

The regular meeting of the **PLANNING COMMISSION** was held tonight at the Township Administration Building, 8230 Old York Road, Elkins Park, PA. The following Planning Commission (PC) members were present; Dave Conly, Tom DiBenedetto, Carl Freedman, Rhonda Isser and Bill Winneberger. Also present were Henry Sekawungu, Director of Planning and Zoning, Robert Habgood, Assistant to the Director of Planning and Zoning, Mark Eisold, Township Engineer and Brian Olszak, Montgomery County Planning Commission. Guests present: Commissioners Brockington and Zygmund-Felt.

Mr. Winneberger called the meeting to order at 7:32 p.m. A quorum was present.

1. Acceptance of minutes of the Planning Commission meeting dated Monday, June 24, 2019.

Mr. Freedman motioned to accept the meeting minutes. Mr. Conly seconded, and the motion passed unanimously.

2. Review of CTDA #19-04 – Land Development & Lot Consolidation for 1750 Ashbourne Road (Elkins Estate), Elkins Park, PA 19027 to construct driveways and parking areas as part of the adaptive re-use of the property and to consolidate three (3) parcels into one (1) parcel.

Amee Farrell, Esq., representing the developer and equitable owner, along with Guy DiMartino, Traffic Planning and Design provided a detailed update on the project including:

- The negotiation and finalization of the T.I.F including a development agreement with conditions for public access to the property which consists of a hotel, restaurant, distillery and band shell area.
- “Will comply” with all review letters.
- The horseshoe driveway entrance on Ashbourne Road will be reconfigured for entrance only including moving the wall back at Juniper Ave. which requires PennDOT approval.

Discussion followed regarding sidewalks and the wall surrounding the property. The wall at Juniper and Ashbourne will be moved back to allow better visibility at the intersection and the remaining wall will be repaired or replaced matching the color and type of stone as needed.

Residents Ronni and Leonard Solomon, 7725 Juniper Ave. were excited about the coming changes, but expressed concerns regarding noise, bright lights from the parking lot and disruption to their quality of life.

Mr. Zygmund-Felt questioned whether traffic calming devices would be used to slow down the flow of traffic.

Ms. Farrell stated that the Township’s Traffic Engineer, Frank Tavani, would be meeting on site with the developer for a complete walk through of the property and roadway network which would also include review of the width of driveway entrances and exits. Ms. Farrell added that the lighting plan indicated ¼ foot candle limiting light pollution, and the developer would maintain stormwater management under the parking lots on the site.

Ms. Farrell reported that the applicant would be withdrawing the Waiver Request under Section 260-34.E.(3) on the provision requiring vertical profiles of storm sewer.

Mr. Sekawungu stated that an onsite meeting would be scheduled and would include the Fire Marshall and Township Engineer.

Mr. Freedman motioned to recommend approval. Ms. Isser seconded, and the motion passed unanimously.

3. Review of proposed Ordinance Amending Chapter 295, entitled Zoning to amend the uses in the C1 Commercial Zoning District to include self-storage facilities.

Mr. Habgood provided background on the proposed Ordinance which included a review letter from the Montgomery County Planning Commission.

Mr. Olszak highlighted his review comments with respect to the type of permitted use and conditions.

Discussion ensued regarding the proposed ordinance. Mr. Zygmund-Felt commented on the increase in applications and the need for consideration to allow this as a viable opportunity site for a potential developer. Mr. Freedman commented that he was not opposed to it but the need to limit this type of use in the C1 District was needed.

Mr. Winneberger motioned to table the proposed Ordinance change. Mr. Freedman seconded and the motion passed unanimously.

4. Review of Zoning Hearing Board Agenda for August 12, 2019.

a. Appeal #19-3621 Central Avenue Holdings, 1 Central Avenue, Cheltenham, PA 19012 for a variance from Section 295-405.D.4, to allow for an adult daycare for 100 individuals in place of the allowed 20 individuals in the existing building at the property located in the C-2 Commercial Zoning District.

Amee Farrell, Esq. representing the applicant provided a detailed background on the proposed adult daycare center. Ms. Farrell added that this was a “dimensional variance” and not a “use variance”. Ms. Farrell reported that the Pennsylvania Department of Welfare calculates the number of individuals allowed per square footage equaling the allowed capacity of 100 individuals.

Additionally she stated the following:

- The ratio of staff to adults was 1/7 however this ratio may increase based on cognitive ability of the adults.
- Hours of operation would be Monday through Saturday 7:00 a.m. to 6:00 p.m.
- There would be five (5) vans on site on any given day.
- Van drop-off would be in parking lot and remain on site.
- ADA modifications to the existing building would be minimal.
- The number of parking spaces was in compliance.
- No sign variance was being requested.

- There would be a nurse on staff with limited ability to dispense Medications depending on State requirements.

Mr. Brockington questioned if there would be any nighttime events, how the kitchen would be used and trash picked up. Ms. Farrell stated that there would be no scheduled night time events. The kitchen would be used to warm food brought in by vans from an off-site facility and a private commercial trash hauler would remove the trash.

Mr. Zygmund-Felt expressed concerns regarding the medical staff on-site. He stated that there needed to be a full time geriatric nurse on staff during the hours of operation. Discussion ensued regarding additional concerns that included the following:

- Adequate fencing and lighting around the property.
- Addition of security cameras for security and safety.

Mr. DiBenedetto motioned to recommend approval of the Zoning Hearing Board Appeal with the following conditions:

- Install a trash enclosure and advise on hours of trash pick-up.
- Comply with state regulations regarding adult daycare.
- Transportation of daycare adults and prepared food by van only.
- Adhere to state mandated security and medical guidelines.
- No night activities past 6:00 p.m.

Mr. Conley seconded and the motion passed unanimously.

b. Appeal #19-3622 SoFive Inc. for 46 E. Church Road, Elkins Park, PA 19027 for Zoning Relief to allow for the additional use of sale of liquor/alcohol at this property:

- a. A modification of a condition as part of the Zoning Relief granted under Appeals 1571 and 2944 to allow for the serving of liquor/alcohol on the premises where none is currently allowed.

Charles Gerbron, Esq. from MacElree Harvey Ltd. represented the applicant and stated that this Appeal is a change in the condition of prior Zoning Hearing Board approvals. Mr. Gerbron added that a similar application had been previously filed by the applicant, however it did not move forward. At this time, they are requesting approval for the sale of beer and wine.

Charles Lagayette, owner of SoFive provided a summary of activities and number of participants which is primarily geared to those coming to play soccer followed by socializing after the events. Mr. Lagayette stated that they have five locations since 2015 and hold liquor licenses for four of them.

Mr. Lagayette reported that they had mailed flyers to over 600 area homes to have a meeting with the neighbors but turnout was poor.

Mr. Gerbron stated that the Township could not regulate the sale of liquor as this fell under the auspices of the Pennsylvania Liquor Control Board (PLCB).

Mr. Brockington was in favor of the addition, but expressed concerns about the residents' complaints he had been receiving regarding the loud noise coming from the parking lot after events.

A few residents voiced their disapproval as the owner did not have this under control and the noise issue would be compounded by the sale of beer and wine.

Mr. Brockington added that the owner needed to be a good neighbor and needed to control the noise.

Mr. Zygmund-Felt stated that it would be in the applicant's best interest to address the current problems and complaints to avoid being shut down by the PLCB for violations. Mr. Zygmund-Felt added that the number and level of complaints by residents raised additional concerns. These included the lack of control of after hour's conduct and the need for a higher level of oversight, which would need to be increased with the sale of beer and wine.

Mr. Winneberger stated that the Planning Commission needed a promise of good faith before they could consider a recommendation on this Appeal. He stated that the applicant had not shown good faith to control the situation and added that the applicant needed to comply with the following conditions:

- Install cameras in the parking area.
- Staff the parking lot with security.
- Install gates.

Mr. DiBenedetto motioned to recommend denial of the Zoning Hearing Board Appeal. Mr. Conley seconded and the motion passed by a 3-2 vote. (Ayes – Conly, DiBenedetto, and Winneberger. Nays – Freedman and Isser).

5. **Old Business** – None.
6. **New Business** – None.
7. **Adjournment** – Mr. Winneberger motioned to adjourn the meeting at 10:32 p.m., seconded by Mr. Conly.



Bryan Havir
Township Manager
Submitted by: Patty Gee

PLANNING COMMISSION SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>	<u>APPEAL NO</u>
Charles Lagayette	46 Church Rd, E Park	
Jean Denise Lohdell	46 Church Rd, E Park	
DAVE CITRO	8 MAINSTAY ENG	19-04
AMEE FARRELL	Kaplin Stewart	19-04 & 19-3621
Allison Shaw	49 Church Rd	19-3622
Ray Shaw	49 Church Rd	" "
Ben Szechenyi	8024 Ellen Ln	193622
Xiaochun Szechenyi	8024 Ellen Ln	193602
Banny Jesudasn	Jcm Desegnyng	19-3621
MANNY MATHAI	9537 Boston Ave	19-3621/22
TILAK SINGH	" "	" "
Bosnyk Ajew	8000 Ellen Ave	19- —
John Miller	1806 Ellen Ave 19022	
Len Solomon	7725 Juniper Ave	
Ronni Solomon	"	
John & Shannon Gulch	378 Jefferson Ave 19012	193621
True Truong	8006 Ellen lane	
Maggi Kessler	8015 Ellen Lane	
Anna Ferris	8018 ELLEN Ln	193622

PLANNING COMMISSION SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>	<u>APPEAL NO</u>
IRV BROCKINGTON	7637 BROOKFIELD RD 19012	19-3621