like to speak against the variance? Seeing none and hearing none, I will entertain a motion.

2) **WILLIAM VRANIC, OWNER, Cont'd**

Mr. Baldin - Mr. Chairman, I would like to make a request that a 9' Rear Yard Encroachment variance from Zoning Code Section 1252.16 (e), which permits a 14' Rear Yard Encroachment into the 30' Rear Yard Setback and where a 23' Rear Yard Encroachment is proposed in order to approve an Existing Deck; and requesting a variance from Building Code Section 1438.06, which requires that no structure can obstruct a drainage easement and where the applicant constructed a Deck 3' into the drainage easement; and requesting an 8' variance from Zoning Code Section 1252.16 (e), which requires a 5' setback from any easement and where the applicant constructed a Deck 3' into the drainage easement; property located at 13800 Blackberry Circle PPN 398-10-105 zoned R1-75 be approved.

Mr. Bohac – Second the motion.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll.

Mr. Kolick - Mr. Chairman, we should note it's contingent upon the homeowner bearing all costs of demolition and new construction in the event the City needs to get into that easement to maintain it. That should be a condition of the motion.

Mr. Baldin – Thank you, Mr. Kolick.

Mr. Allen – And also subject to getting a permit.

Mr. Baldin – That's true.

Mr. Kolick – If you would amend your motion then we would need a second.

Dr. Goist – Rich, would you amend your motion?

Mr. Baldin – I need to amend that motion that the owner would bear all costs and has to get a permit from the City.

Mr. Bohac – Second that one.

Dr. Goist – All right. We will vote on the entire package.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – The variance has been approved. There is a twenty-day waiting period and you go back to the Building Department and they will carry you from there.

2) **WILLIAM VRANIC, OWNER, Cont'd**

Mr. Baldin – Mr. Chairman, this might be a good time to let the citizens that are here and Mr. Vranic himself know that if we approve a variance here in the City, City Council has the right to take a look at it and if they aren't happy about our approval, they can make a change. If we disapprove of a variance, City Council does not take any action.

Mr. Vranic – Okay.

Dr. Goist – Thank you, Mr. Baldin.

RULING: VARIANCE APPROVED

3) **LISA WOSNAK, OWNER**

Requesting an 11' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 39' Rear Yard Setback is proposed in order to construct an Addition; property located at 18471 Meadow Lane PPN 396-07-016 zoned R1-75.

Dr. Goist – Our next Public Hearing is Lisa Wosnak. If you'll give us your name and address first.

Ms. Wosnak – Lisa Wosnak, 18471 Meadow Lane, Strongsville. I am asking for an 11' variance for an addition.

Dr. Goist – Okay. We know that that's all that you're asking for. We do know that when this was all looked at, and I kind of came in on this through the minutes from the last meeting, that there is some question that we're not considering about the shed that you have, whether it is on City property or whether it isn't. One of the questions that was asked in caucus tonight is do you cut that grass between your shed and City fence?

Ms. Wosnak – Yes.

Dr. Goist – So, you maintain the property there.

Ms. Wosnak – Absolutely.

Dr. Goist – So, I think that the City maybe needs to look at this at some point to decide because there is a legality that says that if you maintain it over a period of time, and I would have to defer to our legal counsel that that could no longer be the City's property.

Ms. Wosnak – That was my understanding.

3) **LISA WOSNAK, OWNER, Cont'd**

Mr. Kolick – You may be contacted by the Building Department now that they determined that this is the situation about the shed or the fence that goes back beyond your property line. Just so you're aware.

Ms. Wosnak – I was under the understanding that if you have been living there for seven years that they consider that your property.

Mr. Kolick – No.

Ms. Wosnak – No? That's what the guy next door that filled the ditch in on his City property told me.

Mr. Baldin – The guy that filled his ditch in. Very nice.

Dr. Goist – And then he built a deck on the ditch, right? Okay, just so you are aware. It's not punitive for you. It's just that it has been brought up because of you asking for the variance.

Ms. Wosnak – The shed was there when I bought the house so I didn't even know.

Dr. Goist – We understand that and we're not penalizing you. We are just informing you that the City may decide to take a look at this because maybe they didn't know either.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – Was the fencing there as well? The side fencing?

Ms. Wosnak – I added that. I didn't realize. I figured that since that 8' fence is the City's, just to keep my dogs in and I could get back there to cut the grass.

Mr. Harr – You didn't realize the City property extends beyond the City's fence towards your house.

Ms. Wosnak – I didn't.

Dr. Goist – Any other questions, Board members? If not, this is a Public Hearing. Is there anyone in the audience who wishes to speak for this variance? Is there anyone who would like to speak against this variance? If not, I'll entertain a motion for approval.

4) **CLEARWIRE, APPLICANT/STRONGSVILLE CITY SCHOOLS,
PROPERTY OWNER/John Sindyla, Esq., Representative, Cont'd**

Mr. Sindyla continues - future, if we do find a location on the property that may not need a variance, we would simply withdraw our application? So, I don't know how you want to handle that.

Dr. Goist – I will defer this to Mr. Kolick.

Mr. Kolick - Mr. Chairman, they can request that we table it but there is a Public Hearing. People have been notified. They are here to talk. We should hear the comments from the people and then if you so elect to table it, you can table it at the request of the applicant but we should hear any comments that are from the audience since it is set for a Public Hearing.

Dr. Goist - Mr. Kolick, can it just be dropped and reapplied?

Mr. Kolick – Well, when you say dropped, either we would have to turn it down or they would have to withdraw the application. If they want to withdraw the application, they can do that too, yes.

Dr. Goist – So, we will go ahead with the Public Hearing. I would like you to go through, if you would, the two variances that you need.

Ms. Sindyla – No problem.

Dr. Goist – What we're looking at are the variances that they are asking for right now and I'm asking him to explain what these two variances are.

Mr. Sindyla – Sure. The location on the property that Clearwire was looking to locate a tower on would be actually – the entry to the school off of Pearl Road (indicating), these are the three administrative buildings (indicating), garages, storage sheds. The Post Office is here (indicating) and then there is a huge retention pond behind, which is useless for development. The proposal to locate the tower would be between these two storage facilities (indicating), which is the garages for tractors, trucks, whatever the case may be. The distance between this location and actually the retention pond - even though it's not a residential use, it is zoned residential - would be 50' and the distance between the tower and this parcel right here (indicating), which is actually owned by the School District as well but it is zoned residential, is 320'. So, the variance would be two setbacks from the North and from the South. In meeting with the caucus group prior to this meeting, there are concerns about exact location of the tower, the large variances required and the overall location of this in the whole plan of the future plans for the School District. The reason why this was selected and not something perhaps more towards the woods is because – Mr. Morton can speak to this if he so chooses – the School plans to redevelop this property for a much better entry way, an avenue so to speak off of Pearl Road. Currently, cars come right through here as well as kids at school, buses and travel right through this entryway to the school itself. In the future, the

4) **CLEARWIRE, APPLICANT/STRONGSVILLE CITY SCHOOLS,
PROPERTY OWNER/John Sindyla, Esq., Representative, Cont'd**

Mr. Sindyla continues - School plans to add an actual avenue to eliminate the dangerous aspects having buses, tractors, students enter this way (indicating). So, the reason why this was selected, Clearwire as well as the School District didn't want to interfere with future developments that may happen on the southern end of the property. That's the general idea of what we were going to propose tonight but after discussions with the Board we felt that we need to reassess where this tower would go on the property or if at all. So, that's sufficient for your needs?

Mr. Kolick – Mr. Sindyla, at the last meeting because these residents would not have had an opportunity to hear it unless they read through the minutes, would you explain why at least the School Board decided not to put the tower on the forested area that is south of the new proposed road.

Mr. Sindyla – Exactly. This is actually a plan by the School District to, in the future, having a new middle school. So, we didn't want to locate a tower that would interfere with the School's plans to add another educational facility in the City. That is why we chose this particular location because it seemed like the least impact for what the school plans to do and in terms of the whole plan for the property as well.

Dr. Goist – Right now, that property is zoned R1-75.

Mr. Sindyla – Correct. That is the other issue. Even though the School owns this, it is still zoned Residential. Technically, if we were to proceed, the School would be asking for a variance from it's own property. There are some technicalities with that as well.

Dr. Goist – Okay. That is sufficient.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans - Mr. Kolick, I think a couple of things. One is that I think we would want to make sure that people are aware of the fact that the discussions about health issues related to cell towers are not something that we can entertain and I think that it's probably important for us to point out that as a Board of Zoning Appeals, we are looking at the distances away from properties and in this case, the Post Office owns the retention pond that is back behind the Post Office. That is zoned R1-75, which is Residential and then the wooded property behind Jardine's and U Store It is owned by the School Board but it is also zoned R1-75 and both of those, to be changed, would require a referendum of the City. There are places within the School Board property that are zoned as Public Facility where they could locate a cell tower. Our meeting tonight was simply to look at it from the standpoint of where they had indicated they wanted to place the tower and they do have other options, which, as Mr. Sindyla

4) **CLEARWIRE, APPLICANT/STRONGSVILLE CITY SCHOOLS,
PROPERTY OWNER/John Sindyla, Esq., Representative, Cont'd**

Mr. Evans continues - explained, they are going to go back and explore, which might result in it being located somewhere else on the property or may not be on the property at all. I think that we ought to narrow down the points of discussion tonight, Mr. Kolick, if you can enlighten us on the Federal restrictions of health discussions.

Mr. Kolick - Mr. Chairman, we are preempted as a City, as a County, as a State under Federal law, so that the audience understands, considering health issues involved with electro magnetic waves or anything dealing with towers. We as a City cannot consider that. Federal law preempts us and when they passed the Federal Wireless Communications Act they prohibited us from doing that. We can consider health issues dealing with the distance between tower and the heights of the towers and the lines. So, we're not precluded at looking at all health safety issues, only those dealing with the fact that there is a cell tower there at all. That we can't do and consider those types of health standards because we are preempted by Federal law. We are here and the Board is here tonight to hear comments about the location and the setbacks and that is a proper subject here and the Board will hear any comments that are directed to those issues. It can be aesthetic; it can be health related other than the electro magnetic waves.

Dr. Goist – With it being a Public Hearing, I always ask if there are people to speak in favor. If there is anyone who would like to speak in favor you may come forward now. If you would give us your name and address please.

Mr. Morton - Mr. Chairman, I'm Robert Morton, Director of Business Services for Strongsville City Schools, 13200 Pearl Road here in Strongsville and I would just like to expand on Mr. Sindyla's presentation of what you see here and the architects rendition of potential future plans for that particular area and answer any questions that might be there and try to, at least, give you some thought process that we went through when we chose this as a location and whether or not it was appropriate. I am in agreement with Mr. Sindyla that we can look at some other locations but the reason we're asking for it to be tabled is that if at a later date we find that in the best interest of that district that this still remains the same, we would like to come back and, again, stick with the variance request. Right now, we are willing to table it and allow us to go back and rethink the location that we're asking to put it and maybe some other ones that Mr. Evans alluded to that we might put it and not be disruptive to the future plan of the development of that area. So, if you would allow me – a little bit of history and I know many of you have been here longer than I have so bear with me. Back in 2004 and 2005, the District procured this portion of this property from the Kinat-Kuzda properties that were there at the same time as Mr. Jardine purchased a large section of this portion of fronts where it aligns with Pearl Road. We do have in our ownership 60' that go back along between support services that they currently own and the Jardine property to allow us to put a new access road back to the school property that serves as a second way of getting in and out of the school during the school day as well as during athletic events. In addition to that, the District has struggled for many years with inadequate parking for athletic

4) **CLEARWIRE, APPLICANT/STRONGSVILLE CITY SCHOOLS,
PROPERTY OWNER/John Sindyla, Esq., Representative, Cont'd**

Mr. Morton continues - events and if the District has two events going on in the High School at one time, it's almost impossible to find adequate parking without parking on the grass and that type of thing. So, in this plan, we would like to expand the student parking from a 390 space parking space facility to, I believe, 1,068.

Dr. Goist – The minutes reflect 968 parking spaces.

Mr. Morton – Well, I'm not going to argue about 100 parking spaces. It's a significant improvement over what is there. We are also proposing a new way of getting in and out onto Lunn Road or back out to Pearl Road. Moving the entranceway down to this position allows us to put a trip light here and be back away from the current light at the Post Office, the proper distance that we could put a trip light there and have some traffic control rather than our school busses acting at traffic stops and that type of thing. So, after Clearwire came to us and asked us to consider putting a cell tower on the property, the first request was to the Board "Are you interesting in doing this?" and they authorized me to go ahead and proceed. Then we looked at locations and in looking at the overall development of this, with the idea that there was probably going to be – I say this with some reluctance because I don't know that for sure it's going to be a new middle school there - but certainly if we want to develop this area, it's would be rezoned for public use at some point and it would be used and to put a tower in this area now and then turn around and have to move it, that would be a very costly move for Clearwire and probably would be some expenditure for us because we agreed to allow Clearwire to lease that for a period of five years, I think is the original lease term. To move it would be an expense to Clearwire or potentially be taken down. Anyway, we felt that by putting it here, it played into our plan much better. Is there another location, quite possibly? I would like to go back and look at that with Mr. Sindyla, get some input from the Board because we currently – I presented it to the Board with it there so we'll go back and get that and that's our reason to table rather than to withdraw the variance request at this point.

Dr. Goist – Mr. Morton, can I ask you, how imminent are the plans to put that new access road in and the parking? Are you proceeding with that? Is there funding available for that?

Mr. Morton – We were proceeding quite progressively on that until we ran into our financial difficulty. The wetland mitigation is about a quarter of a million dollars, which we were not originally anticipating but when we did the wetland analysis and evaluation we did it for the entire area. We did it here, we did it here, we did it here (indicating) so that any future developments, the wetland does not play a part in it. When we got it all and we had gone that far and had that in type or on file what the wetland mitigation would have to be, that's very costly. We have to go out and buy appropriate wetlands from somebody else and pay them and that right now it is between \$250,000 and \$300,000. We did not have the money to proceed forward with that and then turn around but the original site development was in the picture for probably around the year 2013 or 2014. That is when our bond issues mature and

4) **CLEARWIRE, APPLICANT/STRONGSVILLE CITY SCHOOLS,
PROPERTY OWNER/John Sindyla, Esq., Representative, Cont'd**

Mr. Morton continues - our bonded indebtedness goes away and we are in a position to say to the voters that if you approve a new bond issue, it would be no additional cost as a taxpayer and we felt the timing was there and if we did all the preplanning and all the preparation that we could move forward with that. So, hopefully that gives you some insight as to the plan. At this point with our current thing, it's delayed the wetland mitigation, which is about a six to eight month process and it's just on hold at this point.

Dr. Goist – Thank you. That answers my questions. Board members, do you have questions for Mr. Morton?

Mr. Baldin – No, I think you did an excellent job there, Mr. Morton.

Mr. Morton – Thank you very much. Any questions from the audience? I would be more than happy to try to answer them.

Dr. Goist – Let me just for one second, I'm going to defer to Mr. Kolick because this is between the applicant and the Board, not necessarily for him to answer questions from the audience.

Mr. Kolick – Procedurally, what we'll do is anyone in the audience who wants to speak, come up and then once all the audience is done, you will have an opportunity to come back and respond to whatever is said rather than a question and answer thing. It may be a long evening here.

Mr. Morton – Okay, I don't want to be out of line.

Dr. Goist – Is there anyone else who wants to speak for the variance? I know there are a lot of people here who probably want to speak against the variance and because there is such a large audience, rather than just a hit/skip, I'm going to start row by row by row. So, we'll take the first people in the first row and then we'll go back to the next one. So, this one is first. Is there anyone who would like to speak against this variance? State your name and address please.

Mr. Ogle - My name is Robert Ogle. My address is 19137 Lunn Road. I live right behind the Post Office and I'm against this because, for one thing, I don't know who would like to have that in their back yard. My property there, the back of it, is not that far from where the tower would be located. They don't have any idea the health issues at this point. We don't know if the strength of the cell tower would be increased in the future to be at unsafe levels. We don't know if the signal stress would be increased. There are a lot of questions about the tower itself. Like they're saying, there is a possibility of other locations and there must be a reason why they wouldn't want it right by the school, of course with the school student's right by the tower. So, I don't know what the health issue is.

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Dr. Goist – I think you heard our counsel tell us before that we are not allowed as a city or as a state to have anything in to the discussion with health issues. That is all mandated by the Federal government. We have nothing to say about that at all. We don't know if there are, we don't know if there aren't. Do you understand what I just said?

Mr. Ogle – It's a Federal issue is what you're saying. So, there is no way for us to find out.

Dr. Goist – That is correct unless you talk to you Federal representatives.

Mr. Ogle – Thank you.

Dr. Goist – Anybody else in this first row here.

Mr. Friedman - My name is Brian Friedman. I live at 19393 Winding Trail. My understanding, although admittedly obviously since you watched me enter I came late for the presentation. So, I won't speak to all the points because I didn't hear all the points but my understanding is that the proposed tower would be visible from my home. I feel that would be aesthetically displeasing and I do believe you have the right to reject the variance on those grounds. So, I would ask you to please support your rules that are on your books today and require the appropriate setback, which this variance does not concur with. Thank you.

Dr. Goist – Thank you. Now I'm going to go to row two. Ma'am, if you would like to come up. Give us your name and address first, please.

Ms. Meel – My name is Joan Meel and I live at 8080 Oxford Drive in Strongsville. We are very old people from the area here. We moved in as a young couple and my husband and I are 81 years old. So, we have been here in the first development for a long, long time. I've seen the City grow – in many ways good and a few ways not – but nevertheless that's not important right at the moment. Has anyone seen the article in the post?

Dr. Goist – Yes.

Mr. Baldin – Yes, we have.

Ms. Meel – It seems to me as I was listening to this gentleman that we can know some of these things because what created this law that you cannot speak on behalf of your health, even if they are dangerous to your health, was put out by the Telecommunication Bureau. Now, that speaks to me about the tower people. They set up the rule and it can be done according to the paper here.

Dr. Goist – That is the FCC and that is a Federal regulation.

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Ms. Meel – They are involved in it too. Yes.

Dr. Goist – That is the regulation.

Ms. Meel – Could you explain to me why we are not able to protect our health?

Dr. Goist – I can't but I will ask Mr. Kolick to.

Ms. Meel – I would be very happy to understand that because that doesn't seem very American to me.

Mr. Kolick – Let me respond to it so we don't carry it too far. The FCC and the Federal government, who can preempt some of our local regulations, have determined after their studies and whatnot that they will not allow local municipalities, states, counties to consider those affects. There are studies that I have, frankly, seen that go both ways but it was the same thing when the original high tension electric lines came in and on a national level a decision is made that that's what they're going to allow and whatever those health concerns are, you and I may disagree with it, but whatever those health concerns are they are outweighed by the good that they feel it is going to do.

Ms. Meel – Do we have a choice as to where they go, these towers? The people? Can we have a vote on that at the voting booth?

Mr. Kolick – We have ordinances that regulate it and that's why they are here.

Ms. Meel – And the best choice was right over the children's head at the high school where they can get brain damage and tumors and cancer.

Dr. Goist – I think that you are making an assumption that we cannot make and as Mr. Kolick said, you want to state that publicly but we cannot consider that.

Ms. Meel – That's true, I'm sorry. You're right.

Dr. Goist – You may be right but you may be just equally as wrong.

Ms. Meel – Do we get a choice as to where the tower goes? That has nothing to do with talking about health. That is just where it's going to be placed.

Mr. Kolick - Mr. Chairman, so that the individual at the podium as well as the other people understand, we have regulations that say that without a variance from this Board, they cannot be within 500' of a residential district lot line. So, we do have regulations as to where they can be. Additionally, they would need to get what we call a conditional use permit from the

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Mr. Kolick continues - Planning Commission. Even if they meet the 500' the City can consider locations and we do consider locations and the City does have a say so as to those locations.

Ms. Meel – It would be nice if they didn't put it up so quickly and they did give everyone an option to consider where it might go. The other thing is that we can approach this, I understand, from another direction and that could be the value of our homes. Now that is not on the bill. How about that?

Dr. Goist – That is very much a legitimate concern and very much a concern that you may give us that you feel that this would degrade your home value. I'm going to defer to the banker on our Board, Mr. Harr, who will tell you exactly what he said in caucus. Would you please?

Mr. Harr – Verbatim? The comment that I made in caucus was one of the concerns that I have Ms. Meel is that I've spent a good portion of the last number of years liquidating bank assets, unfortunately, due to our recent economic troubles. Without a doubt, there are certain physical structures when in proximity to residential property, in my opinion, that do affect the market time of that property and do, ultimately, affect the price that you can garner for it. High tension wires certainly we talked about is one of them. Large poles, brown fields, railroad tracks – there are a number of them that tend to affect the majority of potential buyers negatively, in my opinion. I think it is a legitimate concern. I don't think it overrides the potential sale of the home or what have you. It can have a possible affect absolutely. It's worth noting.

Ms. Meel – Thank you. One more thing. Is there anyone here – even though we cannot talk health – I'm talking about attending the school. Are there any here that have children or family at that high school on Lunn? Anybody in the group? Okay, okay. Just wondering.

Dr. Goist – We are the in between generation.

Mr. Baldin – Most of our children are all thirty and above.

Ms. Meel – Well, I'm sorry, I'm a mother and I'm like a tiger about things like that if the children are going to get hurt.

Dr. Goist – Your concerns are very well taken.

Ms. Meel – Thank you. Maybe you gentlemen can come up with another idea that we could approach you on as well as the homes. That would be nice. Thank you.

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Dr. Goist – Thank goodness we don't have to because that is not our job. Anybody else in that second row? Yes, sir?

Mr. Schraibman - Good evening. Jason Schraibman. I live at 19510 Lunn Road and I would just like to say that I am against putting up the tower there for various reasons that everyone else has discussed. I just wanted to voice my opinion on that if that's okay and to leave it there.

Dr. Goist – That's why you're here.

Mr. Schraibman – Thank you.

Dr. Goist – We will go to the other side of the aisle.

Mr. Brandt - Good evening. My name is Don Brandt. I live at 19899 Trapper Trail and I would just encourage all of you not to allow any variation based on the authority and discussions here in regards to any variations of cell towers and for aesthetic reasons, tax base and I think it would probably detract from the amount of money over time that the school board receives based on those taxes because of the deterioration of property values. Looking forward, is there anything that you can do to zone towers such as this that are 190' high out of dense population areas and move them to the outskirts of the City and the perceived real or not public opinion that there are health risks there. I don't know if you can address that question or not.

Mr. Kolick - Mr. Chairman, there is nothing that this Board can do. City Council can certainly consider changing ordinances. The ordinances currently require a minimum of 500' so they have at least considered something in that regard. That is within the province of City Council to determine what is going to be permitted or not permitted by ordinance.

Unidentified audience participant – (inaudible)

Mr. Kolick – It's City Council that you need to speak to. I guess you could express yourself at the school board because they are the ones who are proposing the tower as well. Those would probably be the proper forums. As far as legislating where they go or how close they can be to a population or whatever, that is the City Council. Thank you.

Dr. Goist – Just so you all know, when we speak we have microphones up here but we can't here you if you don't speak into that mic or the handheld. That second row, anyone else who would like to speak.

Mr. Drellishak– My name is Dennis Drellishak. I live at 19255 Lunn Road. I actually sent you guys a pretty long letter.

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Dr. Goist – Now that you are here I would like to mention to all the people who are here that we have three letters that were sent to the Board, one of which is his, and two other people who are Larry and Ann Baldwin and the third one is Cynthia Smith. I'm not going to give their addresses. I'm just going to make note that those three people sent letters to us saying that they would like to have us deny this variance.

Mr. Drellishak – Good. I won't go into all the details of the letter but I think what I want to do is it's about location and everybody has been pointing all over this map over here (indicating) but there are people living within one football field of where this is going to go.

Mr. Kolick – Take the hand mic with you or we won't be able to pick you up.

Mr. Drellishak – Can you hear that? Actually, if you look at this house right here at the swimming pool, that is my house. I am happy to see that almost everybody who lives right here is at the meeting right now. This is a swimming pool right here and I've actually walked this lot many times and drug a tape measure because I don't have any other type of measuring instrument to see how far this was but this is right here (indicating). These trees are high but in the wintertime the leaves do fall off the trees so if I can address the fact that other than everything else you have mentioned, it's just not going to be very pleasing for anybody to look at that. It is going to detract from home values. Also, no one have ever – Clearwire has been here but I have not seen anything anywhere. Even when I went to the School Board meeting, it says what this tower is going to look like. Not even a picture. Is there going to be a light on it? Is there going to be a cage around it? Is there going to be a –

Dr. Goist – Let me just, kind of, help address some of these because you did put that in your letter. You had too many good questions but to answer it, we have monopolies in Strongsville. Some of the towers that you see are the triangular towers. Some of them are just the pole.

Mr. Drellishak – They are Clearwire's? Are they exactly the same as what they are going to put up?

Dr. Goist – That is my understanding.

Mr. Drellishak – Okay.

Dr. Goist – One hundred ninety foot pole with a microwave addition to it.

Mr. Kolick – There are - and there are public records at the City - detailed plans that anybody is welcome to go up there. I can share mine with them but it would be hard to show it to the whole group but there is a tower that shows the height and width of the tower and they are open to everybody at the City so you can see exactly what it's going to be. As far as the light

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Mr. Kolick continues - on the top, that's probably something the applicant – the applicant is shaking his head no, there is no light at the top.

Mr. Drellishak – How about compressors that are turning on and off? Are there compressors? How do you cool the equipment?

Mr. Sindyla – It's refrigerated.

Mr. Drellishak – It's refrigerated? And how do you keep the refrigeration running?

Dr. Goist – If you would please, we have a lot of people here that want to speak.

Mr. Drellishak – I just want to make sure that those are things I haven't seen information on yet.

Mr. Kolick – They will have an opportunity to come at the end. Those questions are legitimate and they will address them at the end.

Mr. Drellishak – It's a matter of pointing out that there are people living here. We're pointing to all this other land over here (indicating). There is only one football field distance between all of us and that.

Dr. Goist – Mr. Drellishak, you must be an engineer.

Mr. Drellishak – No, I'm not. I'm a private investigator.

Dr. Goist – Okay. Same thing, isn't it?

Mr. Drellishak – I'll leave you with that.

Dr. Goist – Let's go to row three on this side.

Ms. Baldwin - Tell me if I'm too loud. I have a really low voice. I'm here to ask you to –

Mr. Baldwin – Name and address, please.

Ms. Baldwin – Oh, I beg your pardon. Ann Baldwin, 19199 Lunn Road in Strongsville. I'm also here to ask you to deny the variance. I have three basic reasons. I won't get into the health reasons. First of all, the potential for property loss. You know, if I feel like not in my back yard and I'm going to be 380' from it at my lot line, I know potential homebuyers are going to come by and they're going to go, Cell phone tower. What is the next listing on my list? It's going to create a lengthy time on the market, which correlates with a drop in the

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Mr. Baldwin continues - value. So, that is a potential problem. It could be even be a hardship depending on when people have to sell. It could become a financial hardship for them. The second thing is I think this is a really poor precedent. I noticed that the description of the variance has changed from what was sent out to my home. The description that I got was 120' variance to the 500', which I thought was bad because that was a 25' decrease in my buffer zone.

Dr. Goist – Let me address that for you as the Chairman. In the interim from the last meeting, which I was not in attendance, they have found that this property that is behind the Post Office is still zoned Residential. The property that the school bought on the other side of that road is still zoned Residential. They bought the property and they never rezoned it. So, what the City Code says is that if it is within 500' of the residential line, that it cannot be put up without a variance.

Ms. Baldwin - I live right here (indicating). Tell me about 500'.

Dr. Goist – I can't without putting it to scale. I understand your concern and all I'm saying to you is that you asked what the difference was between the last time and this time.

Ms. Baldwin – And I thank you for that but my point is this is a poor precedent. If they come to you the next time and they say they want to set the monopole on the edge of a development on Webster Road, you will set the precedent that it's okay to chop 442' off the 500' buffer zone. How will you then tell the next applicant they can't do that? You will have set a poor precedent. That is my second concern.

Dr. Goist – Ms. Baldwin, I'm going to stop you once more. We did the research on this and there have been eight towers in the City that have been given variances to put their towers up previously. So, anything that we would do at this point does not set precedent. The precedent has been set previously.

Ms. Baldwin – Could it be setting precedent for the close amount of distance that you're going to be to residential property.

Dr. Goist – If this had met Code. If this had met Code they would have put the tower up and there would have been no discussion whatsoever. It does not meet Code so therefore they need the variance. That's why we're here.

Ms. Baldwin – I appreciate that but I'm just asking you to think about the precedent of putting it close and eliminating the 500' buffer so much and I apologize if I sound cranky or something. The third thing I wanted to ask is has an environmental impact study been done with relevance to Strongsville, Ohio not Portland, Oregon or Baltimore, Maryland or

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Ms. Baldwin continues - Chicago, Illinois. I would just be curious about the results of that. So, please, I ask you to deny this variance. Thank you.

Dr. Goist – Thank you. Anyone else in that third row?

Mr. Baldwin – My name is Larry Baldwin, 19199 Lunn Road. That was my wife. The only part that I would like to bring up that we haven't mentioned so far is we were told that we wouldn't be able to see the tower and it wouldn't affect us because of our trees. We have a wooded lot behind us. This was my father-in-laws land and those trees have been there over fifty years. They are maturing and unfortunately a lot of them are ash. So, I don't know how long those trees are going to be there. As Dennis pointed out in the winter, the leaves will be gone. Pretty soon the trees may be gone. It will take us awhile to grow trees that tall. Again, from an aesthetic point, from the value of our land should we wish to resell, this will also affect it because I'm afraid our woods there are going to diminish. Again, I ask you on this basis to deny the variance and consider that even further if it is brought up again. Thank you very much.

Dr. Goist – Thank you, Mr. Baldwin. In that same third row?

Mr. Weinhold – Good evening. I'm Liz Weinhold. I live at 20380 Scott Drive and I just wanted to reiterate what many people have already said regarding the issues, the variance issues, the aesthetic issues, the health issues, the definite ill will that this will create, the decrease in home values but what I haven't heard addressed at all is why it's even being considered. I only became aware of the issue very late by reading the article in the paper and what was discussed briefly before the meeting, that I came in on the tail end, was that it was to be looked at to generate income and what we were told was that it would only generate about \$30,000 in income. I think with all these factors and all the issues you're hearing tonight that to consider this for only \$30,000 is, I don't want to say short sighted, but considered what other alternative there might be to be able to find that kind of income, because \$30,000 in the big picture of the school budget, which I don't know offhand, doesn't seem like very much money.

Dr. Goist – I'm going to address that to Mr. Kolick because he has some much better figures than you have and the figures that you have are really not accurate at all.

Mr. Kolick - Mr. Chairman, it may be more appropriate for the applicant because they did present some numbers from the last meeting. They can tell you what type of dollars would be generated for the Board and it would probably be appropriate for the applicant to respond to this question.

Mr. Sindyla – Currently, Clearwire's lease with the Strongsville City School District would generate \$750,000.

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Dr. Goist – At this point in time, per year?

Mr. Sindyla – Correct – no, no over the next thirty years.

(Inaudible audience participants)

Mr. Kolick – Please, please let the applicant talk and everybody else will have an opportunity.

Mr. Sindyla – AT & T has already expressed interest and is negotiating a contract with Clearwire to locate on this tower should it go up as well and the School would share another \$5,000 from that collocation as well. If the tower is erected, it would be designed for four to five additional antennae locations. So, Clearwire and AT & T would be two and there would be room for three more. Each of those locations would generate another \$500,000 to the School District.

Dr. Goist – In thirty years.

Mr. Sindyla – Correct.

Dr. Goist – Thank you. We are still in the third row, last gentleman. No? Going to the third row on this side, anyone who would like to speak? We're going to the fourth row now. Yes? Again, if you would give us your name and address, please.

Ms. Simulj - Good evening, my name is Sonya Simulj. I'm not a resident of Strongsville Schools or Strongsville but my husband and I were hoping to become residents this summer. I live in Fairview Park [4050 Circlewood]. If you are concerned that this location of this tower could put off potential buyers to the City, that is true. We're disappointed to hear that this potentially could be located on the school property. We were looking at a home very close to this area and this may be the deal breaker for us. We are disappointed. We hope that you will consider relocating this elsewhere.

Dr. Goist – Thank you. Anyone else in that same row? Yes, sir?

Mr. Ansari - My name is Riyazul Ansari. I live at 20304 White Bark Drive in Strongsville. I have been a resident of this City for the last thirty-five years. We did talk about the limits set by the FCC for radiation. The radiation limit for these towers are 580 to 1,000 microwatts per square centimeters. These are the figures that you can find on the website and you go there and you Google cell phone towers and you will find all these figures there. The other thing is that if you go on the website and type antennasearch.com and you type your address and you will see how many towers are within this area. I went on the website, I typed my address, 20304 White Bark Drive and I saw that within a circle of four miles there are thirty-eight

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Mr. Ansari continues - towers in the City here. My question is do we need another tower and that is also close to a high school where the students will be all the time? This is all I would like to bring to you and I am against another tower added in the City, period, whether there is a variation or not. I would like you to deny this variation right now and in the future, I don't know who decides to give a permit to locate the tower, I would like them to consider the density of towers already in this area and deny that request also. Thank you.

Dr. Goist – In that same row? Did we skip you, young lady?

Ms. Golem - Good evening, can you hear me? My name is Alexandra Golem. I live at 3746 Granger Road in Medina, Ohio. I'm not a Strongsville resident but I work at Strongsville High School actually and although I don't have any biological children at the school, I do have 2, 500 some students for whom it is my job to look out for. I am very concerned about this possible cell phone tower being on the school property in such close proximity to the school where I work and where such a large number of students and teachers and administrators will be. I just wanted to reiterate Ms. Baldwin's point that she already mentioned that it is setting a dangerous precedent being so close to the schools. I think that is a good point and I was just curious, is there a law that someone in here that you could refer us to that explains if in the future if they could increase the microwave levels of this tower or are there limits to it? Do you know of any law or anything of that point?

Mr. Kolick - Mr. Chairman, that would be under the Federal Code. There are certain restrictions. I can't tell you what they are but if you look under the Federal Communications Act it's a document that you may be able to find some of your answers within that document.

Mr. Golem – Okay, thank you very much.

Dr. Goist – I hope I didn't skip anyone in that same row. If not, we'll go to the other side of the aisle. Anyone in that row? The gentleman in the blue?

Mr. Smalley - Good evening. My name is Larry Smalley and I live in the Heathers down by the Pomeroy House.

Dr. Goist – May I have your address.

Mr. Smalley - 19578 Fair Isle Way. The people in the Heathers down there, we weren't included in this list of streets that was going to be affected by the cell phone tower and I was told by Mr. Gallagher in here before this meeting here started that they didn't have enough money to send out notices to people in the Heathers. To me, that is what we pay our taxes for. Okay? I checked out where this tower is scheduled to go up. From my garage, it's 1.2 miles and they're saying two and one half miles so we're going to be affected down there too

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Mr. Smalley continues - and we weren't told about this. Okay? Once this tower is put up, is there going to be any more towers in that area? Another thing that I have is when I was in the Navy many years ago, I was assigned to a submarine tender, which works with nuclear submarines and gets rid of the radioactive waste. Now, every thirty days this submarine tender that I was on would go out into the Atlantic Ocean and between twelve o'clock at night and four o'clock in the morning they would open their overboard discharge valves and let all this radioactive waste go into the ocean. Okay, so that is our government, our United States Navy. Every thirty days - I was a Petty Officer of this working crew, leading pay officer, I don't need any credit - but anyway I would go to the meetings that they called about how to deal with nuclear radiation. So, I would sit at the long table and I would ask, when it comes to radiation, just how safe is safe. Nobody could give me an answer. They would dance around and skirt the issue and I never did get a good answer to suit me or anyone else. So, if the Navy and the Government can do that, we're just small potatoes. Everybody in here will have to go into the neighborhoods and pass out copies of this newspaper and overfill this place at the next meeting and I don't know whether the people in here know it but before some of you came in, Gallagher sat right there and he told the people that were in here that there is going to be a meeting about this Monday night in this area. So, show up, please. Thank you very much for your time.

Dr. Goist - I have no knowledge of a meeting. Thank you for your comments. One thing that I can say to you, and I don't know what Mr. Gallagher told you, but it is the policy of this Board that when people are asking for a variance that everyone within 500' of the variance is notified. All residents within 500'. Obviously, in the Heathers, you do not fall within 500'.

Mr. Smalley - But radiation affects everybody.

Dr. Goist - It's the policy of the Board. It's not how much money it costs, it's the policy of the Board for a variance.

Mr. Smalley - Sir, I have a question. Would you do me and everybody else in this room a favor and change the policy?

Mr. Kolick - It's not this Board who sets it.

Mr. Evans - City Council, Mr. Gallagher, is the one you want to talk to. Those are the people who set the constraints that we operate under. This Board serves at their pleasure.

Mr. Kolick - Any variance requests we are required by law to notify all people within 500'. That's why you didn't get a notice, not because we didn't have the money to send out the mailing. This Board has to follow the strictures of the Code. The Code is determined by City Council. City Council has determined that people who are within 500' are notified of variances. That's why it was done.

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Mr. Smalley – Well, you know, I'm not drawing any aspersions to any of you people here but I've been in Strongsville for 28 years, my wife and I, and it seems to me that every time something comes up in Strongsville, the powers that be have control over everything. The people that live in the city have control over nothing. You know, I think it should be changed so the people would have more input and maybe call a special election before this is okayed, yea or nay. That would solve the problem right there. Can you guys or anybody else call a special election?

Mr. Kolick – Again, this body can't call a special election. That is a matter of the City Council determining what needs to go on the ballot and what doesn't. Again, you are addressing the wrong Board with your concerns.

Mr. Smalley – Okay, I'll check with City Council because City Council should listen to their constituents more. Thank you for your time.

Mr. Baldin – Thank you.

Dr. Goist – In that same row with the gentleman, is there anybody else? Yes, ma'am.

Ms. Tackla - My name is Linda Tackla. I live at 20541 Spruce Drive in Strongsville and the reason that I would like you to deny the variance as well as deny building a tower at that location is because I moved from South Carolina up here to Ohio and one of the reasons I chose this area is because of the beauty of the wetlands and the wildlife and the tree areas. So, that was one of the reasons why I chose this city but now that I know about all these microwave towers and they're proposing one just down the street from me and I'll be able to look out my back yard and see it, it's really disappointing and I'm really disappointed and I don't want to see the wildlife go away. They have no place to go as it is already because of all the building that's being done over here in Strongsville and every place else. It's something that's natural in nature and I think it would be a crime to take that away from us. I would like you to consider that please.

Dr. Goist – Thank you. In that same row.

Mr. Sater - Good evening. My name is Dan Sater. I live at 15367 Prospect Road and just so you know where that is, roughly, I live 500' south of Lunn Road. I am directly due west of the high school property. I have a lot of the same concerns that people here tonight have expressed and I would like to go on record as being opposed to the variance that is being requested. I believe that we have a lot of industrial land that surrounds the area. There is Foltz Industrial Parkway, there is Progress and Alameda Drives. There are already some cell towers in those areas that are better suited for cell tower use and also, I would like to express the opinion that a lot the property value concerns really represent what amounts to a hidden

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Mr. Sater continues - tax on all the people that live in the area. So, I would like to recommend that you decline approval of this variance. Thank you.

Dr. Goist – Thank you. The gentleman at the very end. Would you like to speak? No? Going back to the next row over here.

Ms. Petric - Good evening. I'm Lora Petric. I live at 19728 Stoughton. I am the author of the article in the post. You know my viewpoint. For anyone who did not read the article, I would be happy to read it for you right now.

Dr. Goist – Ma'am, we cannot hear you if you don't speak –

Ms. Petric – I am speaking to the audience as well.

Mr. Kolick – We need you to use the hand held mic.

Ms. Petric – Okay, I will read it. Strongsville City Schools has approved a lease for a cellular tower to be erected on a property next to the bus garage adjacent to Strongsville High School in an effort to generate income to the District according to an open letter to the community submitted by Jeff Lampert, Superintendent, Strongsville City Schools. This letter addressed to the Strongsville community at www.strongnet.org outlined solutions to resolve the School Districts financial difficulties. These towers emit radio frequencies, a form of electromagnetic radiation, for a distance of up to two and one half miles. I know you feel that you can't address it lawfully. This is my opinion and I did research this. There is a growing body of scientific evidence that electro-magnetic radiation, they admit, is dangerous to human health.

Mr. Kolick – We have the article.

Ms. Petric – I don't think everyone here has read it.

Mr. Kolick – If you could paraphrase only for time purposes. If you could summarize what your comments are, that would be fine.

Ms. Petric – Oh, I'm sorry, I'm taking up your time. If anyone is interested –

Mr. Kolick – We are here to listen but we want to do it –

Ms. Petric – in seeing the article, it appeared in the Sunday addition of the post.

Dr. Goist – Ma'am, we are very interested. We have the article, we have all read it, it is available and already published.

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Ms. Petric – Not everyone has read it. Obviously, from some of the questions that are being asked, people are not aware of all the details. So, I'm sorry I'm taking your time up.

Dr. Goist – Okay, continue, continue.

Ms. Petric - If anyone is interested in reading the article, it is in the Sunday post and I am the guest columnist. I live within 500' of where that monopole is supposed to be erected and it is going to be aesthetically displeasing and I'm going to put my house up for sale if you're going to put that up. That's all.

Dr. Goist – Thank you. Okay, I think she was the only person in that row. Is there another lady or gentleman in that row? Next on the other side of the aisle, is there anybody else in the audience. Everybody has had a chance to speak? Mr. Sindyla, would you like to come back up and address some of the questions?

Mr. Sindyla – Sure, I think there were some issues Ms. Baldwin asked about. We had a full environmental assessment of our property. The School Board has our report. We have a clean bill of health. So, that would answer your question. I didn't know if there were any other specific questions.

Mr. Bohac – There is a question behind you.

Dr. Goist – You have to come up to the mic please.

Ms. Weinhold - I had asked about the amount of money that it would generate for the year and you had replied it would be \$500,000 over thirty years.

Dr. Goist – We need your name and address again.

Ms. Weinhold – I'm sorry. Liz Weinhold, 20380 Scott Drive and if it is \$500,000 over thirty years that is only \$16,000 a year versus \$30,000 that we were told earlier.

Mr. Sindyla – The \$750,000 is what Clearwire is paying the School District over thirty years and then in addition to that, each time there is a co-locator on the tower, so, if AT & T or Verizon or T Mobile locates their antennas on the tower, the School District share 50 percent of the revenue that Clearwire would get for, basically, leasing the space on the tower. So, with \$750,000 from Clearwire, AT & T has already expressed an interest and has a tentative lease in place with Clearwire, should this tower go up, to locate their antennae's on the tower as well. So, the School District's share of the proceeds would be \$500,000 over the next thirty years. So, together it's \$1.2 million dollars over the next thirty years. If you divide that by 30, it's \$40,000 over the year.

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Mr. Baldin – That’s only two.

Mr. Sindyla – That’s correct. For example, one gentleman asked what the monopoles look like, they’re at 71 and 82. The City has leased space on the water tank. There are four cell phone carriers on the water tank currently. Prospect and Drake has a T Mobile tower.

(Inaudible audience participant)

Mr. Sindyla – Correct. Every one of those towers that I just mentioned, Clearwire is going to be on. So is AT & T and Verizon. I don’t want to get into an arguing match –

(Inaudible audience participant)

Dr. Goist – Ma’am. If you want to speak, you have to give us your name and address and again, were you sworn in?

Ms. Brandt - Yes.

Dr. Goist – Okay, but we cannot pick this up for public record if you don’t speak into the microphone. We really didn’t want to get in to this. We asked him to come up and answer your questions. So, please give us the respect of talking into the mic.

Ms. Brandt - Okay. My name is Beth Brandt. 19899 Trapper Trail. If we have all these little things all over, like on the water tower and other places, why do you need to put one on Pearl Road?

Mr. Sindyla – Cell phone technology has changed so ten years ago all you could do was talk on your phone. It was, basically, voice capacity. Each cell has x amount of capacity per cell tower, so to speak, in layman’s terms. Along came texting, wireless internet, people watching TV on their phones, U Tube, essentially I Phone users in layman’s terms. With all that, where as one cell phone tower may cover two square miles, that distance shrank to a quarter mile. So, for example, AT & T, which is next to Verizon the oldest and most well known cell phone company in the United States, perhaps in the world, has cell sights on every tower in Strongsville, including the water tank. On every one of them. I personally know and they want to go on this particular tower here because as one of the members mentioned in caucus, he has AT & T coverage and gets dropped calls. So, part of the mandate from the FCC, as well as being a public utility, each of these cell phone carriers has to do everything in their power to provide the best possible coverage continuous, uninterrupted coverage to it’s customers. So, with the advent of all the technology that each phone carries now, and the amount of users that have a phone – I would hazard to guess that 95 percent to 99 percent of the people here have a phone. Add all that in there that the proliferation of towers is starting to increase because, frankly, people want to use their phone all the time. The phone in your

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Mr. Sindyla continues - house is going away. My sister just built a house and it's an extra fee just to put a phone on the wall. So, if you can imagine that everybody in their neighborhood wants to use their phone in their home, at work, driving, traveling, and if they don't get coverage, it's a serious issue. As part of being their obligation to their customers, these companies try to solve those problems. In this particular area, if there was an existing water tank, if there was a tower, I wouldn't be here. If there was a ten story tall building, I would go on there. I really do understand. I really do. Believe me, I really do. Essentially, you asked me to answer that question and that is the general answer as to why each of these towers is going up.

Dr. Goist – I see five hands up and I'm going to limit this to two more questions to the applicant because this is not fair to everybody else. Everybody has a question but I'm going to let two. The gentleman in the far back has had his hand up the longest and the lady in the far corner has had her hand up second. If you give us your name and address, please.

Mr. Schneider – Brett Schneider, 15323 Walnut Creek Drive in Strongsville, Ohio. Here's my question, okay? If you've got thirty-eight towers in Strongsville, I know you just said that everybody texts and everybody picture messages but when you break computer information down, it all accumulates to 1-0-1-0-0-0-1 and all that wonderful stuff. So, how do you justify having forty towers to do the same thing.

Mr. Sindyla – First of all, I think Dan can speak to this, there aren't thirty-eight towers in Strongsville. There just aren't because I put up half of them for representing these companies. There aren't thirty-eight towers in Strongsville.

(Inaudible audience participant)

Mr. Sindyla – I guarantee there aren't thirty-eight towers in Strongsville because –

(Inaudible audience participant)

Mr. Sindyla – because –

(Inaudible audience participant)

Mr. Sindyla – I'm sorry.

(Inaudible audience participant)

Mr. Sindyla – No.

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Mr. Kolick – I don't know how many towers there are but Clearwire obviously isn't on every tower that is within the City.

Mr. Sindyla – I can count off the top of my head and I can go through them if you like. I know where they are but essentially all the reason why - all those companies are on all those towers. I'm being very straightforward with you. If you look at this tower from a profit standpoint, these companies, this tower is going to cost Clearwire \$300,000 to \$400,000 to build. If they didn't have to do that and they could simply collocate on the water tank, they would because they would save a tremendous amount of money. There is a need and that's why I'm here. If there was no need, believe me, I wouldn't be here.

(Inaudible audience participant)

Dr. Goist – Okay, I limited it to two and you got to ask your question. The lady in the back can have her question. I just don't want to turn this into a general discussion between this gentleman and group. We're here to decide on a variance.

Ms. Hollingsworth – My name is Lynn Hollingsworth, 15281 Walnut Creek Drive. This isn't a question, it's a comment. Unfortunately, I work for AT & T and I can guarantee on my job that no matter where you put that tower, AT & T is going follow so it doesn't have to be there. It can be out in Podunk and AT & T is going to be your first customer on it.

Dr. Goist – Thank you. That is the last question I'm going to allow. We have covered this entire room and now we have a decision to make. The applicant had said to us at the very beginning that he would like to table this to a future date or he might withdraw his application. If you would like to come forward again please and tell us what you're asking.

Mr. Sindyla – At this point, I would like it to be tabled. If we find a new location on the property that may require a variance, I wouldn't have to refile. I would just have to –

Mr. Kolick – We would have to see what you file. If you file something that is going to need a substantially different variance, then you probably have to wind up going through the process again. If it's a couple of feet one way or the other, then no. We can't make that judgment until we see what it is you file.

Mr. Sindyla – I respectfully request to table us until we can reassess a location on the property, and if at that point, if we decide to withdraw the application, we can tell Ms. Zamrzla. If we find a location that does not need a variance, then obviously we will withdraw as well.

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Dr. Goist – Mr. Sindyla, as Chairman of this Board, I accept your request for tabling this. Ladies and gentlemen, thank you for being here. I think your input was very good and I hope that you were as well received as we could receive you. Thank you.

RULING: VARIANCE REQUEST TABLED UNTIL FURTHER NOTICE

Dr. Goist – Meeting is adjourned.

Meeting adjourned by Dr. Goist at 9:24 p.m.

<u>Signature on File</u>	<u>Signature on File</u>	<u>August 25, 2010</u>
Glenn Goist, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date