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Bath Township Zoning Commission
ZC-22-01 Pristas, 1075 Ghent Road
Public Comment
June 9, 2022

1 CHAIR RICHARD BRADNER: Secretary. And
2 a reminder for the Commission when you speak,
3 please turn on your microphone with a green
4 light.

5 BOARD SECRETARY: Okay, Mr. Bradner.

6 CHAIR RICHARD BRADNER: Present.

7 BOARD SECRETARY: Mrs. Burnham?

8 VICE CHAIR MARYELLEN BURNHAM: Present.

9 BOARD SECRETARY: Mrs. Kosiewicz.

10 MEMBER JOY KOSIEWICZ: Present.

11 BOARD SECRETARY: Mr. Meyer?

12 MEMBER SCOTT MEYER: Here.

13 BOARD SECRETARY: Mrs. Hete?

14 MEMBER EMILY HETE: Present.

15 BOARD SECRETARY: Mr. Hower? n/a

16 And Mr. Rowan? n/a Thank you.

17 CHAIR RICHARD BRADNER: Okay. Would
18 you all stand? We're going to say the Pledge of
19 Allegiance.

20 ALL: I pledge allegiance to the flag
21 of the United States of America, and to the
22 republic for which it stands, one nation under
23 god indivisible with liberty and justice for all.

24 CHAIR RICHARD BRADNER: Thank you.

25 Okay. There is a public comment tonight, so

1 those of you who are going to speak, we're going
2 to ask that you stand and this is a public
3 hearing. And we do take these testimony under
4 oath. So if you'd please stand? Whether you're
5 in opposition or in favor? Raise your hand. You
6 -- I will administer the oath, and you will
7 state, I do.

8 Do you swear or affirm that the
9 testimony you'll give in this matter to be the
10 truth, the whole truth under penalty of perjury,
11 so help me god?

12 PUBLIC: I do.

13 CHAIR RICHARD BRADNER: Thank you. We
14 have a certification of hearing notice. Madame
15 Secretary?

16 BOARD SECRETARY: For the record, the
17 notice was published in the West Side Leader two
18 times, on May 26th and secondly on June 9th.

19 CHAIR RICHARD BRADNER: Okay,
20 excellent. Thank you. I need a motion to un-
21 table the case.

22 BOARD MEMBER MRS. HETE: I move it to
23 un-table ZC-22-01.

24 CHAIR RICHARD BRADNER: All in favor?
25 Or second, I'm sorry.

1 BOARD MEMBER MRS. BURNHAM: Second.

2 CHAIR RICHARD BRADNER: All in favor?

3 BOARD: Aye.

4 CHAIR RICHARD BRADNER: Okay, no
5 opposed. All right. William, will you please
6 give a presentation in terms of what's happening?

7 PLANNING DIRECTOR WILLIAM FUNK: Yeah.
8 Good evening, everyone. So again this evening,
9 we are here for case ZC22-01. Originally this
10 was titled Case ZC21-02. We did update it to the
11 22-year, as this has been going on for a little
12 while now.

13 Again, the Applicant is requesting a
14 map amendment from the current R2 residential
15 district to a proposed B4 restricted business
16 district.

17 Property in question is 1075 Ghent. It
18 consists of 3.49 acres. The purpose of this
19 district for the R2 residential district is to
20 establish areas for single-family dwelling units
21 and portions of the township where there are
22 limited public services and where there are
23 concentrations of natural resources.

24 The purpose of the B4 restricted
25 business district is to provide for office and

1 institutional uses and locations adjacent to
2 retail areas and in areas easily accessible to
3 the major arterial system of the roads.

4 Carefully controlled site development
5 is necessary to encourage a functional and
6 aesthetically pleasing office environment and to
7 protect the residential character of adjacent
8 areas.

9 And the property is located on the east
10 side of Ghent Road, to the east of the Ghent Road
11 and North Cleveland-Massillon intersection. To
12 the north, east and south, there are single-
13 family residences, and to the west is the former
14 BP, which now the stone mill realty commercial
15 project sites, the building going up there at
16 Cleveland-Mass and Ghent.

17 Site currently has a single-family
18 residence that was built in 1948. And it
19 consists of 2,058 square feet of living area as
20 well as an accessory structure that was built in
21 1979 that consists of 1,280 square feet in area.

22 The site does slope down towards the
23 north and the west, with the high point of the
24 property being at the southeast property line.

25 And there are no environmental restrictions on

1 this property according to the Summit County GIS.

2 And the applicant is proposing to
3 develop this site. They plan on utilizing it for
4 a dental office, which is classified as a
5 permitted use within the proposed B4 Restricted
6 Business District.

7 He has submitted some updated plans, a
8 site plan, as well as some drawings, which they
9 will go into in their presentation. The
10 projected building is a 5,000 square foot single-
11 story building. It's a 5,000 square foot
12 footprint, and it has a proposed full walk-out
13 basement, which will be an additional 5,000. So
14 10,000 square feet of usable space, 5,000 on each
15 level.

16 Bath Township Comprehensive Land Use
17 plan does classify this as a rule, a state and
18 residential use. So zooming in, you can see the
19 subject property right here. Again, it does have
20 that rural residential use is what the
21 Comprehensive Plan calls out for.

22 Before I get into the Planning
23 Commission recommendation, I do kind of want to
24 give just a recap. I am aware we have been with
25 this application, and this has been going on for

1 quite some time. The applicant originally came
2 to us in late 2020.

3 We did do a site visit on the site in
4 late 2020, but the application was made to this
5 Board for the Zoning Amendments, that was
6 accepted on January 14th of 2021. And again, the
7 property of 1075 and the application to rezone
8 that parcel to B4 restricted business.

9 Once we receive an application, our
10 process will require to send it down to the
11 Summit County Planning Commission. On January
12 28th of 2021, the Summit County Planning
13 Commission held a public hearing regarding the
14 re-zoning application.

15 The Summit County Planning Commission
16 staff made a recommendation to the Planning
17 Commission to deny the proposed re-zoning
18 request. The Commission discussed access to the
19 site and surrounding uses as well as future uses
20 within the area.

21 A recommendation was made to the
22 Township by members to more than in-depth study
23 of this corridor, and ultimately, a motion was
24 then made to recommend approval of the re-zoning
25 followed by a second.

1 The Summit County Planning Commission
2 did pass this motion to recommend approval of the
3 re-zoning application. And following this, I'll
4 go a little more in-depth as to that
5 recommendation and read that into the record.

6 So on February 11th, 2021, the Zoning
7 Commission held a public hearing for this
8 application. The case overview, as well as
9 Planning Commission recommendation were read into
10 the record. The Commission discussed the
11 recommendations and discussions from the Summit
12 County Planning Commission.

13 And a recommendation was approved to
14 table this case and move forward with
15 investigating the creation of a -- or can
16 actually move forward with creating a committee
17 to study the Ghent corridor.

18 So following that hearing, the Ghent
19 Corridor Committee was created by the Bath
20 Township Trustees, and we hired Wendy Moeller of
21 Compass Point Planning. She was contracted to
22 discuss the options for this corridor.

23 Wendy Moeller and Compass Point has
24 done a lot of work with the Township in the past.
25 With the Comprehensive Land Use Plan, as well as

1 the Zoning Resolution, so we felt she had some
2 good knowledge in Bath Township and would be
3 helpful in guiding us forward.

4 So after the initial meetings with
5 Staff and with the Committee, Wendy Moeller
6 narrowed this decision or discussion down to five
7 options. Those options were as follows -- option
8 one basically was do nothing to maintain the plan
9 and current zoning.

10 Option two was to re-zone the property
11 from R2 to B4 as requested. Option three was to
12 expand the existing B1 district to the south of
13 the area into the R2 area. Option number four
14 was to expand the existing B1 district as
15 proposed in option three.

16 But then, to re-zone the entire area to
17 B4. And then, option five was the creation of a
18 new transitional corridor overlay district that
19 would function as a Planned Unit Development
20 Overlay Zoning District.

21 After discussions with the Committee,
22 they generally agreed to further explore option
23 five, which was the planned unit development.
24 Wendy Moeller presented an overview of the PUDs
25 and gave examples of how other Ohio Township have

1 utilized PUDs within their zoning resolution.

2 A straw poll was taken of the Committee
3 with a recommendation to suggest that Township
4 Trustees move forward with the public process to
5 amend the comprehensive plan for this area and to
6 develop a PUD that would include various
7 recommendations from the memo that she provided
8 regarding the PUD tool.

9 The results of that straw poll were
10 four in favor, three in opposition, one abstained
11 in moving forward with the PUD. That was then
12 sent onto the Board of Trustees for review. And
13 then, on September 7th, during the Board of
14 Trustees public -- or normal meeting dates, the
15 Board of Trustees disapproved the recommendation
16 to update the Bath Township Comprehensive Land
17 Use plan to include a plan overlay district for
18 the Ghent Road Corridor.

19 And then we were sort of in limbo for a
20 little while as the Applicant was doing some more
21 work to kind of prepare the application moving
22 forward, which kind of brings us closer to now on
23 May 12th, the Zoning Commission did un-table the
24 re-zoning requests of 1075 Ghent Road.

25 This was for a public informational

1 meeting. I believe the Applicant will kind of
2 give an overview of what he also kind of gave
3 during that meeting, where he presented an
4 updated preliminary site plan, as well as
5 building renderings for that proposed dental
6 office.

7 And then, at that meeting, the
8 Commission did set the public hearing, which is
9 happening this evening. Then, on May 26th, the
10 Zoning Commission did hold a site visit, and they
11 were able to walk the neighboring properties, as
12 well as walk the 1075 Ghent Road site again, and
13 had an opportunity to meet with the residents of
14 those properties and kind of get a better
15 viewpoint of that site.

16 That is all I have for my overview.
17 Unless anyone has any questions, we could pass it
18 onto the Applicant.

19 CHAIR RICHARD BRADNER: Any questions?
20 Okay, thanks Bill.

21 PLANNING DIRECTOR WILLIAM FUNK: Thank
22 you.

23 CHAIR RICHARD BRADNER: Well done. Dr.
24 Pristas? Your -- it's now your opportunity.

25 PLANNING DIRECTOR WILLIAM FUNK: I'm

1 sorry.

2 CHAIR RICHARD BRADNER: Sorry?

3 PLANNING DIRECTOR WILLIAM FUNK: I got
4 ahead of myself.

5 CHAIR RICHARD BRADNER: All right.

6 PLANNING DIRECTOR WILLIAM FUNK: I
7 forgot one portion of the agenda. I need to
8 read-in the actual Summit County Planning
9 Commission. I do think I read this in previously
10 at our last, but it's been such a long time that
11 I figure I might as well cover my bases and re-
12 read it in.

13 I kind of alluded to the fact that
14 staff comments versus Planning Commission -- so
15 staff was kind of, and Planning Commission kind
16 of works the same way we do, me and Nanci being
17 staff, you guys being the Planning Commission.

18 The Planning Commission staff actually
19 makes a recommendation to the Planning
20 Commission. The Planning Commission is the one
21 who makes the ultimate approval. Staff
22 (indiscernible) comments. The site can be used
23 as per the zone, it felt. The Township Future
24 Land Use Plan calls for these parcels to be ruled
25 stated residential use.

1 Although the (indiscernible) mixed use
2 area is adjacent to the Bath Township future and
3 adjacent to the Bath Township future
4 (indiscernible) states, the Township does not
5 envision the expansion of this area outside of
6 the boundaries illustrated on Map 9 featured Land
7 Use land map.

8 That's the map that was shown earlier.
9 There are no adjoining B4 properties. This was
10 an island of B4, surrounded primarily by
11 residential use.

12 CHAIR RICHARD BRADNER: Hold on for a
13 musical interlude.

14 PLANNING DIRECTOR WILLIAM FUNK: Yeah.

15 CHAIR RICHARD BRADNER: If you haven't already, if
16 you could mute your phone, if you'd be so kind.

17 PLANNING DIRECTOR WILLIAM FUNK: And
18 then, the proposed change may have an adverse
19 effect on traffic or the neighborhood. So staff
20 did recommend disapproval, but ultimately on
21 January 28th, 2021, the Summit County Planning
22 Commission did approve or recommend approval of
23 the re-zoning.

24
25 So ultimately, Summit County Planning

1 Commission did recommend that approval. And that
2 is all from me.

3 CHAIR RICHARD BRADNER: All right. Thank
4 you, Bill. Dr. Pristas, it's now time for the
5 Applicant to make a presentation. Seems like
6 we've been doing this for 18 months now.

7 DR. TIM PRISTAS: Longer than that.

8 DR. JEN DIPIERO: Yeah, something like
9 that.

10 DR. TIM PRISTAS: Yeah, so -- well,
11 thank you all. Dr. Jen DiPiero is you know, an
12 equal partner to this, and really going to be the
13 facilitator to the operations of the property and
14 is going to begin with, you know, comments
15 tonight and we're going to work as a team in
16 tandem to discuss.

17 DR. JEN DIPIERO: Good evening. Let me
18 know if you can't hear me please. I'm going to
19 try and talk in here. So good evening. Tim and
20 I want to thank you all for being here tonight
21 and for your time and consideration for being a
22 part of this conversation, as you alluded to,
23 it's been going on for some time.

24 Ultimately, we want what is best for
25 the greater Bath community. We understand that

1 the development of 1075 Ghent has become a little
2 bit of a conversation point in the community, a
3 lot of which developed off of misinformation or
4 lack of information early on because we were
5 never able to give an actual presentation.

6 So we're really pleased to get that
7 chance this evening to do that, so thank you. We
8 hope to alleviate some perceived concerns and
9 also explain how our vision for this property can
10 absolutely add to the Bath community, provide a
11 soft transition to the growing area, and enhance
12 the already wonderful place that we know Bath is.

13 So some of you may already know a
14 little bit about our proposal and about us as
15 individuals. But just to give a little
16 introduction as to who we are and why we're
17 standing in front of you tonight.

18 Tim and I are both general dentists.
19 We graduated from the Ohio State University
20 College of Dentistry together in 2009. And about
21 four years ago, reconnected. And out of the
22 conversation and discussion that evening,
23 developed a shared vision of someday partnering
24 together in establishing a top-notch dental
25 health practice, which would be in a league of

1 its own in terms of what it could offer to our
2 patients. So a little about Tim, if you want to
3 say --

4 DR. TIM PRISTAS: Yeah, so not to be
5 redundant, but I'm from Northeast Ohio, I grew up
6 the street in Brecksville. You know, my dad was
7 a fireman up there. My mom was a nurse and I
8 love the area. So after Ohio State time, I did a
9 residency at the Cleveland Clinic for dentistry
10 and hospital medicine. My wife --

11 BOARD MEMBER: Can you speak into the
12 microphone?

13 CHAIR RICHARD BRADNER: Can you get
14 closer to the mic so we can hear you?

15 DR. TIM PRISTAS: Sure, thank you. So
16 again, Head of Residency at the Cleveland Clinic.
17 After that time, my wife now Leslie was a member
18 of the United States Air Force. And about two
19 years after private practice after the Cleveland
20 Clinic, I moved onto Louisiana.

21 From there, I owned and operated a
22 dental office outside New Orleans in Slidell
23 Louisiana, off Ponchartrain. You know, took that,
24 you know, experience and really was able to create
25 so much help and

1 betterment to a practice that was neglected.

2 The practice was one of the first
3 female dentists in the State of Louisiana. She
4 was in the first graduating class. There were
5 two females in that class. One was earlier in
6 the alphabet. She was the second.

7 So this 6'3", 250-pound red faced
8 Yankee came down there and still was able to
9 create tremendous care, even though it was a
10 polar opposite of what she had established in
11 this legacy practice.

12 After that time, my wife was able to
13 stay within Mississippi for her payback time to
14 the Air Force. She's a medical provider as well
15 and now a director of bariatric surgery at St.
16 Vincent's in Cleveland. We were married down
17 south. We had our three sons down south.

18 And you know, they gave us the
19 opportunity to decide where we want to live. And
20 then, that, you know, moment and in that
21 opportunity, we knew Northeast Ohio was a place
22 that we wanted to raise our three sons.

23 So in 2018, we relocated back to
24 Northeast Ohio. One very important point that
25 we'll lead into, you know, in the discussions was

1 a progression of the timeline, so that's why I
2 asked that. Since we've been back, as mentioned,
3 we have our three boys, you know, our love of our
4 life, and they're all going to be Revere
5 students.

6 My oldest, Timothy now is in second
7 grade. My middle son Benjamin will be going
8 there next year. And the little guy is still
9 growing. So we are active community members. We
10 live on Yellow Creek Road. They play you know,
11 recreation baseball, tee-ball and soccer. So
12 Revere is our home.

13 This is where we are going to be
14 hopefully generationally. We've put a lot of
15 emphasis on you know, our family and being a part
16 of the community. I view my role in life always
17 to better the situation that I'm in. And in
18 Brecksville, Community Roots is my dental office
19 there. And I was able to take an old, vacated
20 McDonald's building and create the model that Jen
21 and I will be presenting and sharing with Bath.

22 So with that, it would be top notch
23 care, and it really rejuvenated that area and
24 rehabbed the area that needed attention. It's
25 been extremely highly received, and it's really

1 increased the level of care and commitment to
2 that. So I was raised in Brecksville. I wanted
3 to give back to Brecksville. So we did that
4 successfully and I live in Bath and I want to
5 give back to Bath as well.

6 It deserves the highest standards of
7 care, and Jen and I can be people that can help
8 deliver that standard of care. So thank you. So
9 that's part of my background and how we came to
10 today.

11 DR. JEN DIPIERO: Okay, thanks Tim. So
12 like Tim, my roots are also in this area. I went
13 to school at Old Trail School in Bath for nine
14 years, and then Western Reserve Academy in Hudson
15 for high school, and then briefly left the state
16 to go to Duke University for undergrad before
17 returning back to Ohio for dental school.

18 I currently have a very busy and well
19 established general dental practice down in the
20 valley in the Akron Fairlawn area. I've owned it
21 for about eight years, but it's been in existence
22 for over 30. It's been generationally
23 established.

24 We've been blessed to grow every year,
25 and we're at the point where we are extremely

1 maxed out of space. We had to turn away new
2 patients for a period of time. My parents'
3 basement is literally our storage unit. Like
4 that's how much we need a new location, so it's a
5 blessing, but it's also a problem at the same
6 time because we are limited in how much care we
7 can deliver.

8 We have many Bath residents as well who
9 are current patients at the practice. Our hope
10 is to relocate my practice to this location and
11 help it grow in a way that can better serve the
12 patients, and ideally serve the community by
13 providing all dental services under one roof.

14 So we are aware this meeting is
15 ultimately centering around the issue of
16 development of this property and of rezoning.
17 We're going to spend the majority of it talking
18 about that.

19 But we do think that the details of our
20 dream proposed building and business model
21 matter. So over the past couple of years, as has
22 been alluded to, there have been many meetings,
23 mostly over Zoom because of COVID, related to the
24 possible development of this particular property.

25 The greatest benefit has been that it

1 has allowed us time to hear all the concerns and
2 different things that have come up and has given
3 Tim and I the chance to spend a lot of time,
4 where we spent hours on this, trying to figure
5 out ways that we could help minimize any
6 concerns, while also serving the Bath community.

7 So I'm sure it comes as no surprise to
8 any of you that we're living in a time where
9 healthcare is changing. I don't necessarily feel
10 it's for the better. I'm sure many of you would
11 agree. Doctors are timed for patient
12 interaction. They're told who, what, where,
13 when, why they can treat based upon the insurance
14 companies dictating to them and the bottom line.

15 As is the case with dentistry as well,
16 dental chains and massive conglomerates are
17 trying to take over healthcare, dental health.
18 So they're trying to systematize something, our
19 health, that we don't feel should be.

20 At the center of our vision is to grow
21 an already successful dental practice into a very
22 unique, high-end technologically advanced dental
23 health center, which puts the patients first. We
24 would coordinate all aspects of patient care to
25 the best of our ability under one roof, except

1 most major private dental insurances, as we both
2 do already.

3 And allow the oral health of our
4 patients to really help facilitate their overall
5 well-being and health. You may be wondering why
6 Bath, why this particular property? So we're
7 going to get into this a little bit more, but
8 just to give the short answers here. So why
9 Bath?

10 For the same reasons you all love and
11 adore Bath. It's near and dear to both of our
12 hearts for different reasons. It goes without
13 saying it's a wonderful location. This
14 particular property especially would provide
15 wonderful access for patients to get to.

16 There's nothing like what we're
17 proposing in -- besides maybe Tim's practice,
18 really in the Northeast Ohio area, and we want to
19 bring this unique concept to Bath, to the Bath
20 community.

21 There is definitely a need for it, and
22 we want to not only meet that need, but we want
23 to exceed it and we want to really pioneer that.
24 So why this particular property? And again,
25 we're going to get into this a lot more, but

1 there are no other properties in Bath which can
2 accommodate this site plan and this vision,
3 period.

4 We would provide easy access, as I
5 mentioned. The area has already grown
6 tremendously recently, and we believe that this
7 particular property lends itself naturally to an
8 extension of the commercial zoning directly
9 across the street.

10 At the same time, the abundance of
11 greenery, which we would do our best to not only
12 maintain, but hopefully enhance, which again,
13 we'll get into, provides a very soothing and
14 calming environment for patients that are
15 typically not so happy to be driving up to a
16 dental office.

17 So with that, we're going to get into
18 our PowerPoint presentation and kind of get into
19 the details a little bit more. Thank you.

20 DR. TIM PRISTAS: And so, before we go
21 into that, talking about 1075, what we did first
22 attempt to acquire the Apex property, which is
23 currently being developed, okay? So that
24 property was a location that we tried to go into.
25 We were in conversation with Bath for about nine

1 months before Bath ultimately decided to go a
2 different direction and it developed into an
3 entertainment area.

4 So with that, they made a decision and
5 which greatly affected the Township, which
6 greatly affected the intersection and greatly
7 affected 1075 Ghent Road, the property that we're
8 discussing.

9 So as we go forward, Jen's right. You
10 know, there's no other properties this will
11 highlight that could accommodate this. Municipal
12 utilities, access to the highway, betterment,
13 visibility, zoning ability, so things that would
14 make this function in a different capacity don't
15 exist in Bath.

16 So our attention did turn to 1075 with
17 the ambition of trying to make it something that
18 would be better for the community. So when we
19 looked at 1075 first, a little bit of the
20 history, the house was purchased about 23 years
21 ago, but then listed for sale in 2013.

22 It was a residential rental property
23 for the majority of the tenure from the
24 ownership. It also had a operational business
25 out of it referred to as The Cookie Lady.

1 I started looking at the property only
2 after the Apex property went in the other
3 direction with Bath. So our due diligence
4 started in 2020. The first aspect of the due
5 diligence was to meet with Summit County traffic.

6 We met with Summit County traffic and
7 met with David White and Joe Paradise, who both
8 gave the verbal permission and ability to tie
9 into that intersection. Mr. Bill Snow was in
10 that meeting with us. Bill, would you be able to
11 stand up and make a comment or confirmation with
12 that, please?

13 CHAIR RICHARD BRADNER: Bill would you
14 step to the microphone, so that we could record
15 this and would be so kind and identify yourself,
16 give your address. Thank you.

17 WILLIAM SNOW: William Snow, 3960 West
18 Bath Road. We did meet with the Summit County
19 Engineer, Joe Paradise and Dave White. I think
20 Dave White was the gentleman that worked with
21 Bath. And we did talk extensively about using
22
23
24
25

1 the traffic light, the other phase to get into
2 the site.

3 He did give us verbal approval, gave us
4 some cost numbers to get that done. So it was a
5 very good meeting we had down in his office.

6 DR. TIM PRISTAS: Thanks, Bill. So
7 that was the first part of the due diligence.
8 And so, you can note that early March, late
9 February meeting, and then COVID happened. So as
10 everyone in this room, our lives were greatly
11 affected.

12 Brecksville and Community Roots, I had
13 just moved into that in January of 2020. So you
14 know, it really took our energies to stabilize
15 that, to endure that and to absolutely use that
16 as an opportunity to grow that.

17 So then, you know, later, towards the
18 end of the year and the beginning of 2021, you
19 know, we, as Bill said, started to have the
20 conversation again.

21 First, as Bill stated, and not to be
22 redundant, we had to meet with Summit County
23 Zoning. It was over a Zoom meeting. We were in
24 my basement, had no clue what we were doing, just
25 totally you know, excited and the meeting starts

1 with like, ah, by the way, we disapprove this.
2 And we're like, wait, what? You know, like I
3 thought this was our opportunity to present to
4 you our ideas and our ambitions and share and
5 then make a decision.

6 After that conversation, they allowed
7 us to present. And as Bill highlighted, it went
8 from a unanimous no to a unanimous yes. This is
9 the highlighted yays all the way down. And
10 again, not to be redundant, it went to a
11 unanimous yes for Summit County.

12 From that point, we came back to Bath
13 with a yes, and then at that time, Bath asked us
14 to table the direction of the conversation in
15 order to work with Wendy Moeller of Compass
16 Point. Wendy made her conclusions, which
17 ultimately were agreed upon in majority by Bath
18 Committee assembled by Bath to approve for a
19 transitional overlay district.

20 So there's been now Summit County and
21 now an approval by a Bath Committee
22 assembled by Bath Committee. So these are just
23 the objective support metrics there, that we can
24 have. So this is not hearsay. These are
25 documented things that (indiscernible).

1 Again, with that, Joyce Mork, the seller
2 of the property has also written a letter stating
3 the history of the property and how it was on the
4 market for those eight years with unsuccessful
5 sales.

6 With that, you know, that's from her
7 mouth. That's her letter that was provided. We
8 went from that. With that, we came to un-tabling
9 and today, we're back to presenting to try to
10 move forward with this and create that betterment
11 for Bath.

12 So again, I'd like to just highlight the
13 letter constructed by Joyce Mork describing the
14 difficulty in selling that property, the lack of
15 residential value to that property and how I was
16 the highest bid. The property was listed at \$379.
17 I purchased the property for \$330,000.

18 BOARD MEMBER MRS. HETE: Can you repeat that?

19 DR. TIM PRISTAS: The property was
20 listed for \$379 and I purchased the property for
21 \$330,000. Again, this is the approval by Summit
22 County. And again, this was the approval by the
23 Bath directed, Compass Point Zoning Commission.

24
25 So when I talk about there being no

1 other opportunity to develop in Bath, I'd like to
2 highlight some issues. One is water and sewer
3 utilities. Any point north of this intersection
4 does not have the capable utilities to operate
5 this facility.

6 So anything from there north, we can
7 just eliminate. That gives us Cleveland-
8 Massillon Road as really the only potential.
9 Along Cleveland-Massillon Road, you have lows
10 down here.

11 You do not have the availability and
12 space to create this group function. The group
13 function is very important to our ability to
14 deliver the highest level of care. You cannot be
15 a Jack of all trades and master of none. We need
16 to be a group of likeminded team members to
17 deliver the best care in an individual aspect,
18 but to operate under one administrative umbrella
19 under one roof.

20 So that way, our patient always is
21 getting the best. It may not be from me. It may
22 be from Jen, but we're together always in
23 collaboration to deliver the best. These parcels
24 either weren't for sale, they weren't large
25 enough. There's nothing that met that standard.

1 Also as mentioned, I tried to purchase
2 the Apex property first and work within the
3 current zoning of that property. It's very
4 important to note that in 2019, Bath granted
5 variances to allow this building to be built.

6 I sure hope it ends up looking like
7 that because that's pretty cool. Everybody would
8 love to sit out and watch TV on a patio and have
9 drinks. Everybody would love to play simulated
10 golf, have ice cream and do what Bath intended
11 for a recreational entertainment area.

12 But to be a resident next to that
13 directly, the only house looking into that
14 property is not good. It's not something that is
15 lending to a residential building. So the
16 variances were granted September 24th, 2019. The
17 variances included all --

18 CHAIR RICHARD BRADNER:
19 (indiscernible).

20 DR. TIM PRISTAS: Just the bottom one.

21 CHAIR RICHARD BRADNER: Just hold on
22 for a second.

23 DR. TIM PRISTAS: Okay, thank you. The
24 variances included outdoor dining, restaurant
25 conditional use, reduction in the front yard

1 setbacks, exceeding maximum building footprint,
2 encroachment upon setbacks on the street buffer
3 and a reduction in the minimum front yard
4 setback.

5 So they purposely granted a very large
6 building on a smaller space with outdoor
7 entertainment. And this was all done in 2019.
8 This was all public. Along with that, Summit
9 County submitted to redo the intersection.

10 Again, 2019, that intersection as a
11 Bath resident, say what you want about it, it's
12 done, right? It's been fulfilled. It was
13 designed in 2019. It's been fulfilled. So those
14 are two major influences on 1075 Ghent Road.

15 You have the three story 22,000 square
16 foot entertainment facility. You have a re-done
17 intersection with constant traffic in my front
18 yard. This is a map just highlighting the
19 utilities available to, again, objectively
20 support that position.

21 This is some footage that I'd like to
22 share. This is coming off of 77. So this is
23 real time, you know? First on the white building,
24 the Dimitroff, that property was purchased by UH
25 Hospital for about \$5 million.

1 You have development right off 77.

2 You have that big diamond ring right
3 there, developed by Bath on the Apex. And we're
4 going down into the intersection. You can note
5 how much traffic is stopped there. There are
6 large, loud semis. There's motorcycles. There's
7 sirens that go by there.

8 There's a highway right next door.
9 There's a tremendously busy intersection. There
10 is a three-story building with future noise
11 pollution, more light pollution. This is the
12 view from the front yard where the trees are.

13 I'd like to share another video. This
14 is what you would see if you sat in my front
15 yard. This is a 10-minute capture into a 40-
16 second condensed video. I understand it's
17 accelerated, but I would like you to note how the
18 traffic builds up. I would like you to note how
19 the traffic is constant.

20 You don't see any stoppage. You have
21 nothing but heavy traffic. I have three sons, as
22 I mentioned, who are the highlights of my life.
23 I would not feel comfortable with them kicking a
24 ball into that intersection.

25 We have pets at home. Love them, too.

1 If my pet ran out of my front yard into that
2 intersection, I would be highly worried. Any of
3 you that have children, any of you that have
4 pets, I would imagine you would feel the same
5 way.

6 These are some still photos, just
7 standing on the grass, showing the constant
8 traffic. It's just a contrast from the motion.
9 So and during this process, I think you know, we
10 were so excited about our ambition that we didn't
11 look at what would it look like from the outside.

12 So I decided to fly a little drone over
13 to see what it would look like from the third
14 story of this new building. So again, this is a
15 bar. This is a restaurant. This is an ice cream
16 shop. This is a private club golf simulator.
17 And this is right above the third-floor window.

18 Again, this is the traffic. This is
19 also grown in with full foliage of the deciduous
20 trees. There's no lights here. It's daylight.
21 There's no noise coming from this building yet,
22 but I'm pretty sure you can look right into that
23 property.

24 You don't see any other houses. You
25 see 1075. I understand that the drone is pointed

1 in that direction, but you don't see houses to
2 the north. And there is no other intrusion like
3 this property.

4 Again, you know, look at that traffic.
5 This is when the cars stop at the designated
6 lined position where the lights shine. That
7 shines right into the house. One of the
8 residents has a stopped light designed by the
9 Summit County approved by Bath Township with
10 further development by Bath Township, allowing
11 lights to shine directly into your house.

12 I don't know about you, but you know,
13 having kids, being a medical provider, sleep's
14 important, right? And it can be hard when you
15 have all this noise and light. Stood outside
16 there.

17 I mentioned the noise. And just took
18 how loud this really is. This is a snip of a
19 two-and-a-half-minute decibel reading that we
20 took. The average was going to be in the high
21 70s, just below 80, with a max reading of almost
22 touching 100, 98.2.

23 So what does that mean? Well, hearing
24 loss and damage starts at about 85 decibels. So
25 at our height of 98, you would have hearing loss

1 starting in just less than 15 minutes of
2 endurance of that. So in 15 minutes, that's not
3 healthy for you.

4 85 is the limitation for a development
5 of a work site. So if this was a work site, they
6 would have to have protection. These are just
7 some normal traffic noise, you know, things. So
8 you know, 50 to 90, you're talking highway noise.

9 85 to 115, you're talking a concert.
10 Walkman at your ears, you're at 100. So all
11 within the levels that we were at. So again,
12 objective decibel readings from the property.

13 So again, these are the reasons 1075 is
14 the best and the only opportunity for us to
15 deliver the best-in-class care to Bath, something
16 that we're committed to, something that we've
17 grown up into and something that we're going to
18 be committed to long-term.

19 Dentistry is one of the most
20 economically successful long-term businesses.
21 This is 98, 9.8 percent successful long-term, as
22 far as development, it's not a restaurant that
23 could be, you know, in 50 percent coin flipped
24 chance to be successful.

25 We're moving a growing, established

1 successful business to create operations already
2 there. There is utilities. There's no other
3 opportunities. So within our site plan, we were
4 very careful and to try to include the neighbors
5 and try to include the concept from Bath to make
6 sure that we could, you know, protect the border
7 to the north, so we could protect the transition
8 place.

9 You know, a dental office, and we'll
10 get more into this, is low hours of operation.
11 Our expectation would be anywhere from eight to
12 six Monday through Thursdays, half days on
13 Fridays, half days on Saturday. Maybe that's
14 seven to seven, maybe that's eight to six, but
15 they're within the normal working hours of a
16 business and operations. There's no nights.

17 There's no weekends past you know,
18 lunch. So it's very, very reserved to the
19 neighbors. It's a low volume, and our goal to be
20 -- to build a very aesthetic building, which we
21 displayed earlier, which we'll display again.

22 So the building would be positioned on
23 the northwest corner, is the highest visibility,
24 and also the grade of the property lends itself
25 to the proper planning of the building.

1 We would be putting in large egress
2 positioning for any future development that plan
3 Bath may or may not want to do. But from day
4 one, we have been great partners to Bath to have
5 been open to helping.

6 This, at our expense, would be an
7 opportunity to help create flexibility to your
8 future. The parking allotment for a dental
9 facility like this would be at a minimum of 55.
10 This is drawn to 63 spaces.

11 The lighting would be very minimum. We
12 would work through Bath's structure to make sure
13 that that's accommodated, but very easily, we
14 could build barriers. We could have box lighting
15 to have no intrusion on the neighbors at all.

16 So again, you don't need a lot of light
17 when you're at the corner of a super major
18 intersection on top of a highway. You know, a
19 lot of people are going to see it. I live on
20 Yellow Creek Road, as I mentioned, so I'm acutely
21 aware of what water damage and flooding can do to
22 the community.

23 Obviously, I view that as hugely
24 important to my family and with them being the
25 principle in my life, I would never compromise

1 them, and I surely would not build an office
2 without having the very proper water retentions.
3 We could work with proper grade to have
4 underground retention.

5 You could have external retention. But
6 again, as working with Bath to develop absolutely
7 what's best for the community, but that would be
8 something at the heightened point of contact.

9 We would also be trying to protect the
10 neighbors by mounding, and when I say mounding, I
11 want to be clear on this. Landscape dirt mounded
12 four feet up to block any headlights, so there
13 would be zero headlights coming from the parking
14 lot.

15 Above that four-foot mound would be
16 deciduous trees consisting of Norway spruce,
17 hemlock, beautiful four-season evergreens. The
18 same would happen on the southern portion of the
19 property. And these would be in addition to
20 already the current landscapes.

21 So we would be adding trees, adding
22 mound planting, adding protection to the
23 neighbors transitioning this area that has
24 already been changed by Bath and Summit County.
25 These are our elevations for the building.

1 Our inspiration was to make something
2 beautiful and natural for Bath. So when we
3 looked at like, areas like Kendall, Lake Park in
4 the park systems, we wanted a beautiful, natural
5 looking building, like a ski lodge that would be
6 very comforting to a patient, but also be the
7 highest in technology to have the best care.

8 We added a car port on the east side of
9 the building for ADA compliance, and also
10 overhead protection for people needing support to
11 get in and out of their car. So this currently
12 is the west face. And this is the south face of
13 the building.

14 Again, it's a one-story building,
15 versus across the street, which is a three-story
16 building. Yes, there is a walk out basement to
17 the north.

18 MRS. HETE: So which is the west?

19 DR. TIM PRISTAS: So look, I'm sorry --

20 MRS. HETE: I'm sorry, my mic
21 wasn't on. Which is the west?

22 DR. TIM PRISTAS: The bottom.

23 MRS. HETE: Got it.

24 DR. TIM PRISTAS: So that's what you
25 would be seeing at the intersection. And we have

1 colors to show, too. So this would be the north
2 on the top, and the east on the lower. We would
3 have a second egress point for patients and also
4 deliveries, so we would not want to invade the
5 privacy of people waiting in the waiting room or
6 having deliveries, you know, stack up in an
7 undesirable area.

8 So our material choices are natural
9 stone, natural appearance again, model something
10 that would be beautiful and fit the aesthetic of
11 Bath. We would be working within Bath's
12 definition of having the building in the front and
13 the parking behind through their Aesthetic
14 Committee.

15 We'd have fireplace for ambiance. We'd
16 have top level design for operational success.
17 We'd have little to no lighting for intrusion.
18 We'd have little to no sound. We'd be inside the
19 building during very limited hours of operation
20 with no nights and no weekends.

21 MRS. HETE: Sorry, just to give me
22 perspective. Am I at this point looking almost as
23 if behind that building would be the Apex
24 facility?

25 DR. TIM PRISTAS: The Apex would be in

1 the street. So this is the northeast side. The
2 Apex building would be looking at this space, and
3 also --

4 DR. JEN DIPIERO: No, no, I'm saying --
5 go back to the one you were on. If I were to go
6 over the building --

7 DR. TIM PRISTAS: Yes.

8 DR. JEN DIPIERO: -- Apex is like the
9 other side of that?

10 DR. TIM PRISTAS: Yes, correct. I'm
11 sorry. I misunderstood.

12 DR. JEN DIPIERO: Just to get the
13 perspective. Thanks.

14 DR. TIM PRISTAS: Yes. So I'm going to
15 ask Jen to talk more about the vision of our
16 practice, it was so important. We're not going
17 to focus a lot of time on the detail of it, but
18 more again, the goal for betterment to the
19 community and the fact that we put in a
20 tremendous effort to create something that's very
21 high level and beneficial.

22 Also, you know, to help if there's any
23 questions, our architect Leon Sampat is in the
24 room. So if there's any questions about
25 lighting, water, you know, landscape orders or

1 things like that, he's available as well.

2 DR. JEN DIPIERO: I guess Tim covered
3 most of it. I just want to touch upon briefly
4 how much time and effort we put into this. I
5 don't think any of you really want to get too
6 much into the nitty gritty of the dental flow,
7 but there was a lot of time and many meetings
8 that went into this.

9 And we would bring that same level of
10 detail and to the overall plan, should it move
11 forward. So this would be the main floor. This
12 is the top floor. This is where all patient care
13 would take place.

14 We have it right now designed for 12
15 operatories. And what that means is, a place
16 where a patient is treated. So some of that
17 would be with hygienists. Some would be with
18 dental providers.

19 Tim kind of talked about the egress
20 points and different things like that. We plan
21 on having again, just to try to make this look
22 really, really, really nice and blend with
23 everything and blend with nature.

24 So fireplace, again, kind of like a
25 modern ski lodge like Virginia Kendall Park.

1 That's our goal, so --

2 DR. TIM PRISTAS: We'd have private you
3 know, consultation rooms for discussions about
4 health with patients, private waiting rooms,
5 state of the art sterilization and equipment for
6 the practice, enlarged rooms for procedures
7 requiring more space.

8 DR. JEN DIPIERO: And one other thing
9 to add. I know this has come up in a couple of
10 the meetings, like no hazardous waste concerns
11 from a dental office. Like anything that even
12 potentially could be, which would be old dental
13 fillings, that at the point of us literally
14 taking that out of a patient's mouth, there's a
15 separate separator for that.

16 It does not go anywhere else outside of
17 it. So that has been something that's been
18 brought up that is not a concern. And even if it
19 were, we're already having to you know, go with
20 all the regulations in our industry anyway.

21 So just wanted to touch upon that
22 briefly. So that's the first floor. The lower
23 level would be kind of geared towards the health
24 of our team. We spend a lot of time at work. We
25 want our team to be healthy and happy and have a

1 good work/life home balance. And that allows
2 them to provide better care to our patients as
3 well, and also help retain employees so there's
4 consistency of care amongst our team and our
5 patients.

6 Patients like to come and see the same
7 person working on them, the same hygienist, those
8 sorts of things. So we really want to have our
9 team and keep our team and make them happy, and
10 that just translates over into better care for
11 our patients ultimately.

12 So bottom floor, we have again, just to
13 kind of show you the amount of what we're willing
14 to do to make this a great place for our team and
15 for our patients, the bottom floor has kind of
16 like a -- sorry, I couldn't talk into here and
17 look at the same time.

18 We have an area for our team to eat
19 meals. We even have like a little workout
20 facility because we do believe that overall
21 health is extremely important. And if at lunch
22 they can get a little workout in, they're going
23 to feel better, more energized, take better care
24 of our patients.

25 We also have an area that we hope to

1 provide continuing education to other providers
2 in our field, to bring speakers to come in to
3 help educate, possibly even down the road, we'd
4 love to have our own lab.

5 So currently when we do things, like I
6 do have a CEREC milling machine, where we do
7 crowns and various things chair side, like we
8 actually can complete it in one visit. But we
9 still have to send a lot of our work out to our
10 local labs.

11 It would be great if we could kind of
12 have that in house, and again, streamline the
13 process, ultimately better patient care. There is
14 a space for that on this floor, should we be able
15 to do that, as we hope to down the road.

16 So again, just hope it shows the amount
17 of thought and detail that's gone into this. So
18 am I missing anything, Tim?

19 DR. TIM PRISTAS: Yeah, I'd just like to
20 add like, that training space is a really unique
21 thing.

22 DR. JEN DIPIERO: Yeah.

23 DR. TIM PRISTAS: You know, Jen is very
24 much understanding her abilities as the provider.
25 She does top level care, and that's observed and

1 recognized by colleagues around the area.

2 Again, my practice at community roots
3 in Brecksville, we're a small group, again, with
4 recognized providers and some that do educate
5 nationally, even outside of the country to other
6 dentists, to other groups.

7 Our goal would be to provide that level
8 of care, where we're nationally or potentially
9 globally recognized for excellence is to help
10 enhance other operations and other dentists. So
11 that's a really important and unique aspect that
12 we're trying to fulfill.

13 DR. JEN DIPIERO: And we want to bring
14 this to Bath, so -- all right, I'm going to let
15 Tim take back over here.

16 DR. TIM PRISTAS: So in conclusion, I
17 think there's one really important point that
18 after looking at this from an opposite view
19 standing on the roof of the practice, I wanted to
20 say. And that is, why is this property subjected
21 to this noise and to this light?

22 Why is 1075 so violated? So I went
23 through and I looked at all the stoplight
24 intersections within the Bath Township. Within
25 Bath Township, excuse me. Within Bath Township's

1 borders, every stoplight is developed, whether it
2 be a school, a church, a cemetery or some type of
3 other commercial development.

4 Every single one, except 1075. Why is
5 that fair? Why is that okay? This is Cleveland-
6 Massillon and Everett. This is Cleveland-
7 Massillon and Ira. This is Cleveland-Massillon
8 and West Bath. This is Cleveland-Massillon and
9 Yellow Creek.

10 This is Cleveland-Massillon and Embassy
11 Parkway. This is Cleveland-Massillon and
12 Springside. This is Ghent and North 77. This is
13 Ghent and South 77. This is Ghent and Stirling
14 with Fairlawn to the left, Bath to the right.

15 This is Smith and Bath Hills with Bath
16 to the north, Fairlawn to the south. Up and
17 down. This is Smith and Revere. This is 1075
18 Ghent. This is the only property from my
19 understanding or research within the borders of
20 Bath with a Bath -- like within Bath's inter --
21 you know, borders that is affected like this.
22 Thank you.

23 CHAIR RICHARD BRADNER: Thank you.
24 Please stay up here. We have a few --

25 DR. TIM PRISTAS: Jen had a couple of

1 closing statements.

2 CHAIR RICHARD BRADNER: Okay.

3 DR. TIM PRISTAS: Thank you very much.

4 CHAIR RICHARD BRADNER: Thank you. DR.

5 JEN DIPIERO: Thank you.

6 CHAIR RICHARD BRADNER: Okay, are you

7

8 good?

9 DR. JEN DIPIERO: I think we pretty --
10 yeah, I just wanted to thank you for your time.
11 I know we're not done here, but we really do feel
12 that this property would be the perfect
13 transition for the area. It's already growing
14 and changing, as we've shown.

15 We think we'd be an incredible asset to
16 the community, and that the positives would far
17 outweigh any perceived negatives. So thank you
18 so much for your consideration.

19 CHAIR RICHARD BRADNER: Thank you.

20 DR. JEN DIPIERO: Thank you.

21 CHAIR RICHARD BRADNER: Okay, please
22 stay there. We have some questions. Emily, I
23 saw you writing feverishly, if you would like to
24 go ahead?

25 MEMBER EMILY HETE: Sure. Some of the

1 thoughts I wrote down, some of the questions I
2 had, will you continue to operate your current
3 practices or are those patients coming with you,
4 is the intent?

5 DR. JEN DIPIERO: So I'll answer that.
6 So we would be moving my practice, 100 percent of
7 it to this location. I am renting right now
8 where I'm at, and we would be literally -- that
9 would be a transition as soon as we're ready to
10 move in, boom. Everyone's being moved there --
11 my team, all of our patients.

12 And then, the goal would be to grow it
13 so that we can actually -- our vision would be to
14 have possibly like, two overlapping teams, so
15 maybe a morning team, and then a little overlap
16 and then an afternoon team, so there wouldn't be
17 the same team there necessarily the whole entire
18 time, but that would allow better hours for our
19 patients because most patients want the early
20 morning before work or after work hours.

21 And yes, so 100 percent of my patients
22 would be there. And then, we would try and keep
23 all procedures under one roof, meaning right now,
24 I can do root canals, extractions, all of those
25 things. I don't have the time in my schedule.

1 I'm booked out until like, the end of August.

2 Hygiene's booked for nine months, which
3 is a blessing. However, patients want me to do
4 their root canal or they want to stay here. They
5 don't want to go to a different provider for an
6 extraction. They don't want to go here, there,
7 wherever.

8 So our goal would be to have the
9 providers that can do all of that. So Ms. Stone,
10 you need a root canal. We'll see you on Tuesday.
11 You come right back here. We can't do that right
12 now. And a lot of offices can't accommodate
13 that.

14 So that's part of the vision, why we
15 need the size, it's not that it's going to be
16 constantly busy, it's just that we need that to
17 be able to accommodate the various procedures and
18 also the hygienists that will be working at the
19 same time as well. So does that answer?

20 MEMBER EMILY HETE: It does, but in
21 your vision for this new property then, how many
22 additional employees would you gain?

23 DR. JEN DIPIERO: So right now I have
24 about 12, if you count full-time and part-time.
25 We're guessing probably around 20 is what we're -

1 -

2 MEMBER EMILY HETE: Combined?

3 DR. JEN DIPIERO: Combined, yes. So
4 Tim would still have his Brecksville practice.
5 That would not change, but we would be working as
6 partners for the managerial aspects. Tim does
7 some very high-end procedures that implant
8 surgery, conscious sedation that he would come
9 and do those sorts of things in the practice.

10 DR. TIM PRISTAS: So I would be, and
11 partnering with Jen. She built this awesome
12 practice in the Valley, which she would be moving
13 up. I would help with her, with the operational
14 models that were created at Community Roots and
15 also with the top skilled level providers, we
16 would be able to work at that location to serve
17 her patient base.

18 So it would be something similar to
19 that. Right now, we have 10 operatories. This
20 would be 12. We have 18 staff members. And we
21 model operational hours and everything else to
22 the same capacity, so just to give you an idea of
23 staffing and how that would work.

24 So it's not about this high-volume
25 machine, it's about comprehensive health. And

1 so, with that, you have more time and you have
2 more effect on the person versus high volume. So
3 you don't need you know, 10 doctors there at
4 once, you know?

5 You need one to two to fulfill all of
6 the operational hours of the day, plus the
7 hygiene to support, the oral hygiene health of
8 the patients -- the patient base.

9 DR. JEN DIPIERO: So just to give like,
10 a reference point, currently I have six
11 operatories in my office, and we are busy in all
12 of them all the time, and that's just -- I'm the
13 only provider -- only dentist, I should say, at
14 my location.

15 I have three full-time hygienists that
16 are also seeing patients. But I go between three
17 rooms and we are -- we're maxed out just with
18 that for one provider. So --

19 MEMBER EMILY HETE: Okay.

20 CHAIR RICHARD BRADNER: Anything else?

21 MEMBER EMILY HETE: I have a few more.
22 I was looking at the one picture you had up that
23 seemed to have the landscaping. And I think you
24 stated that the landscaping that you are
25 proposing would be in addition to what is there,

1 is that what you said? So you're not going to be
2 leveling any of the surrounding trees on the
3 bordering properties?

4 DR. TIM PRISTAS: Not on the bordering
5 properties.

6 MEMBER EMILY HETE: That's not your
7 plan? Okay.

8 DR. TIM PRISTAS: At the area of the
9 light and intersection, you know, that path would
10 fit the egress area, but the property, the border
11 to the north or to that south, that would be in
12 addition. We would not be removing any trees.

13 MEMBER EMILY HETE: So you're only
14 adding into the tree line.

15 DR. TIM PRISTAS: Correct.

16 MEMBER EMILY HETE: You're not -- okay.
17 And as far as the elevation of the building that
18 you've designed, how does that compare to the
19 elevation of the building that's currently there,
20 if you know?

21
22 MEMBER EMILY HETE: You have to come up
23 to the microphone to identify yourself for
24 record.

25 LEON SAMPAT: Sorry.

1 MEMBER EMILY HETE: That's okay.

2 LEON SAMPAT: Leon Sampat. 22082
3 Lorain Road, Fairview Park, Ohio with LS
4 Architects.

5 MEMBER EMILY HETE: Thank you.

6 LEON SAMPAT: So we have a one-story
7 structure. The eave height is 12
8 feet. The ridge height, I would guess is just
9 about under probably 24 feet, the ridge. So I
10 would imagine, I don't know the height of the
11 building, the Apex building across the street,
12 but I would imagine being three stories that the
13 eave height would be at least 30, 34
14 feet, 36 feet, with the ridge height of probably
15 40 plus feet, so --

16 MEMBER EMILY HETE: But what about the
17 existing structure on the property? How do they
18 compare as far as --

19 LEON SAMPAT: Oh it's actually lower
20 because that had a higher pitched roof on it.

21 MEMBER EMILY HETE: Got it. Okay.

22 LEON SAMPAT: We went with the
23 lower pitched roof.

24 CHAIR RICHARD BRADNER: So your 24
25 feet, did you say or --?

1 LEON SAMPAT: Yes.

2 CHAIR RICHARD BRADNER: Okay, so that's
3 lower than what's there today?

4 LEON SAMPAT: Correct. Currently
5 there's a -- I believe it's an 8/12 pitched roof,
6 we're at a 5 or a 6/12 pitched roof.

7 MEMBER EMILY HETE: And if you know,
8 also then, based on this rendering, where the new
9 building would go, if you were to place that
10 building there, how close is it to the next
11 neighboring building to the north?

12 LEON SAMPAT: So this is a -- we have a
13 50-foot setback to the north here. I wouldn't
14 know what there is off their setback.

15
16 MEMBER EMILY HETE: Okay.

17 LEON SAMPAT: I believe it's at least
18 150 feet.

19 MEMBER EMILY HETE: Okay.

20 LEON SAMPAT: Okay, but I don't know
21 for certain, though.

22 MEMBER EMILY HETE: And if this -- I'm
23 sure you understand that this would -- you would
24 be on an island. We talked about the fact that
25 if this gets rezoned, is you requested, that

1 would be the only property on both sides of you
2 that would have that change in the zoning.

3 So in the future, it could be
4 foreseeable that the surrounding properties would
5 then also want to go that same route and want to
6 do that. Does that cause you any concern with
7 what might then come up around you, maybe lessen
8 your value of your property or less than the
9 appealing nature of your property or business?

10 DR. TIM PRISTAS: So this is a four-
11 acre parcel and again, transitioning to the
12 residential to the north. And it's an extremely
13 soft buffer. So we view it as a responsibility
14 to the community, you know, giving flexibility to
15 Bath to make whatever decisions they're going to
16 make that are outside of our control, but at
17 least we can protect our community.

18 And being a resident here, and you know,
19 God willing for decades in the future and my sons
20 in the future, this is the softest transition that
21 could be. The rest of it, you know, I couldn't
22 answer that. I don't know. Those are all
23 hypotheticals that who knows where they could go?

24

25 And as far as the dental office, I

1 mean, the value is you know, the dental office is
2 going to be Jen's expertise, our expertise. I
3 would love, you know, to create something that
4 our families, our colleagues, you know, would
5 want to be extremely involved with.

6 I would love to create a generationally
7 cyclical business, so as we work as a small
8 group, the owners will become, you know, portions
9 of that and can always move forward. So it's not
10 just going to preside and end at Jen or me, it's
11 going to be developed into the next, you know,
12 technology, into the next stage of healthcare,
13 dental care.

14 DR. JEN DIPIERO: I'll go ahead and may
15 add to that. Currently, I'll let you know what's
16 next to my dental practice. And we are doing
17 quite well. So we have a pizza shop, a piercing,
18 a tattoo shop and a medical supply.

19 So and also, with all the landscape
20 we're hoping to add to that, it would also provide
21 a little insulation, should that ever happen, not
22 that I think Bath would ever allow that to happen
23 to that area. But yes, it -- I think that we
24 would be fine regardless.

25 MEMBER EMILY HETE: So it's not been a

1 concern? It's not something that you've thought
2 forward about and is concerning?

3 DR. JEN DIPIERO: No, I think we both
4 trust Bath. Just look at how much has gone into
5 this, and you know what would be coming there.
6 We think that the same due diligence can be done
7 for any other applicant trying to do the same
8 thing.

9 Also, we do -- I know that the road is
10 there, but it is an extension of the commercial
11 across the street. So when you say island, there
12 is across the street, something already zoned
13 commercial. So as we see it as an extension of
14 that.

15 DR. TIM PRISTAS: And right to the
16 south, you know, and that's a great point because
17 you know, with that investment that UH Hospital
18 made, you know what can happen there, right? You
19 know, but with the two lights on Ghent Road being
20 one at North 77, and the other at you know, 1075
21 Ghent, you know, you can control a curbage, you
22 can control egress, you can control the
23 development.

24 And you know, we've, I hope exemplified
25 partnership and patience and betterment for Bath.

1 And we would continue to do that.

2 MEMBER EMILY HETE: I didn't have any
3 other questions. Thank you.

4 CHAIR RICHARD BRADNER: Thank you,
5 Scott? Anything?

6 MEMBER SCOTT MEYER: I'm okay for now.

7 CHAIR RICHARD BRADNER: Okay. You
8 reserve the right to ask questions later?

9 MEMBER SCOTT MEYER: I do.

10 CHAIR RICHARD BRADNER: All right.
11 Maryellen?

12 VICE CHAIR MARYELLEN BURNHAM: Just
13 curious to know that since we met May 12th, have
14 you reached out to the residents? Have you had
15 any further discussions with the residents?

16 DR. TIM PRISTAS: No, I thought that
17 was the point of that meeting. The residents
18 were invited and other residents besides the ones
19 that we met with, you know, were before that
20 meeting. So from that point on, I thought that
21 was a public invitation from Bath that all the
22 neighbors would be there.

23 VICE CHAIR MARYELLEN BURNHAM:
24 (indiscernible).

25 DR. TIM PRISTAS: Isn't that what

1 you're referring to, I'm sorry, the walking the
2 property, the May 12th?

3 VICE CHAIR MARYELLEN BURNHAM: Yes, mm
4 hmm.

5 DR. TIM PRISTAS: Yes.

6 VICE CHAIR MARYELLEN BURNHAM: Just
7 anything that was more one-on-one with individual
8 residents?

9 DR. TIM PRISTAS: The neighbors invited
10 that we had the same conversations, so no.

11 VICE CHAIR MARYELLEN BURNHAM: Okay.

12 DR. TIM PRISTAS: Yes.

13 VICE CHAIR MARYELLEN BURNHAM: Thank
14 you.

15 DR. TIM PRISTAS: (indiscernible)
16 adjacent neighbors bordering the property before
17 that meeting.

18 CHAIR RICHARD BRADNER: Thank you. Ms.
19 Joy?

20 MEMBER JOY KOSIEWICZ: You mentioned
21 the egress and working on the egress in that,
22 from your parking lot. Can you talk a little bit
23 more about that?

24 DR. TIM PRISTAS: Sure. So again,
25 that's a very busy intersection and we would want

1 you know -- and that's a great point that we
2 didn't mention in this presentation. So the
3 current driveway services properties to the
4 south. We would abandon usage of that, maintain
5 that for those residents so there would be zero
6 impact on them.

7 Our position would be at the stoplight.
8 It would control any function to the
9 intersection. It would create order versus
10 disorder, just drives coming in and out. So it
11 would be something that creates great potential
12 and order to that community, to the intersection
13 right there.

14 So again, we did meet with Summit
15 County, you know, engineers about that, which we
16 did have a verbal approval.

17 MEMBER JOY KOSIEWICZ: And then, can
18 you repeat what you plan to have your hours? I
19 know you mentioned morning, patients liking
20 mornings and after work hours, yeah.

21 DR. JEN DIPIERO: Yeah, yeah, so
22 nothing is set in stone, so I don't -- I know
23 we're on the record. But you know, currently
24 right now, my practice, I can speak to that at
25 least, we are eight to five Monday through

1 Thursday. We'd probably be looking to go maybe a
2 little bit later than that, just to have more
3 evening hours.

4 So I would say at the -- I guess the
5 earliest I can think, and correct me if I'm wrong
6 Tim, probably 7 a.m. would be probably the
7 earliest to 7 p.m. Not many people want to work
8 past that in the dental community. So and that
9 would be Monday through Thursday.

10 On the weekends, again, not a ton of
11 people are signing up to work late on the
12 weekends. So probably a half day Friday and
13 several Saturdays a month, a half day as well.
14 So don't lock us into that, but that's what we're
15 envisioning, and usually very successful
16 accommodating patients with those hours and also
17 keeping staff happy so they can go home to their
18 families, so --

19 CHAIR RICHARD BRADNER: Anything else,
20 Joy?

21 MEMBER EMILY HETE: I just want while
22 you to have the map up. Can you -- Dr. Pristas,
23 can you just highlight where you propose the drive
24 go on that map? Is that right off the parking
25 area? Yes, okay. And the current drive is located

1 where?

2 DR. TIM PRISTAS: It's not visible on
3 the map.

4 MEMBER JOY KOSIEWICZ: Okay.

5 DR. TIM PRISTAS: But it would come on
6 the south side of the current foliage trees.

7 MEMBER JOY KOSIEWICZ: Okay.

8 DR. TIM PRISTAS: Everything there.

9 MEMBER JOY KOSIEWICZ: And you said
10 that has been at least verbally approved?

11 DR. TIM PRISTAS: Which portion? I'm
12 sorry?

13 MEMBER JOY KOSIEWICZ: The ingress and
14 egress?

15 DR. TIM PRISTAS: Yes.

16 MEMBER JOY KOSIEWICZ: The drive, okay.

17 DR. TIM PRISTAS: Yeah, and that was
18 with again, David White and Joe Paradise, if I'm
19 saying their names correctly.

20 MEMBER EMILY HETE: Thank you. MEMBER
21 JOY KOSIEWICZ: I have a follow-up to that. Is
22 there anything that needs to be done with the
23 traffic light?

24 DR. TIM PRISTAS: There would be the appropriate
25 studies that we would work through,

1 the appropriate measures to exit here, yes.

2 MEMBER EMILY HETE: So the current
3 traffic light, would be it be in the same spot --?

4 DR. TIM PRISTAS: Yes, the function
5 would just be, you know, altered to accommodate.

6 CHAIR RICHARD BRADNER: Bill, would you
7 give us a clarification on the Apex property? To
8 my knowledge, I believe it was grandfathered as a
9 zoning -- on the zoning map from the old days of
10 the Ohio station and so on from B1, is that
11 correct?

12 PLANNING DIRECTOR WILLIAM FUNK: Yeah,
13 the property has been zoned B1, which is a local
14 business district, approximately for as long as I
15 know it's been that B1, and it carries that B1. So
16 what was there, although it did get some variances
17 and things along those lines, it was a commercial
18 property.

19 So they can go for a rezoning or
20 anything along those lines. It's always been that
21 B1 District.

22 CHAIR RICHARD BRADNER: Thank you. Dr.
23 Pristas, where was the DB meter located when you

24

25

1 took the readings?

2 DR. TIM PRISTAS: In the front yard.

3 CHAIR RICHARD BRADNER: Close to the
4 street, in the middle?

5 DR. TIM PRISTAS: About where the trees
6 are.

7 CHAIR RICHARD BRADNER: Okay.

8 DR. TIM PRISTAS: Yeah.

9 CHAIR RICHARD BRADNER: Thank you.

10 DR. TIM PRISTAS: Yes.

11 CHAIR RICHARD BRADNER: Okay. Any
12 other questions from the Zoning Commission?
13 We're going to take a short stretch, just a short
14 stretch. We want to hear from every Bath
15 resident that has come prepared to speak, so
16 let's just do that for the moment, if we can do
17 that. Okay, we've got 14.

18 (Break)

19 CHAIR RICHARD BRADNER: Are all the
20 electronics turned back on? Let's -- we're going
21 to go ahead and go forward. Just to be real
22 clear, we want to hear from all the Bath
23 residents, both in favor of the proposed Zoning
24 Amendment, as well as any opponents.

25 Can we had a count of hands who plans

1 on speaking tonight, just -- so what do we have,
2 six, 10? I got eight.

3 BOARD SECRETARY: Eight.

4 CHAIR RICHARD BRADNER: Okay, so --
5 just so we're good, we're going to go up four
6 minutes, figure a four-minute chat, just when
7 you're up there would be -- if you'd be so kind
8 as to make sure that you've signed in, if you
9 haven't already done so? You're -- and is
10 everybody speaking tonight, you didn't sneak in
11 late? You're all -- somebody --

12 WOMAN: I was late --CHAIR RICHARD

13 BRADNER: We've got to
14 get you an oath. We're going to swear you in
15 again. This is -- and then, we want to make sure
16 you state your name and address when you come up.
17 Try to be succinct, brief. Don't repeat stuff,
18 but make sure that you know, we're hearing, you
19 know, from your heart, and obviously how you
20 feel.

21 We'd like to hear from all the Bath
22 residents. That said, so Miss if you'd be so kind
23 as to stand. We've got to swear you in. The
24 testimony we take in our matters is under oath,
25 so any of your -- and you're standing. Would you

1 -- you were going to state I do. Do you swear or
2 affirm that the testimony you give in this matter
3 will be the truth, the whole truth, under penalty
4 of perjury so help me god?

5 WOMAN: I do.

6 CHAIR RICHARD BRADNER: Thank you.
7 Okay, you're good. That said, favor. First
8 persons in favor that wants to speak in the
9 proposal. In favor of the proposal? Okay, so
10 come forward, sir. Yes?

11 JACK LIEBERMAN: My name is Jack
12 Lieberman. I live on

13 MAN: Hit that mac --

14 JACK LIEBERMAN: I need to get my
15 elevator shoes. Jack Lieberman. I live on
16 Barrett Road in Bath. I've got a lot of acreage
17 there and I like the rural aspect. That's why I
18 moved here and everything.

19 I have no skin in the game as far as
20 approving this or other than after thinking about
21 it, it would bring a lot maybe more taxes,
22 property taxes in to consider rather than what
23 may be there.

24 What I am just going to reiterate what
25 my wife keeps saying as we drive by there all the

1 time, and part of it is, we just were in the
2 process -- we finally sold a property on -- off
3 of Cleveland-Massillon Road.

4 And we had a difficult time, about a few
5 people liked the property a lot. They couldn't
6 stand the noise from Cleveland-Massillon with the
7 motorcycles, cars and there's no intersection.
8 But there's cars and people, a lot of people
9 didn't want it.

10 And my wife says, you know, we've been
11 driving by The Cookie Lady's house for years,
12 whatever, and look at the grass. It's hard to
13 cut the grass. Who would want to live there?
14 And now, she drives by and she says, who wants to
15 look at a big hotel, right across the street from
16 you there?

17 And then, all the lights and
18 everything. She brought up all the same things
19 that they were presenting. And then the other
20 thing that concerned me was, we have had a couple
21 of properties on Orchard or in that general area,
22 where people buy a cheap house.

23 And we noticed that this house hasn't
24 been sold for a long time. So they buy a cheap
25 house. They flip it. And then, the people there

1 don't take care of their property. They leave
2 all their garbage and their children's stuff out.

3 And then, they pay -- they paint their
4 houses horrible colors and you've got to look at
5 it. And they don't take care of the landscaping.
6 I'd rather see something that's nicely designed
7 and it's going to be taken care of, there's going
8 to be trees around to make a nice privacy.

9 We have trees all around. We love the
10 privacy. I think this would be good for the
11 whole neighborhood, bring in a little more tax
12 revenue and avoid the -- no one's going to --
13 eight years, who's going to buy that and do
14 anything with it to pay that kind of money, to
15 have that kind of surroundings. I just am
16 talking too much. Thank you.

17 CHAIR RICHARD BRADNER: Thank you.
18 You're okay. Anybody else in favor of the
19 rezoning? Miss?

20 LESLIE PRISTAS: Hi, I'm Leslie
21 Pristas, 2505 Yellow Creek, Tim's wife. I
22 appreciate what the gentleman before me just
23 said, and that's sort of, I mean, separate from
24 my own interest in seeing Tim, you know, fulfill
25 this vision, you know, I'm a Bath resident.

1 I drive past the property every day and
2 it doesn't make sense to me that it's a
3 residential property. It didn't sell as a
4 residential property for eight years. And the
5 properties next to it, I understand those folks
6 like their house and they like that it's where
7 they live, but if I, when we were looking at a
8 place to move to, we would never have wanted to
9 move in there as a residential home.

10 It's right off of 77. UH is
11 potentially going to build a hospital and you're
12 going to hear sirens all the time. I work at a
13 hospital. I don't want to live there. It's just
14 -- it doesn't make sense.

15 You know, the property may have been
16 rural in the past, but things have changed all
17 around it, and the direction that it's going with
18 the development across the street is such that
19 this makes so much sense.

20 You know, as you know, we've presented
21 that soft transition to our homes, you know, that
22 this isn't another restaurant, bar right next door
23 to you, this is a quiet, considerate, you know,
24 neighbor that would bring in more tax revenue and
25 would bring in so much benefit in the

1 care, you know?

2 Tim's practice in Brecksville, that is
3 a community. People stop in to get a coffee.
4 They know the hygienist. There are friends in
5 the community. It's, you know, people Tim grew
6 up with in the community from going to high
7 school there and his parents, you know, being a
8 fireman and a nurse.

9 And it's a dental office, you know,
10 yeah, traditionally you don't think of, I'm going
11 to go hang out at the dental office, but when
12 it's this type of facility, you do. The inside of
13 it feels homey. You know, with --the design is
14 comfortable.

15 It's welcoming. And you do go there
16 and you know those people and they are part of
17 your community taking care of you in every sense.
18 So I appreciate, again, the -- that you listened.

19 CHAIR RICHARD BRADNER: Thank you very
20 much, Mrs. Pristas. Anybody else speaking in
21 favor of the proposed -- proposal? Okay, at this
22 time, I would like to invite citizens' comments
23 opposing the proposed rezoning amendment. So
24 Kathy, you're the lead-off hitter here. Okay.

25 KATHY: Okay. Let me look here a

1 second. They say coloring would relieve stress,
2 so while I was looking at this map --

3 CHAIR RICHARD BRADNER: State your name
4 please, please address --

5 KATHY: Oh Kathy Sir Louis --CHAIR

6 RICHARD BRADNER: And go ahead,
7 address.

8 CATHY: 1063, address.

9 CHAIR RICHARD BRADNER: And just as a
10 reminder, you want to address your comments to
11 the Board.

12 KATHY: Hi.

13 CHAIR RICHARD BRADNER: Okay, very
14 good.

15 KATHY: Anyway --

16 BOARD MEMBER: (indiscernible) --

17 KATHY: 1063 Ghent Road --

18 BOARD MEMBER: Okay.

19 KATHY: 3548 Yellow Creek Road. There
20 are several houses. Yeah, to relieve stress, I
21 colored in my property on the map, which here's a
22 proposed green right there. And so, then I
23 colored in all the gray around here. So I'm two
24 out of three sides of this property here, which
25 my property is almost 20 acres and it's like a

1 nature preserve and it has been the whole way
2 through. That's just how we do.

3 Also, I just like to make it a point
4 that we did offer to buy the property from Dr.
5 Pristas, the neighbors and I would be more than
6 happy to go together and just buy it from him so
7 that this would go away.

8 Okay, that said, I do have copies here
9 of signatures of Bath residents and voters who
10 it's an -- it's more like a we agree statement to
11 not change the zoning. There are several copies
12 of it. We're not finished, but I will give this
13 to you.

14 CHAIR RICHARD BRADNER: We need to get
15 that into evidence at the appropriate time.
16 Thank you.

17 KATHY: I'll give this to you. These
18 are copies of what I have.

19 CHAIR RICHARD BRADNER: Okay.

20 KATHY: And I'll give you what I have,
21 but I am going to continue to go ahead. It was
22 amazing the minute people actually heard about
23 this and understood it, their attitudes were just
24 -- it was like, almost appalling. They were
25 like, are you kidding me? Are they really going

1 to even try this?

2 But so, since the inception of zoning
3 in Bath, across the street where the restaurant
4 is, where the Jimbo's was, (indiscernible) was,
5 (indiscernible), that has always been zoned
6 business.

7 We haven't had a problem with that.
8 Every one of us who are the neighbors in the five
9 houses getting really involved here, it was
10 always commercial. We knew that. It's okay.
11 Whatever happens there, happens there.

12 We have no problem with that. And so,
13 the restaurant and so forth is a one-side
14 Dimitroff's and UH is on our side of the street.
15 And when you get to the end of the UH, there are
16 five houses there.

17 The number one house was built in 1949.
18 So it's been a family dwelling for 73 years. The
19 second house, which is mine, was built in 1945.
20 It's been family zoned for 77 years. The third
21 house, which is The Cookie Lady's house in
22 question was built in 1948. It's been a single-
23 dwelling family home for 74 years.

24 The next house down, the McClarnens,
25 theirs was built in 1940. They've been single-

1 leased owned for 82 years, and the one on the
2 corner with the big red barn that everybody
3 loves, guess what? That was built in 1878.
4 That's been zoned family for 144 years.

5 Now, okay. So you say the property has
6 been for sale for eight years. We didn't take it
7 seriously because they were always just fishing,
8 god love them, the Morks who owned the property.

9 It'd been up, it'd been down. We all
10 knew they weren't -- we all thought we knew they
11 weren't serious. And so, when you have over 73,
12 minimally, 73 years of the legacy, the rural
13 character and the reputation of Bath Township
14 right there with the rural estate plan for that
15 area, who would even ever imagine that someone
16 other than a family would even think of coming in,
17 and in the middle of the five homes, the middle,
18 the very middle house decide, oh wait, no, we're
19 going to try to rezone that.

20 I mean, picture your own street and your
21 own neighbors or anybody you know with five houses
22 in a row. I am just not so sure how you would
23 feel about it right next door to you.

24

25 As far as the planning and zoning

1 thing, I have to go fast here. Only four
2 minutes? Ah. Summit County approved it.
3 However, the staff review thing, and you did
4 mention this, Bill, but it -- all the 10
5 questions.

6 Is the proposed zoning change
7 reasonable given the nature of the surrounding
8 area? The request is not reasonable in that the
9 property has no adjoining B4 zoning and is
10 surrounded by R2 zoning.

11 Can the property reasonably used as
12 currently zoned? Yes. Is the proposed map
13 amendment consistent with the objectives and
14 goals of the comprehensive plan? No. The
15 comprehensive plan's future land use shows this
16 area as rural, estate residential use. That's
17 what we relied on when we bought our properties.

18 We knew what was -- could possibly go
19 across the street and the UH thing. But our five
20 homes, no, didn't have a clue. Is the proposed
21 zoning change consistent with the stated purpose
22 intent of the Zoning Resolution in applicable
23 districts? No.

24 How would the proposed zoning change
25 impact public services and facilities? The

1 proposed zoning is a greater intensity than used
2 in the current zoning. And how would it change
3 the impact on traffic? The same thing. Greater
4 intensity. It would result in more traffic.

5 Will the proposed zoning change
6 adversely affect adjoining properties? The
7 proposed change is a great intensity more than
8 the current zoning and may adversely affect
9 adjoining properties.

10 Is this an appropriate location for the
11 proposed use? And are there other available
12 locations better suited for it? No. This is not
13 an appropriate location for the proposed use.
14 And yes, there are more appropriate locations in
15 the proposed use existing B4 zoning allowing
16 North Cleveland Massillon Road, south of I-77.
17 Maybe not north, but south.

18 And will it change the character of the
19 neighborhood? Yes. And the last one was, has
20 there been a change in condition that renders the
21 original zoning inappropriate? No. No. So some
22 people say that hey, development's inevitable.
23 We're not the horse and buggy era anymore.

24
25 Well, all I have to say about that is,

1 I don't know why it should be inevitable. What
2 should be inevitable is that nothing was the
3 inalienable rights of our Bath residents to life,
4 liberty and the pursuit of happiness for the found
5 and the quiet enjoyment of our residential
6 neighborhood homes.

7 And I just really am begging you not to
8 permit this to happen to our neighborhood. The
9 end. Thank you.

10 CHAIR RICHARD BRADNER: Thank you Mrs.
11 Sir Louis. Okay. If you'd be so kind to --

12 DAVID KELLY: My name is David Kelly.

13 CHAIR RICHARD BRADNER: Oh excuse me.

14 Mrs. Pristas, this goes unchallenged at this
15 particular point. We're getting information from
16 those who are opposed, just as we did for those
17 who are proposed. So thank you.

18 DAVID KELLY: My name is David Kelly. I
19 live at 713 North Cleveland-Massillon Road. I am
20 the current owner of the Leaning Barn of Bath.
21 This is a zoning issue. What they are planning
22 and all the things they've come up with are
23 wonderful in terms of what they want to do.

24
25 The problem here we have here is it's -

1 - where it's being zoned at. And what happens
2 is, once you insert a commercial property in a
3 residential area, the other residential -- all
4 the other residential areas in that area are
5 going to go to commercial. There's no way not to
6 do it.

7 This was even addressed in the very
8 first meeting we had with the applicants. We had
9 a meeting in this room, just a casual -- and
10 unfortunately, it didn't go very well. But we
11 were told at that time, I don't understand why
12 you're not happy about this. Your property
13 values are going to go up.

14 And we kind of went, it's going to go
15 up when you put a commercial building in between?
16 They said, yeah, when you sell for commercial.
17 It's known that this is going to cause a domino
18 effect on both sides of the street.

19 Phil, we've talked, he's on the other
20 side of the street from me. David, I'm not going
21 to look at a parking lot. I'm leaving. He has
22 three homes behind him. There is a huge effect.
23 This isn't one property. We're talking about 10
24 homes that are affected by this decision.

25 And I think this gentleman Jack

1 mentioned, we can increase our property or we can
2 increase our tax base, let's take the homes out
3 of Cleveland-Mass because it is so noisy. And
4 that noise that we showed on the traffic patterns
5 goes by your house and I believe by your house as
6 well.

7 You see the cars going up and down the
8 hill. So that traffic pattern he's showing I
9 believe was probably about five o'clock or so.
10 It had to be during that -- some of the highest
11 traffic, because Bath is -- has had traffic,
12 what, seven to eight, and about five to six every
13 day. After that, it's fairly quiet.

14 Anyway, that was the first thing. Once
15 you insert that, you have created a domino effect
16 and you have to be willing to deal with that,
17 because the other homes, they won't go tomorrow.
18 They eventually will all be gone. And someone
19 will go, hey, wasn't there a nice house up here?
20 Wasn't there?

21 Oh yeah, they're all gone now.
22 Secondly, after the May 12th meeting, I met with
23 -- I asked Bill Funk, Bill, is there a precedent
24 for this? Tell me when Bath has inserted a
25 business between two residential homes.

1 He says, David, I've been here 16
2 years, I don't have anything. He says, the only
3 thing that might come close is the Bath
4 Veterinary on Cleveland-Mass. That is a 2,000
5 square foot building with 10 parking spots.

6 I've talked to both residents on each
7 side. They hate the fact that that building is
8 there, but it's been there for some time. You
9 know the couple at 1717 North Cleveland, correct?
10 She says she knows you very well..

11 They wish that building was never built,
12 and it's been there for, I don't know how long.
13 I've been here 10 years and it's been there. Now
14 some of these questions that we don't know the
15 answers to and would like to get some answers, if
16 we can.

17 How many patients do you think you'll
18 see a day? You have 12 rooms. How many patients
19 will be coming in at -- you've got -- I mean, how
20 many are coming in and out per day, 50, 60, 100
21 patients per day?

22

23 CHAIR RICHARD BRADNER: David, I --

24 DAVID KELLY: I'm sorry.

25 CHAIR RICHARD BRADNER: That's okay.

1 You need to address the Board. And you can't --

2 DAVID KELLY: I'm sorry. So how many
3 patients are we looking at? How many cars are
4 coming in and out of that parking lot per day?
5 So then we're looking at potential hours from
6 seven a.m. till seven p.m. because some patients
7 want to have work done after work.

8 So then you're asking, when do -- when
9 does the staff show up? 6:30, 6:45 in the
10 morning in order to get the office prepared? So
11 we have cars moving in at 6:30. When is the
12 staff allowed, when do they leave? Are they
13 required to leave at 7 or 7:15, after they pack
14 up?

15 But you've built a gymnasium for them
16 in the basement and a breakroom. Do they now
17 have 24-hour access to that gymnasium? They say,
18 hey, after work I'm just going to go work out.
19 So now they leave at 8 o'clock or 8:15. We've
20 extended the hours.

21 We have a cleaning staff that has to
22 come and clean the building. When do they come
23 in? You addressed the idea of what about a
24 dumpster service? We're going to have to bring
25 that to the street because of the noise.

1 So then I'm sorry, and then -- now what
2 I'm hearing today is we may have 20 employees.
3 The last meeting we had was recorded, correct?
4 That when they gave their presentation? That's a
5 recorded meeting. At that time, we were told
6 there was two dentists, four hygienists and a
7 support staff of 20.

8 That comes to 26. They also mentioned
9 there would be 25 to 30 employees that they were
10 expecting. Now based on the property size of
11 5,000, which we're calling this, you had
12 mentioned the maximum parking spots is 25.

13 So you've got 30 employees trying to
14 fit into 25 parking spots. So now you've got to
15 ask for two and a half times variance just on the
16 parking just to begin the process.

17 Finally, the basement area is going to
18 be used for continuing education, network,
19 bringing in new products, developing things.
20 Again, all good things. But when are those going
21 to be done? They're not going to be done during
22 the day.

23 Most dentists aren't going to say, hey,
24 wait a minute, I'm going to go to a networking
25 thing in the middle of the day. They're going to

1 go after work. They're open until seven. Now
2 you're looking at doing something from what,
3 maybe eight to 9:30?

4 Now you've extended your hours
5 potentially from 6:30 in the morning to maybe 10
6 o'clock at night. The only businesses I know
7 that are open, Acme Food Market, Lowes and Taco
8 Bell. And they're all located in the business
9 district.

10 This will change the area, if this
11 allows to go. It has nothing to do with them and
12 their plan, but once it goes this way, it's going
13 to change it and then you're kidding yourself if
14 you don't think it's going to. Anyway, thank
15 you.

16 CHAIR RICHARD BRADNER: Thank you, Mr.
17 Kelly.

18 CHRISSY MCCLARNON: Chrissy McClarnon,
19 1103 Ghent Road. Thank you to the Committee for
20 allowing me to speak tonight regarding this
21 rezoning request. My husband Sean and I, we
22 purchased our home in August of 2020.

23 We searched several years looking for
24 the right and perfect location in our minds in
25 Bath. And we moved in in November and began

1 putting a lot of work into transforming it into
2 our dream home.

3 Upon moving in, we were well aware of
4 the buildings across the street. We had no issue
5 with that. We knew that all of that was
6 commercial. And that was never a concern for us
7 upon looking at our property.

8 Shortly after settling in, though, we
9 were made aware of that application to
10 commercially rezone the lot directly next door to
11 us. Since that time, this process has absolutely
12 consumed us.

13 The plans for the commercial medical
14 facility, they have changed several times, but
15 the most recent plan shows a 10,000 square foot
16 facility, only 50 feet from our property line.
17 So that's 50 feet from our detached garage, which
18 can be seen perfectly from our driveway.

19 This hosts a vast parking lot, also
20 completely visible from our backyard. And it's
21 situated between two residential lots. These are
22 two homes. These aren't just lots. These are
23 places where people live.

24 And we happen to really love our house.
25 I know that people here think that this is a

1 dangerous zone that we live in. It's not. We
2 have two dogs. I feel completely safe with my
3 dogs in my yard. And it is frustrating and it
4 hurts to hear that our property is so devalued
5 because of what the desires are of others.

6 So should this plan pass, we're going
7 to be forced to make the decision to either stay
8 in our beloved home while living next door to
9 this massive commercial facility with patients,
10 employees and now other people coming in for
11 continuing education. Coming and going all day.

12 Or as David Kelly alluded to, we sell
13 to the highest bidder and we ditch our dreams.
14 It's frustrating, I said, as I said, to know that
15 the desires of one can have such a spiraling
16 negative impact on our lives.

17 The rezoning plan is not inevitable.
18 What should be inevitable is that residential
19 lots remain as they are without the threat of
20 commercialization. We implore the Committee to
21 take to heart the feelings of the opponents to
22 this rezoning request and based on everything
23 that you've heard in your visit to our properties
24 which we greatly appreciated, we're asking you to
25 vote no to this application. Thank you.

1 CHAIR RICHARD BRADNER: Mrs.
2 McClarnon, would you -- clarification. When
3 did you say -- you were speaking rather
4 rapidly?

5 CHRISSY: Yes, sorry.

6 CHAIR RICHARD BRADNER: When did you
7 say you purchased the property and moved in?

8 CHRISSY MCCLARNON: August of 2020 is when we
9 purchased and we moved in in November of
10 2020. CHAIR RICHARD BRADNER: Okay, that's fine.

11
12 CHRISSY MCCLARNON: So it was about three months.

13 CHAIR RICHARD BRADNER: Thank you. CHRISSY: Yes,
14 you're welcome. Thank you. I'll just hold this.

15 CHAIR RICHARD BRADNER: Hello, Becky. BECKY

16 CORBETT: Becky Corbett. 3139

17
18
19 West Bath Road. I know that you know your
20 responsibilities as members of the Zoning Board.
21 And I'm not here to discuss a lot of particulars
22 in regard to that, but I am here to give you a
23 little background that you may or may not have
24 been aware of.

25 I feel I can do that, since I was a

1 Trustee for 12 years, and since I was also a
2 member of the Summit County Planning Commission
3 when this issue came before them.

4 I don't have the exact date, but it was
5 sometime around the years 2014 to 2015 that some
6 very upset residents in this exact area were
7 discussing contacted the Township and discussed
8 the fact that they had been approached by two
9 members of the Stouffer Realty Company, Gary
10 Stouffer and Bill Snow in regard to selling
11 properties to create a commercial area along
12 there.

13 They were unhappy about that, and as a
14 result, Mr. Funk and Mr. Sinopoli went themselves
15 to talk to the residents and tell them that this
16 was not a given plan in Bath Township, that we did
17 not at that time have any reason to believe that
18 zoning would be changed.

19 When the issue became -- came before
20 the Summit County Planning Commission for reasons
21 that I know pros and cons to, the member, if it's
22 your Township, you don't speak. You have to
23 abstain from voting. So that tied my hands at
24 the time.

25 But I can tell you what did happen, it

1 came with the staff denial based on the fact that
2 it would be considered spot zoning. However, one
3 particular member of the Commission started
4 talking about the fact, well, you know, there's
5 this over here and maybe they should really
6 reconsider what they have in the way of their
7 zoning regulations.

8 And he doesn't live in Bath. He lives
9 in another township not even close to Bath, but
10 in Summit County. He didn't talk to any
11 residents in Bath Township. But he's a good
12 person, good intentions, a very well-spoken
13 attorney who convinced the rest of the Board that
14 yes, Bath Township really should look at this
15 differently and possibly rezone things without
16 ever having read the comprehensive use plan.

17 And that's how the Zoning Commission
18 came to approve the thought that it should be
19 rezoned. And you know the history on the Overlay
20 District and how all that went forward.

21 I think we have some other issues to
22 look at, too. We're -- the two comments I've
23 heard before me are very true about turning this
24 into a commercial area.

25 Go back to 2014, 2015, what I just told

1 you. Now the property that is -- I have no
2 reason to believe it's not owned by UH, but the
3 township has never had direct contact with UH.
4 Should that be developed in any way into a large
5 medical office building, whatever.

6 Then, possibly the residents along that
7 area might think differently. But we don't know
8 what will be done. I do know UH owns land in
9 various communities in various areas. Whether
10 they ever will develop them or whether they'll
11 sell them, you don't know.

12 They picked prime properties that it
13 would be a good area for them. I do know that.
14 So if you look at changing a spot zoning now, you
15 have to realize the impact it will have in the
16 future for everybody.

17 And if you stop it at Yellow Creek, you
18 have residents right around the corner who aren't
19 going to be happy to have anything other than a
20 gas station on that -- that's there on that one
21 corner. And you look forward to years ahead.

22 You can get deed restrictions right now
23 that will force compliance to the proposal by the
24 current owners. And heaven forbid, I'd hate to
25 see anything happen to anybody, but I personally

1 know how quickly lives can change, and somebody
2 have a disaster in the family, things change,
3 properties sold, once if that would happen, the
4 zoning goes with it.

5 So where are the residents in the
6 surrounding areas going to be? One final comment
7 I'd have to make is -- and if you are looking at
8 the fact that there needs to be a driveway cut,
9 this is a major undertaking for the engineer's
10 office. And it is indeed the engineer's office
11 who placed all the traffic lights in Bath
12 Township.

13 It's not something the Township has any
14 input on. We certainly had some questions
15 regarding that intersection that were not
16 answered well to -- at least not to our
17 satisfaction or the satisfaction of our
18 residents.

19 So I would urge you to speak to the
20 engineer's office and have it in writing from a
21 person in the proper capacity as to whether or
22 not they will allow that driveway cut. That
23 driveway cut not only affects the property we're
24 talking about, but it affects Kathy
25 Sir Louis's property.

1 They share the same driveway cut to go
2 in. And if that light is changed, how is it --
3 how's that going to work? I don't know, but
4 maybe you should have some assurances from the
5 engineer as to what will happen with that.

6 I know the traffic lights that --
7 that's very -- was very graphic. Yes, they shine
8 into the property. The property wasn't sold for
9 eight years. Now I don't know what the property
10 was like inside, what it's like currently inside,
11 what the reason was, I don't think it -- when the
12 neighbors bought a house next to it, when the
13 people at the corner with the Leaning Barn bought
14 a house. And they're restoring those properties
15 and working on them.

16 I think there might have been a reason
17 that the house was not proper -- probably
18 desirable to others. So those are my comments.
19 I hope that gives you a little bit different
20 background and perspective on how it came
21 through, Summit County Planning Commission.

22 Since I'm no longer an elected
23 official, I felt I would like to share this with
24 you.

25 CHAIR RICHARD BRADNER: Well, you may

1 not be an elected official, but you are an
2 esteemed member of our community, and we thank
3 you, Mrs. Corbett.

4 BECKY CORBETT: Thank you.

5 CHAIR RICHARD BRADNER: Okay.

6 JOANNE ALEXANDER: Joanne Alexander,
7 270 Harmony Hills Drive, Akron, Ohio. Some of
8 the numbers that I used here were based on that
9 previous presentation, when you tabled this
10 discussion. So they don't necessarily match with
11 things that you said today. I'm going to use the
12 numbers that I based my comments on.

13 CHAIR RICHARD BRADNER: Thank you.

14 JOANNE ALEXANDER: I have three general
15 objections to this proposal. First of all, Bath
16 is not a dental desert. There are three dental
17 professionals within walking distance of the
18 Cookie Lady home.

19 There's more than a dozen based on a
20 quick check of Google within a 10-minute drive.
21 Circumstances do not justify ruining people's
22 homes. This professional is welcome to find an
23 appropriately zoned property somewhere else in
24 Bath that would be welcoming of him.

25 Bath has an oversupply of vacant

1 businesses and professional real estate
2 locations, including buildable lots. You
3 apparently didn't look on Springside. You didn't
4 look on Embassy Parkway and you didn't look on
5 Route 18.

6 Bath has a shortage of available
7 residential stock, which argues against
8 converting prized existing residential areas to
9 commercial property. I have some specific
10 objections to this request, as a residential
11 property as many people have said in the midst of
12 other R2 properties.

13 It's defined as a residential in the
14 Bath Land Use Plan. Before tossing out the
15 restrictions of that plan, a much wider, more
16 public discussion of overall Bath zoning trends
17 needs to be held. This conversation should be
18 intentional, organized, planned and advertised.
19 It should not evolve piecemeal via individual
20 scattered Zoning Commission and Trustee
21 decisions.

22 I'm going to repeat that. If you're
23 taking Bath Zoning in a different direction the
24 conversation should be intentional. It should be
25 organized. It should be public. It should be

1 planned. It should be advertised. It should not
2 be piecemeal.

3 Allowing this type of spot zoning sets
4 a precedent, as many people have alluded to,
5 encouraging other R2 property owners to seek
6 greater real estate profits by requesting zoning
7 changes.

8 The precedent would lead to the
9 degradation of many Bath residential
10 neighborhoods, or it would create a litigious
11 climate resulting in actions against the Township
12 when denials are challenged by aggrieved owners
13 who feel that they have been discriminated
14 against.

15 Spot zoning sends a chill into every
16 residential area. If spot zoning is permitted,
17 no neighborhood residential character is safe. I
18 have specific objections to this project. This
19 project is not a humble dentist's office. It is
20 a regional, outpatient dental clinic, not unlike
21 the Crystal Clinic Orthopedic Hospital that was
22 put in on Embassy Parkway, with one major
23 difference.

24 The Crystal Clinic is located in an
25 area that has long been zoned for business use.

1 The impact of a large clinic on the surrounding
2 homes will be enormous and unpleasant.
3 Visibility. Dr. Pristas had described the
4 building as blending into the environment when he
5 made his previous presentation.

6 Unfortunately, the tallest side is
7 aimed directly at one of the existing houses.
8 It's faced with stone and glass and it'll be hard
9 to ignore. In a moment of candor in response to,
10 I believe your question, the Zoning Commission
11 asked about the site location. And Dr. Pristas
12 proudly stated, oh yeah, this building is going
13 to be super visible. And that's a quote.

14 Environmental impact. The doctors
15 claim that the clinic will generate less runoff
16 than the existing building flies in the face of
17 reason. A 10,000 square foot building with a
18 large, paved parking lot and driveway will dump a
19 lot more water during major weather events into
20 Yellow Creek and surrounding properties.

21 The dumpsters that are needed for this
22 large clinic won't compare with the modest trash
23 cans that are used by the existing dwelling.
24 They and their attendants smell, noise and pests
25 will be oriented toward the surrounding homes,

1 not the clinic's entrance or the Ghent Road
2 elevation.

3 The hours of activity. Here, current
4 practice hours are listed as 8:30 to 6 p.m. with
5 some Saturday morning appointments. This
6 regional clinic is scheduled to be open from 7 to
7 7 with maybe emergencies outside those hours and
8 the homeowners can expect regular activity,
9 again, I won't go into that, from at least 6:30
10 to 7:30, not including workshops and other
11 training programs.

12 These hours do not account for any
13 cleaning crew or anything else. Adjacent
14 homeowners can hope for peace and quiet only for
15 a few brief hours at night. Traffic. Right now,
16 homes from this neighborhood generate the normal
17 amount of residential traffic you would expect.

18 But let's do the math for this regional
19 clinic. He anticipated -- this was the comment
20 last time -- 20ish employees. That generates 40
21 trips a day, assuming that no one goes out to
22 lunch and no one runs off on an errand.

23 There will be 12 treatment rooms
24 treating one patient an hour, 12 per day,
25 generating 144 cars entering and 144 cars leaving

1 the clinic during non-emergency hours. 144 plus
2 144 plus 40 equals 328 more vehicles using that
3 goofy Cleveland-Massillon Ghent intersection than
4 use it today.

5 That number doesn't include delivery
6 vehicles, service vehicles, sales visits or trash
7 collection. And all of this is in the middle of
8 private homes. The only thing I would say is,
9 would you want this clinic dropped into your
10 neighborhood?

11 Would you approve -- would you want to
12 approve this in any other Ghent neighborhood?
13 Why would you degrade Bath Township? I just
14 can't imagine why this is a good plan for its
15 location. Anywhere else in Bath, go for it.
16 I'll clean the floors, you know?

17 CHAIR RICHARD BRADNER: Thank you, Mrs.
18 Alexander. Anybody else? And speaking in
19 opposition? One second. We're almost done. Is
20 there anybody else in opposition? Going once,
21 that's twice. Is there anybody else in
22 opposition?

23 Okay, we'd like to give Mr. Pristas --
24 or Dr. Pristas an opportunity for rebuttal on I
25 believe there's one issue, just so that we get

1 the evidence here directed to the team here.

2 Thank you. So go take the podium.

3 DR. TIM PRISTAS: Thank you. Thank
4 you, and I'm sorry for raising my hand.

5 CHAIR RICHARD BRADNER: That's all
6 right.

7 DR. TIM PRISTAS: I was going to ask if
8 I had the opportunity to have a rebuttal. My
9 presentation was largely based on facts presented
10 with objective support. These neighborly
11 subjective thoughts are based on things that are
12 subjective and untrue.

13 First, you know, with Kathy
14 Damitz's comments about owning 20 acres and
15 acquiring parcels of land in that, she again stated
16 that she, as the property was available, she would
17 have every right to purchase that property, but
18 chose not to.

19 So within her acquisition of properties
20 to acquire in that situation, she could have
21 avoided this by acquiring the property. With
22 that, that's a decision that she made. The
23 McClarnons to the north said again, they were
24 fully aware of the commercial property and
25 development stemming from acquiring their house

1 or purchasing their house in November of 2020.

2 I was well in conversation before that
3 point with Bath, supported with meeting with
4 Summit County engineers about the stop traffic
5 light. If they did not do the appropriate due
6 diligence, or the realtor did not do the
7 appropriate due diligence to support future
8 ongoing conversations, that's not something that I
9 can comment to, but there was public conversation
10 with that.

11 Next, Mr. Kelly, you know, I'm glad he
12 mentioned that vet. I didn't really think about
13 that. We go to that vet and we love that vet.
14 And there are thousands of other pet owners that
15 love that vet. And I'm sorry that there's two
16 homeowners adjacent to that property that don't
17 really love it, but the thousands outweigh two.
18 To scale, to support, to effect on the community,
19 it largely benefits the community.

20 That's something that we want to
21 establish, the betterment to the community, not
22 the subjective whim and feeling of neighbors
23 based on two to five properties, as they
24 mentioned. Ms. on Harmony Hills, I'm sorry --

25

1 CHAIR RICHARD BRADNER: Mrs. Alexander.

2 JOANNE ALEXANDER: Alexander.

3 DR. TIM PRISTAS: Alexander, correct.

4 Her numbers were so grossly inappropriate that I
5 would like them to be totally excluded from the
6 conversation. And I can support more substantial
7 metrics when we meet in the future.

8 CHAIR RICHARD BRADNER: You can do
9 that, but her comments are well meaning, they're
10 well taken and it's our job to listen to them.

11 DR. TIM PRISTAS: Thank you. So with
12 the rebuttal to that. There is no connection or
13 comparison between a dental office versus Crystal
14 Clinic and the capacities that they do needing to
15 be supported by missions to hospitals.

16 This is a solo owner-occupied facility.
17 And the hours of operations that they were
18 commenting on, are again, totally subjective and
19 hearsay. The earliest that I operate in
20 Brecksville is 8 a.m. I spoke grossly to extend
21 that as a point of trust and a point of being
22 vulnerable and transparent to you guys, not to be
23 exploited based on hearsay.

24 We want to develop something that's for
25 the community and within the operational hours

1 for the community. Most dental CE's and a lot of
2 people made comments about being a dentist. I
3 don't think that they have doctorates in
4 dentistry.

5 CHAIR RICHARD BRADNER: Address this
6 way.

7 DR. TIM PRISTAS: So we do. And a lot
8 of dental CE is Fridays. We take off the day,
9 most dentists, and then Saturday mornings, again,
10 within the spoken words from us about when we
11 would be able to give this betterment.

12 The traffic pattern that was described
13 is so grossly inappropriate. You know,
14 comprehensive care is not based on hourly visits.
15 It's based on health. Lots of times I'll see one
16 or two patients a day.

17 That's so different than what she was
18 explaining with zero basis. There is nothing
19 point in truth that she was saying about that
20 traffic pattern, and that should not be anywhere
21 near accepted or be able to go describe a
22 situation.

23 That's subjective hearsay that's untrue.
24 So I understand their positions. But I also
25 understand the decisions that they have

1 made. And with that, we are not making our
2 decisions based on the neighbor's houses. We're
3 making them for the betterment of the community.

4 But within that betterment of the
5 community, we're making decisions to protect,
6 support and enable any decision Bath would make
7 in the future and also to protect the boundaries
8 of their properties to minimize a soft transition
9 for flexibility.

10 So with that, I appreciate the ability
11 to you know, rebuttal. And Jen is going to add
12 to that, too, if that would be okay, please?

13 CHAIR RICHARD BRADNER: Yeah.

14 DR. TIM PRISTAS: And we can go from
15 there. Thank you.

16 CHAIR RICHARD BRADNER: Jen?

17 DR. JEN DIPIERO: Thank you. I
18 apologize. My notes are kind of all over the
19 place here, so I'll do my best to kind of -- one
20 of the things that I believe Mrs. Alexander
21 brought up was that any movement in this area, in
22 this direction needs to be advertised,
23 intentional or organized, planned and public.

24 And I do believe this whole process has
25 been all of those things, correct me if I'm

1 wrong. The kind of the climax of that was when
2 Bath had the committee that was assembled to
3 spend all of this time looking at this.

4 So you know, we can say our, you know,
5 our facts and present things. And people can
6 also give their opinions or emotional opinions.
7 And I do. I do. We do understand where people
8 are coming from. At the same time, the facts are
9 the facts, and all of these things did happen.

10 They were advertised. The Committee
11 spent a lot of time looking into this. And
12 ultimately, their decision was for this whole
13 entire area to potentially have an overlay
14 district that could potentially lead to rezoning
15 within certain confines, situations, yes, yes.

16 So that did happen. And that was their
17 recommendation. So to insinuate that that didn't
18 happen, I believe, is inaccurate. Another thing,
19 the building being very visible. Our point of
20 that was not that it's going to be visible,
21 period, it's going to be visible to the
22 intersection.

23 And the point of that was that we were
24 not going to need a lot of lighting that would be
25 you know, intrusive to the neighbors. Around it

1 on the majority is surrounded by trees. So you
2 know, the visibility of that, we just wanted to
3 make that clear, and we alluded to the fact of it
4 being visible. It means at that intersection.

5 And because of that, the benefit is
6 less lighting. We don't have to light it up as
7 much because it is visible. The -- I'm not sure
8 I know everything was recorded. I can't remember
9 a time where we ever said more than 20 employees.
10 We might've given a breakdown of what those 20
11 were.

12 But having a staff more than that, I
13 don't -- I couldn't -- I barely -- I love my
14 team, but you know, it's a big family. 26 or
15 whatever, that's a lot. 20 is kind of the most
16 that we're thinking.

17 And again, the hours, I just, like Tim
18 said, we want to be transparent. We want -- we
19 don't want to say, oh, it's going to be nine to
20 five Monday through Thursday, and then boom,
21 change it.

22 We're giving you like the most that it
23 would be. My staff is out of the door. We were
24 out of the door at 4:51 today and we worked until
25 five. So sometimes, you know, people don't want

1 to loiter around, even if they're -- one person's
2 running on the treadmill. I don't think that's
3 going to really bother anyone, if they're in the
4 basement.

5 They normally get there about 15
6 minutes before we start. And again, that's you
7 know, they're driving in. They're going into the
8 building, setting up for the day. That was one
9 of the things, the hours. Yeah.

10 DR. TIM PRISTAS: And to comment on
11 that as a dentist as well, our team has a 20-
12 minute huddle before the practice. And they're
13 allowed to enter 10 minutes before that, so a
14 half hour before any time. So it's very
15 regulated and systematized to promote
16 communication, engage and facilitate the building.

17 But as a doctor, I can expand a lot more
18 on that, if you guys would like to hear more about
19 that in the future.

20 DR. JEN DIPIERO: See, the other thing I
21 did want to mention, the CE regional clinic,
22 again, we're not devaluing your properties. Bath
23 is beautiful. There are a lot of -- many
24 beautiful, residential homes. However, I know you
25 may not know this, Mrs. Alexander, but to

1 devalue, to call us a regional clinic, sorry,
2 Zoning Committee -- to call us a regional clinic
3 is kind of an insult. That's not what we're
4 going for here.

5 It's actually the opposite. A clinic
6 implies just like a puppy mill of patients coming
7 in and out. That is not. That is the opposite.
8 That's what we're trying to avoid in dentistry.
9 There may be other dentists in Bath. They're --
10 how many days -- they're very small. There's
11 nothing like this.

12 They're not on the same thing. We're
13 not trying to be a regional clinic. We also
14 don't want to be a small mom and pop shop that
15 sees a patient a day. But to add to Tim's point,
16 I think I saw six patients all day, and I was
17 busy all day, worked through lunch.

18 Sometimes one patient comes in for a
19 four-hour procedure, believe it or not, and when
20 we're milling our own crowns and doing high-end
21 dentistry, we're going more at that appointment.
22 It takes a little longer. It's not like in out,
23 in out, in out. We allow an hour and a half for
24 each new patient.

25 To my knowledge, not many other offices

1 do that. It's a huge hit financially, but we
2 want to establish that we want people to feel
3 like they got all their questions answered, that
4 we take literally every diagnostic record you
5 could, intro oral, pictures, everything.

6 And we're already doing that. We know
7 it works. Is that a cost I'm paying the staff
8 sometimes more than the cost of what we're
9 actually getting reimbursed from the insurance
10 companies? But we're doing that because we don't
11 want to be a clinic. We want to be the opposite
12 of that.

13 So I understand you could do the math
14 that way and come up with that number, but that is
15 absolutely not anything close to what it would
16 actually be. And I could say that with
17 the facts, so --

18 CHAIR RICHARD BRADNER: Any final
19 comments. Within a reasonable amount of time, we
20 --

21 DR. JEN DIPIERO: Okay, I appreciate
22 it, no. I'll be good. Thank you. Thanks.

23 CHAIR RICHARD BRADNER: Okay, very
24 good. Before you go, anybody on the Commission
25

1 would like to ask them anything else from their
2 presentation? Okay.

3 DR. JEN DIPIERO: Thank you very much.

4 CHAIR RICHARD BRADNER: Thank you.

5 Okay, this is unusual, but we want to make sure
6 that everybody is heard from in case there is any
7 other people that are opposed. And since we
8 allowed them to do a rebuttal. That said, they
9 were given approximately six minutes. Is there
10 somebody who would like to speak perhaps that
11 hasn't spoken before, make sure that you've been
12 sworn in. Do you have any other comments? Okay.

13 Sir, your name? And were you sworn in?

14 MAN 1: My name is Phil Hlavin.
15 And I live at 720 North Cleveland-Massillon.

16 CHAIR RICHARD BRADNER: Okay.

17 MAN 1: I lived right next to the spa.
18 And I've lived there for probably 25 years. My
19 house caught on fire about seven years ago, burned
20 to the ground, but I rebuilt on the property.
21 Tried to make it really nice looking for Bath.

22 CHAIR RICHARD BRADNER: Is that the
23 yellow house?

24
25 MAN 1: Yes.

1 CHAIR RICHARD BRADNER: My wife yells
2 at me about that. She says that guy's house
3 burnt down and he built the same thing. And she
4 tells me, you men are all the same. You want it
5 the same all the time.

6 MAN 1: I totally changed. But yeah.
7 So when I moved to Bath, I loved the rural look,
8 you know, from Shaker and I just wanted to get
9 out to the country. My ex-wife lived across the
10 street in Dave's house growing up.

11 So when I purchased the property, I
12 just loved just rolling into town. I've got a
13 business here. I've got a store here. I mean, I
14 got it all in Bath. Well, the dentistry, he's
15 got a business to run and I understand that. And
16 it's -- that's not my issue.

17 My issue is going commercial up there,
18 because right next to me is the spa. Right next
19 to me is the lady who's building two additional
20 homes on a small piece of property. And I get
21 realtors every week coming to my house wanting me
22 to sell my property because they want to put
23 condos in, because they know that one day, this
24 property's going commercial. They're going to
25 bring it all the way down that hill, okay?

1 And you know, I understand that house
2 didn't sell. I was going to buy it, but it's so
3 boxy and the rooms were so small and you know,
4 worthless, that whoever bought it would've had to
5 put a ton of money into it to even just get it
6 out.

7 But my issue is that thing goes
8 commercial, I'm looking at that mega whatever
9 thing that is where Jimbo's was. I mean, I don't
10 know if it's a winery, a golf thing, whatever.
11 But that thing's huge, okay?

12 And I pray to god the drawings look a
13 heck of a lot better than the way it's being
14 built right now. So I'll deal with that. But
15 you know, I just know as soon as that goes
16 commercial, we get that place open, there's going
17 to be a ton of traffic at that building and it's
18 going to come right down the hill until it at
19 least hits the spa in Yellow Creek.

20 And somebody comes up to me and offers
21 me \$2 million, I'm out of here. You know, I'll
22 go buy 20 acres in Sharon or whatever. But I
23 just love Bath. I mean, I've spent a lot of time
24 here. I've put a lot of money in the town. And
25 you know, I just want to keep it rural.

1 I mean, I feel bad for all these
2 families, but it's coming, you know, unless you
3 guys stop it. So it's up to you. You know, I
4 can't do anything. I can put up my little cute
5 signs in my front yard.

6 I can make it cute at Christmas and
7 everything, but you know, if it comes through,
8 you know, honey, we're out of here, you know? So
9 that's my deal. I don't want these guys'
10 families to be ruined, but you know, it's
11 reality. So it's up to you guys.

12 CHAIR RICHARD BRADNER: Thank you.

13 MAN 1: Yeah.

14 CHAIR RICHARD BRADNER: Okay. There's
15 four minutes left.

16 JOANNE ALEXANDER: Richard, can I just
17 say -- I just want to clarify one thing.

18 CHAIR RICHARD BRADNER: You have to come up
19 here.

20 JOANNE ALEXANDER: Okay. It's Joanne
21 Alexander. I just wanted to make sure, it
22 appeared that they misunderstood something that I
23 said. And I'm afraid you guys did.

24 CHAIR RICHARD BRADNER: Correct the
25 record. Yes, thank you.

1 JOANNE ALEXANDER: And that was that I
2 said that if you were going to be tossing out the
3 plan, not just rezoning. But if you were to be
4 tossing out the restrictions that are in the Bath
5 Land Usage plan --

6 CHAIR RICHARD BRADNER: Okay, so the
7 comprehensive plan from -- that we built --

8 JOANNE ALEXANDER: That that was what
9 was -- should it be a larger, more public
10 conversation.

11 CHAIR RICHARD BRADNER: From 2011. And
12 I think I took it at that.

13 JOANNE ALEXANDER: Okay, I just wanted
14 to make sure that that's --

15 CHAIR RICHARD BRADNER: No, and we do
16 have a comprehensive plan as well as Land Use.
17 Okay, thank you. All right, listen up, because
18 we have -- there's two important things that are
19 going to happen. Written comments. If you've
20 got written comments, anything that you've said
21 tonight, whoever spoke, they will be taken until
22 the close of business on Friday July the 8th at 4
23 p.m.

24 So if you've got something to say, send
25 it to Bill, make sure you get it -- his email

1 address is on our website. And now, the
2 Commission's going to reconvene to un-table the
3 case on July 14th.

4 Momentarily, I'm going to ask for a
5 motion to table it. So at that time, we'll be
6 making a vote. So that we should have an
7 opportunity obviously to digest all this
8 information as well as to see any further written
9 comments that will, again -- Friday, July the
10 8th. So if you speak, that's when you gotta get
11 it in. Okay, that said, do I have a motion to
12 table this case?

13 MEMBER SCOTT MEYER: Question first.

14 CHAIR RICHARD BRADNER: Certainly,
15 Scott.

16 MEMBER SCOTT MEYER: What you're saying
17 is that we will begin the next meeting then with
18 discussion amongst the Commission?

19 CHAIR RICHARD BRADNER: That's correct.

20 MEMBER SCOTT MEYER: Okay.

21 CHAIR RICHARD BRADNER: That's right.
22 And preparation for a vote. Any of our comments
23 that we've had regarding this case, which is 18
24 months old, it's like having a baby kind of
25 something like twice, right? So we'll have those

1 --

2 MEMBER SCOTT MEYER: Not if you're an
3 elephant.

4 CHAIR RICHARD BRADNER: That's right.

5 MEMBER SCOTT MEYER: 22 months.

6 CHAIR RICHARD BRADNER: Are there any
7 other? Joy, Maryellen, anything else?

8 VICE CHAIR MARYELLEN BURNHAM: Bill, I
9 just want to ask --

10 CHAIR RICHARD BRADNER: I'm sorry --

11 VICE CHAIR MARYELLEN BURNHAM: -- we do
12 still have some written documents that you have
13 that we've not yet seen?

14 PLANNING DIRECTOR WILLIAM FUNK: Yeah,
15 I've --

16 VICE CHAIR MARYELLEN BURNHAM: Okay.

17 PLANNING DIRECTOR WILLIAM FUNK: -- I'm
18 actually -- I just got one just prior to this
19 meeting, so I'll have all of those compiled and
20 everyone on the Commission will have copies of
21 all of the correspondence we have received.

22 CHAIR RICHARD BRADNER: Perfect.

23 VICE CHAIR MARYELLEN BURNHAM: Okay,
24 then. Since we've not seen everything, I will
25 make a make a motion to table ZC-22-01.

1 CHAIR RICHARD BRADNER: Before we go
2 there, one of our people who spoke brought
3 forward a petition of some sort. We need to make
4 sure that that gets over in Bill's hand, and
5 entered into evidence, and any other -- again,
6 the written comments are important. Okay, your
7 motion?

8 VICE CHAIR MARYELLEN BURNHAM: I'll
9 - second the motion.

10 CHAIR RICHARD BRADNER: Okay, all in
11 favor?
12 BOARD: Aye.

13
14 CHAIR RICHARD BRADNER: I heard no
15 nays. The meeting's over. Thank you.

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.

<%12151,Signature%>

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Date: July 7, 2022

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