

APRIL 15, 2013

The Plymouth Township Zoning Board held a public meeting at the Plymouth Township Building on Monday, April 15, 2013.

The meeting was called to order at 7:00 PM.

The Pledge of Allegiance was recited.

The following were present:

Robert Esposito	Vice Chairman
James Saring	Member
Robert Sassi	Member

Joseph McGrory	Solicitor
David Conroy	Zoning Officer
Paula Meszaros	Court Reporter

Absent: Vincent Frangiosa, Michael Mattioni

Robert Esposito served as Chairman for this evening's meeting.

Member Esposito made note of Richard Clifford's many years of service as Secretary to the Zoning Board and Planning Agency.

The Board heard the following:

516 & 518 EAST TOWNSHIP LINE ROAD HOLDINGS LIMITED PARTNERSHIP
C/O CW CAPITAL ASSET MANAGEMENT LLC: On an application for Variances from Plymouth Township Zoning Ordinance No. 342, as amended, Article XVII, Section 1700.D.4, Article XXV, Sections 2503 and 2504.

The Variances requested are as follows: From allowing 122 parking spaces, where 135 parking spaces are required; to allow off-street parking in the front yard; from providing screening in the front yard consisting of 50' of green area.

The property is located at 516/518 Township Line Road in a "Campus Industrial" Zoning District.

Craig Robert Lewis, Esq. was present for this application. Mr. Lewis advised that he represents Pierce Phelps, Inc., and the ownership entity has signed the application.

Mr. Lewis advised that the property was developed to its present state around the year 2000. Mr. Lewis stated that there is a 30,000 square feet office building at 516 Township Line Road, and this building is currently vacant. Mr. Lewis advised that a 3 story 125,000

square foot office is at 518 Township Line Road.

Mr. Lewis advised that the 2 buildings share a signalize access on Township Line Road. Mr. Lewis stated that 510 Township Line Road also shares this access.

Mr. Lewis advised that the 2 buildings are actually on a single lot, and they share a very large parking field. Mr. Lewis stated that the parking spaces are located between the 2 buildings. Mr. Lewis advised that the rear office building is being utilized.

Mr. Lewis advised that his client, Peirce-Phelps, desires to purchase 516 Township Line Road, and relocate their headquarters on this site. Mr. Lewis stated that a line must go through the parking field to create the subdivision. Mr. Lewis advised that the variances requested are needed to accomplish this. Mr. Lewis stated that parking relief is needed as 122 parking spaces would be allocated to the front building.

Mr. J. David Shula was sworn-in to testify.

Mr. Shula advised that he is a professional land surveyor. Mr. Shula stated that he agrees with the statements made by Mr. Lewis. Mr. Shula advised that something will be marked as the new subdivision line is drawn.

Member Esposito inquired about the number of employees in the building. Mr. Lewis advised that he does not know how many employees were in the building before it became vacant. Mr. Lewis stated that Peirce-Phelps would have about 30 to 35 employees at the site.

Member Esposito asked what will the conference center be used for. Mr. Lewis advised that employees would use this area for training sessions.

Mr. Robert Subranni was sworn-in to testify.

Mr. Subranni advised that he is the Chief Financial Officer for Peirce-Phelps. Mr. Subranni stated that there could be up to 80 employees on certain days, and there will still be sufficient parking.

Member Saring asked why special exceptions are not being applied for the front yard and the side yard. Mr. Lewis advised that special exception was not applied for 516 Township Line Road because they did not want to eliminate the nice buffer along the roadway. Mr. Lewis stated that more parking is not needed.

Member Saring asked if there had been a condemnation for the property. Mr. Lewis advised that there was a sliver toward the rear that had been part of a condemnation. Mr. Shula stated that the area of the parking was not part of the condemnation.

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:

516 & 518 TOWNSHIP LINE ROAD HOLDINGS LIMITED PARTNERSHIP: Member Saring made a motion that the variances requested be approved. Member Sassi seconded the motion. Members Saring, Sassi, and Esposito voted in favor of the motion. The motion passed by the vote of 3-0.

RBEJ. LTD.: On an application for a Variance from Plymouth Township Zoning Ordinance No. 342, as amended, Article XVI, Section 1600.B.

The Variance requested is as follows: Installation of a 36' X 48' double faced sign.

The property is located at 1310 Germantown Pike in a "B" Residential Zoning District.

Ms. Michelle Pantone was sworn-in to testify.

Mr. Ryan Becker was sworn-in to testify.

Ms. Pantone advised that she is the office manager at the site. Ms. Pantone stated that their present sign is 125 square inches, and people miss seeing this sign all of the time. Ms. Pantone advised that a larger sign is needed for visibility. Ms. Pantone stated that the present sign is mixed in with other signs along Germantown Pike.

Ms. Pantone advised that the proposed sign was discussed at a Plymouth Township Workshop Meeting. Ms. Pantone stated that the applicant worked with Township Council on the size of the sign. Ms. Pantone advised that Township Council was concerned about the residential neighbors.

Submitted for inclusion into the record was the following:

Board Exhibit 1) Letter Written After The Plymouth Township Workshop Meeting

Member Sassi asked how will the new sign look different than the old sign. Ms. Pantone advised that the new logo will be on the new sign. Ms. Pantone stated that the new sign will be larger than the old sign.

Member Saring inquired about the hours of operation. Ms. Pantone advised that there are rotating hours at the site. Ms. Pantone stated that they are in the office all day on Tuesdays and Thursdays from 7:30 AM to 6:30 PM.

Member Saring asked if the sign would be externally illuminated all of the time. Ms. Pantone advised that it is desired to have the sign externally illuminated all of the time. Ms. Pantone stated that the sign will be a good advertisement piece.

Member Saring asked how will the new sign compare with the other signs along that section of Germantown Pike. Ms. Pantone stated that their sign will not be as large as some of the other signs along Germantown Pike. Mr. Becker advised that it was understood that some of these larger signs were grandfathered in.

Member Saring asked if the neighbors have been personally contacted. Ms. Pantone advised that the neighbors were not contacted.

Member Esposito asked if the sign must be externally illuminated always when it is dark. Ms. Pantone advised that maybe the illumination can be turned off late at night. Ms. Pantone stated that they can look into having the illumination turn off by itself.

Member Esposito asked if the type of illumination is known. Ms. Pantone advised that the sign company will put in an illumination that is bright.

Mr. McGrory asked if the applicant will accept as a condition that illumination will be turned off during certain hours. Ms. Pantone advised that this is acceptable.

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:

RBEF, LTD.: Member Saring made a motion that the application be approved subject to the following:

- 1) The illumination be turned off between 11:00 PM and 7:00 PM.

Member Sassi seconded the motion. Members Saring, Sassi, and Esposito voted in favor of the motion. The motion passed by the vote of 3-0.

GREGORY M. BORKOWSKI/SCB FITNESS, INC. (CHRIS ZARO COMPANY):
On an application for Special Exception from Plymouth Township Zoning Ordinance No. 342, as amended, Article XIV, Section 1402.A.

The Special Exception requested is as follows: To permit a personal training facility.

The property is located at 1050 Colwell Lane in a "Limited Industrial" Zoning District.

Mr. Gregory Borkowski was sworn-in to testify.

Mr. McGrory noted that a resident sent an email to one of the Board Members, Mr. Saring. Mr. McGrory advised that Mr. Saring could recuse himself from the application. Mr. Borkowski read the email. Mr. Borkowski advised that Mr. Saring does not have to recuse himself.

Submitted for inclusion into the record was the following:

Board Exhibit#1) Email from Thomas Zadroga to James Saring

Mr. Borkowski advised that he desires to have a 2,500 square foot personal training facility in Building #2. Mr. Borkowski stated that this is on the Brook Road side of the site. Mr. Borkowski advised that this is not a volume business.

Mr. Borkowski advised that clients will come in by appointment. Mr. Borkowski stated that 3 people can be worked on at once by the trainer. Mr. Borkowski advised that there will be a 9' by 25' strip of turf inside the building for exercise. Mr. Borkowski stated that the special exception requested is for the use.

Member Sassi asked if there can be 6 people in the building at once. Mr. Borkowski advised that there can be 2 trainers working inside, and there would then be a total of 8 people inside of the building.

Member Sassi asked if there will be any training done outdoors. Mr. Borkowski advised that the actual training will be done indoors.

Member Saring asked how many classes can take place at once. Mr. Borkowski advised that 3 appointments can be done during one time. Mr. Borkowski stated that 25 to 35 people can come to the site during the day.

Member Esposito asked about the hours of operation. Mr. Borkowski advised that hours of operation would be 8:00 AM to 9:00 PM Monday-Friday, and half days on Saturday.

Member Esposito asked if parking would be designated for the applicant's use. Mr. Borkowski advised that the parking in the parcel would be used for his operation. Mr. Borkowski stated that there is parallel parking on the site, and much parking has been restriped.

Member Esposito asked if there would be absolutely no exercise done outdoors. Mr. Borkowski advised that if running is needed this could be utilized at Sutcliff Park.

Mr. Conroy asked when would the last appointment wrap up. Mr. Borkowski advised that everything will be done by 9:00 PM.

There was testimony in favor of the applicant from the audience.

Mr. Mike Borkowski, 1902 Sandy Hill Road, was sworn-in to testify.

Mr. Borkowski advised that he is the applicant's father. Mr. Borkowski stated that the area in question has always been a working area. Mr. Borkowski advised that the applicant wants to provide a fine service for people at the location in question.

Mr. Chris Zaro was sworn-in to testify.

Mr. Zaro advised that he is the General Partner Manager for the property. Mr. Zaro stated that the applicant has been at the site for a long time, and the service he provides is well worthwhile. Mr. Zaro advised that he endorses the applicant's proposed use.

Mr. Zaro advised that the site has been a help to the Plymouth Fire Company. Mr. Zaro stated that the Fire Company drives their trucks into the site for training. Mr. Zaro advised that residential neighbors often walk their dogs on the site.

There was testimony from the audience against the applicant.

Mr. Thomas Zadroga, 507 Palmer Road, was sworn-in to testify.

Mr. Zadroga advised that the Township's elected officials must protect the environment and property values for the residents. Mr. Zadroga stated that all Palmer Road residents except for one have signed the petition opposing the applicant.

Mr. Zadroga advised that the owner of the property has been fined by the Zoning Officer for failure to comply with parking issues. Mr. Zadroga stated that Superfit Gym often operates from 5:00 AM until 10:00 PM. Mr. Zadroga advised that residents fear the applicant will also extend hours for his proposed use.

Mr. Zadroga advised that the owner has refused to comply with zoning regulations. Mr. Zadroga stated that the owner is not respecting the residential neighbors. Mr. Zadroga advised that there should be buffer between the owner's property and the residential properties.

Mr. Zadroga advised that if the use is approved the residents would like to see attachment to the approval. Mr. Zadroga stated that the residents would like to see protection such as having no side doors to the operation. Mr. Zadroga advised that the residents would like to see the applicant's operation never expand the square footage that is utilized.

Member Esposito asked if a buffer is required at the site. Mr. Conroy advised that it is not residential on the side of the building where the applicant's use would take place. Member Esposito noted to the audience the Special Exception in question tonight is not for the Superfit Gym. Mr. McGrory advised that a condition concerning another property can not be made for the relief being requested this evening.

Mr. John Macauley, 1160 Colwell Lane, was sworn-in to testify.

Mr. Macauley advised that if the applicant's use is granted the parking issue will become more of a problem. Mr. Macauley stated that his home is right across the way from the entrance to the site. Mr. Macauley advised that his property gets all of the noise and traffic. Mr. Macauley stated that traffic will get worse as the new use is utilized.

Mr. Macauley advised that he sees the entrance of the Superfit Gym from his deck. Mr. Macauley stated that more hardship will be added to the neighbors by approving the proposed use. Mr. Macauley advised that more people will park on the side facing the residents, and then walk over to the training facility. Member Esposito stated that the applicant could ask his clients to park in front of the training facility.

Mr. Macauley advised that he believes that there will be an increased hardship on all neighbors, and he requests that the proposed use be rejected. Mr. Macauley stated that he has called the police in the past when there have been disturbances from the site.

Member Sassi noted that the entrance proposed by the applicant is on the opposite side of the site. Mr. Macauley advised that he believes clients for the training facility will still park on the residential side because they may want to use the gym afterwards. Member Sassi stated that maybe a picket fence could act as a buffer. Mr. Conroy advised that there is the problem of a grade change as you go up higher on Palmer Road. Mr. Zaro commented that he could put in a fence.

Ms. Kathy Macauley, 1160 Colwell Lane, was sworn-in to testify.

Ms. Macauley advised that a fence was offered in the past. Ms. Macauley stated that she was against this fence because barb wire was proposed. Ms. Macauley advised that Mr. Conroy confirmed that there can be a higher fence without barb wire.

Ms. Macauley advised that maybe the use proposed could be done at Superfit Gym. Ms. Macauley stated that she has concern because their trainers have used foul language toward people. Ms. Macauley expressed concern that trainers may send clients to the other side of the site at the gym. Ms. Macauley advised that much activity happens during the week days, and loud music can be heard from the gym.

Ms. Macauley advised that a fire lane may be needed for the site. Mr. Conroy stated that the Fire Marshal is fine with the layout for fire truck entrance.

Ms. Macauley advised that the site seems to be out of compliance for parking. Ms. Macauley stated that the owner only blocked off an area after he was fined. Member Esposito stated that residents should voice complaints with the Township if clients of the gym are not parking in the right areas.

Ms. Macauley noted that none of the pro-testimony are from Palmer Road or the nearby roads. Ms. Macauley stated that she moved into her house before the gym went into the site.

Mr. Macauley expressed concern that when more people learn that there is a training facility the membership for this facility will increase, and this will increase traffic.

There was another witness in favor of the application.

Mr. Bruce Quinn, 968 Plymouth Road, was sworn-in to testify.

Mr. Quinn advised that he is a personal trainer for the applicant. Mr. Quinn stated that he has worked with the applicant since 1998.

Mr. Quinn advised that occasionally he goes outside, and runs sprints with his clients. Mr. Quinn stated that he has never been disrespectful to anyone when outside. Mr. Quinn advised that when one resident felt he should not be running in the back of the residential house he never ran in that area again. Mr. Quinn stated that he does not make a lot of noise when outside with his clients.

Member Sassi asked if any outdoor activity could be moved over to Sutcliff Park. Mr. Quinn advised that there are also other nearby areas to run in that will not affect the residential neighbors.

Mr. Borkowski advised that his Superfit Gym is open 5:00 AM to 10:00 PM Monday-Thursday, 5:00 AM to 9:00 PM Friday, and 7:00 AM to 7:00 PM Weekends.

Mr. Borkowski advised that "no parking" signs have been recently put up. Mr. Borkowski stated that signs are put inside of the gym to advise people not to park on the Palmer Road Side. Mr. Borkowski advised that parking is done so that the headlights will not be on the residential properties.

Member Esposito asked if there would be consistent outdoor activity. Mr. Borkowski advised that outdoor activity would not be great. Mr. Borkowski stated that training will be done inside with an occasional run outside. Mr. Borkowski advised that you will not see people constantly running on the site.

Member Sassi asked if the owner is willing to erect a fence. Mr. Zaro advised that he is open to discuss a fence. Mr. Zaro stated that the use proposed would be much less intense than other uses. Mr. Zaro advised that a very intense use would be a diesel truck constantly coming to the site.

Mr. Zadroga advised that vegetation could be used as a buffer. Mr. Zadroga stated that he does not want to see outdoor activity at the site with trucks coming into the site.

Member Saring noted that a buffer is not required, however the owner and neighbors can sit down together to discuss the issue.

Ms. Macauley asked if buffering is needed because of the residential on the other side. Member Saring advised that Superfit Gym is not before the Zoning Board this evening. Member Saring stated that buffering can be looked into by the owner and residents.

Mr. Mike Borkowski advised that the owner and applicant out of the goodness of their heart are offering to discuss buffering with the residents.

Member Esposito advised that the residents should get together with the owner and the applicant, and decide what can be done about fencing and other issues that have been brought forward this evening.

The Board discussed and decided as follows:

GREGORY M. BORKOWSKI/SCB FITNESS, INC.(CHRIS ZARO COMPANY):

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

- 1) Hours of operation be 8:00 AM to 9:00 PM Monday-Friday, 8:00 AM to 5:00 PM on Saturdays, and no Sunday hours.

Member Sassi seconded the motion. Members Esposito, Sassi, and Saring voted in favor of the motion. The motion passed by the vote of 3-0.

The meeting was adjourned at 9:00 PM.

Respectfully Submitted,


Richard Clifford