

EDGMONT TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
November 16, 2009

Work Session – Members of the Planning Commission, municipal professionals, the Township Manager, and the Assistant to the Township Manager attended an advertised work session, which commenced at 6:30 p.m. Those in attendance generally discussed items on the agenda. No action was taken.

1. Open Meeting & Pledge of Allegiance: Mr. Miller called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. In attendance were Chip Miller, Chairman; Joseph Raspa, Vice-Chairman; Robert Bristol, Member; Eleanor Tickner, Member; Michael Conrad, P.E., Township Engineer; Edward Theurkauf, Township Land Planner; David Malman, Esq., Planning Commission Solicitor; Samantha Reiner, Township Manager; and Christopher Bashore, Assistant to the Township Manager. Randy Bates, Member, was absent. There were 12 guests.
2. Public Comment: There was no public comment at this time.
3. Approve Agenda: Mr. Raspa made a motion to approve the agenda for the November regular meeting of the Planning Commission. Mrs. Tickner seconded the motion. There was no further discussion and the motion approving the agenda passed unanimously.
4. Meeting Minutes:
 - November 2, 2009: Mr. Miller noted that these minutes were for the October meeting, which was rescheduled due to the lack of a quorum. Mr. Malman noted two (2) small changes to be made and Mr. Bashore acknowledged that the changes had been made. Mrs. Tickner made a motion to approve the minutes for the October regular meeting as amended. Mr. Raspa seconded the motion. Mr. Bristol abstained due to his absence from the meeting. There was no further discussion and the motion approving the minutes passed with three (3) “Yes” votes and one (1) abstention.
5. Manager’s Report: Mrs. Reiner read her report onto the record, noting the recent convention of the Delaware County Association of Township Officials, recent issues with dumping at the municipal recycling center, and leaf composting.
6. Old Business: There was no old business to discuss.
7. New Business:
 - a. Edgmont Country Fair
Trattoria Giuseppe Expansion
1st Meeting
Plans dated: October 30, 2009
90-day Clock: February 2010

Present: Joseph Damico, Esq., Applicant’s Attorney
Neal Camens, P.E., Applicant’s Engineer
Richard Johnson, P.E. Applicant’s Sewer Engineer
Paul deBotton, Land Owner/Applicant
Giuseppe Musso, Restaurateur (Trattoria Giuseppe)/Applicant

Mr. Damico stated that the applicant appeared before the Planning Commission in September, at which time the proposed expansion was discussed and the Planning Module was approved with conditions. At this time, the applicant is presenting a minor land development application for the expansion of the Trattoria Giuseppe restaurant in Edgmont Country Fair, which includes minor changes to the parking lot behind the existing building and minor

changes to one entrance on the front of the building. Mr. Damico noted that the applicant also plans to make revisions to the refrigeration, trash enclosure, storage area, and move the existing pump station to the rear of the building. Mr. Damico also noted that he had met with James Long and Dennis DeRosa of the Delaware County Planning Department (DCPD) and it was determined that the plan would not necessitate a review from the DCPD. A confirmation letter dated November 2, 2009 was provided to the Commission.

Mr. Malman stated that the conditions of Stuart Pollock's, Edgmont Township Sewage Enforcement Officer, review of November 2, 2009, have been accepted by the applicant. A copy of the acceptance letter was presented to the Commission. Mr. Malman also noted that the required Operations and Maintenance Agreement for the sewer system has been approved and executed. Mr. Miller questioned the status of the as-built sanitary sewer plan for the site. Mrs. Reiner stated that it has not yet been received by the Township. Mr. Damico stated that Mr. Camens is currently working on it and it should be available within a week.

Discussion then turned to parking on the site. Mr. Damico noted that there are currently 292 parking spaces, which are 85 spaces over what would be required. Mr. Miller asked about overflow parking. Mr. Damico stated that the overflow parking was added when Roux 3 was developed and there was hope that parking would be leased if Regal Cinema were to expand. A request is sent to Regal every six (6) months, but there has been no response.

Mr. Camens presented a response to the reviews provided by municipal professionals. Mr. Miller asked where the grinder pump, presently located near the front patio, would be relocated. Mr. Camens stated that it would be moved to the rear of the building. Mr. Johnson noted that the static head will now be lifting less at the proposed location than in the current spot.

Mr. Conrad asked about pedestrian access and if a crosswalk will be installed between the larger parking area and the restaurant. Mr. Raspa expressed concern about people waiting in the street to be seated in the restaurant. He asked if there was something that could be done so that people are not standing in the road. Mr. Malman stated that the striped area indicated on the plan could be used as the expansion area of the patio. Mr. deBotton stated that he has not seen people waiting in the street, but suggested striping the portion of the street near the curb with hash markings. Mr. Raspa stated that something must be done to protect pedestrians waiting for a table.

Mr. Raspa questioned the use of a banquet facility verses a restaurant use. Mr. deBotton stated that the expansion area will be used to seat overflow when the expanded area is not being used for a banquet. This will result in less people sitting outside on patios or waiting for seating. Mr. Raspa stated that the impression is being given that this will be used more as a restaurant than a banquet facility. Mr. deBotton stated that if Mr. Musso did not have the ability to rent out the facility as a banquet hall, it would not be built. Mr. Raspa stated if the banquet facility holds 164 people, and there is a banquet for 60 people, the applicant could keep the rest of the room open to seat 100 people of overflow. Mr. Musso stated that this would not be possible because the excessive overflow could place a strain on the kitchen. Mr. deBotton stated that in the application to the PA Dept. of Environmental Protection (DEP), they accounted for an overflow of 64 people. Mr. Raspa asked if turnover was incorporated when the calculations were done. Mr. Johnson stated that when they did the application for the original restaurant, it was calculated doing 3.2 turnovers; this factor was used for calculating the overflow. The number of gallons used per seat was 7.2 gallons.

Discussion then turned to the sewage disposal system on the site. Mr. Johnson stated that there is no issue getting wastewater to the location of the new grinder pump station, with the ultimate goal of getting all waste to the public sewer system via gravity once one becomes available. Mr. Miller asked if the flow calculations are different for a restaurant than for a banquet facility, and allowance for up to 60 seats per day of overflow has been made, then what will occur if overflow expands to 100 seats. Mr. Johnson stated that overflow will not occur on a daily basis. Mr. Raspa asked if the system could handle the flows of both the restaurant and the banquet facility three or four days in a row. Mr. Johnson stated that if the total flow is averaged out over a 24-hour basis, the average flow rate is approximately 1.5 gallons per minute. If it is all happening at one time, the peak flow will be higher and the new system has been designed with a peaking factor of 4.2, which is then multiplied by the average flow, which gives a total flow rate of approximately 7 gallons per minute. The pumps can handle a flow of approximately 11 to 13 gallons per minute, which provides a 4 to 6 gallon per minute cushion.

Mrs. Reiner asked if the banquet facility restrooms were full, could a patron then use the main bathrooms and could that potentially overload the in-ground septic system currently serving the restaurant for domestic, not kitchen, waste. Mr. Johnson stated that the system currently serving Parcel G could handle the increased flows. Mr. Johnson noted that there is a comfortable peak number in the system and flows documented are historically half of the calculated flows. Mr. Malman asked if there were any peaking issues with the field on Parcel B-1. Mr. Johnson stated that there were not any issues and that he had suggested that the system operator, Clean Water Inc., lower the float levels to reduce the volume that is pumped at one time. Mr. Conrad asked about the three (3) day storage capacity requirement and if that was still available. Mr. Johnson stated that it was. Mr. Conrad requested that this matter be documented as well.

Discussion then turned to the review of Thomas Comitta Associates (TCA) dated November 10, 2009. Mr. Theurkauf stated that the only item missing is the building area landscaping and an as-built may be needed. Mrs. Reiner stated that the pavement on the western side of the building was never removed and the landscaping to be placed in the front was never planted because Trattoria Giuseppe requested to have a patio eating area. Mr. Theurkauf stated that he does not have a record of the plantings on the site. Mr. deBotton noted that he believes that Parcel G has more landscaping than is required. Mr. Theurkauf stated that he does not believe that Parcel G is in compliance with the building area landscaping requirement and has no record of the buffer landscaping. Mr. deBotton stated that he believes the requirement to document the landscaping on the parcel is onerous and asked that the Township review previous escrow approvals to determine if the responsibility was met. Mr. Theurkauf stated that there has never been a plan depicting building area landscaping and would like to see all landscaping documented. Mr. Miller noted that all Mr. Theurkauf is looking for is the landscaping on the building area, not throughout the entire parcel. Mr. deBotton agreed to document this on a revised plan.

Mr. Conrad noted that there are handicapped spaces depicted on the east side of the building, but may have never been installed. Mr. Conrad suggested placing the handicapped parking area closer to the building entrance. Mr. Raspa asked what the expanded entrance area was going to be used for. Mr. Musso stated that it will be used for aesthetic purposes.

Mr. Raspa made a motion to recommend approval of the Preliminary/Final Plan for the expansion of the Trattoria Giuseppe restaurant located at 4799 West Chester Pike in Edgmont Country Fair. The plans, prepared by Chester Valley Engineers, dated October 30, 2009, consisting of sheets 1 and 2, depict the existing conditions of the site, as well as the proposed

expansion to create a 164 seat banquet/restaurant facility. This motion also recommends the granting of the following waiver:

- Section 302.X. of the Edgmont Township Subdivision and Land Development Ordinance requiring preliminary and final plan approval

Recommendation of approval is granted on the following conditions:

- Complete compliance with the Yerkes Associates review dated Nov. 12, 2009
- Complete compliance with the TCA review dated Nov. 10, 2009
- Complete compliance with the review of the Township SEO dated Nov. 11, 2009
- Walkway issues to be addressed, including possible lighting
- Storage capacity for the existing sewer system to be defined
- The addition of environmental protection for the trench drains or removal of drains from plan

Mr. Bristol seconded the motion. There was no further discussion and the motion recommending approval passed unanimously.

- b. 4949 West Chester Pike
Conditional Use Application
1st Presentation
Plans dated: October 30, 2009
Time Clock: January 2, 2010

Present: Michael Lyons, Esq., Applicant's Attorney
Brett MacKay, P.E., Applicant's Engineer
Joseph Valerio, Auto body shop supplier
Stephen Videon, Applicant

Mr. Lyons stated that this is the applicant's first appearance before the Planning Commission for this use. The applicant is proposing to convert an existing building, previously used as a car dealership, into an auto body shop. The property is located in the C-2 Highway Commercial Zoning District and this use is permitted as a Conditional Use under section 1001A.C.1.a. of the Edgmont Township Zoning Ordinance. Mr. Lyons stated that the existing building is approximately 10,000 sq. ft. and 60% will be used for the proposed auto body repair facility and 40% will be used for sales. There is no expansion of the building being proposed.

Mr. MacKay presented a response to the reviews of municipal professionals. A revised plan was submitted to the Commission. Mr. MacKay stated that the landscaping depicted on the plan reflects the recommendations of Mr. Theurkauf. Mr. Malman stated that the building originally had landscaping, including three large trees, along the frontage on West Chester Pike, but it has since died and was never replaced. Mr. Theurkauf noted that screenings were planted in conjunction with a previous Zoning Hearing Board decision, which allowed the applicant to have a lower buffer.

Mr. Conrad asked if the existing use of auto sales would remain. Mr. Videon stated that the building will be used for the sales of used and new cars. Mr. Raspa asked if the building will be its own dealership or a flow of both. Mr. Videon stated that it would be a flow of both. Mr. Malman asked if the rear parking lot would still be used for additional storage. Mr. Videon stated that it would be. Mrs. Reiner asked what would be done with wrecked vehicles that are not rehabilitated. Mr. Videon stated that they can be stored at the shop, but if they are on

there for too long, it becomes an insurance issue. Mrs. Reiner asked about the possibility of fuel leaking from damaged vehicles. Mr. Videon stated that it is rare for a vehicle to take a hard enough hit to cause a fuel leak. In other cases, all the fluids are drained and put in containers for recycling.

Discussion then turned to bringing public water to the site. Mr. Lyons stated that the applicant will be bringing public water to the site and hopes to do so by July 1, 2010. Mr. Lyons asked that this be added as a condition of the Conditional Use approval. Mr. MacKay then addressed the issue of traffic flow. Mr. MacKay stated that the applicant has provided for a counter-clockwise movement, with the exception of the access to the rear where a two (2) lane, 25 foot wide aisle has been maintained. Directional areas and signage will be installed. Mr. Conrad asked if this was the traffic pattern that exists today or if this would be newly established. Mr. MacKay stated that he was not sure if there was an established traffic pattern currently.

Discussion then turned to the sanitary sewer. Mr. MacKay stated that there was an existing septic system on the property and does not see a need to build something that does not connect to anything. Mr. Miller stated that when the new building was approved, there was an agreement with the Board of Supervisors to hold in escrow funds to extend the capped sewer line across the front of the property, which is what Mr. Conrad was referring to in that comment. Mr. Videon asked if the existing escrow would be sufficient. Mrs. Reiner stated that it would not be sufficient as that only covered the frontage of the new lot and this would be new frontage. Mr. Miller stated that the final determination is up to the Board regarding the capped sewer line installation.

Mr. Conrad asked about a line on the back of the property with clean-outs indicated and where it went to. Mr. MacKay stated that the line went to a holding tank on the property, but after more discussion, it was determined that further investigation is required. Discussion then turned to signage on the property. Mr. MacKay stated that the applicant would be applying for a sign permit for the new use. Mr. Miller complimented the applicant on the new building and the signage.

Mr. MacKay addressed comments on curbing on the property. The lot is non-conforming and the applicant is not looking to do any land development on the site. If the curbs are altered, then it could compromise the drainage pattern on the property. Mr. Miller asked if the structure was being changed. Mr. MacKay stated that it is not. Mr. Miller asked if there were existing drainage problems. Mr. Conrad stated that he did not believe there were any.

Discussion then turned to lighting. Mr. MacKay stated that he was not aware of any concerns or complaints in regards to the lighting. Mrs. Reiner noted that the lighting currently on the site may be too bright. Mr. Videon asked where it was too bright. Mrs. Reiner stated that there were large four (4) bulb lights on the site. Mr. Videon stated that when they put the dealership together, they will be re-examining the lighting on the site and installing new lighting. Mr. Miller stated that this may be something that is discussed and added as a condition when there is a hearing before the Board. Mr. Lyons requested that lighting be tied into the condition of public water so that both are completed at the same time.

Mr. MacKay addressed landscaping on the site. Mr. Miller asked if there was anything that could be done to buffer the property and suggested container plantings. Mr. Theurkauf stated that he is generally adverse to container plantings because they tend not to be tended to and, in doing his review, he did not see any land development issues and treated most of the landscaping issues as existing non-conformities. Mr. Theurkauf stated that it was possible to

get the applicant to plant a certain number of trees if the Township desires. Mr. Conrad suggested converting some of the painted islands on the site into landscaped areas.

Mr. Malman stated that the applicant should clarify the narrative in order to discuss all uses being requested by the applicant. Mr. Lyons stated that he did not believe Conditional Use approval was required for the dealership use because it was not being abandoned. Mr. Malman stated that the desire to maintain the existing use was not clearly outlined in the narrative as submitted and the impression is given that the dealership use is being abandoned and a body shop use is coming in. Mrs. Reiner stated that if car washing is going to continue at the new building, then that should be included in the narrative as well.

Mr. Malman asked what was going to be done with the hazardous waste. Mr. Valerio stated that they follow the guidelines established by the Environmental Protection Agency (EPA) in terms of construction of painting equipment and advises clients to do the same. Mr. Valerio stated that the waste is very small because most of the materials are dry. They use two (2) part components that dry and can be swept away. The hazardous portion comes from the quick-dry generation products. Paint for vehicles is now becoming water-soluble, making the materials much more environmentally-friendly than those used in the past. Mr. Valerio stated that most hazardous waste now is from the products used to clean the tools. These materials are disposed of by either using a special storage container, which is then removed by a contractor or by using a special piece of equipment to remove all the solid material. The liquid can then be used for cleaning. The amount of waste, due to the small size of the shop, will be minimal.

Mr. Miller asked if the EPA oversees the disposal of the waste. Mr. Valerio stated that it does. The EPA issues a generator identification number to the body shop and then they are categorized based on the amount generated. Mr. Miller stated that the Township's SEO is concerned about hazardous waste mixing with the domestic wastewater and ensuring that hazardous waste does not mix in the floor drains. Mr. Valerio stated that he would be surprised if this occurred because there are several steps that must be taken to prepare the car for work. Also, the paint booths are their own separate entity that will contain the material, which is dried and cleaned before it leaves the booth. Mr. Raspa expressed concern about dust particles not being captured outside of a paint booth. Mr. Valerio stated that the chemicals cannot be diluted and it will settle to the base. Mr. Miller suggested using a separator of some kind in order to ensure that the hazardous waste will not mix with the wash or domestic waste water.

Mr. Malman asked if the materials at the body shop will be handled in the same way as the materials from the mechanical shop at the new facility. Mr. Videon stated that they would. Mr. Valerio stated that materials at a body shop used to repair the body of a car are different than those at a mechanical repair shop. Mr. Conrad suggested that the applicant identify the disposal means and describe where everything will be disposed. Mr. Miller suggested revising the Conditional Use narrative in order to outline the methods of removing hazardous waste and what will be done in terms of lighting and bringing public water to the site. Mr. Conrad asked about the existing macadam and shed areas on the rear of the site. Mr. Videon stated that they will be used for storage. No action was taken.

8. Miscellaneous Discussion: There were no items to discuss.
9. Announcements:
 - a. The Board of Supervisors and the Planning Commission will hold a quarterly joint work-session on Wednesday, November 18, 2009 at 5:30 p.m.

- b. The Board of Supervisors will meet on Wednesday, November 18, 2009 at 7:30 p.m. for their regular meeting, with a work session at 6:30 p.m.
 - c. The Planning Commission will meet on Monday, December 14, 2009 at 7:00 p.m. for their regular meeting, with a work session at 6:30 p.m.
 - d. The Zoning Hearing Board will not meet in November as no applications were received. If any applications are received, the next scheduled meeting is on Tuesday, December 22, 2009 at 7:00 p.m.
10. Adjournment: At 9:30 p.m., Mr. Raspa made a motion to adjourn the meeting. Mr. Bristol seconded the motion. There was no further discussion and the motion to adjourn the meeting passed unanimously.

Respectfully submitted,

Samantha Reiner, Recording Secretary
Township Manager

Chip Miller, Chairman
Planning Commission