

**EDGMONT TOWNSHIP ZONING HEARING BOARD
REGULAR MEETING MINUTES
APRIL 20, 2009**

1. **Open Meeting**: Thomas Lawrie called the meeting of the Zoning Hearing Board to order at 7:05 p.m. In attendance were Thomas Lawrie, chairperson; Kevin Coyne, member; Thomas Donatucci, member; J. Adam Matlawski, Esquire, solicitor; Stephen J. Polaha, Esquire, alternate solicitor; Susan Sharp, Recording Secretary; and approximately 8 guests. The court reporter, Donna Hunter, was present to transcribe the hearings.

2. **Public Comment**: Eileen O'Neill, 2115 Pony Trail Drive, wanted to confirm that the run in shelter that Ms. Chernoff wants to erect is not in the flood hazard area. Ms. O'Neill also stated that she felt that Ms. Chernoff's plot plan that was submitted as evidence relocated their common lot line by three feet. Mr. Matlawski confirmed that the original application asked for relief for a structure in the flood hazard area, but that part of the application was withdrawn.

3. **Meeting Minutes**: Mr. Coyne made a motion to approve the minutes from the March 24, 2009 meeting. Mr. Lawrie seconded the motion. Mr. Donatucci abstained, as he was not at the meeting.

4. **Old Business**
 - a. **Mindy Chernoff - 2056 Pony Trail Drive** – The applicant requests variances from Zoning Ordinance Sections 1912.A.8.d & e, which require structures for shelter of livestock to be located no closer than 100 feet to property line and which prohibits livestock within 10 feet of a property line) to allow placement of a 10 ft. by 20 ft. run-in shed for horse(s) to be located approximately 10-20 feet from property line in the R-1 zoning district. The original application also asked for relief from Section 1506.B.1(a), which prohibits structures in flood hazard area, but this part of the application was withdrawn when it was established that the structure could be placed outside of the flood hazard area. This hearing was opened in January and closed in March.

Mr. Coyne made a motion to grant the variances with the following conditions:

1. The run in shed for the horses shall have a maximum footprint of 10' x 15' and shall be consistent in architecture and appearance with the testimony and exhibits.
2. The run in shed shall be located approximately as shown on the Site Plan entered as Exhibit "A-1" and shall be no closer than 20 feet to the southern property line.
3. No part of the run in shed shall be located in the Floodway and/or Floodplain and/or the Flood Hazard District.

4. The Applicant shall comply with all federal, state and local codes and ordinances.
5. The Board finds that the Applicant has demonstrated the necessary hardship for the granting of the variance due to a large part of the property being in the Floodway and/or Floodplain and/or Flood Hazard District. The Board finds that the proposed run-in shed cannot practicably be located in compliance with the setback requirement of Section 1912.A.8.d and remain outside of the Floodway and/or Floodplain and/or Flood Hazard district.
6. The Applicant's request for variance from Section 1506.B.1(a) was withdrawn by the Applicant at the hearing.

THE COMPLETE CONDITIONS CAN BE FOUND IN THE ZONING HEARING FILE FOR THIS PROPERTY. Mr. Lawrie seconded the motion, which carried unanimously without further discussion.

- b. National Realty Corporation / Paul deBotton - Edgmont Square Shopping Center, 4801-4859 West Chester Pike - The applicant requests variances from the following Zoning Ordinance Sections to allow new signage at the shopping center: (1) 1802.C.10.a to allow directional signs of 25 square feet (ordinance limits to 2 square feet); (2) 1802.C.10.b to allow directional signs to contain advertising; (3) 1801.B.3 to allow sign to be located within the street right of way; and (4) 1801.B.6 to allow more than one free standing or ground sign per street frontage. This hearing was opened at January's meeting, although there was no testimony presented. The hearing was closed in March.

Mr. Coyne made a motion to grant the variances with the following conditions:

1. The three directional signs shall be located generally as indicated on the site map entered as exhibit "A-1" and shall be consistent in appearance and size with the drawings entered as part of exhibit "A-1".
2. Two of the directional signs shall be two-sided, with each side being no more than ten square feet in area and containing up to six panels per side.
3. One of the directional signs shall be four-sided, with each side being no more than ten square feet in area and containing up to six panels per side.
4. The panels on the directional signs shall be changeable and may be changed from time to time to reflect the current tenants at the shopping center.
5. The directional signs shall provide the names of selected tenants in the shopping center and shall provide directional assistance to drivers and pedestrians.
6. One of the wall signs shall be affixed to the wall of the restaurant to be known as Parker's Prime and shall indicate

the name of said restaurant. Such sign shall be no greater than eighty-five square feet and shall be consistent in content, appearance and size with the drawings depicting same entered into evidence as exhibit "A-1".

7. The other two wall signs shall be panes in the bell tower of the building containing the restaurant to be known as Parker's Prime and shall indicate the restaurant's "P" logo. Each sign shall be no greater than thirty-six square feet and shall be consistent in content, appearance and size with the drawings depicting same entered into evidence as exhibit "A-1".
8. The applicant shall comply with all federal, state and local codes and ordinances.
9. The Board finds that the Applicant has demonstrated the necessary hardship for the granting of the requested variances. The Board finds that the directional signs are necessary and appropriate to permit safe vehicle and pedestrian travel within the shopping center and are commercially reasonable. The Board finds that, considering the topography and location of the shopping center, the buildings located therein and the internal and external roadways serving same, the wall signs are commercially reasonable and are necessary and appropriate to allow traveling customers and vendors to identify the restaurant and safely travel to and access same.

THE COMPLETE CONDITIONS CAN BE FOUND IN THE ZONING HEARING FILE FOR THIS PROPERTY. Mr. Lawrie seconded the motion. The motion passed, with Mr. Donatucci abstaining.

- c. Edgemont Beer & Cigars - 5042B West Chester Pike – The applicant requests a special exception pursuant to Section 1913.B.3 to allow the expansion of an existing non-conforming use for storage, increased capacity of existing humidor and seating area for patrons sampling cigars purchased on the premises, a variance from Section 1913.B.3.b. if the expansion is not on the same lot as the existing non-conforming use, and a variance from Section 1913.B.3.c. since the expansion exceeds an aggregate of more than 50% of the area of the non-conforming area or, in the alternative, a variance to accommodate the requirements of the natural growth of the business conducted on the premises. This hearing was opened and closed in March. Stephen J. Polaha, Esquire, acted as the Zoning Hearing Board solicitor for this hearing.

Mr. Coyne made a motion to grant the Applicant's request, with the following conditions:

1. The applicant shall renovate Units 5042 A and B and expand the current use of 5042B consistent with the testimony and exhibits presented at the hearing unless required by the Township to be changed through the permitting process.
2. The applicant provide lavatory facilities within the premises as required by the Township.
3. The applicant provide for an emergency exit from the cigar lounge.
4. There shall be no consumption of alcohol on the premises.
5. Twelve parking spaces shall be dedicated to the use and marked with appropriate signage as the Township may direct.
6. There shall be no entertainment of any type on the premises.
7. There shall be no sale of food for consumption on or off the premises except packaged snack type foods such as pretzels, potato chips and nuts.
8. The applicant shall install fire retardant furniture, furnishings and carpeting in the cigar lounge.
9. The applicant shall provide ash receptacles in the cigar lounge.
10. There shall be no cigarette smoking in the cigar lounge.
11. The applicant shall install hardwired smoke detectors and fire extinguishers throughout the premises as required by the Township.
12. The applicant shall install the Smoke Eliminator, marked NO SE800E, identified on exhibit A-6, or comparable substitute.
13. The applicant shall provide an "as-built" plan of all work performed on the premises following completion of said work.
14. The applicant shall obtain all required and necessary federal, state and local approvals and permits.
15. The applicant shall comply with all applicable federal, state and local laws, rules and regulations in the operation of its business on the premises including, but not limited to, the Clean Indoor Air Act of 2008.

THE COMPLETE CONDITIONS CAN BE FOUND IN THE ZONING HEARING FILE FOR THIS PROPERTY. Mr. Lawrie seconded the motion. The motion passed, with Mr. Donatucci abstaining.

5. **Adjournment:** At 7:25 p.m., Mr. Donatucci made a motion to adjourn and Mr. Coyne seconded the motion. There was no further discussion and the motion was carried unanimously.

Susan Sharp
Zoning Hearing Board Secretary