

May 23, 2011
Curtis Hall

The Planning Commission ("PC") meeting was held tonight at Curtis Hall in Curtis Arboretum. The following Planning Commission members were present: Messrs. Cross, Greenberg, and Goldfarb. Also present were ex-officio members Laughlin, Harrower and DiBenedetto. Also present was David M. Lynch, Director of Engineering, Zoning & Inspections; as a Quorum was not present an informal Planning Commission Meeting was held.

1. Acceptance of the minutes of the April 25, 2011 Meeting.

Mr. Harrower wanted noted for the record that Item 3: 545 Jefferson Avenue Condo Conversion- is a allocation of EDU's not a release of EDU's.

2. Review of Zoning Hearing Board Agenda for June 13, 2011.

Appeal No. 3402: Appeal of Enterprise Leasing Company, prospective tenant of Premises known as 1627 W. Cheltenham Avenue, La Mott PA 19027 from the Decision of the Zoning Officer for the following Zoning Relief in order to operate an Automobile Leasing and Rental Facility from the Premises:

- a. A Determination in accordance with the Rules and Regulations of "Nonconforming Uses" as outlined in CCS 295-227.D and F. that the proposed use of the premises as an Automobile Leasing and Rental Facility is of the same class of use as the existing nonconforming use (Automotive Repair Facility) and thus permissible.
- b. In the alternative to a., above, a Variance from the Rules and Regulations of the Class R-6 Residence District as outlined in CCS 295 50. for the proposed use of the premises as an Automotive Leasing and Rental Facility instead of one of the enumerated permitted uses.
- c. A Determination that the ten (10) customer parking spaces provided are sufficient for the proposed use.
- d. A Determination in accordance with the Rules and Regulations of "Nonconforming Signs" as outlined in CCS 295-199. that the change in sign faces of the existing 2'x10' double faced pylon sign is permissible.
- e. In the alternative to d., above, a Variance from the Rules and Regulations of "Signs" as outlined in CCS 295-197.A. for a 2'x10' double-faced pylon sign on an existing pole instead of no permitted signage.
- f. A Variance from the Rules and Regulations of "Signs" as outlined in CCS 295-197.A. for a 3'x15' parallel wall sign instead of no permitted signage.

- g. A Variance from the Rules and Regulations of "Fences and Walls" as outlined in CCS 295-223. for 336 ± LF of 6' high, estate style, black metal fencing within the required front yard setback area along the Cheltenham Avenue and Sycamore Avenue frontages of the premises instead of the permitted 4' high, 50% open fencing.

(Item g. for the Appeal No. 3402 Legal Notice was added on May 25, 2011.)

Mr. Michael Yanoff was present to discuss this application along with John Frisbee, Enterprise Operation Facilities Manager.

Mr. Yanoff stated that the proposed automobile leasing facility is of the same type and class of use as the existing non conforming automobile repair facility.

Mr. Cross asked about the differences between operation now and how it operated in the past. Mr. Frisbee stated that there will be no auto repairs at the facility, no odors, no noise it's a basic rental car facility. Mr. Frisbee further stated that Enterprise does not make money from cars sitting on the lot but only when they are rented and out on the road. There will not be a mass storage of vehicles on the lots.

Mr. Frisbee stated that there will be a maximum of 7-8 vehicles on the lot.

Mr. Lynch stated that any signage, windows, exterior alterations would have to be approved through the La Mott BHAR; also, the allocation/release of sewage capacity (EDUs) has to be addressed.

Mr. Lynch asked if the facility is using both tracts of land. Mr. Yanoff stated that only Tract 1 will be used.

Mr. Frisbee stated that only two managers drive company cars which are actually rental cars that are available for rental. Mr. Frisbee stated that there will be light vehicle washing inside of a bay within the facility.

Mr. Harrower asked the hours of operation. Mr. Frisbee stated that it's 8-6 PM Monday thru Friday, 9-12 PM on Saturdays and closed on Sundays.

Mr. DeBenedetto asked if there would be a fence around the lot. Mr. Frisbee stated that there is currently a guard rail but that there are plans to install a 6' Estate style black metal fence. Mr. Lynch noted that the fence needs Zoning Relief; Mr. Yanoff stated he would see Mr. Lynch on Wednesday to amend the legal notice; see Item g. on the legal notice.

Mr. Greenberg made a Motion of No Action; Mr. Goldfarb seconded the Motion; the Motion passed.

Appeal No. 3403: Appeal of World Asian Investment Group, L.P., Owner of Premises known as 1001 W. Cheltenham Avenue, Melrose Park, PA 19027 (a/k/a the "Elkins Building"), from the decision of the Zoning Officer for the following Zoning Relief in order to operate a Dental Office (2121 ± SF) on the first floor of the Premises:

- a. A modification of the Decision for ZHB Appeal No. 3358 so as to substitute a Dental Office in place of a School for Acupuncture.
- b. A Special Exception in accordance with the Rules and Regulations of the Class RO Residence and Office District as outlined in CCS 295-28.F.(2) for the use of portion of the premises on the first floor as a Dental Office.
- c. A Determination that there is sufficient off-street parking at the premises.
- d. In the alternative to c. above, a Variance from the Rules and Regulations of "Parking and Loading" as outlined in CCS 295-221.D. and H. so as to permit the existing 57 off-street parking spaces to service the building including the proposed Dental Office.

Mr. Michael Yanoff was present for this application.

Mr. Yanoff stated that the 1st floor used to be an acupuncture office but due to lack of enrollment closed. The new proposed use would be for a dental office. Mr. Yanoff stated that building and parking lot will remain unchanged.

Mr. Lynch stated that the Township is under a sanitary sewer moratorium and that a dental office would generate more water use than the previous acupuncture school.

Mr. Cross asked if the rest of the building is occupied. Mr. Yanoff stated that he was not sure but he would find out. Mr. Lynch stated that the key factor for this property is the EDUs.

Mr. Goldfarb made a Motion of No Action; Mr. Greenberg seconded the Motion; the Motion passed.

Appeal No. 3404: Appeal of Breyer Woods Condominium Association, owner of Breyer Woods Condominium, Elkins Park, PA, from the decision of the Zoning Officer for a variance from the rules and Regulations of "Fences and Walls" as outlined in CCS 295-223. for 500± L.F. OF 6' high, black metal, open, estate style fencing within the front yard setback area along the Township Line Road, Breyer Drive and Linden Lane frontages of the premises (near Units 101-105) instead of the permitted 4' high, 50% open fencing.

Mr. Ken Mirsky was present for this application.

Mr. Mirsky stated that there was a previous approval for 6' high estate style fencing. Mr. Mirsky stated that the applicant is requesting an additional 500' of estate style fencing to be added. Mr. Mirsky stated that the reason this application was in front of the Planning Commission is because a variance is needed for a 6' high fence.

Mr. Goldfarb made a Motion of No Action; Mr. Greenberg seconded the Motion; the Motion passed.

3. Consideration of Waiver Request for CTDA 11-510: Arcadia University Pedestrian Trail-450 S. Easton Road.

Mr. Harold Lichtman was present for this application.

Mr. Lynch stated that a Pedestrian Bridge has already been built and the proposed trail would run parallel to Church Road and connect the Pedestrian Bridge to Waverly Road. Mr. Lynch stated that the trail is being paved for accessibility.

Mr. Harrower asked if the trail crosses the garage driveway. Mr. Lichtman stated that it hasn't been decided yet and if, due to the grade differential, handicapped ramping is required, it will be constructed. Mr. Lynch recommended to the Committee that Arcadia put up a sufficient Escrow for the trail and seepage bed inspection.

Mr. Goldfarb made a Motion for a recommendation for a Waiver of Land Development regulations with the following conditions:

- 1.) Arcadia University to fund a sufficient Escrow account for the trail and seepage bed inspections.

Mr. Greenberg seconded the Motion; the Motion passed.

4. Consideration of Waiver Request for CTDA 11-520: Dunkin Donuts Site Improvements-8250 Ogontz Avenue.

Mr. Lynch stated that truckers are parking their trailers and over-nighting their tractor-trailers on the Ogontz Shopping Center parking field northwest of the Dunkin Donuts. Mr. Lynch stated that this has been an issue for over a year and the residents have complained about the tractor trailers being parked there.

Mr. Lynch noted that, under CTDA 10-0640, Keystone Billboard had requested a waiver of land development regulations for a 4' high, white vinyl, post and rail fence around the entire keystone billboard property; see Attachment A; this waiver request was denied.

Keystone Billboard submitted a fence permit for 90' of 4' high, black vinyl, chain link fencing in a "L" shaped configuration on May 5, 2011; see Exhibit B. This fencing will close off the Keystone driveway and should solve the tractor-trailer parking problem.

Mr. Lynch stated that Dunkin Donuts is planning to make interior/exterior improvements to its leasehold; the exterior improvements consists of a new 98 ± SF increase to the walk-in freezer. This increase in building footprint requires a land development submission for which the Franchisee is requesting a waiver therefrom; see Exhibit C.

Mr. Lynch stated he had no objection to the waiver request provided bollards were placed 6' o.c. along the common line with Keystone (approximately 15 bollards).

Mr. Harshad Patel was present for the waiver request.

Mr. Patel stated that Dunkin Donuts wants to enlarge walk in cooler from 7x11 to 7x 25'. Mr. Patel stated that the Franchise requirement states that he has to remodel every 10 years. Mr. Patel requested the walk in expansion in 2001 and was approved but didn't do it because of finances. Mr. Patel stated that he has the funds to do it now. Mr. Lynch noted that he has no documentation on a 2001 approval; in any event, due to the passage of time any approval would have lapsed.

Mr. Lynch stated that Mr. Patel has an issue with signage. The new PennDOT Rte. 309 Sign is blocking existing Dunkin Donuts sign. Mr. Lynch suggested relocating pylon Dunkin Donut sign.

Mr. Patel stated he wanted to trim the trees and to put a fence around the boundary line to prevent trash from floating over to Dunkin Donuts. Mr. Patel expressed concern about making the billboard site fence so high it becomes a junk yard. Mr. Patel also requested that Keystone maintains landscaping.

Mr. DiBenedetto stated that he doesn't see how the parking lot and walk-in freezer are connected.

Mr. Harrower also stated that he doesn't think the parking issues and cold box and remodel efforts of Dunkin Donuts should be connected together.


Mr. Greenberg stated that the parking situation isn't Dunkin Donuts problem.

Mr. Cross stated that he agrees with everything his fellow committee members said. Mr. Cross stated that its unfair that a businessman trying to do the right thing for his property is being penalized.

Mr. Cross made a motion for recommendation for a waiver of land development requirements for the Dunkin Donuts walk-in freezer expansion with no conditions; Mr. Greenberg seconded the Motion; the Motion passed.

5. Adjournment

Mr. Cross made a motion for adjournment; Mr. Goldfarb seconded the Motion, the Motion passed. The meeting adjourned at 9:20 P.M.


David G. Kraynik
Township Manager

Per: Holly A. Nagy