

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

November 1, 2022
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Rich Iafelice, Chairman
Rich Peterson, Vice Chairman
Andy Lingenfelter, Member
Frank Schindler, Member
Hiram Reppert, Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector
Keith H. Petersen, Esq., Legal Counsel
Celina Satka, Assistant Zoning Inspector

Melton Reporting
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1 7:01 p.m.

2 CHAIRMAN IAFELICE: Good evening. Welcome to this
3 Concord Township Zoning Commission meeting of Tuesday,
4 November the 1st. Let me move to call to order, Heather, if
5 you could, please.

6 MS. FREEMAN: Mr. Schindler?

7 MR. SCHINDLER: Here.

8 MS. FREEMAN: Mr. Lingenfelter?

9 MR. LINGENFELTER: Here.

10 MS. FREEMAN: Mr. Reppert?

11 MR. REPPERT: Here.

12 MS. FREEMAN: Mr. Peterson?

13 MR. PETERSON: Here.

14 MS. FREEMAN: Mr. Iafelice?

15 CHAIRMAN IAFELICE: Here.

16 Thank you, Heather.

17 Next item on our agenda is approval of minutes from
18 October the 4th, 2022. Any comments from any of the board
19 members?

20 MR. REPPERT: Everybody's looking at me. I am
21 pleased to announce Mindy did an excellent job.

22 MR. LINGENFELTER: Wow.

23 CHAIRMAN IAFELICE: As she always does.

24 MR. LINGENFELTER: Mark this date on the calendar.

25 MR. REPPERT: Mark this day.

26 MR. PETERSON: Given that, I will make a motion that
27 we approve the minutes of the October 4th meeting as written.

28 MR. LINGENFELTER: Quickly, before he changes his
29 mind and finds something.

30 MR. REPPERT: And I will second it.

1 CHAIRMAN IAFELICE: I have a motion and a second.
2 All in favor say aye. Opposed?

3 (Five aye votes, no nay votes.)

4 CHAIRMAN IAFELICE: The minutes stand approved.
5 Thank you.

6 Next item on the agenda is correspondence. Any
7 correspondence received by the members? Frank?

8 MR. SCHINDLER: Not for me, Mr. Chairman.

9 MR. REPPERT: Nothing here, Mr. Chairman.

10 CHAIRMAN IAFELICE: I did receive an email from a
11 gentleman regarding a complaint on lighting.

12 MR. LINGENFELTER: I received that as well.

13 CHAIRMAN IAFELICE: I believe Andy did as well, just
14 late today. So other than receiving the email, that's all I
15 have to report.

16 Andy, same?

17 MR. LINGENFELTER: Yeah, same thing, yeah, that
18 email on the lighting issue.

19 CHAIRMAN IAFELICE: Rich?

20 MR. PETERSON: And I did get a call from a neighbor
21 with an issue related to the size of accessory buildings in an
22 RCD, which is 200 square feet, but she was told by the
23 homeowners association that she could only go 12 by 12, and
24 that's kind of an up-in-the-air issue. I talked to Heather
25 about it. The permit was issued for a 10 by 16. So the
26 question became, which overrules the other? And in the
27 homeowners' association, the deed restrictions, no size is
28 mentioned. So I can't see how -- She is in an argument with
29 the developer's employee but I can't see how she could lose
30 that argument but I don't know the answer other than she has a

1 permit and she's in compliance with zoning.

2 CHAIRMAN IAFELICE: Interesting. Okay, thank you.
3 Thank you, Rich.

4 There being no other correspondence to report, our
5 next item on the agenda is public participation. Does anyone
6 from the public wish to address the board on topics of the
7 agenda this evening?

8 (No response.)

9 And no one on the phone as well?

10 MS. FREEMAN: Correct.

11 CHAIRMAN IAFELICE: Okay. There being no one here
12 for public participation, we will move on to our New Business.
13 So our first item on the agenda for New Business is the Site
14 Plan Review Application Number 55, submitted by Marous
15 Brothers Construction on behalf of the property owner, the IN9
16 Group LLC, for a proposed ice cream parlor and car wash to be
17 located on Crile Road and Old Crile Road on a parcel known as
18 current parcel number 08-A-020-0-00-048-0.

19 I see Mr. Green here maybe on behalf of the
20 applicant. If you could step forward, Mark, if you have
21 something to present. Your name and address, please, for the
22 record.

23 MR. GREEN: Sure. My name is Mark Green. I work
24 for Marous Brothers Construction, address is 36933 Vine
25 Street, Willoughby 44094.

26 CHAIRMAN IAFELICE: What we would like from you,
27 Mark, since I know you, provided an overview of the project.

28 MR. GREEN: Sure.

29 CHAIRMAN IAFELICE: Explain the objectives and the
30 project for the board members and we will go through the staff

1 report subsequent to that.

2 MR. GREEN: Sounds good.

3 CHAIRMAN IAFELICE: Thank you.

4 MR. GREEN: This is a site at the corner of Crile
5 and Old Crile. It's a corner lot. Our client would like to
6 put a car wash on that site, along with an ice cream parlor.
7 So the drawings that you have in front of you show both
8 buildings sited. There is a civil package included in there,
9 as well as exterior elevations, floor plans and some
10 renderings in there.

11 What I have brought in addition to that is a couple
12 of color boards that I can hand off to you so you can see the
13 actual material callouts for the materials that you see in the
14 packet.

15 And a couple of the other handouts we have with us
16 today are some revisions to parking. There are some questions
17 on the calculations of parking, so we have redone that and
18 brought copies of that for you to look at, as well as a
19 question about the vacuum stations, what they look like, and
20 brought a cut sheet for what those vacuum stations look like
21 as well.

22 So that's really the overview.

23 CHAIRMAN IAFELICE: Okay. Thank you, Mark.

24 We have, we have indicated, by and through Heather,
25 that given the number of review comments and issues that are
26 before us, to consider tabling this matter, particularly since
27 it looks like there is a variance that is still required for
28 the drive-thru.

29 MR. GREEN: Yes.

30 CHAIRMAN IAFELICE: For the ice cream parlor.

1 MR. GREEN: Yes.

2 CHAIRMAN IAFELICE: Any comments related to that,
3 Mark, or do you wish to proceed?

4 MR. GREEN: I would only ask that we are trying to
5 get the ice cream parlor constructed for the summer season, so
6 we are in kind of a pinch to get out there and start site
7 work. Our intention was to issue an early site utility and
8 foundations package and get that out there so we could start
9 that work. If this gets tabled, it might delay that. So if
10 there is something we can agree to conditionally that would
11 allow us to be able to put a site package, an early site
12 package in for a building permit to move forward, it would be
13 appreciated if we could figure out what that is. And maybe
14 that's by going through some of these site-related issues and
15 talk about what's going to be addressed, and most of them can
16 be addressed. It's just a matter of getting a revised copy to
17 the city or to the township here to, with these things
18 incorporated into it, which is doable.

19 MR. LINGENFELTER: Mr. Chairman, if I may.

20 CHAIRMAN IAFELICE: Yes, please, Andy.

21 MR. LINGENFELTER: What's your position if your
22 variance for the drive-thru is declined? Is that going to
23 affect your decision moving forward on the ice cream stand
24 or what?

25 MR. GREEN: Not at all, not at all.

26 MR. LINGENFELTER: So if that, if your request for
27 this variance for the drive-thru is turned downtown by the
28 BZA, nothing is going to change as far as what you've
29 presented to the board here, that you're presenting.

30 MR. GREEN: No. In fact, the site arrangement is

1 already configured to allow for it with some minor
2 modifications. So what you see in front of you is the site
3 configuration for the ice cream parlor. It really doesn't
4 change too much. We could probably skinny up one of the
5 drives going around the building but, in essence, it would be
6 the same configuration.

7 MR. LINGENFELTER: Thank you.

8 MR. GREEN: Sure.

9 CHAIRMAN IAFELICE: If I may, Heather, is there any
10 precedent to providing for a site or foundation approval, to
11 proceed with that? That way, they still come back the
12 following meeting.

13 MS. FREEMAN: From the township's perspective?

14 CHAIRMAN IAFELICE: Yes.

15 MS. FREEMAN: No. The zoning permit would not be
16 approved or issued to the applicant until the, all the
17 conditions on the approval on the site plan have been met.

18 CHAIRMAN IAFELICE: Are met, okay.

19 MS. FREEMAN: So the township would not give any
20 kind of early partial zoning permit.

21 CHAIRMAN IAFELICE: Okay.

22 MS. FREEMAN: I know the Building Department does
23 phased, you know, approvals but there is no precedent with the
24 township doing that.

25 CHAIRMAN IAFELICE: Okay, thank you.

26 Before we go into kind of a discussion here amongst
27 the board, as well as Heather, just wanting to understand
28 several of these that, from the site plan review comments,
29 since we're on the site plan and not the design review, the
30 number of review comments that would potentially alter the

1 site plan, parking spaces, the one that jumps out at me is the
2 driveway entrance and concern about the sight distance. You
3 know, there is quite a curvature, geometrics there on Crile
4 where that road is being accessed for the ice cream parlor and
5 the traffic from the Lake County has noted wanting a sight
6 distance analysis.

7 MR. GREEN: Is it typically done as part of a
8 traffic study, same people do that?

9 CHAIRMAN IAFELICE: Yes, yes, it is, typically. And
10 that's an analysis based on the design speed of the road, the
11 geometrics of the road, and looking at the sight distance for
12 traffic entering and exiting the site.

13 MR. GREEN: Okay.

14 CHAIRMAN IAFELICE: And that could impact this as
15 well, the site plan.

16 MR. GREEN: Okay.

17 CHAIRMAN IAFELICE: That's a concern just from my
18 own viewpoint, perspective.

19 Perhaps, Heather, on the conditions, the staff has
20 recommended a conditional approval. But on the site plan
21 review comments, may I ask, the BZA approved the conditional
22 use for all of these items, the ice cream parlor, the car wash
23 and the outside dining.

24 MS. FREEMAN: Yes.

25 CHAIRMAN IAFELICE: Previously.

26 MS. FREEMAN: Correct.

27 CHAIRMAN IAFELICE: As a conditional use, which
28 we're familiar with this as a conditional use in Capital
29 District.

30 MS. FREEMAN: So it is permitted on the property.

1 CHAIRMAN IAFELICE: Yes, yes, okay. And then the
2 drive-thru is what is in question. May I ask you to address
3 the concerns that you have from the staff report that you
4 think impact the site plan and what we're approving here in
5 the site review?

6 MS. FREEMAN: Okay, I can do that. I can take a
7 stab at that, yeah, sure.

8 Well, the first comment really is as far as adding a
9 sidewalk. That's technically in the public right-of-way. It
10 doesn't necessarily impact what's going on on the lot but
11 could possibly change grading, things like that.

12 Number 3, moving the freestanding sign back a few
13 feet, that would change, obviously, in order to comply with
14 the 10 foot setback.

15 Number 4, I mean, increasing that egress drive from
16 the car wash to 15 feet would make that one foot wider, so
17 that's a small change.

18 The other, like 5, 6, 7, you know, some of the other
19 ones, more than likely, would not really impact the layout.

20 Some of the landscaping plan information would
21 change, 9, 10, 11.

22 Number 12, obviously, putting in a few more parking
23 spots for the ice cream parlor would change that parking area.

24 MR. REPPERT: Where are you reading from, Heather?

25 MS. FREEMAN: Under the Staff Recommendations.

26 MR. PETERSON: Page 5.

27 MS. FREEMAN: Page 5.

28 MR. REPPERT: I'm sorry. Page 5, all the way back
29 there.

30 CHAIRMAN IAFELICE: Yeah, right here.

1 So if I can interrupt real quick, Heather, so when I
2 draw attention to the board members, because you've seen this
3 as well, Number 5, Number 6, Number 7, Number 8, Number 10,
4 Number 11, Number 12, the big word is "revise" parking areas,
5 layout, site, utility to show. The judgment of this board as
6 to whether those are significant enough that impact what we're
7 attempting to do, what we're charged to do is approve the site
8 plan.

9 In your opinion, Heather, obviously, you've given,
10 you're suggesting a conditional approval, that these are,
11 these items are not that significant to alter the site plan.
12 I mean, there is quite a few items there.

13 MS. FREEMAN: Collectively, all?

14 CHAIRMAN IAFELICE: Collectively.

15 MS. FREEMAN: I definitely can see the concern that
16 you're expressing, Mr. Chairman. And I have seen a couple, an
17 architectural rendering, revision on layout showing a couple
18 additional parking spaces that came in late that I believe
19 Mr. Green is planning on sharing. But I also, you know,
20 collectively, with the comments from the County Engineer, as
21 you've pointed out with the sight distance and wanting the
22 expanded trip generation analysis, some of those things could
23 impact that drive location where the county would allow for
24 that drive to come out on Crile Road. So that --

25 MR. LINGENFELTER: Heather, excuse me, if I may,
26 Mr. Chairman.

27 CHAIRMAN IAFELICE: Please, Andy.

28 MR. LINGENFELTER: Let me ask you a question. When
29 did you receive this staff report, the one that we're looking
30 at tonight with all the recommended changes? How long ago did

1 you receive that?

2 MR. GREEN: I don't remember the actual date but
3 we've had it for a week or two.

4 MR. LINGENFELTER: Okay.

5 MR. GREEN: At least I think. Heather, I don't want
6 to shortchange you because you are the one that sent it to us.
7 Was it a week or two?

8 MS. FREEMAN: Oh, no, it was actually just
9 yesterday. No, it was Friday.

10 MR. GREEN: Was it? Okay. Sorry. We've done a lot
11 of work since then.

12 MS. FREEMAN: No, only a few days, yeah.

13 MR. LINGENFELTER: So you've had it for a while.
14 You've had it for a reasonable period.

15 MR. GREEN: Sure.

16 MR. LINGENFELTER: You're aware of a lot of these
17 issues?

18 MR. GREEN: Yes.

19 MR. LINGENFELTER: Did you come prepared with a list
20 of your revisions and/or your plans to address some of these
21 issues or were you going to just shoot from the hip at the
22 podium tonight or what was your thought?

23 MR. GREEN: We picked up on the parking change. A
24 lot of these items, to be honest, a lot of these items were so
25 minor we figured they were just a talking point to say make
26 sure you include this. I mean, if I go through this long list
27 of things, there's many that are just boilerplate in here.
28 But, you know, we're talking the trip generation is probably
29 the one that could potentially adversely affect the site but
30 that's a five- to six-week long study when you start having a

1 consultant do that. So it takes a little bit of time.

2 But most of these were very, were very small.

3 Increase, you know, increase the egress drive from, on Old
4 Crile to 15 feet from 14, not really a major deal. Utility
5 plans, show electric and gas on the site. We've got to get
6 the utility companies involved in order to determine what that
7 actually is. The lines are shown on the civil, so we can
8 talking about where we're getting it from. But how it's
9 actually connected in and what those requirements are, we're
10 going to have to deal with the utility companies, which isn't
11 an immediate thing.

12 MR. LINGENFELTER: Right.

13 MR. GREEN: So all of these, even the 6 foot
14 sidewalk, you know, I really wanted to talk about that as well
15 because it's really a sidewalk to nowhere. You know, it goes
16 out to the corner of Crile and Old Crile and then there is no
17 sidewalk on the adjacent site, and that's the back of their
18 property from the way it's oriented. So do we really want to
19 kind of have a sidewalk section just there as part of this
20 project? And I believe zoning has the ability to override
21 that and say no, we don't.

22 So there are some of those things that I wanted to
23 talk about but most of these things were so minor in nature it
24 was going to be a, yep, we're going to do it, we're going to
25 do it, we're going to do it. Didn't really need a drawing to
26 say we're going to stretch a road from 14 to 15, or a drive.

27 MR. LINGENFELTER: No, I wasn't looking for that. I
28 guess what I was interested in was, you know, with the large
29 amount of conditional issues that have been highlighted here,
30 I would hope that, since you were aware of these for a

1 reasonable period of time -- This didn't just get bounced on
2 you tonight, obviously.

3 MR. GREEN: No.

4 MR. LINGENFELTER: Or today, this afternoon or
5 whatever. You've had some time to look at this and review it.

6 MR. GREEN: Yes.

7 MR. LINGENFELTER: I was hoping that maybe we could
8 go through this list and you could respond or, if you would
9 like, you could just go ahead and go right down the list and
10 tell us what --

11 MR. GREEN: I would love to.

12 MR. LINGENFELTER: Tell us what you are planning on
13 doing in fixing these things.

14 MR. GREEN: Absolutely.

15 MR. LINGENFELTER: And then I think that will help
16 the board understand better what your, you know, what your
17 position is on some of these things and then that would be
18 helpful.

19 MR. GREEN: Right, sure.

20 MR. PETERSON: What's the cost impact? We're
21 talking different pavement. The county prefers different kind
22 of aggregate base and so forth and curbing, add parapets to
23 cover the equipment on top of the building, wider driveways.
24 There is a cost implication to you there. That's not a
25 problem?

26 MR. GREEN: The stone issue going to 304 wasn't a
27 big deal at all.

28 MR. PETERSON: Okay.

29 MR. GREEN: Screening equipment on the buildings, I
30 am not even sure we're going to have equipment. The ice cream

1 parlor is not going to have equipment on the roof. If you see
2 the exterior elevations, you will know why.

3 The other ones, we are looking for interior rooms.
4 It's a car wash. You know, 75 percent of that building is a
5 very minimal conditioned air because it's open air. So we
6 could, probably, we are looking to get everything kind of
7 internal of the buildings and maybe one pad-mounted air
8 handling unit, if that has to be, and then screen that with
9 vegetation.

10 MR. PETERSON: Okay.

11 MR. GREEN: I am pretty confident we are not going
12 to have anything on the roof.

13 MR. PETERSON: So no major cost issue for any of
14 these?

15 MR. GREEN: No.

16 MR. PETERSON: What about vacuums? It mentions
17 showing details of vacuums. I didn't see any vacuums on the
18 drawings. Are there --

19 MR. GREEN: There are vacuum stations. If you see
20 where the staging lanes are for the cars coming into the car
21 wash.

22 MR. PETERSON: I did see that, yeah.

23 MR. GREEN: Just above that is about 10 slots there.
24 Those are the vacuum station spots.

25 MR. PETERSON: Oh, okay.

26 MR. GREEN: They're a little wider than normal
27 parking spots to move around the cars but those are the vacuum
28 stations.

29 MR. PETERSON: Okay.

30 MR. GREEN: I have cut sheets of what those look

1 like if you wanted to see what they look like.

2 CHAIRMAN IAFELICE: Please, yes.

3 MR. LINGENFELTER: Yeah. If you have any other,
4 anything else you would like to give to us to look at.

5 MR. GREEN: Sure, sure.

6 MR. LINGENFELTER: And I would, I would like you to
7 just kind of go down this list for us.

8 CHAIRMAN IAFELICE: Yeah, I would have to, I would
9 have to agree with Andy. That's why I was kind of starting it
10 with Heather to think about collectively. And if it's
11 overwhelming to even go through hearing from Mr. Green, I
12 think what we would ask you, Mark, to go through them
13 individually.

14 MR. GREEN: This is the parking revisions.

15 You have my copy.

16 MS. FREEMAN: Oh, okay.

17 MR. GREEN: Here is another copy for down at this
18 end. These are the parking revisions and those are what the
19 vacuum stations look like. It's a pretty common vacuum
20 station for a car wash.

21 MR. PETERSON: I think our concern is, usually, when
22 we have a recommended approval, there is two or three items.
23 We're not used to two pages.

24 MR. GREEN: Correct. We are bringing consultants,
25 most of our consultants on board. We've had Polaris on board
26 for civil for quite some time. But we've just gone through a
27 preliminary zoning review and we're really getting into
28 production mode to get this site package out and early. So
29 that's part of the reason why the drawings that you see in
30 front of you aren't one hundred percent construction

1 documents.

2 MR. PETERSON: Okay.

3 CHAIRMAN IAFELICE: Mark, does the second page, this
4 one answers the square footage issue, question?

5 MR. GREEN: Yes.

6 CHAIRMAN IAFELICE: Yeah, okay.

7 MR. GREEN: And highlighted what our thought process
8 was.

9 CHAIRMAN IAFELICE: I see that.

10 MR. PETERSON: For the parking lot in the front, I
11 think.

12 CHAIRMAN IAFELICE: Yeah, yeah, this space.

13 MR. REPERT: Yeah, I saw that. We have one.

14 CHAIRMAN IAFELICE: Oh, I'm sorry.

15 MR. REPERT: That's all right.

16 CHAIRMAN IAFELICE: If we go through those, the
17 recommendations here and the conditions from the staff, since
18 the first one is the public sidewalk, Heather, is this a, is
19 this a township kind of plan? Is it something the Trustees
20 are looking for for development as development continues along
21 Crile?

22 MS. FREEMAN: Specifically --

23 CHAIRMAN IAFELICE: As opposed to being a sidewalk
24 to nowhere.

25 MS. FREEMAN: Right, yeah. So when we adopted the
26 text and the requirements for the Capital District, which the
27 property is Capital, the thought was to include additional
28 pedestrian type facilities to provide an opportunity for our
29 residents to access some of the features on Crile Road and
30 eventually, at the time, access our future Town Center that is

1 still envisioned on the other side of 44.

2 So in our zoning text we have built in that, as
3 projects come up in this district, that under, the Zoning
4 Commission felt and staff felt that there was support for
5 these types of features and that we would try to get the
6 developers to do that as all these properties built out.

7 CHAIRMAN IAFELICE: If I recall, the Sheetz project
8 had included sidewalks.

9 MS. FREEMAN: Yes, yes, that's where Sheetz was
10 proposing the 6 foot wide.

11 I did talk briefly with Traci Salkiewicz about
12 putting a sidewalk in the county public road right-of-way,
13 since Crile Road is a county road, and it's possible. There's
14 some agreements that we'll have to work out with the county as
15 far as maintenance and stuff like that.

16 CHAIRMAN IAFELICE: Okay.

17 MS. FREEMAN: So there was some support there
18 from --

19 CHAIRMAN IAFELICE: Thank you, Heather. Hopefully,
20 that answers the question, Mark.

21 MR. GREEN: It does. I read that. I would only ask
22 that the township take a look at that, a sidewalk to that
23 corner and what sidewalk, taking sidewalk to that corner
24 means. You're really going out into high speed areas once you
25 get out past there. And does this corner lot really apply to
26 have sidewalks or is that more further into the Capital
27 District?

28 MS. FREEMAN: I would like to just add, I am not
29 sure how familiar you are with the area where this property
30 is, but literally just a couple hundred feet away is Hunting

1 Lake Drive, which connects with Crile Road. And there are
2 over 700 homes back there, residences with some newer
3 developments where we had something like this. And we've
4 already seen people walking and biking down Crile Road because
5 we have the Greenway Corridor that is right at Girdled. I
6 feel like this would get used if we could eventually continue
7 on and extend it.

8 MR. GREEN: We just have to study it. One, it's an
9 additional cost to our client. Number two is it's, those
10 roads were designed with drainage ditches on the sides. So
11 we've got to look at topos and where that sidewalk can
12 actually fall on the site with respect to topography. So we
13 certainly could look at it. I just wanted to bring it up, if
14 we could get a, not a variance but a pass on that sidewalk,
15 that would be great. If not, we will look at it, research it
16 and figure out how to get it in.

17 CHAIRMAN IAFELICE: Right now, unless the board has
18 any objection, I think we want to see the sidewalk.

19 MR. GREEN: Okay.

20 CHAIRMAN IAFELICE: And look at it, please.

21 MR. GREEN: Okay.

22 CHAIRMAN IAFELICE: If you could run through the
23 rest of the recommendations, Mark, please.

24 MR. GREEN: Sure. All right. Next one is consider
25 adding bike racks near the ice cream parlor. Absolutely.
26 There's a fairly large front patio between the parking and the
27 building where a bike rack could go.

28 The proposed freestanding sign for the ice cream
29 parlor does not meet the minimum 10 foot. It's literally 9 or
30 8 feet, so we've just got to adjust it a couple feet. It's no

1 big deal.

2 Let's see. Increase the width of the egress drive
3 onto Old Crile Road to 15. It's currently 14 and that's not
4 an issue at all.

5 CHAIRMAN IAFELICE: Thank you.

6 MR. GREEN: Revise site plan and landscaping plan to
7 show proposed locations of light poles. We have included an
8 electrical site plan in the packet that shows light pole
9 locations. We don't typically show them on the site civil but
10 we can superimpose them if that's a requirement that we need
11 to do. Normally, that's comprehensive. Same with power
12 routing to those poles, coming off the street and everything
13 is usually in the electrical package but we can superimpose
14 them. It's not a big deal, no problem.

15 CHAIRMAN IAFELICE: Thank you.

16 MR. GREEN: Revise utility plan to show proposed
17 electric and/or gas on the site. We show the overhead lines
18 and the power poles from which we're getting power off of and
19 we show the gas lines on our side of the street. They're
20 there. What we don't show is connections, transformer
21 locations and how that's happening because we have to work
22 with the utility companies to do that and we just haven't
23 gotten, it's just not that far yet. Utility companies don't
24 move that fast. But as soon as we have that, it's definitely
25 going to be here for review.

26 CHAIRMAN IAFELICE: Okay.

27 MR. GREEN: Revise layout to show locations of all
28 building entrances, yes, we could put a marker on the plans
29 that show you where the entrances are to all the buildings.
30 Do you also want to see like back of house employee entrances

1 or just main entrances?

2 MS. FREEMAN: It's typically any door, man door, so
3 we can just make sure there's no conflicts with, you know,
4 landscaping or if you are going to put a concrete pad or
5 sidewalk there that should be there.

6 MR. GREEN: Got it.

7 Revise layout plan showing locations of proposed
8 on-site traffic control devices and signage. We do not have a
9 comprehensive signage package yet but we can show what our
10 thoughts are on signage. Again, we usually don't develop a
11 signage package until we're deeper into the construction
12 documents. We just don't have that at this point.

13 Traffic control though, there isn't really going to
14 be any traffic control devices but we can definitely come
15 together with a signage package for site signage fairly
16 quickly.

17 MS. FREEMAN: Can I make a comment, Mr. Chairman.

18 CHAIRMAN IAFELICE: Yes, please.

19 MS. FREEMAN: Can you clarify like then as far as
20 like would there be any stop signs within, specifically
21 looking at the ice cream parlor parking lot? Are you
22 planning, you know, painted stop bars or stop signs to
23 control, you know, the vehicles within the site? As folks are
24 coming out of this potential loop around or, you know, coming
25 out of the parking lot, who is to give the right-of-way? And
26 that's kind of --

27 MR. GREEN: Yeah.

28 MS. FREEMAN: Wasn't sure if it was necessary to
29 bring --

30 MR. GREEN: Leaving the parking lot and going back

1 to that drive, there will probably be a stripe there.

2 MS. FREEMAN: Well, actually, the car wash. I'm
3 sorry. Rather, the car wash is a little bit more confusing,
4 not the ice cream parlor. My bad. So you come out -- You go
5 in the car wash, you come out.

6 MR. GREEN: Yeah.

7 MS. FREEMAN: Do the people at the car wash stop and
8 yield to the other traffic that could be coming out from
9 getting their cars detailed or how would that all work?

10 MR. GREEN: We have designed it so there is plenty
11 of visibility to see cars coming. It just depends how much we
12 want to -- Do we want to over sign for people in normal
13 driving habits? You tell me how far we want to go with that.
14 There is plenty of clearance there for view that you could
15 look to your left and see if a car was coming. This isn't
16 high volume people flying around there. So if we need to put
17 something there that says "stop and look both ways" to remind
18 people to do that in today's world, maybe. We are okay with
19 doing that. I just need to know how far we want to take that.

20 CHAIRMAN IAFELICE: I think I would leave that to
21 the judgment of your site civil, the traffic engineer, to
22 evaluate, particularly with, again, site distance. If there
23 is landscaping in the way -- I agree with you but unless there
24 is landscaping that inhibits view lines.

25 MR. GREEN: Sure, we will do that. And if there is
26 any high volume areas, which there aren't here, but if there
27 are then we will sign accordingly.

28 MR. REPERT: On the car wash, is the Old Crile
29 north side, is that entrance only?

30 MR. GREEN: Yes. The north side being the entrance

1 drive? I believe that is an entrance and exit on that side.

2 MR. REPERT: And it's only 15 feet?

3 MR. GREEN: No, it is not. It is shown as entrance
4 only.

5 CHAIRMAN IAFELICE: Entrance only, yep.

6 MR. GREEN: And then you've got to loop out and come
7 around the other side for exit only. Sorry.

8 MS. FREEMAN: Well, actually --

9 MR. REPERT: Yeah. But then we've got to change
10 the arrows on your traffic flow because it shows some traffic
11 coming down and traffic going up on that entrance. So if it's
12 coming down, where is it going?

13 CHAIRMAN IAFELICE: Good point.

14 MR. GREEN: No, you are correct.

15 MS. FREEMAN: See the car wash?

16 MR. GREEN: That's probably just graphical error.

17 MR. REPERT: So that's an entrance only?

18 MR. GREEN: That's how we have it currently
19 designed, entrance only.

20 MR. REPERT: Okay.

21 MR. GREEN: Is there opposition to making that
22 entrance and exit?

23 MR. REPERT: No, it's just that I was confused with
24 all the arrows.

25 MR. GREEN: Okay.

26 MR. REPERT: And if you have the vacuum stations,
27 do they back up and go back to the right? I guess they're
28 going to have to.

29 MR. GREEN: Yeah, the intention we designed this was
30 to do a big loop. So if you are coming -- If you're going in

1 to vacuum your car, if you come out of the car wash, you kind
2 of go east there, wrap around, go to a vacuum station.

3 MR. REPERT: Right.

4 MR. GREEN: And once you're done with that vacuum
5 station, you go back south along the exit lane.

6 CHAIRMAN IAFELICE: That's why there is an arrow
7 there.

8 MR. GREEN: You don't go back out the entrance, was
9 the intent. Somebody just mucked up the arrows here.

10 MR. REPERT: Yeah, but is there a need for that
11 pavement there anyway if you are not going to get traffic
12 coming over from the vacuum stations?

13 MR. GREEN: Oh, the 24 inch wide there, the 24 foot
14 wide, the in/out section up there?

15 MR. REPERT: Yeah.

16 MR. GREEN: Yeah. We can probably skinny that down
17 to 15 feet. That way, it's a one lane only going in. Does
18 that make sense?

19 MR. PETERSON: They've got to turn around and come
20 back though. After they vacuum, they've got to loop around
21 and come the opposite way to get in line, right?

22 MR. REPERT: It just doesn't make much sense to me.

23 MR. GREEN: No. When you come in, you're going to
24 the car wash first. Most folks, from what I understand -- I
25 am not a car wash expert. We have Sonny's Car Wash for that.
26 But most folks there come out of the car wash, then they're
27 going over there. They dry off their car, they wipe it down,
28 then they go, you know, then they vacuum it out and then
29 they're going to pull out and go out the exit lane. They're
30 not going to come back around.

1 MR. PETERSON: I vacuum first because dust from the
2 vacuum cleaner can get on the car.

3 MR. GREEN: Yeah, to each his own.

4 CHAIRMAN IAFELICE: Well, let's go back to your
5 first question, Mark. Would you be opposed to that being in
6 on out, widen the driveway?

7 MR. GREEN: We could. We have no issues of doing
8 that if you want.

9 CHAIRMAN IAFELICE: Then you have that extra exit
10 driveway to allow people, you know.

11 MR. PETERSON: Then it could be both.

12 CHAIRMAN IAFELICE: You don't know what people are
13 going to do.

14 MR. GREEN: Yeah. We could do that as well. Either
15 way is fine.

16 CHAIRMAN IAFELICE: Do you see any issue with that,
17 Heather, if the entrance was modified to in/out, widened?

18 MR. PETERSON: To 24 feet?

19 MS. FREEMAN: From a zoning perspective, no, I don't
20 see a problem with that. I'm not sure if that would impact
21 the waiting or the geometry of how they turn in for the pay
22 stations.

23 MR. REPPERT: That's going to make it pretty tight.

24 MS. FREEMAN: Yeah. Because if you draw that, I
25 don't know.

26 MR. REPPERT: There and there, if you went that
27 way --

28 MR. PETERSON: What is your wash duration from the
29 time you enter? Is it a conveyor or is it --

30 MR. GREEN: It is, it's a conveyor.

1 MR. PETERSON: So how long from --

2 MR. GREEN: That's a good question. It's 130 foot
3 line and I don't know the actual time frame to get through
4 there. They rate them on how many cars per hour, the cycle,
5 and this line was the line that, in order to make the right
6 profit numbers, allowed them to get enough cars cycled through
7 there. I am sorry. I don't know the actual rate though.

8 MR. PETERSON: And the three pay stations, are there
9 -- I assume they sell subscriptions.

10 MR. GREEN: Yeah, yes, they will.

11 MR. PETERSON: Are the pay stations all the same or
12 is there a special line?

13 MR. GREEN: They're all the same.

14 MR. PETERSON: Okay.

15 MR. GREEN: And then they'll have a card that they
16 just swipe instead of putting a credit card in the machine
17 that will allow them to pass through.

18 MR. PETERSON: Okay.

19 MR. REPERT: Could you do me a big favor and
20 explain the stormwater flow? Can you do that?

21 MR. GREEN: I will give it my best.

22 MR. REPERT: I sure would appreciate it.

23 MR. GREEN: The stormwater flow is coming from
24 all locations into the below ground storage tanks. So it's
25 going --

26 MR. REPERT: Which is where?

27 CHAIRMAN IAFELICE: Here.

28 MR. GREEN: That orange -- Is it orange on your
29 drawings?

30 MR. REPERT: Oh, is that what that is?

1 MR. GREEN: That's the underground storage tanks.

2 MR. REPERT: Because I said, what is this yellow
3 hatching?

4 MR. GREEN: There you go. That's what it is. So
5 everything is dumping into that except for catch basin number
6 2. For some reason, he has it dumping in on the outlet side
7 of the underground tanks before they go out to the street. So
8 I have to check on that and see what the logistics are.

9 MR. REPERT: So you have a pumping station or
10 gravity?

11 MR. GREEN: Yeah, correct, gravity. The catch
12 basin, too, is the only anomaly and I don't quite understand
13 why it's not going into the tank. There might be a
14 calculation that one little catch basin off to the side is not
15 a big deal bypassing the tank. I'm not sure.

16 CHAIRMAN IAFELICE: I am sorry. Is 2 the one on --
17 Where is number 2?

18 MR. GREEN: Two is next to the neighbor's building
19 over there, the little square.

20 CHAIRMAN IAFELICE: Oh, okay. Yeah, presumably,
21 it's -- I am just guessing from the civil side -- it's way
22 down stream, so it probably doesn't need to get into the
23 storm.

24 MR. GREEN: It's at a high point on the lot, yeah.

25 CHAIRMAN IAFELICE: Yeah.

26 MR. REPERT: So this is gravity drained. What's
27 the base elevation of the building?

28 CHAIRMAN IAFELICE: The parlor is at 980, first
29 floor elevation is 980.

30 MR. REPERT: Nine eighty.

1 CHAIRMAN IAFELICE: And the storm sewers are
2 approximately four to five feet deep, six feet deep in some
3 locations, yep.

4 MR. REPPERT: So that's an underground tank. Do you
5 know how big, the dimensions of it? Do we have that someplace
6 in a note?

7 CHAIRMAN IAFELICE: Yes.

8 MR. GREEN: Probably do.

9 CHAIRMAN IAFELICE: Mark, I am sorry. I'm on civil.
10 It's on sheet 11. So they're probably have to lay pipe.

11 MR. GREEN: There you go.

12 CHAIRMAN IAFELICE: That's the pipe. It's not a
13 tank, it's a series of pipes that's made by Storm Tech. So
14 it's a series of pipes that fill.

15 MR. REPPERT: Okay.

16 CHAIRMAN IAFELICE: For withholding and then it's,
17 so it's holding back the water. The engineer had to submit
18 calculations to meet that the water isn't increasing.

19 MR. PETERSON: That's county anyways.

20 CHAIRMAN IAFELICE: The County Engineer, correct.

21 MR. REPPERT: One more, well, maybe two more. There
22 is 6 inch sanitary. Is that adequate for this?

23 MR. GREEN: I would assume it is because that's what
24 my civil engineer told me it was. I will double check it with
25 him to make sure.

26 MR. PETERSON: He didn't say it wasn't.

27 MR. REPPERT: The county didn't say it wasn't.

28 MR. PETERSON: Right. That's their review.

29 MR. REPPERT: Okay.

30 CHAIRMAN IAFELICE: Okay, Mark.

1 I am sorry, Hiram. I want Mark to continue in case
2 we -- yeah.

3 MR. REPERT: I am done with that page.

4 MR. GREEN: Okay.

5 CHAIRMAN IAFELICE: So, anyhow, I guess I would,
6 again, defer to civil site on the signage and traffic and,
7 perhaps, that northerly drive entrance to consider --

8 MR. GREEN: Extending that.

9 CHAIRMAN IAFELICE: In/out, if that works and it
10 doesn't inhibit the storage of cars that enter the car wash.

11 MR. GREEN: Yeah, we are talking cars and pickups.

12 CHAIRMAN IAFELICE: Yeah.

13 MR. GREEN: So I don't think that turning radius is
14 an issue.

15 CHAIRMAN IAFELICE: Yeah.

16 MR. GREEN: Shouldn't be a problem. And, honestly,
17 we have more staging than Zoning Code requires. So if we need
18 to knock that down to four cars per lane, we are still within
19 the zoning regulations to do so.

20 Would you like me to keep going?

21 CHAIRMAN IAFELICE: Yes, please, Number 9.

22 MR. GREEN: Sure. Any ground based equipment not
23 provided on the plans, such as transformer or generator, must
24 be screened in accordance with 38.08, and there is no issues
25 with that. We just don't have transformer locations yet.

26 Revise landscape plan to show locations of light
27 poles -- we mentioned that above -- and contour lines at 1
28 foot intervals. I was looking at it. I think the contours
29 are at 1 foot intervals but -- so I wasn't quite sure what
30 that one was. Maybe there is an area but the areas I was

1 looking at, they had 1 foot intervals.

2 MS. FREEMAN: On the, that was the actual landscape
3 plan.

4 MR. GREEN: Oh, on the landscape plan.

5 MS. FREEMAN: Yeah.

6 MR. GREEN: Ah, okay, that's a new one. Okay. So
7 we can show contours on the landscape plan, that's fine.

8 Revise landscape plan to meet minimum height. I
9 think that's 24 inch height for evergreen shrubs and 30 inch
10 height for deciduous shrubs, I believe.

11 MS. FREEMAN: Not feet.

12 CHAIRMAN IAFELICE: You beat me to it because I
13 wanted to tease Heather about that typo.

14 MR. GREEN: That's a big juniper.

15 CHAIRMAN IAFELICE: Yeah, I've got to see the truck
16 that brings that.

17 MR. GREEN: Yeah. And our landscape, Knight &
18 Stolar is our landscape engineer or landscape architect --
19 sorry -- but it's not an issue to change those at all to make
20 sure that we comply with that.

21 Revise the parking area for ice cream parlor to meet
22 the minimum 25 spaces required. The drawings in front of you
23 have met that.

24 CHAIRMAN IAFELICE: Yes, yes, thank you.

25 MR. GREEN: Update the following items on the zoning
26 data block. I believe those are updated on there as well,
27 we -- the narrative or the graphic for the parking area square
28 footage for the ice cream parlor.

29 Internal parking lot landscaping, provide a square
30 footage and percent. That one, I will have to check on.

1 Parking required for car wash and office use is
2 eight. Did that.

3 Parking required for ice cream parlor is 16,
4 employees, total of 25, we have addressed that.

5 CHAIRMAN IAFELICE: Very good.

6 MR. GREEN: Final plans, this is all Lake County
7 Stormwater Management comments. Provide copy of notice of
8 intent coverage for Stormwater Construction General Permit
9 since the site is greater than one acre of disturbance. These
10 are, these are really all things that Polaris is going to have
11 to get in there and get their information. A lot of these
12 seemed like boiler plates, gotta have, gotta have, gotta have.
13 So I didn't see any of these -- Submit copy of stormwater
14 management report, I don't see -- that one seems fine to
15 provide.

16 O and M manual for maintenance responsibilities for
17 the underground detention, that's coming probably directly
18 from the manufacturer, not an issue.

19 Storm sewer system to meet county standards. It
20 will.

21 Provide additional inspection reports on the
22 underground detention system for future inspection and
23 maintenance purposes, could you maybe clarify that one a
24 little bit, what that is?

25 CHAIRMAN IAFELICE: I wish I knew. Heather, I saw
26 that and I --

27 MS. FREEMAN: I think you would need to speak with
28 Steve Houser or Dusty at Polaris.

29 MR. GREEN: Okay. So I will put a question mark by
30 that one.

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MR. REPERT: How do you determine if one of those tubes is completely blocked with garbage?

MR. GREEN: That's going to be part of that O and M system. Somebody is going to have to get in there and visually inspect. There is a cleanout manhole.

MR. REPERT: Isn't that what this is saying?

CHAIRMAN IAFELICE: O and M is up there and then this says provide additional inspection reports for future inspection.

MR. GREEN: Would this be an annual inspection when they go to look inside there, that they need to provide a copy to Lake County Stormwater Management? And do they have to do that for the longevity of the property? I don't know. I have to find out what he is honing in on there.

CHAIRMAN IAFELICE: Right.

MR. GREEN: Recommend coordinating a pre-installation meeting with the underground detention manufacturer. Of course. This is a very unique system -- not unique system but not a lot of people spend the extra money to do underground detention. So, absolutely, there will be a pre-installation conference.

Landscaping plan to not impact draining structures or grading. Yes, that is correct.

Plan should include outlet structure configuration for underground detention system. It will. There will be a detail for that. And I think he has a separate one. It might be the Lake County Engineer has a separate item on that as well. It's very similar. So I have to kind of clarify what the difference is between the two.

Will downspouts from the proposed car wash tunnel

1 building tie into the swales/grading along north line to be
2 extended to minimize any water flowing towards northern
3 property? Does car wash tunnel building tie into swales?
4 Yes. That one, I will have to provide clarification on
5 because I just don't know the answer to it.

6 CHAIRMAN IAFELICE: Okay.

7 MR. GREEN: But I will get clarification on that
8 one.

9 I think, does, Heather, does the swale there, does
10 that drain to the north? I guess it would kind of have to
11 because you're going to the corner.

12 CHAIRMAN IAFELICE: Yes.

13 MR. GREEN: It seems like that's up grade. I mean,
14 that goes --

15 MS. FREEMAN: To the north is this way. So what are
16 you --

17 MR. GREEN: He is saying he wants, the downspouts
18 from the tunnel that come down off the roof, are they draining
19 into here and going north? I believe that is the case but I
20 will have to get clarification with Polaris.

21 MS. FREEMAN: Yeah.

22 MR. GREEN: Coordinate right-of-work with Crile, on
23 Crile Road with County Engineer's Office. Of course.

24 Lake County Engineer comments: Revise Lake County
25 Engineer/Stormwater address. We will.

26 Old Crile Road north and south driveway aprons,
27 increase piping lengths from 35 to 40. Yes, no problem.

28 Crile Road driveway apron, increase pipe length from
29 40 to 50. No problem.

30 Has it been investigated to install -- This is

1 other, kind of, coordinating comment about the outlet from the
2 underground detention. Has it been investigated to install a
3 basin to connect the outlet of the 18 inch Crile Road drive
4 culvert and the 12 inch diameter detention outfall? This
5 would prevent long-term ditch maintenance issues while
6 cleaning up the overall visual appearance of this driveway
7 apron. That is stemmed from the fact that it's an open 12
8 inch pipe going into the ditch. He is asking, I think, that
9 we tie it into the culvert shown going underneath the drive so
10 it cleans that up and you don't have embankment damage from
11 flow, is my assumption there. And not an issue, not an issue
12 at all.

13 CHAIRMAN IAFELICE: Great.

14 MR. GREEN: Catch basin 2 is not connected to the
15 detention system. I don't understand why but I will find out.

16 Pavement details, this is asphalt parking pavement,
17 calls for a 5 inch section but he is asking for 4 inches of
18 asphalt base there and then 2 inches of asphalt concrete
19 surface course. I think, if this is a 5 inch item 304, it
20 should be 5 inch item 301 asphalt base there. I think that's
21 a typo.

22 CHAIRMAN IAFELICE: Right, it's a typo, has to be.

23 MR. GREEN: Again, these are, I will double check
24 these with our client. We've got to kind of assess the cost
25 of those two specifically but it's not an issue to comply with
26 those.

27 Concrete integral curb -- or the next one is asphalt
28 drive pavement, same thing, 5 inch item 304 aggregate base, 5
29 inches 301 asphalt base and then 2 inches of asphalt concrete
30 surface course for the driveways, a little heavier duty.

1 Concrete integral curb detail: 4 inch crushed stone
2 should be revised to 4 inch item 304 aggregate base. That's
3 fine, just changing out the stone.

4 Sheet 10 of 12, Class B Bedding, revise detail to
5 use ODOT 304 and not Number 10 limestone. Okay, not a
6 problem.

7 And then lifts to be placed not to exceed 6, that's
8 pretty typical.

9 Next one is expand the text of the trip generation
10 analysis to discuss that, while there is limited land usage
11 data, the peak periods for the proposed land uses are not
12 consistent with peak hours for the roadway network. Okay, I
13 will -- Polaris did that language, so I will have them adjust
14 the language for that.

15 Provide sight distance analysis for the driveway on
16 Crile Road. That will have to be a consultant we will hire to
17 do that. So, yes, we will do that, yes.

18 And then provide stormwater management report. Is
19 that an analysis of the stormwater system design to show flow
20 going into the ditches? Is that what they're implying? Is
21 that what they're asking for there?

22 CHAIRMAN IAFELICE: If I may, Heather, it's the same
23 as what the stormwater management is and it's basically the
24 calculations.

25 MR. GREEN: The calculations.

26 CHAIRMAN IAFELICE: That identify the basis of
27 design of the stormwater system.

28 MR. GREEN: Okay, good, no problem there.

29 I think that's all the items. The rest, are the
30 rest of these -- Oh, here we go. Staff recommends conditional

1 approval.

2 MR. LINGENFELTER: That's for the design side.

3 MR. GREEN: That's for the design side.

4 MR. LINGENFELTER: That's for the next, that's
5 Part II.

6 CHAIRMAN IAFELICE: Part II, yes.

7 Okay. I appreciate you going through those in
8 detail, Mark. Thank you.

9 MR. GREEN: Honestly, I didn't see a lot there that
10 wasn't just more, more embellishment on the design that we
11 have and minor changes.

12 CHAIRMAN IAFELICE: I know, now that we go through
13 this in detail with you, I have to agree. The only, again,
14 that sight distance analysis is a concern but how that impacts
15 that driveway on that side but then, again, we're already
16 asking you to kind of look at the driveway on the other side.
17 So the site civil is going to kind of take a look at those two
18 driveways anyway.

19 MR. GREEN: Yeah. I am going to see if I can get
20 that sight analysis for the drive location up on Crile there,
21 I am going to see if I can get that separate from the trip
22 generation study and all that, too.

23 CHAIRMAN IAFELICE: Yes.

24 MR. GREEN: I think that's somebody going out and
25 looking at the angles and they can probably do that more
26 quickly for us.

27 CHAIRMAN IAFELICE: Yes, yes. And I believe, from
28 experience, that the trip generation is not significant. This
29 is a technicality about the peak versus the peak, the peak
30 usage versus the peak on the road.

1 MR. GREEN: Yes.

2 CHAIRMAN IAFELICE: So, again, to the members, that
3 is not -- It's more the sight distance that is significant
4 that would impact the layout.

5 MR. GREEN: Great. We will see if we can expedite
6 that.

7 MR. REPERT: On page, on sheet 6 of 12, this is
8 your abbreviated stormwater. Between the ice cream parlor and
9 the car wash, we've got the dumpster or the trash receptacle,
10 whatever you want to call it.

11 MR. GREEN: Yes, yes.

12 MR. REPERT: Is that all paved?

13 MR. GREEN: Yes.

14 MR. REPERT: It is.

15 MR. GREEN: Yes.

16 MR. REPERT: Do you have any posts? Because what I
17 see, somebody is going to do it.

18 MR. GREEN: Bollards, are we talking about?

19 MR. REPERT: Yeah, posts, whatever.

20 MR. GREEN: Yes, there will be two of them
21 protecting the front edges of that dumpster.

22 MR. REPERT: Okay. What I see somebody doing is
23 saying, "Oh, I just did my vacuuming or whatever and I am
24 going to go get an ice cream."

25 MR. GREEN: Oh, and trying to get through there.

26 MR. REPERT: And off it goes.

27 MR. GREEN: No, that's a fair comment, fair comment.
28 We will get a couple of bollards in front of the dumpster and
29 if we need to do a third bollard that has a little chain there
30 to break the connection, yeah.

1 MR. REPPERT: Perfect.

2 MR. PETERSON: Is there any reason why you do not
3 want that connected?

4 MR. GREEN: Just didn't want it to be a pass-
5 through, honestly.

6 MR. PETERSON: Okay.

7 MR. GREEN: And we really didn't design it that way.
8 So I don't know how the traffic flow is any good to do that.
9 I think just somebody trying to cheat the system to go through
10 there the way it's designed.

11 MR. PETERSON: Okay.

12 MR. REPPERT: Heather, do we have an issue with the
13 length of the building? Didn't we have an issue with the
14 other car wash?

15 MR. PETERSON: No, that was the location to the side
16 road.

17 MR. REPPERT: It was the length of one continuous
18 building.

19 MS. FREEMAN: We are shifting over to design review.
20 That was a different -- No, not for this, no, because of the
21 architectural elements that they provided, the length of the
22 long wall was not an issue.

23 MR. REPPERT: I don't see the number. Yeah, 140
24 feet. It seems like it's pretty consistent with the one we
25 had before.

26 MR. PETERSON: Is this a chain car wash, you know, a
27 chain company like Rain Forest or one of those?

28 MR. GREEN: The equipment is but this is a one-off
29 right now.

30 MR. PETERSON: Okay.

1 MR. GREEN: It's, one of the owners, the owners are
2 Brandon Dynes, which you might know. The other one is John
3 Nekic and he's got a, it's going to be named after him. It's
4 called, he wanted it to be Johnny Rockets but he couldn't beat
5 that copyright deal so, but he's got a cute little logo like
6 that. So it is kind of a one-off. The equipment inside
7 though is Sonny's and they do equipment all over the place.

8 MR. PETERSON: Okay.

9 CHAIRMAN IAFELICE: Back to your question, Hiram, I
10 think that was related, wasn't it related -- Although that's
11 on the, probably on the design review. Are you talking about
12 the building?

13 MR. REPERT: Okay. Well --

14 CHAIRMAN IAFELICE: But let's go back to that.
15 Let's go back to that because I recall that.

16 MR. REPERT: Okay. And I see, the one issue we
17 have is that the ice cream parlor has a drive-thru but I see
18 no renderings on the back half of this packet that show a view
19 from that standpoint.

20 MR. GREEN: And it would not show the drive-thru
21 window or the speaker system in this package because it's a
22 separate variance package going to BZA that we submitted after
23 this was submitted. That's why it's not in this package.

24 CHAIRMAN IAFELICE: And is it on the west, I assume
25 it's on the -- or is it --

26 MR. REPERT: It's on the south side.

27 CHAIRMAN IAFELICE: South side. Sorry.

28 MR. GREEN: Yeah, the drive-thru window will be on
29 the south side.

30 CHAIRMAN IAFELICE: South side.

1 MR. GREEN: The speaker to actually order your ice
2 cream would be on the west side, the long wall there.

3 CHAIRMAN IAFELICE: West side.

4 MR. REPERT: I don't know if that was a conscious
5 omission of that elevation or not.

6 MR. GREEN: Let's see what we have here. So the
7 elevation, you can see the elevations on sheet 1A 611. They
8 just don't have those elements on there because, again, this
9 was something that the client asked us to submit for after
10 this package was in.

11 MS. FREEMAN: Excuse me. Mr. Chairman, just for the
12 record, too.

13 CHAIRMAN IAFELICE: Please.

14 MS. FREEMAN: Where it's labeled "north elevation,"
15 that is actually the south elevation. So the north and south
16 are transposed on these drawings. Same thing with the east
17 and west.

18 MR. GREEN: Well, that's terrible egg on our face,
19 isn't it? Sorry. Yeah.

20 MS. FREEMAN: To add more confusion to it.

21 CHAIRMAN IAFELICE: Yes, okay.

22 MR. GREEN: Sorry. It looks like it's our first set
23 of drawings ever. My bad.

24 MR. REPERT: The south elevation is the fireplace.

25 MR. GREEN: Yes. And that's the actual north
26 elevation of the building. The north elevation up top,
27 Number 5, is the, where the drive-thru window would actually
28 be put in.

29 MR. REPERT: Yeah. That just shows a blank wall
30 and a door.

1 MR. GREEN: Correct.

2 MR. REPERT: So that's got to be revised.

3 CHAIRMAN IAFELICE: We concentrate on the site plan
4 here. Maybe I could ask other members, Frank, do you have any
5 questions on the site, speak to the site review, site plan
6 review?

7 MR. SCHINDLER: Not presently, no.

8 CHAIRMAN IAFELICE: No questions.

9 MR. REPERT: This is sheet 4?

10 CHAIRMAN IAFELICE: Yeah, site plan.

11 MR. REPERT: And 5, the grading plan, the
12 stormwater. No, I've been -- I am fine.

13 CHAIRMAN IAFELICE: Thank you, Hiram.

14 Andy, can I ask if you have any other further
15 questions or comments for the applicant on the site plan
16 review?

17 MR. LINGENFELTER: No. He did a very nice job
18 explaining their position on the recommendations. And the
19 only other question I had was the importance of the variance
20 from the BZA on the drive-thru, and your position is that's
21 not going to impact your position on everything else or the
22 ability to move forward. So that, pretty much, covers things
23 I was concerned about.

24 MR. REPERT: Isn't the car wash also a drive-thru,
25 technically?

26 MR. PETERSON: Well, any car wash is.

27 MR. REPERT: No.

28 MS. FREEMAN: Hiram, the Zoning Resolution does
29 specify that a drive-thru would not include the car wash, if
30 you read the definitions. So it is regulated as a separate

1 use than a drive-thru.

2 MR. REPERT: All right. Thank you.

3 CHAIRMAN IAFELICE: Good question.

4 MS. FREEMAN: It is a good question, yeah.

5 MR. REPERT: Or you can have your spray.

6 MR. SCHINDLER: It's not a drive-thru, it's a
7 drag-thru.

8 MR. PETERSON: You still have to drive through it.
9 They drag you through.

10 MR. REPERT: It's a drag-thru, okay.

11 CHAIRMAN IAFELICE: May I go to Rich?

12 MR. PETERSON: Just a couple of clarifications for
13 my own edification. But the 6 foot public sidewalk, I have a
14 bunch of okays on my list here but you're okay with that?
15 Because the item, very first item, Number 1, you're okay?

16 MR. GREEN: If we're required to do it, then we'll
17 propose it to our client.

18 MR. PETERSON: We're saying we want that, correct?

19 CHAIRMAN IAFELICE: Yes.

20 MR. PETERSON: Okay. So that's an okay then.

21 The other one, just so I understand it, you're going
22 to do a trip generation. Is that a miniature traffic study or
23 is it full?

24 MR. GREEN: Yeah.

25 MR. PETERSON: It's not a full traffic study.

26 MR. GREEN: No, it's just, yeah.

27 MR. PETERSON: That's all we need, right?

28 MS. FREEMAN: That was all Lake County Engineer was
29 asking for clarification on.

30 MR. PETERSON: All right.

1 MS. FREEMAN: But as Rich pointed out, the sight
2 distance study.

3 MR. PETERSON: I wanted to understand that. And
4 that's to be done yet?

5 MR. GREEN: Yes, correct.

6 CHAIRMAN IAFELICE: If I may, Rich, they actually
7 did the trip generation analysis.

8 MR. PETERSON: Oh, it's done?

9 CHAIRMAN IAFELICE: This is -- Yes. This question,
10 comment is related to the analysis itself comparing -- I am
11 not going to bore you with the details -- peak hour versus,
12 peak hour on the road versus peak hour usage on the site.

13 MR. PETERSON: Did we have that in the packet? I
14 didn't see it. Oh, we're good then.

15 MR. GREEN: Sorry.

16 CHAIRMAN IAFELICE: It was in the packet.

17 MR. GREEN: We had a separate quote for a consultant
18 to do that. That's actually Polaris that did that one.

19 CHAIRMAN IAFELICE: Heather, anything else, given
20 what you heard from the members or from Mark related to what
21 you have heard and the applicant, any comments, any other
22 concerns?

23 MS. FREEMAN: No. And I don't know if this falls
24 under the site plan review or the design review but I did have
25 a question about the location of these actual vacuum
26 apparatuses, where they would go on the actual site. So do
27 they go in the landscaped area here? Do they go right in
28 these 20 foot by 10 foot areas or where would these actually
29 be installed?

30 MR. GREEN: They're right at the edge of these

1 concrete strips.

2 MS. FREEMAN: That is landscaping there. So this is
3 the landscape area. That's why I am asking.

4 MR. GREEN: They're going to kind of go right in
5 here and we're going to try and do these doubles so you get
6 two in there at the same time.

7 MS. FREEMAN: So they would be in the landscape area
8 or they would be on --

9 MR. GREEN: That's correct, yeah. Well, the
10 concrete curb there and then it will be, there be the
11 landscape and everything is kind of connected. You can see
12 how we've got all the vacuum attachments are connected to the
13 post.

14 MS. FREEMAN: You wouldn't concrete this whole thing
15 and do it like they're showing in the picture? That's what
16 I'm asking.

17 MR. GREEN: Do you want us to?

18 MS. FREEMAN: No, I am not. Is that another change
19 that we would expect to see if this would come back for final?

20 MR. GREEN: There is no reason those can't be
21 mounted in softscape as opposed to hardscape.

22 MS. FREEMAN: Okay, okay. That was all. No, I am
23 not suggesting that's what the board would want you to do.

24 MR. GREEN: We can make it whatever you want.

25 MS. FREEMAN: No, no, no, no. I was wondering how
26 this would potentially impact what you're already showing us.

27 MR. GREEN: We will leave it softscape. We will put
28 it in.

29 CHAIRMAN IAFELICE: Okay.

30 MR. PETERSEN: Excuse me. I have a question.

1 CHAIRMAN IAFELICE: Please, Keith.

2 MR. PETERSEN: Just so that I am completely aware of
3 the situation, there is a current application in for the
4 variance as it relates to the drive-thru lane?

5 MR. GREEN: Yes.

6 MR. PETERSEN: But it hasn't actually come before
7 the BZA yet?

8 MR. GREEN: Correct.

9 MR. PETERSEN: Sorry. I wanted to make sure I
10 understood everything but, at this time, I would recommend, as
11 counsel to the board, that you do not approve the site map or
12 design just because the proper order should be that the
13 variance is granted for that drive-thru before the site map
14 and design approvals go through.

15 CHAIRMAN IAFELICE: That was the question I raised
16 with legal counsel. That was the concern, I think, of several
17 of our board members regarding it.

18 MR. PETERSEN: It took me a while. I just wanted to
19 make sure I understood.

20 CHAIRMAN IAFELICE: Thank you. Thank you for
21 checking on that, Keith.

22 MR. GREEN: Mr. Chairman, could I chime in real
23 quick?

24 CHAIRMAN IAFELICE: Yes, please.

25 MR. GREEN: What if -- I can't get access to my
26 client tonight, but what if we can talk to our client and pull
27 that BZA variance request? Can we, if we pull that, can we go
28 through with an approval, zoning approval? I need their
29 advice on whether we can do that because that means no drive-
30 thru, but they're balancing between that and getting the ice

1 cream parlor up and running for summer. So I would like to
2 ask them that and, if they say pull it, we can pull it and
3 process the recommendation to --

4 MR. PETERSON: It might be something you could add
5 later with approval.

6 MR. GREEN: Yeah, absolutely. I just want to know
7 if that's possible to do that.

8 MR. LINGENFELTER: I don't like that.

9 CHAIRMAN IAFELICE: Me neither.

10 MR. SCHINDLER: Because you don't know what other
11 kind of alteration would be needed at the time when they
12 decide, okay, you got the approval but then stuff right now is
13 fixed.

14 MR. PETERSON: Yeah, but we can turn it down, the
15 approval, later.

16 MR. GREEN: That was our thought process. I mean,
17 if it doesn't comply and it's got to go through that whole
18 process to get the approval at the BZA for the variance. So
19 that's why we were going to present all the drive-thru window
20 locations and site, the site configuration really doesn't
21 change. It was really two things on the building that change
22 for that, so that's why we put it in.

23 MR. PETERSON: They could put in a drive-thru window
24 and not activate it, right, and then later ask for an approval
25 and we'd have the option to approve it or not approve it, or
26 BZA would.

27 MR. SCHINDLER: I don't think once we do this,
28 approve it, it doesn't come back to us again.

29 MR. PETERSON: It goes to BZA though.

30 MR. SCHINDLER: Yeah, but then we don't have any

1 say-so about anything.

2 MR. PETERSON: It's really their call then. It's
3 their call now.

4 CHAIRMAN IAFELICE: I have a -- This could be a
5 strange question. Heather, the plans don't reflect the design
6 for the drive-thru but we commented that the drive-thru needs
7 a variance. The plans that we have submitted before us
8 don't -- All really they reflect is, it shows --

9 MS. FREEMAN: Correct. However, there are some
10 notes on the layout, on sheet 4 of 12, that indicate that they
11 were planning on getting a conditional use permit for the
12 drive-thru even though that would not have been permitted in
13 this Capital District.

14 CHAIRMAN IAFELICE: So I am sorry. That note is
15 where?

16 MS. FREEMAN: Under the Zoning Info on the left side
17 of the page. See the Developer Info, Zoning Info, and then
18 they list their conditional use permits that were required.

19 CHAIRMAN IAFELICE: Okay.

20 MS. FREEMAN: In my conversations with the
21 applicant, you know, I was aware that that was a possibility
22 that they would be looking at a drive-thru even though that
23 would require a variance. So --

24 MR. PETERSON: So what would be wrong with, for
25 construction expediency, we approve it without it and then
26 later they go back and apply for a variance with the BZA to
27 add that? Would that be wrong or any reason --

28 CHAIRMAN IAFELICE: That's the same situation we
29 have before us tonight, giving them conditional approval
30 without the variance and then seek the variance in the future.

1 MR. PETERSON: If you had an existing ice cream
2 store and you wanted to add a drive-thru, you'd probably have
3 to get approval for that, right?

4 MR. REPERT: Through BZA.

5 MS. FREEMAN: Yeah, BZA would have to approve the
6 use. But then depending on what kind of changes you would
7 have to make on the site itself, that we'd have to look at the
8 Zoning Resolution to see if that would require site plan
9 review to accommodate those changes to allow for the drive-
10 thru or if that would be something administratively approved.
11 So it really would probably be the BZA making that decision on
12 where everything would be going because, with the variance for
13 the drive-thru, they're supposed to be looking at where the
14 window is, where the menu boards are, where the speakers are
15 for it. So there really should be a complete package provided
16 to the BZA so they know exactly where all of these things are
17 going to be.

18 MR. PETERSON: Could that be done later though?

19 MS. FREEMAN: It could be but, I mean, is there a
20 way you could speak to some of those things now? I mean,
21 you've indicated that the pickup window would be on the south
22 side, but what other changes would you envision to the site
23 layout if the BZA approved?

24 MR. GREEN: To the site layout, nothing. We've
25 designed that lane to be double wide so you can get around
26 folks that are at the drive-thru window. The only thing that
27 changes is we would put some kind of speaker system on the
28 west wall, the long wall as you come around. And then as you
29 come around to where that employee entrance is on the south
30 side, a drive-thru window would go in there.

1 MS. FREEMAN: So they would order somewhere on this?

2 MR. GREEN: Yep, and then drive around.

3 MR. REPERT: And there is only one lane for pickup?

4 MR. GREEN: Yep.

5 MR. PETERSON: Kind of like East Coast Custard,
6 that's what they do.

7 MR. GREEN: The interior plan has already been
8 designed to accommodate that, so it was really just a couple
9 of amendees on the building but the site plan really isn't
10 changing.

11 CHAIRMAN IAFELICE: So before us we have, we have
12 legal counsel indicating, which was I think our fear in the
13 first place, which is why we had asked.

14 MR. GREEN: Yeah. I mean, our intention was to get
15 the buildings approved, this goes to BZA, BZA can decide
16 whether they want to allow it or not but that's a separate
17 entity. If they don't allow it, we still build the buildings.
18 If they allow it, then we will incorporate those changes down
19 the road. That was our, that was our intent.

20 CHAIRMAN IAFELICE: Yeah, yeah. We are getting
21 advice to the contrary, Mark, unfortunately, so unless --

22 MR. LINGENFELTER: You know, I don't understand. I
23 am a little bit perplexed.

24 CHAIRMAN IAFELICE: Please.

25 MR. LINGENFELTER: Well, I mean, we discussed this,
26 and I thought very specifically, via email prior to this
27 meeting.

28 CHAIRMAN IAFELICE: We asked for them to table it.

29 MR. LINGENFELTER: And then we convened this meeting
30 tonight with the intention of moving forward at the

1 applicant's request. And I specifically asked, at the onset
2 of this conversation, whether or not the approval of the
3 zoning, the BZA and their drive-thru would hinder the
4 direction of this project. His answer was it would not.

5 After we went through 15 bullet points in detail
6 addressing all of the concerns, legal counsel steps in and
7 says we shouldn't consider this until the BZA hearing. Why
8 weren't we given that advice prior to moving into this, even
9 starting this whole conversation?

10 MR. PETERSEN: I apologize. I wasn't entirely one
11 hundred percent up to speed with the history of this project
12 and the BZA granting conditional uses and variances. So I was
13 checking, reading, trying to make sure I understood before I
14 provided advice. I apologize if that caused any undue delay.

15 MR. LINGENFELTER: Well, yeah, it does for me
16 because we wasted an hour. I mean, it's 8:00. We started
17 this hearing at 7:00 or shortly after 7:00, I should say, and
18 you know, we could have saved everybody a lot of time and
19 effort going through this process, a lot of questions asked,
20 you know, if the position was to table this hearing until the
21 BZA makes their decision on the variance.

22 MR. PETERSON: Which leads to the question, why
23 can't we approve what we have in front of us without a window?
24 He goes to the BZA and they approve or not approve. If they
25 don't approve, we just go with what we've got. If they do
26 approve, we go with what they would have approved. I mean,
27 it's backwards, I grant you, but there is a time condition
28 here to consider.

29 MR. SCHINDLER: As long as he can guarantee there
30 will not have to be any additional alterations to this plan we

1 have in front of us.

2 MR. PETERSON: Valid point. But what would they be?
3 To his point, it's a window and a speaker.

4 MR. SCHINDLER: Yeah, I understand that's what he's
5 telling us right now.

6 MR. PETERSON: The driveway is already there.

7 MR. REPERT: And what we're trying to get is site
8 work.

9 MR. PETERSON: Right.

10 MR. REPERT: And not really specific right now, he
11 wants to get the site work in, getting ready to go, and we've
12 got time on that south wall, on the south wall of the building
13 which is where the pickup station is, and maybe the west wall.

14 MR. PETERSON: I got it. What's the problem?

15 MR. REPERT: We have time on the building --

16 CHAIRMAN IAFELICE: I think Hiram is suggesting that
17 we consider the design review separate. It's separate from
18 the building.

19 MR. LINGENFELTER: Bingo.

20 CHAIRMAN IAFELICE: The site plan review from the
21 design review.

22 MR. PETERSON: Oh, I see what you're saying.

23 CHAIRMAN IAFELICE: And the applicant table the
24 design review.

25 MR. PETERSON: So the site could be --

26 CHAIRMAN IAFELICE: Because the site plan isn't
27 altered.

28 MR. PETERSON: That's a solution.

29 MR. LINGENFELTER: That was going to be my
30 recommendation.

1 CHAIRMAN IAFELICE: I just read your mind, Andy.
2 Why do you think I sit next to you?

3 MR. LINGENFELTER: I felt it.

4 CHAIRMAN IAFELICE: You felt it.

5 MR. REPPERT: You're getting it from both sides.

6 MR. LINGENFELTER: No, I'm serious. I mean, that
7 was going to be -- What I am trying to do is I am trying to
8 come up with a way to salvage what we've done. Okay?

9 MR. PETERSON: Right.

10 MR. LINGENFELTER: And right now, I am a little bit
11 concerned because we have legal counsel advice to table.
12 Okay?

13 CHAIRMAN IAFELICE: I think we have a compromise.

14 MR. LINGENFELTER: So I am looking for a work-
15 around, all right, without compromising the work that we've
16 done. And I was going to say, could we, because this is site
17 plan and we're contemplating site plan. Design review is
18 next. Would the, would the drive-thru have more of an impact
19 on, because if it's -- Correct me if I am wrong, Mark. It's
20 Mark, right?

21 MR. GREEN: Yes.

22 MR. LINGENFELTER: Regardless of the, regardless of
23 the drive-thru, the site plan is not going to be altered
24 significantly. It's, really, it's a design, it's a design
25 standard that's being altered in terms of the drive-thru or
26 not.

27 MR. GREEN: Yeah, it's virtual construction, the
28 site would not.

29 MR. LINGENFELTER: Right, right. So the site plan
30 itself, the driveways, the widths, the egress, you know, all

1 the different things that we have discussed aren't going to
2 change. The only thing that's going to change is you punch a
3 hole in the side of the building and hang a speaker. Over
4 simplistic but, at the end of the day, that's what we're
5 dealing with.

6 MR. GREEN: Right, yes.

7 MR. REPERT: Point, would we even have that
8 driveway going around the building if we didn't have a drive-
9 thru? No. We'd just have a drive up to the ice cream parlor
10 and that's it. You wouldn't have the road going around the
11 ice cream parlor.

12 MR. GREEN: Part of it is to help with the dumpster,
13 the bigger truck.

14 MR. REPERT: Oh, okay.

15 MR. LINGENFELTER: So my question to legal counsel,
16 is that a reasonable work-around that you would be comfortable
17 with? Would you say that you would be okay with that if we
18 just, and we table the site or the design review and get, at
19 least, approve the site plan review?

20 Is that, Heather, your --

21 CHAIRMAN IAFELICE: That's what I'm --

22 MS. FREEMAN: Can I just make a couple comments
23 before Keith?

24 CHAIRMAN IAFELICE: Sure, go ahead.

25 MS. FREEMAN: Just from a practical standpoint on
26 that. Like, from the Zoning Inspector's position, I am not
27 sure that that's going to help their project move forward
28 quicker. I am not going to issue any kind of zoning permit
29 until the site plan review and the design review have full
30 approval, until all the final plans are submitted to me. That

1 is how the process works.

2 So I am wondering, in lieu of that, is an additional
3 condition on the design review that, if the BZA does grant the
4 variance to have the drive-thru, that they would come back for
5 an amended design review showing any of the changes to the
6 building that would, to accommodate the drive-thru, the
7 changes for the window and/or the speakers or signage, which
8 we have not seen any signage to this point anyway.

9 So what I am suggesting is possibly still
10 conditionally approve the site plan review tonight, per the
11 staff recommendation, and which I know we haven't got into the
12 design review yet but consider a potential one more condition
13 on the design review in addition to those that staff already
14 recommended, that if the various is approved for the drive-
15 thru, that the applicant would come back and show you any
16 changes to the building that would be necessary to accommodate
17 that drive-thru.

18 CHAIRMAN IAFELICE: So how does that help you issue
19 a permit?

20 MS. FREEMAN: It doesn't. But then, at least, they
21 could continue to move forward with their final construction
22 plans, right? I mean, I know that they've got that. I don't
23 know. It was just --

24 MR. PETERSON: But you want to start moving dirt,
25 right?

26 MS. FREEMAN: But I can't help them with that. So I
27 am not, either way, I am not, like I said at the beginning of
28 the meeting --

29 MR. LINGENFELTER: So we can't issue --

30 MS. FREEMAN: -- you don't do a phased zoning

1 approval.

2 MR. LINGENFELTER: So we have to have both approvals
3 to issue permits.

4 MS. FREEMAN: Yes, yes.

5 MR. LINGENFELTER: So we can't do it piecemeal.

6 MR. PETERSON: That was a great solution.

7 CHAIRMAN IAFELICE: Interesting. Even though
8 they're two separate applications, we can't approve one and
9 not the other.

10 MR. LINGENFELTER: Right.

11 MS. FREEMAN: They're really tied together though.
12 It's almost like a design review approval rather than an
13 application, you know, unless Legal counsel, you know --

14 MR. GREEN: Mr. Chairman, we are willing to provide
15 any information for that variance submittal through the BZA,
16 whether it's building, signage, minor site, whatever it is.
17 We're, that should be part of that submittal for review.

18 MR. LINGENFELTER: What, how do we fix this?

19 CHAIRMAN IAFELICE: I don't know. I thought I had
20 it.

21 MR. LINGENFELTER: I thought we did, too.

22 MR. SCHINDLER: The only thing --

23 CHAIRMAN IAFELICE: Heather is saying we can't --

24 MR. SCHINDLER: Can I make a suggestion? May I make
25 a suggestion? Do like we do for public hearings. Recess
26 this, give him time to go to the BZA, whether it be tomorrow
27 or whenever, and then as soon as you get the okay, we open it
28 up again.

29 MR. PETERSON: But we don't meet until December.

30 MR. LINGENFELTER: It's another month.

1 MR. SCHINDLER: Well, we can meet anytime we want.

2 MR. PETERSON: Special meeting?

3 MR. SCHINDLER: Special meeting, yeah. We've done
4 it before.

5 MR. REPPERT: I am going to ask for a raise.

6 MR. SCHINDLER: Sure, we are required to meet once a
7 month but we have in the past for stuff like this.

8 MR. PETERSON: You're right.

9 MR. SCHINDLER: Met more often.

10 MS. FREEMAN: That's true, yeah. So the Zoning
11 Resolution --

12 MR. REPPERT: Aren't we setting a precedent here,
13 too, then?

14 MR. SCHINDLER: Well, how else are we going to get
15 through this, gentleman?

16 MR. REPPERT: BZA approval, December, that's how you
17 are going to get through it, lickety-split.

18 MR. SCHINDLER: I am just bringing up a suggestion.

19 MS. FREEMAN: The Zoning Commission does have to act
20 on the application within 60 days of it being received.

21 CHAIRMAN IAFELICE: Sixty days.

22 MR. REPPERT: That's right.

23 MS. FREEMAN: So that would, if we waited till
24 December, you guys would be past that 60 days. So you will
25 either have to do it tonight or come, somehow fill in a
26 special meeting, as you suggested.

27 MR. SCHINDLER: Exactly. We kill two birds with one
28 stone.

29 MR. LINGENFELTER: What's -- This is a question for
30 legal counsel. What's the ramifications if we ignore your

1 advice?

2 MR. SCHINDLER: You are going to jail.

3 MR. LINGENFELTER: No, I am being dead serious.

4 What's the ramification if we say, "Legal Counsel, we
5 appreciate your advice but we're not going to -- we're going
6 to go ahead and approve this"? Does that put us in any sort
7 of peril?

8 MR. PETERSEN: Well, first off, you are free to do
9 that.

10 MR. LINGENFELTER: Correct.

11 MR. PETERSEN: It is just advice. I would worry
12 that the legal snafu that might happen if, for some reason,
13 the BZA didn't approve the drive-thru but the design plans do
14 have the approval of this board.

15 MR. LINGENFELTER: But --

16 MR. REPERT: But what we have right now is not
17 showing --

18 MR. LINGENFELTER: Right, exactly.

19 MR. REPERT: -- the drive-thru equipment.

20 MR. LINGENFELTER: Right.

21 MR. REPERT: So what we're approving right now that
22 we have in front of us is a drive-around, not a drive-thru,
23 has no indications for any ordering station or any delivery
24 station.

25 MR. LINGENFELTER: And we have, we have on the
26 record testimony from the applicant stating that the approval
27 of the drive-thru does not impact the, does not impact the
28 site plan.

29 MR. PETERSON: Or the project.

30 MR. LINGENFELTER: Or the project. So even if, even

1 if they were -- If we approve this tonight and they go to the
2 BZA and the BZA says, "No, we're not going to give them the
3 drive-thru," nothing changes.

4 MR. REPPERT: That's right.

5 MR. LINGENFELTER: Is that right?

6 MR. GREEN: That's correct.

7 MR. LINGENFELTER: Right. So, and I would not, I
8 would not ask you to call one of the owners or, you know, the
9 principals and ask them if they're willing to drop the drive-
10 thru. I think that's, I think that's -- I don't think that
11 would be prudent. I think you should go through with your BZA
12 process and see if it happens.

13 MR. REPPERT: Right.

14 MR. LINGENFELTER: If it's an important, if it's an
15 important part, not integral part but important part of the
16 project. So I wouldn't want you -- I would feel that would be
17 very unfair to them to put them on the spot and make them
18 decide to drop the drive-thru --

19 MR. GREEN: Appreciate that.

20 MR. LINGENFELTER: -- just to get a decision
21 tonight. I don't like that idea either. I think it puts them
22 in an awkward position and it could be potentially sacrificing
23 something that they don't have to for expedience.

24 MR. GREEN: Appreciate it.

25 MR. LINGENFELTER: So I defer back to legal counsel.
26 So is there, what's -- If we ignore your advice and we move
27 forward with a vote tonight to approve the design and the site
28 both tonight, approve both so they can get started, so they
29 can issue permits and they can get started, is it your
30 position that there would be a legal issue that, if they

1 decide to put the, so I am -- Would there be an issue where
2 they could, if the BZA says no drive-thru, are you saying
3 that, because we approved this the way, what we're doing
4 today, that they could potentially go ahead and put the drive-
5 thru in anyway? I mean, because the BZA, they're the final
6 arbiter on that, right? That's a hearing. They have to
7 follow the BZA's decision, right? So they can't go back on,
8 can't go back on, they couldn't go back on us with and use our
9 approval as a lever to go ahead and put the drive-thru in
10 regardless of the decision of the BZA?

11 MR. PETERSEN: Well, if you do approve it and you
12 have both the site plan and the design site plan with various
13 mentions to a drive-thru and the BZA denies it, I would fear
14 that there would be legal grounds for a lawsuit to clear up
15 whether there was approval for a drive-thru, whether this
16 board, in fact, was creating precedent for not needing BZA to
17 grant a variance for a drive-thru in the Capital District.

18 MR. LINGENFELTER: Okay.

19 MR. PETERSEN: That's the reason for my advice.

20 MR. LINGENFELTER: All right. So then what if we,
21 could we, could we then conditionally approve this based on
22 the outcome of the BZA's decision? Didn't we do that? Didn't
23 we just do that where we conditionally approved on the other
24 car wash?

25 MR. PETERSON: Yeah, because they had to get the
26 clearance.

27 MR. LINGENFELTER: Because they had to get the
28 clearance thing. Didn't we conditionally approve everything
29 and then they went to the BZA.

30 MR. PETERSON: Two, there were two items.

1 MR. LINGENFELTER: And then the BZA --

2 CHAIRMAN IAFELICE: For the Classic.

3 MR. LINGENFELTER: Yeah.

4 MR. PETERSON: There were two items.

5 MR. LINGENFELTER: We conditionally --

6 CHAIRMAN IAFELICE: That's right.

7 MR. LINGENFELTER: We conditionally approved it on
8 the basis that --

9 CHAIRMAN IAFELICE: We did.

10 MR. LINGENFELTER: -- there would be, that the
11 variance would have to be granted --

12 CHAIRMAN IAFELICE: Right.

13 MR. PETERSON: Right.

14 MR. LINGENFELTER: -- from the BZA to give them the
15 variance that they needed.

16 MS. FREEMAN: It's not quite --

17 MR. LINGENFELTER: Can we do that with this? Can we
18 conditionally approve this?

19 MS. FREEMAN: That was not quite an apples to apples
20 comparison.

21 MR. LINGENFELTER: I know it's not, you're right,
22 because it was a variance --

23 MS. FREEMAN: It was a landscape area that they were
24 not providing.

25 MR. LINGENFELTER: Right.

26 MS. FREEMAN: Therefore, if the BZA did not approve
27 the variance, that would have changed the actual layout of the
28 site.

29 MR. LINGENFELTER: Right.

30 MS. FREEMAN: What Mark is --

1 MR. PETERSON: The other one was the distance of the
2 overhang to the road.

3 MS. FREEMAN: Right, yes, and then the overhang of
4 the canopy over the pay stations.

5 MR. LINGENFELTER: The canopy, right.

6 MS. FREEMAN: So if they were unsuccessful with BZA,
7 that would have required them to resubmit to you.

8 MR. LINGENFELTER: Then that would have negated,
9 that would have negated our decision, right, exactly.

10 MS. FREEMAN: Right, exactly.

11 MR. LINGENFELTER: Is there a way --

12 MS. FREEMAN: But from what Mark is saying here, you
13 know, okay, I don't know. But Keith --

14 MR. LINGENFELTER: Is there a way that we can
15 conditionally -- I am sorry, Rich. Go ahead.

16 CHAIRMAN IAFELICE: Yeah. May I?

17 MR. LINGENFELTER: Go ahead.

18 CHAIRMAN IAFELICE: For clarification, the drawings
19 we have before us, sheet 4, for me, is the only notation that
20 there is a drive-thru.

21 MS. FREEMAN: Yeah.

22 CHAIRMAN IAFELICE: There is nothing in the building
23 plans other than a window. There is nothing here that says
24 there is a drive-thru in the building plan, the design review.

25 MS. FREEMAN: Correct.

26 CHAIRMAN IAFELICE: Correct?

27 MS. FREEMAN: Yeah.

28 CHAIRMAN IAFELICE: So that note notwithstanding,
29 there is nothing in here we are approving that includes a
30 drive-thru.

1 MS. FREEMAN: I agree, right, and --

2 CHAIRMAN IAFELICE: And conditional approval.

3 MS. FREEMAN: Right. Maybe the additional condition
4 is to strike through.

5 CHAIRMAN IAFELICE: To strike the note --

6 MS. FREEMAN: Strike that off of there.

7 CHAIRMAN IAFELICE: -- from sheet 4, striking that
8 note, while it is not apples to apples, I agree with Andy, the
9 overhang we did in Classic. And given the nature of what
10 we're talking about here, the site plan and design review, the
11 building is not, does not indicate anything about a drive-thru
12 because that is a separate package you have before BZA.

13 MR. GREEN: That is correct.

14 MR. PETERSON: But can BZA come back and re-add that
15 line? If we strike that line, can they re-add it?

16 MR. LINGENFELTER: They wouldn't have to.

17 CHAIRMAN IAFELICE: It would make it a --

18 MR. LINGENFELTER: BZA wouldn't add it.

19 CHAIRMAN IAFELICE: To your question, I am guessing
20 that's part of the variance request, they would request that.

21 MR. PETERSON: They would add it back in?

22 CHAIRMAN IAFELICE: Yes.

23 MR. PETERSON: Good point.

24 MR. LINGENFELTER: Right. They would, the applicant
25 would add it back in, not the BZA.

26 MR. PETERSON: Right.

27 CHAIRMAN IAFELICE: So before this board considers a
28 conditional approval, even to consider it, I think, would you,
29 for the record, strike "ice cream drive-thru" on sheet 4 of
30 12, the notation?

1 MR. GREEN: Is that the under Conditional Use Permit
2 Required For "drive-thru facilities," is that the line we're
3 talking about?

4 MS. FREEMAN: Yes.

5 MR. GREEN: Absolutely, we will strike that out.
6 There really shouldn't be any mention of the drive-thru in
7 this package at all. That's just a leftover our civil guy
8 left on there, so we'd strike that out.

9 CHAIRMAN IAFELICE: Okay. So as far --

10 MR. REPERT: Further down, we have "ice cream
11 drive-thru." We've got to strike that.

12 CHAIRMAN IAFELICE: I am sorry. That's what I was
13 referring to. Is there another one?

14 MS. FREEMAN: There is two spots, yeah.

15 MR. REPERT: Up here on Conditional Use Permit
16 Required.

17 MR. GREEN: Oh.

18 MR. REPERT: Drive-thru facilities, Section 13.

19 CHAIRMAN IAFELICE: But that is a misnomer, am I
20 correct, Heather? That's not a conditional use.

21 MS. FREEMAN: Correct, it's not a conditional use,
22 right.

23 CHAIRMAN IAFELICE: I would consider it technically
24 wrong under the plans. There is probably other errors on the
25 plans but that should be stricken as well because it's
26 incorrect. It's not a conditional use permit. It's under a
27 variance request.

28 MR. LINGENFELTER: Right.

29 CHAIRMAN IAFELICE: So, Mark, if you're agreeable to
30 strike --

1 MR. REPPERT: Wait. We're in Capital District.

2 CHAIRMAN IAFELICE: Yes.

3 MR. REPPERT: Capital District has drive-thru
4 facilities? I would have to go back in my book and look but
5 do they have drive-thru facilities as a condition?

6 MS. FREEMAN: No, it does not.

7 MR. REPPERT: It does not, okay.

8 MS. FREEMAN: Drive-thru facilities are not allowed
9 as a conditional use in the Capital District. That is why
10 they're going to be asking for a variance from the Board of
11 Zoning Appeals to allow a drive-thru. Yeah, not a conditional
12 use permit request, a variance.

13 CHAIRMAN IAFELICE: Thank you, Hiram.

14 So we need to ask that it be stricken, the notation
15 "drive-thru" under Conditional Use at the top of sheet 4 as
16 well. That's what I was referring to, the waiting spaces at
17 the bottom of sheet 4.

18 MR. REPPERT: Yeah, I know. Do we want them both
19 stricken?

20 CHAIRMAN IAFELICE: Yes.

21 MS. FREEMAN: Yes.

22 MR. PETERSON: But that could stay, couldn't it,
23 because it is required? Why would you take that off there?
24 That is required, just like the food service, the counter is
25 required.

26 MS. FREEMAN: Rich, I think that's to clear up any
27 confusion as to the actions of this board --

28 CHAIRMAN IAFELICE: The actions of this board.

29 MS. FREEMAN: -- unnecessarily approving a use that
30 they don't have the authority to approve.

1 CHAIRMAN IAFELICE: We don't have authority.

2 MR. LINGENFELTER: Correct, we don't have the
3 authority.

4 MR. GREEN: If I might add.

5 CHAIRMAN IAFELICE: Please.

6 MR. GREEN: The BZA submittal will actually show a
7 graphic that it complies with the ten-car staging that that
8 note number 2 there implies. So if we strike that from here,
9 the BZA submittal specifically addresses that.

10 CHAIRMAN IAFELICE: So, for the record, you will
11 strike, if you state where you are going to strike sheet 4.

12 MR. GREEN: On sheet 4 of 12 in the civil package,
13 we would strike out the note "drive-thru facility, Section
14 13.17," that falls under Conditional Use Permit Required For.
15 And, additionally, we would strike, under Waiting Spaces, "Ice
16 cream drive-thru," the number 10 under Required and the number
17 10 under Provided.

18 CHAIRMAN IAFELICE: Okay, thank you.

19 MR. LINGENFELTER: Legal?

20 MR. REPPERT: But you don't have to cross out "ice
21 cream drive-thru," just "drive-thru."

22 MR. GREEN: Those numbers are specific for staging
23 in the drive-thru. That's why they would go away.

24 MR. REPPERT: Staging in the drive-thru.

25 MR. GREEN: Yeah, how many cars can fit in there
26 before they start getting out to the street, kind of like you
27 do for with staging for the drive-thru. They are required 9,
28 I think, is the number before you get out to the street.
29 That's all that's referring to.

30 CHAIRMAN IAFELICE: Correct.

1 MR. LINGENFELTER: So from the legal counsel
2 standpoint, are you uncomfortable with this or are you feeling
3 more comfortable with where we're going?

4 MR. PETERSEN: Definitely more comfortable. I don't
5 recall seeing any other mentions to the drive-thru in any of
6 the packets. So as long as that was it, then I do feel
7 comfortable now with recommending --

8 MR. LINGENFELTER: Okay, good. Then I think we've
9 reached a good point in this process.

10 CHAIRMAN IAFELICE: We reached a good point. And so
11 if the board considers the, at this point, unless there is any
12 other questions or objections, a conditional approval of the
13 site plan with all of the conditions indicated on sheets,
14 pages 5 and 6 of the staff review, Heather, none of those
15 recommendations indicate conditional use or variance for a
16 drive-thru.

17 MS. FREEMAN: Correct.

18 CHAIRMAN IAFELICE: What I am referring to.

19 MS. FREEMAN: Yeah.

20 CHAIRMAN IAFELICE: Your comment about that was kind
21 of staff comments.

22 MS. FREEMAN: Correct.

23 CHAIRMAN IAFELICE: So on the recommendations, so if
24 we so choose to conditionally approve the site plan review
25 for, given the stipulating all of the noted comments on the
26 record on sheets 5 and 6, it does not include a reference to
27 the drive-thru at all. So we're okay with that? Everybody
28 know what I am saying?

29 MR. PETERSEN: Yeah.

30 CHAIRMAN IAFELICE: Okay, okay. So if there aren't

1 any other questions, do we have a motion to consider that?

2 MR. REPPERT: Let me see if I can get this right.

3 Mr. Chairman, I make a motion that we conditionally approve
4 Application Number 55 with the staff recommendations to be
5 included and the removal of, on the applicant's submittal
6 sheet 4 of 12, remove, the Conditional Use Permit Required
7 For, remove "drive-thru facilities Section 13.17," and further
8 down on the notes on the left-hand side, for Waiting Spaces,
9 remove "ice cream drive-thru."

10 CHAIRMAN IAFELICE: I think that's a fairly complete
11 motion. Do we have a --

12 MR. PETERSON: Site plan, you didn't use the word
13 "site plan."

14 MR. SCHINDLER: Right, site plan.

15 CHAIRMAN IAFELICE: Okay. I said sheet 4 of 12,
16 Layout and Utility Plan.

17 MR. PETERSON: But conditionally approve the site
18 plan is what I am saying.

19 MR. REPPERT: Yeah, right.

20 MR. PETERSON: As opposed to the design, which we
21 haven't done yet.

22 MR. REPPERT: Yeah, the site plan.

23 MR. PETERSON: That needs to be, I think, brought
24 out for the record in the motion.

25 CHAIRMAN IAFELICE: Part of the motion. Thank you,
26 Rich, yes.

27 MR. REPPERT: One more time?

28 CHAIRMAN IAFELICE: Please.

29 MR. LINGENFELTER: You can do it this time.

30 MR. REPPERT: Mr. Chairman, I make a motion that we

1 conditionally approve Application Number 55.

2 MS. FREEMAN: Site plan review application.

3 MR. REPERT: Site plan review with the conditions
4 provided by the staff on pages 5 and 6 of the staff report,
5 and also on page or sheet 4 of 12, titled Layout and Utility
6 Plan, notes on the left-hand side, strike through "drive-thru
7 facility Section 13.17" of the Conditional Use Permit Required
8 For, and also under Waiting Spaces, delete "ice cream drive-
9 thru" with 10 and 10, two required numbers there.

10 CHAIRMAN IAFELICE: We have a motion for --

11 MR. PETERSON: I will second that motion.

12 CHAIRMAN IAFELICE: We have a second for the motion
13 as stated for approval, conditional approval of Site Plan
14 Review Application Number 55.

15 Roll call vote, Heather.

16 MS. FREEMAN: Mr. Schindler?

17 MR. SCHINDLER: Yes.

18 MS. FREEMAN: Mr. Peterson?

19 MR. PETERSON: Yes.

20 MS. FREEMAN: Mr. Reppert?

21 MR. REPERT: Yes.

22 MS. FREEMAN: Mr. Lingenfelter?

23 MR. LINGENFELTER: Yes.

24 MS. FREEMAN: And Mr. Iafelice?

25 CHAIRMAN IAFELICE: Yes.

26 MR. LINGENFELTER: Oh, we're not done yet.

27 MR. REPERT: No, we're not done yet.

28 MR. PETERSON: That was page 1.

29 CHAIRMAN IAFELICE: I will first thank everyone
30 involved in the discussion here. It was a worthy discussion

1 but we arrived at something that I think this board is
2 comfortable with.

3 MR. LINGENFELTER: Yes.

4 CHAIRMAN IAFELICE: Thank you. Let's move on to the
5 design review, Design Review Application Number 55, submitted
6 by Marous Brothers Construction on behalf of the property
7 owner, IN9 Group LLC, for a proposed ice cream parlor and car
8 wash to be located on Crile Road and Old Crile Road on a
9 parcel known as current parcel number 08-A-020-0-00-048-0.

10 Mark, if we could ask you to describe the building
11 and your expertise, please.

12 MR. GREEN: Sure, sure.

13 CHAIRMAN IAFELICE: Both buildings. I am sorry.

14 MR. GREEN: Sure. Let's get the elevations here.
15 Okay. Starting with the ice cream parlor on sheet A 613.

16 MR. REPPERT: A 613.

17 MR. GREEN: Okay. The building itself, we are,
18 right now, this is designed as a steel structure, has a single
19 sloped roof, lots of glass to come into the building. The
20 bulk of the materials here are metal. We have some Nichiha
21 panels, which is a brand of rainscreen panel. It's a
22 composite panel that looks like a, has a wood grain texture to
23 it. The stones there are very thin. Actually, it would
24 probably help if I give you guys this to look at as well.
25 These are the finishes for the buildings. There is one for
26 down there. Here is one for down there. There you go.

27 So for the most part, both of these buildings are,
28 the majority of them are metal panels or a rainscreen system,
29 which is usually like a composite cementitious type panel with
30 an overlay on the surface to emulate wood, something like

1 that.

2 This building, the ice cream in particular, has a
3 gray, for lack of a better word, it's a horizontally banded
4 flagstone but it's, I think, it's a very nice looking stone.
5 We have tried to keep the views into the building and out to
6 allow for lots of glass and connection to the outdoors. And
7 where we have opaque surfaces, which are really on the east
8 side of the building -- the west side of the building, sorry,
9 that's there because a lot of that wall is occupied by back of
10 house type stuff and not patron areas.

11 So that's -- The roof itself is a metal roof system.
12 And let's see. Am I missing anything? The light fixtures
13 that we show on here are very common. Everybody makes them,
14 Progressive, Kichler. They're a standard tube type fixture.
15 It's a wall-mounted sconce, has up light and down light on it
16 to wash the pillars on the building.

17 And that is really the extent of it. If you look at
18 the materials here, let's see what I missed on the materials
19 of the building. Okay. So he's got typical things like
20 prefinished metal coping, which is basically the trim around
21 the roof, just an accenting complementary color. The fiber
22 cement panel from Nichiha is on there showing the infills,
23 kind of, in between the vertical wood looking columns. And
24 then you have the Nichiha fiber cement panel that, in the
25 closeup on the rendering, the view looking south, you can see
26 it has a wood grain to it.

27 And that's really what our client really wanted.
28 The precedent images that he really was excited about was
29 almost a lodge feel but we didn't want to go that earthy. So
30 we tried to modernize it a little bit while still giving the

1 wood look and the feel of the large expansive roofs and
2 openness that a lodge would have and, hence, kind of the
3 outdoor fireplace that, in the fall, you could sit outside on,
4 you know, on a table, maybe some soft seating out there that
5 you can sit and enjoy the fireplace. The intention is to have
6 this open for most of the seasons and not just a, you know, a
7 June to September thing. He would like to have this open all
8 year-round if he could.

9 The rest of the materials are all offshoots of that.
10 You can see there is PAC-CLAD, which is a metal panel system.
11 Kawneer is the basis of spec for the storefront system, a very
12 common storefront system used everywhere. It's usually the
13 basis of spec for everything. So that's an aluminum
14 storefront system. And there is your Eldorado stone that is
15 kind of that horizontal flagstone. So that's the base
16 materials for everything there.

17 MR. PETERSON: No large signage on either building?

18 MR. GREEN: No, no. It will be on the signs, the
19 ground signs that we have.

20 CHAIRMAN IAFELICE: This funky logo that we're going
21 to see --

22 MR. GREEN: I can dig that up and send it to you.
23 It's a cute little, he's sitting in a car, the character.

24 CHAIRMAN IAFELICE: To me, this is an attractive
25 building. This is an attractive design, from my perspective.
26 You can tell by the -- And then the floor plan, the floor plan
27 for the ice cream parlor is --

28 MR. GREEN: Yeah, I'm sorry. I skipped over that.

29 CHAIRMAN IAFELICE: Yeah. Is that at A 201?

30 MR. GREEN: Yep. Sorry. All right. So,

1 functionally, I am on the first floor plan. You can see there
2 is a large canopy over the main entrance. There is a walk-up
3 window on that same elevation and a concrete patio there so
4 baseball teams, the idea was -- The gentlemen owns, he owns a
5 significant amount of nice cars, fine cars, which is why he
6 likes the car wash. And he's had the outdoor window, so if
7 you have a baseball team come for ice cream, they're not
8 traipsing through the building with their metal cleats and
9 putting mud all over the place. They can all hold up in the
10 outside, get their ice cream and go in the outdoor area. They
11 are more than welcome to go in and sit down but that was the
12 idea.

13 So there is an outdoor window that's in the sales
14 area. You come in the door, it's a large waiting area. The
15 area to the left of the door will be for staging of people to
16 buy ice cream. Depending on how well business goes, there
17 might be a few cattle corrals in there to kind of steer people
18 around to fit them in. But you can see there is a basic
19 amount of seating in there. There is some 42-inch high bench
20 type seating up against the wall where the family restrooms
21 are. So there is a bunch of different venues for seating.
22 All of them enjoying the kind of views of the natural light
23 coming in, the higher ceilings.

24 And then there is two restrooms. There's a
25 janitor's closet that's all out in the public area. Then
26 everything else is kind of back of house and not the public
27 area. So we have one office. We have a mechanical room, a
28 walk-in freezer/cooler, and then everything else beyond that
29 is really storage of dry goods in that room and everything
30 else is production of the ice cream or making the sundays, I

1 should say, not the -- He does intend to make gelato here. So
2 that's why we have some of the, kind of, the sales area and
3 then there is a dividing wall, then there is a real back of
4 house area. That's where he's going to make the gelato, back
5 in that area, in addition to regular hard-pack ice cream,
6 which they're looking at different companies to provide that.

7 CHAIRMAN IAFELICE: The real gelato? I mean, real?

8 MR. GREEN: (Knocked on podium.) I hope so.

9 MR. REPERT: But you're not going to make the ice
10 cream here?

11 MR. GREEN: No. I think he's partnering with, he's
12 looking at folks like Toft's to provide the hard pack ice
13 cream for his facility but he is going to make the gelato
14 here.

15 CHAIRMAN IAFELICE: Okay.

16 MR. GREEN: Don't quote me on Toft's because that's,
17 he's talking to different companies. That just happens to be
18 my favorite, so that's why I mentioned it.

19 MR. REPERT: Now, on page A 611, are you going to
20 change the south elevation and the north elevation, flip those
21 two?

22 MR. GREEN: Yes, I will correct those errors, yes.

23 MR. REPERT: Okay, thank you.

24 CHAIRMAN IAFELICE: Thanks, Mark. The car wash?

25 MR. GREEN: Okay. The car wash, we might as well
26 start with the plan since we're there. The car wash, and this
27 is typical of a lot of Sonny's car washes, they have the long
28 tunnel where you have the kit of parts to do all the things
29 that a car wash does nowadays with all the flashing lights and
30 the fun stuff that they do in car washes. So that's in the

1 tunnel, the car wash tunnel area. That equipment room is
2 where we'll house all of the tanks that feed all the equipment
3 that powers everything that's out in that tunnel. So that's
4 what that equipment room is for. We are currently having,
5 Sonny is actually providing what that layout is and we are
6 about 75 to 80 percent done with that analysis of what goes in
7 that mechanical room or the equipment mechanical room.

8 Additionally to that, there's an office space. And
9 that was really generated from, usually, there is two or three
10 people that man a car wash like this and they come out and
11 they help you swipe your card and they talk to you about what
12 plans you can buy, monthly plans. There's a little bit of
13 salesmanship there and usually younger folks. So we created
14 an office space that allowed for two to three people, a
15 station for them to sit at and as well a manager of types, now
16 that you're getting into actually having the space adjacent to
17 it, which is car detailing, which is basically cleaning and
18 waxing cars. This is not a mechanical repair shop. This is
19 really just cleaning inside and out of the cars. So the
20 amount of people that were working there now kind of defined
21 that we might need a manager's office, so that's why we have
22 it there.

23 MR. PETERSON: Is that done by appointment?

24 MR. GREEN: Yes, yes.

25 Additionally, there is two restrooms. There is a
26 storage and janitor's closet and another mechanical room. And
27 those mechanical rooms are where we are seeing if we can get
28 the right size equipment to fit in those mechanical rooms and
29 feed those populated spaces. Like I said, next to it, there
30 is four bays for detailing. And that was it for floor plan

1 functionality.

2 There was a lot of design discussions that are
3 really fluffy on this building. Some of the precedent images
4 that our client liked was the idea was these wedge shapes, if
5 you look at the plan, kind of shooting by each other and that
6 started it, and then the love for fine cars. So some of these
7 colors are defined to match Porsche colors. The silver panels
8 are designed to match, you know, a specific Porsche color.
9 The bricks that we use there, we're trying to provide some
10 contrast between the light and dark bricks. I really like the
11 black brick. It's got like almost a sheen to it. It's an
12 oxide finish. I really enjoy that one.

13 And then we had an idea for the ins and outs of the
14 doors to put an actual racing stripe on each one of the doors,
15 red and green on the overhead doors coming in and out of the
16 tunnel. But the majority of this building as well is a
17 rainscreen system, a Nichiha system. There is some metal
18 panel. Any of the gray stuff that you see on the big swoosh,
19 we call it, those are all metal panels. The dark gray that
20 you will see is a rainscreen system.

21 The mechanical room is all comprised of masonry.
22 The detail bays are all masonry. And then that front office
23 area is a rainscreen system, some corrugated metal panels and
24 Kawneer storefront system.

25 Roofing systems, we haven't completely detailed yet
26 but this building is, due to its design, is more geared around
27 a membrane system and not a metal roof. So this will probably
28 be like a TPO membrane system.

29 CHAIRMAN IAFELICE: Over top of both parts of the
30 structure, the lower level and the upper?

1 MR. GREEN: Yeah. We haven't worked out the swoosh
2 yet but the lower roofs, those are all going to be TPO
3 membrane.

4 CHAIRMAN IAFELICE: Okay.

5 MR. REPERT: What was the issue, Heather, that we
6 had with the other with respect to the long roofline? Didn't
7 we ask them to break it up?

8 MS. FREEMAN: There was a previous project that
9 didn't comply with the roofline being no change in plane over
10 100 feet.

11 MR. REPERT: How much, over what?

12 MS. FREEMAN: A hundred, a hundred feet.

13 MR. REPERT: Okay. I think that same thing applies
14 here. The roofline, that's 140 feet long.

15 MS. FREEMAN: Looking at the, I don't know that we
16 have an exact dimension on that but looking at the sheet A
17 612, the main roof structure that goes over the car wash is
18 not over the entire length of the building, however. It might
19 be close.

20 MR. GREEN: Yeah, it seemed like the plan, I don't
21 know what that is.

22 MS. FREEMAN: Is it flat or is it angled at all
23 similar to like a ice cream store is going to be?

24 MR. GREEN: It is not angled but it is designed to
25 have tapered insulation on it to go to roof drains.

26 MR. REPERT: Heather, if you look at A 201, you
27 will see the car wash tunnel is 140 foot 8 inches, plus -- I
28 don't know -- 4 foot 4.

29 MR. GREEN: So that roofline is over, I mean, just
30 by calculation, that is over 100 feet.

1 MR. PETERSON: One forty-five down below. What's
2 the issue with that?

3 MR. REPERT: Well, the issue is that we don't -- we
4 require a break in that roofline if it's over 100 feet.

5 CHAIRMAN IAFELICE: Is that in the Capital District
6 or just -- No, of course not, it's not, because the other one
7 was not in the Capital District. Is that a --

8 MS. FREEMAN: It's a general design criteria.

9 CHAIRMAN IAFELICE: General design criteria.

10 MR. GREEN: Might I ask, is that designed to allow
11 for a building that doesn't look like a big long box and break
12 up the actual vertical surface in the roofline or is that
13 specifically geared towards roof planes?

14 MS. FREEMAN: Specific to the building roof,
15 rooflines, planes.

16 MR. GREEN: Okay.

17 MS. FREEMAN: There is other criteria about long
18 walls and breaking that up. This was specific to the
19 roofline.

20 CHAIRMAN IAFELICE: Where in our code, where is that
21 noted, Heather?

22 MS. FREEMAN: I have it right here. Yeah, it's in
23 37, 37.05(G), Building Roofs.

24 CHAIRMAN IAFELICE: The continuous plane of a
25 roofline shall be no greater than 100 feet, can be varied with
26 cantilevers, gables, parapets. Pitched roofs are preferred.
27 But that's, okay, in the Capital District. So was that
28 something we had not noted in the staff review comments that
29 Hiram is bringing up here?

30 MS. FREEMAN: Correct, yeah.

1 CHAIRMAN IAFELICE: Okay. So it would be a concern?

2 MS. FREEMAN: If the board, I mean, if the board was
3 concerned about that being over 100 feet, yes. I mean,
4 according to the applicant, it is over 100 feet, which is
5 there a way to modify that to comply with the 100 feet?

6 MR. REPERT: Yes, just put a parapet around 40
7 feet.

8 MS. FREEMAN: I don't know what that would be.

9 MR. REPERT: It's probably the easiest.

10 MR. PETERSON: That's a lot to cut off of there.

11 MR. REPERT: No, just build a 2 foot parapet all
12 the way around on the last 40 feet, that will do it. You
13 won't have a continuous greater than a 100. It will go --

14 MR. PETERSON: So that adds cost to make it look
15 worse. That adds cost to make it look worse.

16 MR. REPERT: Well, sorry.

17 MS. FREEMAN: I am wondering if, because of like
18 the, where the mechanical room is and the changes in those
19 rooflines in relationship to this roofline, is there some
20 wiggle room there regarding the interpretation and application
21 of that particular requirement?

22 CHAIRMAN IAFELICE: Yes, yes.

23 MS. FREEMAN: I mean, we're not looking at, it truly
24 isn't exactly what the resolution is saying. I think there is
25 some varying rooflines if you look at the building as a whole.

26 CHAIRMAN IAFELICE: You are reading my mind.

27 MS. FREEMAN: Okay.

28 CHAIRMAN IAFELICE: Because the, yes, yes, well, the
29 building style, there is two, the varied materials, the
30 varying roof levels, let alone lines.

1 MS. FREEMAN: Yes.

2 CHAIRMAN IAFELICE: Personally, I don't have an
3 objection but I don't know what the technicality is, if this
4 is what is written.

5 MS. FREEMAN: Well, I mean, I think that we, as a
6 Zoning Inspector, my interpretation in this particular case, I
7 think that, based on this design, you know, we do have varying
8 roof lengths and lines.

9 CHAIRMAN IAFELICE: I agree, yeah.

10 MS. FREEMAN: And I think that it would not be
11 inappropriate to take this particular building design into
12 consideration and apply that in a manner that staff would feel
13 comfortable with meeting that purpose and intent of the
14 requirement.

15 CHAIRMAN IAFELICE: Agreed.

16 MS. FREEMAN: Unless there is some other objection
17 or concerns from the Zoning Commission. Obviously, it's your
18 call.

19 CHAIRMAN IAFELICE: Well, thank you, I mean, just
20 for pointing it out because Hiram is correct, that was the
21 issue, and sure enough it is.

22 MS. FREEMAN: Yep.

23 CHAIRMAN IAFELICE: So it's a matter of, as you say,
24 interpretation that you're suggesting here that, due to the
25 nature of this design, it is not as obtrusive in terms of a
26 continuous building roofline as you would think in looking at
27 this particular design.

28 MS. FREEMAN: Correct.

29 CHAIRMAN IAFELICE: So I have to agree with Heather
30 on that.

1 Let's see. Did we cut you off, Mark? You had kind
2 of covered --

3 MR. GREEN: No. I think that was the design intent
4 for this building.

5 MR. PETERSON: Page 6, recommendations we have to
6 approve.

7 CHAIRMAN IAFELICE: Yes, thank you. Okay.

8 MR. PETERSON: Page 6.

9 CHAIRMAN IAFELICE: So if you could take a look at
10 those page 6, Mark, and go through those as you did before.

11 MR. GREEN: Submit details for the vacuum stations
12 for review. I think you saw the cut sheet I passed around.

13 CHAIRMAN IAFELICE: Yes.

14 MR. GREEN: It's pretty common.

15 MS. FREEMAN: Can you clarify what colors they're
16 picking?

17 MR. GREEN: Oh, if we were going to pick a color?

18 MS. FREEMAN: Yeah. I am sorry because I know like
19 where I live there is like neon green, the car wash by my
20 house. So I am assuming that's not what your client is going
21 to pick. This cut sheet has various colors, so maybe for the
22 board's --

23 MR. GREEN: It is going to be silver.

24 MS. FREEMAN: Okay. Sorry if I missed that earlier.

25 MR. GREEN: No, that's okay. No, you didn't. I
26 didn't mention it but it will be silver. We're not going to
27 do something kooky like that.

28 MS. FREEMAN: Okay.

29 MR. GREEN: Submit sign drawings to be approved and
30 reviewed -- reviewed and approved prior to installation.

1 Absolutely. This is not an issue at all. We just don't have
2 them today. So we would propose putting together a sign
3 package, bringing it to the township here and review it and
4 tweak it however we need to.

5 Revise building elevations to show the wall mounted
6 light fixtures. We show them in the artistic renderings but
7 they are not on the elevations, so we will upgrade the
8 elevations and show them. And it is as I described. It's a
9 tubular shaped sconce which is fairly common through any of
10 the major manufacturers. It has up and down light for both
11 the top and bottom.

12 Submit dumpster enclosure details. I don't have
13 these on there because we were working out the details. Our
14 intent is to use some of the materials from the buildings. So
15 our intent is not to slap a chain-link fence around this
16 dumpster. It is to use some of the stones that we have and
17 some of the better materials to create something that blends
18 between the two buildings.

19 CHAIRMAN IAFELICE: Excellent, okay.

20 MR. GREEN: So, again, we could, when we detail that
21 out, we will bring them here, make sure they're okay. We will
22 work with Heather however we need to do that.

23 Building walls, parapets, roof systems shall be
24 designed to conceal all roof-mounted mechanical. I have no
25 intention of putting mechanical equipment on the roof right
26 now. And if I did, I'd have to come back and beg for
27 forgiveness but we're not doing that. We've got everything
28 that we're trying to tuck inside.

29 Mechanical equipment screening techniques shall
30 incorporate -- So that's as well for ground mounted items as

1 well.

2 Update the exterior materials schedule with specific
3 color choices as shown on the plans. The handouts that I gave
4 you kind of enumerate what those are.

5 And that was everything.

6 CHAIRMAN IAFELICE: Very good. Thank you, Mark.

7 Questions from the board? Frank, any questions for
8 the applicant?

9 MR. SCHINDLER: None, Mr. Chairman.

10 CHAIRMAN IAFELICE: Hiram?

11 MR. REPERT: I still have an issue with that 140
12 foot wall, the roof.

13 CHAIRMAN IAFELICE: Okay.

14 MR. REPERT: I think it's an easy solution in more
15 than one way to break up that 140 foot wall. So that's my
16 concern. They're not complying with our regulations.

17 CHAIRMAN IAFELICE: Okay, thank you.

18 Andy, can I ask you, any comments, concerns?

19 MR. LINGENFELTER: Nothing from me, no.

20 CHAIRMAN IAFELICE: Rich?

21 MR. PETERSON: From the design standpoint, I think
22 they're both very attractive buildings and it would be an
23 asset to the community.

24 CHAIRMAN IAFELICE: For me, I would have to agree
25 with Rich. I just love the different use of materials and the
26 look. And the roofline, I know what Hiram, I understand what
27 Hiram is saying. Between the, and the two buildings offer
28 some curb appeal, make it attractive for Concord and for
29 people to come visit.

30 MR. GREEN: Our client, we have gone through several

1 value engineering sessions with our client trying to reduce
2 the budget down to some original numbers that he gave us and
3 he chose not to accept any of them. He didn't want any
4 chintzing of materials or changes of things to reduce costs
5 here. So he's --

6 CHAIRMAN IAFELICE: Any comments, any other further
7 concerns, questions or comments, Heather, on your behalf?

8 MS. FREEMAN: No.

9 CHAIRMAN IAFELICE: All good, thank you.

10 Okay. So before us, we have the staff
11 recommendation for a conditional approval of the design review
12 application. What are the feelings of the board? Do we have
13 any --

14 MR. SCHINDLER: No. Based on his remarks and how
15 they're going to be addressed, I feel comfortable with it.

16 CHAIRMAN IAFELICE: I am sorry. Maybe I didn't --
17 I was asking, is there any, what are the board's desires?
18 What are the wishes of moving forward with the design review
19 application? Do I have a motion?

20 MR. PETERSON: Okay.

21 MR. REPPERT: That's what you were getting at.

22 MR. SCHINDLER: That's what you wanted, oh, okay.

23 MR. LINGENFELTER: Mr. Chairman, I make a motion
24 that we accept, with conditions as highlighted in the staff
25 report, the six conditions, but we conditionally approve the
26 Design Review Application Number 55 submitted by Marous
27 Brothers Construction, Crile Road car wash and ice cream
28 parlor.

29 MR. PETERSON: I will second that one as well.

30 CHAIRMAN IAFELICE: Thank you. We have a motion and

1 a second for a conditional approval of Design Review
2 Application Number 55.

3 Heather, please call the roll.

4 MS. FREEMAN: Mr. Peterson?

5 MR. PETERSON: Yes.

6 MS. FREEMAN: Mr. Reppert?

7 MR. REPPERT: No.

8 MS. FREEMAN: Mr. Lingenfelter?

9 MR. LINGENFELTER: Yes.

10 MS. FREEMAN: Mr. Schindler?

11 MR. SCHINDLER: Yes.

12 MS. FREEMAN: And Mr. Iafelice?

13 CHAIRMAN IAFELICE: Yes.

14 Design Review Application Number 55 is condition
15 approved, conditionally approved, Mark. Thank you for
16 everything.

17 MR. GREEN: Thank you all very much for helping us
18 keep moving forward. I really do appreciate it. Thank you.

19 CHAIRMAN IAFELICE: Good luck with the project.
20 Good luck with the variance.

21 MS. FREEMAN: Thank you for your patience.

22 MR. PETERSON: Good luck with the project.

23 Can we take a five-minute break or do you want to
24 continue?

25 CHAIRMAN IAFELICE: I, for me, I don't know if the
26 board desires but I am looking for, potentially, tabling our
27 work sessions here again. It's just been a long evening
28 already.

29 MR. SCHINDLER: I would just as soon table.

30 MR. REPPERT: I make a motion.

1 MR. PETERSON: I second. Yeah, I am good with that.

2 CHAIRMAN IAFELICE: All right. So without
3 objection, we will table, again, the work session for Capital
4 District Table of Uses, as well as the work session -- Well,
5 we already have that tabled. Section 26 is still on the
6 table. Our next meeting --

7 MR. REPERT: Don't we have some New Business?
8 Don't we have a new addition to our staff that you want to
9 mention?

10 CHAIRMAN IAFELICE: I should, I should. Maybe I can
11 ask Heather to introduce her.

12 MS. FREEMAN: Yeah, I did briefl introductions prior
13 to the meeting. Officially, this is Celina Sotka. She is the
14 new Assistant Zoning Inspector.

15 MS. SOTKA: Hi.

16 MS. FREEMAN: And we are very happy to have her
17 here. She has worked, prior to this, in an engineering firm
18 doing some environmental type of research, right, and she is
19 currently a grad student at CSU.

20 CHAIRMAN IAFELICE: Welcome.

21 MR. REPERT: Welcome.

22 MS. FREEMAN: Do you want to add anything?

23 MS. SOTKA: Yeah, no. I grew up in Painesville and
24 I've been a Concord resident, Painesville resident my whole
25 life, went to Riverside High School. So I love the area. I
26 love the community. So I am really excited to be here and
27 kind of see the processes and how everything and everyone
28 comes to their decisions on the development within the
29 community. So --

30 CHAIRMAN IAFELICE: So this was your indoctrination.

1 MR. REPPERT: This was a tough one.

2 MS. SOTKA: Yeah.

3 CHAIRMAN IAFELICE: This was a tough one. This is
4 not the norm, believe me.

5 MS. SOTKA: Okay. No, that was good. It was a lot
6 of back and forth. It was a good to see how you guys came
7 upon your decision. I think the dynamic of the group was
8 really, worked really well.

9 CHAIRMAN IAFELICE: Thank you. thank you for those
10 comments, appreciate it.

11 MS. SOTKA: Yeah, of course.

12 CHAIRMAN IAFELICE: Thanks for bringing that up,
13 Hiram.

14 Our next meeting is December the 2nd, 2022.

15 MR. REPPERT: The 6th, the 6th.

16 CHAIRMAN IAFELICE: What did I say?

17 MR. REPPERT: The 2nd.

18 CHAIRMAN IAFELICE: Sixth.

19 MR. REPPERT: I think.

20 CHAIRMAN IAFELICE: Yes, I did. December 6, 2022.
21 I apologize.

22 MR. LINGENFELTER: You are not slipping anything
23 past him. You should know about that by now.

24 CHAIRMAN IAFELICE: Yeah, I know.

25 MR. LINGENFELTER: He is as sharp as a tack.

26 CHAIRMAN IAFELICE: With that, our Concord Township
27 Zoning Commission for Tuesday, November 1st stands adjourned.

28 (Whereupon, the meeting was adjourned at 9:03 p.m.)
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STATE OF OHIO)
)
COUNTY OF LAKE)

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 29th day of November 2022.

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

