

Haverford Township - Planning Commission

Meeting: Thursday, February 08, 2024

Time: 7:00 p.m.

Location: Commissioners Meeting Room -1014 Darby Rd., Havertown PA, 19083

Members:

E. David Chanin - Chairperson

Maggie Dobbs - Vice - Chairperson

Stephen Welsh - Secretary

Angelo Capuzzi

Robert Fiordimondo

Louis D. Montresor

Julia Phillips

Others in Attendance:

Gary Smith, Zoning Officer & Community Planner

Charles Faulkner, Pennoni Associates, Township Engineer

Agenda

1. Opening of Meeting:

Roll Call

Pledge of Allegiance

2. Jim Miller Holdings, LLC- Preliminary/Final Land Development Plan

2224 & 2228 Haverford Road

D.C. Folio Nos. 22-06-01067-01 & 22-06-01067-02

Applicant proposes to consolidate two parcels and to construct a 3,289 square foot, 2nd floor addition to be constructed over the footprint of an existing commercial warehouse for the purpose of offices to support the businesses located on the first floor.

Public Comment / Citizens Forum

3. McGoldrick Electric - Zoning/Sketch Plan Review

83 S Eagle Road

D.C. Folio Nos. 22-09-00655-00 & 22-09-00655-01

Applicant proposes to combine an INS – (Institutional) property with a R-6 (Medium Density Residential) property into a single property. A 2,930 SF building is proposed to be demolished and the applicant is proposing to construct six (6) new structures containing 600 SF garage and 400 Sf office on second floor. The project will include the construction of forty-two (42) parking spaces.

Public Comment/Citizens Forum

4. Dzine Properties, LLC - Joseph Taggart- Preliminary/Final Subdivision Land Development Plan

225 & 233 Hastings Ave Subdivision

D.C. Folio Nos. 22-03-01180-00 & 22-03-01182-00

Applicant proposes to subdivide two (2) lots into four (4) which will then locate three (3) existing dwellings and a single property and create one additional vacant lot. No construction is proposed on the vacant lot at this time.

Public Comment / Citizens Forum

5. Proposed Ordinance Amendment – Chapter 41-1 & 47-5,

Redefines and further regulates Mechanical Amusement Devices and Game of Skill Machines, Chapter 182-106, Redefines and clarifies the definition of Convenience Store, Chapter 182-106, Defines E-Liquids, Electronic Cigarettes, Electronic Nicotine Delivery Systems, Hookah Bars, Indoor Recreational or Amusement Facilities, Mechanical Amusement Devices, Significant Tobacco Retailers and Smoke Shops, Chapter 47-1, Prohibits Mechanical Amusement Devices within the premises of Significant Tobacco Retailers, Chapter 182-106, Prohibits Game of Skill Machines in Convenience Stores, Chapter 182-403, Expressly prohibits Significant Tobacco Retailers (including smoke shops, vape shops and hookah bars) in the C-2 Neighborhood Commercial District, Chapter 182-404, Deletes cigarette and tobacco as permitted to be sold in gift shops in the C-3 General Commercial District, Chapter 182-406, Establishes Significant Tobacco Retailers (including smoke shops, vape shops and hookah lounges) as a use permitted by Conditional Use in the C-5 Shopping Center Commercial District and Chapter 182-1209, Establishes criteria for the approval of a Significant Tobacco Retailers use.

Public Comment / Citizens Forum

6. Review of Minutes: Planning Commission minutes of January 11th 2024

Adjournment

Haverford Township – Planning Commission

Meeting: Thursday, February 08, 2024

Time: 7:00 p.m.

Location: Commissioners Meeting Room -1014 Darby Rd., Havertown PA,
19083

Minutes

Planning Commission Members:

E. David Chanin, Chairperson
Maggie Dobbs, Vice-Chairperson
Stephen Welsh, Secretary
Angelo Capuzzi
Robert Fiordimondo
Louis D. Montresor
Julia Phillips

Others in Attendance:

Gary Smith, Zoning Officer & Community Planner
Charles Faulkner, Pennoni Associates, Township Engineer
Marge Buchanan, Planning Commission Scribe

Agenda Items

Opening of Meeting 7:08 P.M.

Roll Call

Pledge of Allegiance

Jim Miller Holdings, LLC- Preliminary/Final Land Development Plan

2224 & 2228 Haverford Road

D.C. Folio Nos. 22-06-01067-01 & 22-06-01067-02

Applicant proposes to consolidate two parcels and to construct a 3,289 square foot, 2nd floor addition to be constructed over the footprint of an existing commercial warehouse for the purpose of offices to support the businesses located on the first floor.

Carl Ewald, Attorney and Adam Powell, Civil Engineer presented for the project.

Mr. Powell began with addressing the Township Engineers Review Letter of January 2, 2024.

Mr. Powell stated that the applicant will comply with all of the Township Engineer's review comments.

Zoning comments regarding parking spaces:

1. 29 external parking spaces and 8 internal parking spaces will be provided.
 - 2-h. Five parking stalls in the rear, fenced in area are reduced to 4 spaces for accessibility.
 - 2-i. New plan provides 2 HP parking stalls (originally 1). ADA requires an additional HP parking after 25 parking spaces are provided.
- Mr. Powell said the new parking lot layout will allow full movement in and out of the parking stalls.
3. Loading Zone shown on the south-east corner of the building that will allow for deliveries from box trucks or similar.
 4. Plans will delineate the limits of the second floor addition to confirm that the addition is within the side and rear yard setbacks.
 6. Monuments are required but may be difficult due to the odd shape of the property. The marker will be documented in a method acceptable to the Township Engineer.
 7. Fence between this lot and the neighbor to the east will be 6 feet tall. Additionally, a fence will be installed around the trash enclosure.
 8. Delineation of the landscaping and buffer will be added to the plan.
 9. All existing curb cuts will remain functional.
 11. Parking stalls will be 9'x18'.
 12. The retaining wall placed closer to parking stalls to minimize its height and/or delete entirely.
 13. It is possible to meet the requirements for a sewer module exemption.

Mr. Fiordimondo asked how a handicapped person would maneuver from the dedicated parking spaces to the entrances and without an elevator, how are they to get to the second floor. Mr. Powell explained that if the usable office space on the second floor is under 3000 square feet an elevator is not required. Mr. Ewald added that there is office space on the first floor near the garages if Mr. Miller needed to meet with someone in a wheelchair. Mr. Fiordimondo stated the spaces for handicapped parking appears to be cumbersome as currently proposed. Mr. Powell said they could very easily be moved to a location adjacent to Karakung Drive. Mr. Fiordimondo added that Karakung Drive is very busy in the morning.

Mr. Capuzzi asked that the handicap accessible route to the building be identified on the plan. Create a curb cut or ramp may be needed in the existing sidewalk.

Ms. Dobbs asked where the landscape buffers are located and specified the requirement that the buffers and vegetation to be noted on the plans.

Mr. Welsh asked about the retaining proposal serving two functions; adding to the parking area and retaining the neighboring property grade. Mr. Powell responded that by either grading it out or adding the retaining wall, it will clean up that area.

Mr. Montesor inquired if there were any environmental concerns. Mr. Ewald stated a study had been done prior to Mr. Miller purchasing the property.

Mr. Capuzzi asked that the second floor addition be delineated on the plan showing compliance with setback requirements. Mr. Capuzzi requested that some than the less than ideal parking spaces be marked for employee parking. Mr. Capuzzi and Mr. Powell discussed the functionality of the driveways being adequate for two-way traffic. Mr. Capuzzi asked that the 8 internal parking spaces be marked on the plan.

Mr. Ewald stated the three waivers being requested:

§160-4 requiring a two-step preliminary/final land development plan review process.

§160-4.E(i) requiring a Traffic Impact Study.

§78 requiring stormwater analysis.

Mr. Capuzzi made a motion to recommend preliminary/final approval for JPM Haverford Road-2228 & 2224 Haverford Road with the following conditions:

The remaining comments of the Township Engineers Review letter of January 2, 2024 be addressed to the satisfaction of the Township.

The interior parking spaces be identified on the plan.

Employee parking to be identified by signage or some other means on the plan.

If required, directional arrows should be added to the pavement.

Second floor addition should be added to the plan.

Handicapped accessible routes be identified on the plan.

Anchors be provided for the concrete bumpers.

Add landscape buffers and notes to the plan.

Mr. Fiordimondo seconds.

All in Favor.

McGoldrick Electric - Zoning/Sketch Plan Review

83 S Eagle Road

D.C. Folio Nos. 22-09-00655-00 & 22-09-00655-01

Applicant proposes to combine an INS – (Institutional) property with a R-6 (Medium Density Residential) property into a single property. A 2,930 SF building is proposed to be demolished and the applicant is proposing to construct six (6) new structures, each containing 600 SF garage on the first floor and 400 SF office on second floor. The project will include the construction of forty-two (42) parking spaces.

Not Required to be present.

Dzine Properties, LLC - Joseph Taggart- Preliminary/Final Subdivision Land Development Plan

225 & 233 Hastings Ave Subdivision

D.C. Folio Nos. 22-03-01180-00 & 22-03-01182-00

Applicant proposes to subdivide two (2) lots into three (3) lots, with two of the lots containing existing single-family detached dwellings and the third lot being an undeveloped vacant lot suitable for future construction. which will then locate three (3) existing dwellings and a single property and create one additional vacant lot. No construction is proposed on the vacant lot at this time.

John Anthony-237 Hastings Ave., was present for the project in the absence of Joseph Taggart.

Mr. Capuzzi clarified Mr. Anthony owns the 233 Hastings Ave. 75' wide lot and Mr. Taggart owns 225 Hastings Ave. 75' wide lot. The proposal is to take 25' of each of those lots to create a new lot. Mr. Capuzzi stated the problem with the proposal is the garage that exists on the lot at 233 Hastings Ave. is two feet from the rear property line where 5 feet is required by Code. Haverford Township regulations state a property cannot be subdivided if a building on the property is nonconforming. The options would be to go to the Zoning Hearing Board for relief or to demolish the garage. The Planning Commission may not approve a subdivision plan unless the nonconformity is resolved.

Ms. Dobbs pointed out there appears to be a shed (an accessory structure) on the proposed lot which would not have a primary structure, which is also not be permitted by Code. Leaving the shed on the proposed new lot would also require relief from the Zoning Hearing Board. An option would be to temporarily relocate the shed onto one of the other two lots until the primary structure is built on the newly created lot.

Proposed Ordinance Amendment – Chapter 41-1 & 47-5, Redefines and further regulates Mechanical Amusement Devices and Game of Skill Machines, Chapter 182-106, Redefines and clarifies the definition of Convenience Store, Chapter 182-106, Defines E-Liquids, Electronic Cigarettes, Electronic Nicotine Delivery Systems, Hookah Bars, Indoor Recreational or Amusement Facilities, Mechanical Amusement

Devices, Significant Tobacco Retailers and Smoke Shops, Chapter 47-1, Prohibits Mechanical Amusement Devices within the premises of Significant Tobacco Retailers, Chapter 182-106, Prohibits Game of Skill Machines in Convenience Stores, Chapter 182-403, Expressly prohibits Significant Tobacco Retailers (including smoke shops, vape shops and hookah bars) in the C-2 Neighborhood Commercial District, Chapter 182-404, Deletes cigarette and tobacco as permitted to be sold in gift shops in the C-3 General Commercial District, Chapter 182-406, Establishes Significant Tobacco Retailers (including smoke shops, vape shops and hookah lounges) as a use permitted by Conditional Use in the C-5 Shopping Center Commercial District and Chapter 182-1209, Establishes criteria for the approval of a Significant Tobacco Retailers use.

Mr. Chanin recused himself and Vice-Chair Maggie Dobbs led the discussion.

Mr. Capuzzi explained the reason for this proposed ordinance amendment is due to multiple zoning applications in Haverford Township for "Vape Shops" of which there are currently 6 shops in operation. With no specific rules and regulations in place regarding vape shops, the Commissioners felt it was important for the health, safety and welfare of the residents of the Township to put in some controls. The proposal is to limit the zoning districts in which "vape" shops are permitted to the C-5 zoning district, which includes the Manoa Shopping Center, the Llanerch Shopping Center and the Quarry Center. There would also be a restriction that no vape shop could be located within 1000 feet of a property zoned institutional. Institutional zoning is primarily schools, churches and hospitals. Additionally, vape shops would have to be 1000 feet apart.

Ms. Phillips stated she agreed with the proposal but would have liked to have seen more than 1000 feet as a set distance. Ms. Dobbs stated 1000 feet seems to be fairly typical.

Mr. Fiordimondo stated he agreed with the proposal in its entirety.

Mr. Capuzzi stated he was going to pass on his editorial comments to Gary Smith. Mr. Capuzzi added the definition for convenience store on page 6, needs to be clarified and believes where it states "more" should be "less". Additionally, Mr. Capuzzi feels the 1000 feet separation should apply to properties within the recreational and open space zoning district.

Mr. Welsh stated he was generally in favor of the proposed ordinance amendment.

Mr. Montresor stated that it is possible neighboring municipalities may have adopted something similar which may have precipitated the pop-up of a number of these places in a short period of time. Mr. Montresor voiced his support.

Ms. Dobbs also would like clarification in the language of the definitions. Ms. Dobbs also questions the ability to execute the regulations in regard to percentages of stock/merchandise. Ms. Dobbs agrees with the limiting of the business as a safety /health issue and with the separation of 1000 feet being added to recreational and open space district.

Mike Lee, 304 Fairlamb Ave.- stated he agrees with proposal but questioned how the people who live near the C-5 zoning districts would feel. Mr. Lee added there was inadequate notice and lack of communication regarding this proposal.

Stacey Mattox, 38 E. Turnbull Ave.- asked for clarification of the proposal. Ms. Dobbs explained the stores would require 1000 feet from another store. Once a legal nonconforming store moves out, the use may not continue.

Mr. Capuzzi added if an application for a vape store would be submitted and in the C-5 zoning district, the applicant would still require a special conditional use hearing and approval. Board of Commissioners would hear testimony as to why the applicant would like to put their business in a location. The Commissioners have the right to attach special conditions to that approval. This also gives a chance for residents to offer their individual opinions and testimony. Mr. Capuzzi explained the multiple ways the notice of the hearing would be advertised.

Mr. Capuzzi motioned to recommend the proposed ordinance amendment with the following suggestions:

1. That the 1000-foot buffer be expanded to include properties zoned recreational and open space.
2. That the definition of convenience store on page 6 be changed to "20% or less of its total merchandise" as opposed to "20% or more of its total merchandise".
3. It is the Planning Commissions' opinion that the proposed ordinance is consistent with the Townships Comprehensive Plan.

Ms. Phillips seconded.

All in favor. Mr. Chanin abstained.

Review of Minutes

Planning Commission Minutes of January 11, 2024.

Mr. Montresor motioned

Ms. Dobbs seconded

All in Favor

Adjournment

Mr. Montresor motioned

Mr. Fiordimondo seconded

All in Favor - 8:38 P.M.