

C I COUNCIL
9-061

SEPTEMBER 19, 2011

The Plymouth Township Zoning Board held a public meeting at the Plymouth Township Building on Monday, September 19, 2011.

The meeting was called to order at 7:05 PM.

The following were present:

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| Vincent Frangiosa | Chairman |
| Robert Esposito | Vice Chairman |
| James Saring | Member |
| Michael Mattioni | Member |
| Robert Sassi | Member |
| | |
| Joseph McGrory | Solicitor |
| David Conroy | Zoning Officer |
| Paula Meszaros | Court Reporter |

The Pledge of Allegiance was recited.

The Board heard the following:

200-220 WEST GERMANTOWN PIKE GENERAL PARTNER HOLDINGS, LLC.:
On an application for a Special Exception from Plymouth Township Zoning Ordinance No. 342, as amended, Article XIV, Section 1402 and Article XIII, Section 1300.A and F and Variances from Article XIII, Section 1300.A, F and H and Article XIV, Section 1400.

The Special Exception and Variances requested are as follows: An interpretation that the proposed office and educational uses are permitted by special exception pursuant to Section 1300.A and/or F or, in the alternative, a use variance is requested. In addition, the Applicant believes that the educational use is accessory to the office use. Applicant further believes that in the event a variance is required to permit the educational use in the LI District, it is de minimus.

The property is located at 200-220 West Germantown Pike in a "Limited Industrial" Zoning District.

Ross Weiss, Esq. was present to represent the applicant in presenting their application.

Mr. Weiss advised that the old Victory Metals Building is the building subject to the application. Mr. Weiss stated that this building has about 115,000 square feet. Mr. Weiss advised that the owner has the opportunity to rent approximately

25,000 to 26,000 square feet in a building that is currently 50% vacant. Mr. Weiss stated this tenant would be ITT which is an educational service. Mr. Weiss advised that ITT has 130 schools, and has been in business for over 100 years.

Mr. Weiss advised that ITT is vacating their King of Prussia location, and are proposing to relocate to Plymouth Township. Mr. Weiss stated that the school sessions are in the morning, and also at night. Mr. Weiss advised that the school is for adult education. Mr. Weiss stated that people will be at the location about 30% during the day, and about 70% at night.

Mr. Weiss advised that the site has two buildings. Mr. Weiss stated that the applicant will go in the front building. Mr. Weiss advised that the applicant's use will make for a nice balance because office use is primarily in the buildings.

Mr. Weiss advised that the Zoning Board was presented with a summary of the case. Mr. Weiss stated that a brochure for the school was also submitted. Mr. Weiss advised that Mr. Casey Moore performed the Traffic Study, and this was presented to the Zoning Board. Mr. Weiss stated that the Traffic Study concluded that the egress and ingress are safe, and parking is adequate for the use that is being proposed.

Mr. Weiss advised that the site is limited concerning access because of the berm that goes down Germantown Pike. Mr. Weiss stated that this issue will be posted on ITT's website.

Mr. Weiss advised that the applicant would withdraw the request for special exception if the Zoning Board finds that the use variance is appropriate.

Member Mattioni asked if there has been a change in the ingress and egress for the site. Mr. Weiss advised that this issue was a concern for multiple Planning Agency members. Mr. Weiss stated that Exhibit H was prepared to show the two right turn ins and the one right turn out. Mr. Weiss advised that the berm was built to prevent drivers from making lefts out of the site.

Member Mattioni asked what time do the evening classes end. Mr. Weiss advised that the evening classes begin at approximately 5:30 PM, and the classes can go as late as 11:00 PM. Mr. Weiss stated that there are classes on Saturdays. Mr. Weiss advised that the number of students coming to the site varies, and they spread out during the day and night.

Member Mattioni asked how long has the site been 50% vacant. Mr. Weiss advised that after a tenant moved out in December 2010 the site became 50% vacant.

Member Saring asked why is ITT relocating to the site. Mr. Weiss advised that ITT must move out of their King of Prussia site. Mr. Weiss stated that ITT wants to remain in Montgomery County, and they want to be close to the Turnpike and the Blue Route.

Member Saring asked if it is anticipated that there will be an expansion of the staff, students, or space involved. Mr. Weiss advised that it is always possible that the school may be able to provide education for more people. Mr. Weiss stated that if there are more students ITT will control when the students will come in, and this will be done so that there will not be a parking problem.

Mr. Casey Moore was sworn-in to testify.

Member Saring asked what percentage of students and staff will drive to the site. Mr. Moore advised that about 85% to 90% drive to the site, and the rest take public transportation.

Member Esposito asked what time do classes start in the day. Mr. Weiss advised that the morning session goes from 9:30 AM to 1:00 PM. Mr. Weiss stated that the evening session goes from 5:30 PM to 11:00 PM.

Mr. Michael Colgan was sworn-in to testify.

Member Esposito asked what is the current usage by the tenants for the property today. Mr. Colgan advised that the uses are office utilization, residential real estate, and advertising.

Member Esposito asked how many cars do the current tenants generate. Mr. Moore advised that during the morning peak roughly 200 cars come to the site, and in the afternoon about 240 cars come in.

Member Esposito asked if there is painted or erected signage at the site. Mr. Moore advised that currently there are faded arrows painted in the pavement. Mr. Moore stated that these directional arrows can be repainted. Mr. Moore advised that the driveways need to be monitored with this direction so that correct turns will be made. Mr. Moore stated that if certain signage is required then that signage will go in.

Chairman Frangiosa asked if it is possible to work with PennDOT to bring the concrete barrier further down. Mr. Moore advised that Plymouth Township and their Fire Marshal do not desire the barrier to go past the second access because emergency access is desired.

Mr. McGrory asked how many people will be employed by the school. Mr. Weiss advised that a staff consisting of 30 to 40 people could be at the site teaching approximately a couple of hundred of students. Mr. Weiss stated that 30 to 40 higher level jobs are being created.

Mr. McGrory asked if painting of signage could be part of a condition. Mr. Weiss advised that the property should be in conformance with the Highway Occupancy Permit.

Member Sassi asked if new space will be more or less than what ITT has at King of Prussia. Mr. Weiss advised that ITT would have a couple of thousand square feet less than what they have at King of Prussia.

Member Sassi asked if ITT has experienced an increase or decrease in enrollment over the last five years. Mr. Weiss advised that he does not have an answer to that question, however ITT has been in business for over 100 years. Mr. Colgan stated that the lease is for 5 years and 6 months with options.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

200-220 WEST GERMANTOWN PIKE GENERAL PARTNER HOLDINGS, LLC.:

Member Esposito made a motion that the variance requested be approved subject to the following:

1) The property be in conformance with the Highway Occupancy Permit

Member Mattioni seconded the motion. Members Esposito, Mattioni, Sassi, Saring, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

GERALD IANNUZZI: On an application for a Special Exception from Plymouth Township Zoning Ordinance No. 342, as amended, Article XXVII, Section 2704.

The Special Exception requested is as follows: Construction of a driveway within a Flood Plain.

The property is located at 2750 Narcissa Road in an "AA" Residential Zoning District.

Mr. Martin Eustace was sworn-in to testify.

Mr. Gerald Iannuzzi was sworn-in to testify.

Mr. Eustace advised that he is the engineer for the applicant.

Mr. Eustace advised that the applicant is seeking to subdivide his property. Mr. Eustace stated that the property has a tributary of Plymouth Creek running through, and therefore the driveway construction would take place within a flood plain. Mr. Eustace advised that the only means of access to the rear of the property is by way of a culvert to cross the stream and the wetlands.

Mr. Iannuzzi advised that he has contacted all of his adjacent neighbors. Mr. Iannuzzi stated that his ground has been tested by the DEP and the Army Corps Of Engineers, and he is now waiting for permits. Mr. Conroy advised that the Township Engineer has also looked at the property, and has given a clean letter for the subdivision process.

Member Mattioni asked if the driveway for Lot #2 will go through the rear of Lot #1. Mr. Eustace advised that Lot #2 is a flag lot. Mr. Eustace stated that the driveway goes through Lot #1 so that a disturbance to the wetlands will be minimal, and an easement would be granted.

Member Saring asked if any construction has been started. Mr. Eustace advised that no construction has commenced, and neighbors have been contacted concerning the application.

Member Saring asked if the driveway will be wide enough to accommodate emergency vehicles. Mr. Eustace advised that emergency vehicles will be able to get through.

Member Esposito asked why there was concern from the applicant's neighbors. Mr. Iannuzzi advised that there is concern about water. Mr. Iannuzzi stated that he is giving up 50 feet of his frontage to have access to the back lot.

Member Esposito asked what has been the impact of the recent storms on the wetlands area. Mr. Iannuzzi advised that there will be a deed restriction for the flood plain area, and therefore it will not be disturbed. Mr. Eustace stated that the crossing is designed for a 100 year flood event. Mr. Eustace advised that a pond helps restrict the water flow.

Chairman Frangiosa asked if the 100 year event will be held without the water going over the top of the driveway. Mr. Eustace advised that the water will not overflow.

There were questions and testimony from the audience.

Mr. John Richter, 2740 Narcissa Road, was sworn-in to testify.

Mr. Richter advised that he lives next to the flag lot where the proposal would take place. Mr. Richter stated that last week for the second time in 11 years water went over the top of his driveway. Mr. Richter advised that water is a big problem. Mr. Iannuzzi stated that the berm proposed should help alleviate the water problem.

Mr. Josh Dunoff, 401 Anthony Drive, was sworn-in to testify.

Mr. Dunoff asked if the applicant is going over a 100 year floodplain or a wetlands. Mr. Eustace advised that the area is in both.

Mr. Dunoff expressed concern about the water that will be diverted into the 100 year

floodplain. Mr. Dunoff advised that the water that will be put into the floodplain will affect his property which is further downstream. Mr. Dunoff stated that the Township has had to patch sinkholes in the area.

Mr. Eustace advised that the applicant must meet all of the local codes for the land development process. Mr. Eustace stated that storm events must be controlled. Mr. Eustace advised that two small detention basins are proposed to collect and slow down the amount of water that is leaving the site.

Mr. McGrory noted that the stormwater issues are outside the jurisdiction of the Zoning Board. Mr. McGrory advised that the issue for the Zoning Board is that the driveway is in the right location for the crossing.

Ms. Nicole Krassen, 503 Anthony Drive, was sworn-in to testify.

Ms. Krassen advised that the proposed driveway would be parallel to her house. Ms. Krassen stated that she is opposed to any tree removal. Ms. Krassen advised that she is very concern about additional run off. Ms. Krassen stated that any additional building will cause havoc. Ms. Krassen advised that her back yard will be adversely affected.

Mr. McGrory advised that the building of the house is not at issue this evening. Mr. McGrory stated that this is an engineering concern that will be before the Planning Agency and Township Council. Chairman Frangiosa noted that the engineering work done must make sure that the water issue should either remain the same or be improved upon after development takes place.

The Board discussed and decided as follows:

GERALD IANNUZZI: Member Saring made a motion that the special exception be approved. Member Mattioni seconded the motion. Members Saring, Mattioni, Sassi, Esposito, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

DORIAN NEAGOE: On an application for a Variance from Plymouth Township Zoning Ordinance No. 342, as amended, Article XIX, Section 1908.1.

The Variance requested is as follows: Permission for second shed on property.

The property is located at 34 Kormar Road in a "B" Residential Zoning District.

Mr. Dorian Neagoe was sworn-in to testify.

Mr. Neagoe advised that he is seeking a second shed to go along with his existing

shed on his property. Mr. Neagoe advised that the second shed will be used for storage. Mr. Neagoe stated that he desires to purchase a snowblower, and this would be kept in the new shed.

Mr. Neagoe advised that he planned on building a garage in his side yard. Mr. Neagoe stated that because of the limited space he was not able to do this. Mr. Neagoe advised that he desires to have the second shed instead. Mr. Neagoe stated that his immediate neighbors have no objections to the proposed shed.

Member Sassi asked what will the size be for the additional shed. Mr. Neagoe advised that the new shed will be 10' by 10'. Member Sassi asked if the shed will be for the applicant's possessions only. Mr. Neagoe stated that this is correct, and no other party's possessions will be in the shed.

Member Mattioni inquired about the applicant looking into a garage. Mr. Neagoe advised that contractors looked at an attached garage to the house, however there is limited room between the houses.

Member Mattioni inquired about the size of the present shed. Mr. Neagoe advised that the present shed is 6' by 8'. Member Mattioni asked if the applicant could have one larger shed. Mr. Neagoe stated that the existing shed is four years old, and in great shape. Mr. Neagoe advised that he does not desire to take down this fairly new shed.

Member Saring asked if all neighbors are in favor of the proposal. Mr. Neagoe advised that the neighbors have stated that they have no objections to the proposed shed.

Member Esposito commented that a larger 10' by 12' shed would be better for the property. Mr. Neagoe advised that the second shed was actually ordered already because he did not know that permission was needed.

Member Esposito asked if the compressor and generator that the applicant desires to store would fit into a 10' by 12' shed. Mr. Neagoe advised that all of the items that he desires to store will not fit into this one size shed. Member Esposito commented that he is not in favor of a second shed for the property in question.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

DORIAN NEAGOE: Member Saring made a motion that the variance requested be approved. Member Sassi seconded the motion. Members Saring and Sassi voted in favor of the motion. Members Esposito, Mattioni, and Frangiosa voted against the motion. The motion failed by a vote of 2-3.

CHUNG HAE KIM & SEONG SIK CHUNG: On an application for Variances from Plymouth Township Zoning Ordinance No. 342, as amended, Article XIX, Section 1908.G.1 and Section 1908.1.

The Variances requested are as follows: Permission for second shed on property closer than 4' from the side property line.

The property is located at 102 Valley Road in a "B" Residential Zoning District.

Ms. Chung Hae Kim was sworn-in to testify.

Ms. Kim advised that she desires storage for her brother's supplies to be put in the proposed second shed. Ms. Kim stated that her brother's job has forced him to be away from home for an extended period of time. Ms. Kim advised that she wants to help her brother because he has two children.

Ms. Kim advised that she had ordered the materials for the second shed., and she was told that permission is needed for the second shed. Ms. Kim stated that the fee for the storage area costs too much money.

Member Sassi asked if the applicant desires to store for her brother who does not live at the property. Ms. Kim advised that it was thought he would need the storage area for a short time, however his work out of the country is taking much longer than originally thought.

Member Sassi asked if the applicant has explored any less expensive storage facilities. Ms. Kim advised that other facilities' prices are high, and the neighbors would be fine with a shed on her property.

Member Mattioni asked if the applicant has both an existing shed and a detached garage. Ms. Kim advised that this is correct, however both of these areas are full with items. Ms. Kim stated that she does not have a basement. Ms. Kim advised that the riding lawn mower takes up a lot of room.

Member Saring asked why would the second shed be needed to be placed so close to the side property line. Ms. Kim advised that she can move the shed further in if that is desired. Ms. Kim stated that no neighbors have an objection to the proposed shed.

Member Esposito asked if the applicant's brother has ever resided at the property in question. Ms. Kim advised that he has never lived at her residence. Ms. Kim stated that her brother has been out of the country for five years.

Member Esposito asked how much of the \$5,000 storage space is actually rented. Ms.

Kim advised that she does not know the exact amount of space that is used.

Member Esposito commented that the applicant should attempt to investigate other places for storage. Member Esposito stated that the applicant's brother is not a resident at her house. Member Esposito advised that the items to be stored also have not been identified. Ms. Kim stated that the items include tools and memory items.

Chairman Frangiosa stated that an option may be to place the items toward the back of the garage.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

CHUNG HAE KIM & SEONG SIK CHUNG: Member Esposito made a motion that the variance requested be denied. Member Mattioni seconded the motion. Members Esposito, Mattioni, Sassi, Saring, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

ARIF MOLOOBHAI & BRKISH MOLOOBHAI: On an application for Variances from Plymouth Township Zoning Ordinance No. 342, as amended, Article XVI, Section 1601.C.1 and Section 1603.G.

The Variances requested are as follows: To increase the total signage on property to 200 square feet, including two cigarette promotional signs, where 130 square feet is permitted, as well as proposing LED prices on existing pylon sign.

The property is located at 1401 E.Ridge Pike in a "Commercial" Zoning District.

Mr. Arif Moloobhai was sworn-in to testify.

Ms. Brkish Moloobhai was sworn-in to testify.

Ms. Moloobhai advised that a digital sign is desired for their property. Ms. Moloobhai stated that a garage sign is also requested for the site. Ms. Moloobhai advised that the cigarette sign would be for the promotion of cigarettes.

Member Sassi asked about the promotional sale. Mr. Moloobhai advised that cigarettes are on sale, and the purpose of the sign is the promotion for this sale. Mr. Moloobhai stated that the sign would go on the wall, or on either side of the fence.

Member Mattioni inquired about the location for the repair sign. Mr. Moloobhai advised

that this sign is located right above the garage. Mr. Moloobhai stated that there will be two other signs that are proposed to be erected. Mr. Conroy noted that in two prior decisions for the property it was conditioned that there be no signage on the canopy.

Member Mattioni asked if the proposed signage would be lighted. Mr. Moloobhai advised that lights will be behind just one of the proposed signs. Member Mattioni asked if the cigarette signs are just floppy flag like. Mr. Moloobhai stated that these flags will be tied to the fence.

Member Saring asked if the overall size of the pylon sign will be changing. Mr. Moloobhai advised that the pylon sign will not change in size.

Member Saring asked what signage currently exists on the building. Mr. Moloobhai advised that the price sign, the sign over the canopy, and the sign over the garage exist presently. Mr. Moloobhai stated that the new sign over the garage will be the same size as the existing sign.

Member Saring asked if the LED signs will be on both sides of the pylon. Mr. Moloobhai advised that this is correct, and they will only display gas prices. Member Saring asked how long will the lights be on. Mr. Moloobhai stated that the lights will be shut off at 11:00 PM.

Member Esposito asked how can there be existing signage on the canopy when it was conditional that this sign not exist there. Mr. Conroy advised that there were no permits on that canopy, and therefore the Township did not know about this situation. Mr. Moloobhai stated that the sign was existing before he owned the property.

Member Esposito asked if the applicant can give any examples of where in the Township the promotional signs for cigarettes exist. Mr. Moloobhai advised that he has not looked around the Township for these signs. Mr. Moloobhai stated that they would like these promotional signs outside because there has been the problem of people breaking into their building.

Member Esposito advised that maybe the applicant's supplier can give smaller promotional signs. Member Esposito stated that he believes the promotion would be better on a door rather than on a sign or fence. Member Esposito advised that he is concerned about children seeing such a large sign for cigarettes.

Mr. McGrory advised that the two following decisions will be incorporated into the record:

- 1) 4-15-91 Sung Lim Choi Condition #8) No signs to be erected on the canopy.
- 2) 11-20-00 24/7 Inc. Condition #2) Canopy will contain no signage.

Mr. Conroy advised that if any signs are approved the applicant must discuss the permit

process with the Township. Mr. Conroy stated that the pylon sign will need to be discussed because of the LED.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

ARIF MOLOOBHAI & BRKISH MOLOOBHAI: Member Saring made a motion that the Board grant the variance from Section 1603.G permitting the LED Sign, and the Board also grant the variance from Section 1601.C.1 limiting the total square footage of the signage to 150 square feet, and this motion is subject to the following:

1) No signs being placed on the canopy.

Member Esposito seconded the motion. Members Saring, Esposito, Sassi, Mattioni, and Frangiosa voted in favor of the motion. The motion passed by the vote of 5-0.

The meeting was adjourned at 8:50 PM.

Respectfully Submitted,

Richard Clifford
Richard Clifford