

PUBLIC HEARINGS:

7:30 PM – 103 Mill Plain Rd. LLC – Application for Special Exception to allow Medical Office (Chiropractic Office Space) in the CA-80 Zone – 103 Mill Plain Rd. (#C14062) – SE #695.

Mr. Cerminara read the legal notice. Attorney Gregg Brauneisen said that medical offices previously were a permitted use in this zone but when the commercial zones were revised, it became a special exception. There currently is one medical office in this building already; this request is for a 500 sq.ft chiropractor's office. There is adequate parking already onsite for this use. Ms. Hoffstaetter asked if there is to be any change in the site. Jeff Ryer, one of the owners, came forward and said there are no changes to the site. Ms. Hoffstaetter asked the breakdown of the uses. Attorney Brauneisen said out of 6,105 sq.ft., 4,957 sq.ft. is the existing medical use, 648 sq.ft. is a holistic medical space. And tonight they are proposing the additional 500 sq.ft. of medical use. He added that the revised plan shows both the uses and the on-site parking.

Mr. Urice asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said this did not have to be referred to any other departments and all of the Planning Dept. requirements have been satisfied. Based upon this, she suggested they close the hearing and move this matter to Old Business so the Commission can give her some guidance towards the decision.

Ms. Hoffstaetter made a motion to close the public hearing. Mr. Cerminara seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this matter to Old Business for discussion. Mr. Cerminara seconded the motion and it was passed unanimously.

7:40 PM – Four Star Realty LLC – Application for Special Exception to permit a use (Fast Food Restaurant w/Drive-thru) generating more than 500 trips per day in the CG-20 Zone – Newtown Rd. (Cutoff) & 5 Mountainview Rd. (#M10028 & #M10029) – SE #693.

Mr. Cerminara read the legal notice. Attorney Gary Michael Jr. said this site is located on Newtown Rd. in between the exit 8 off-ramp and the exit 7 entrance ramp. It consists of two parcels and historically has been used as a gas station. It has been vacant for many years and is very often used for the parking of tractor trailers. Although they do not have a specific tenant yet, they are proposing a 3,840 sq.ft. fast food restaurant with a drive-thru. He said they feel that given the location of this property a drive-thru is warranted for this site. And they feel developing this site will enhance the area.

Ben Doto PE, briefly reviewed the site plan. He said this is a difficult site because it has essentially has three front yards. It currently has a curb cut off Pocono La. and two large ones off of Mountainview Terrace. They looked at the best way to access the site and they felt it best to close the existing driveways and move the driveway back (from where it was) away from the intersection. He said the drive-thru has a separate lane to keep that traffic separate. He reiterated that this is truly a unique site because it has four frontages. The Zoning Regulations do not permit driveways or loading zones in front yards, so they had to get variances. The proposed building meets all of the setback requirements. He said the design is intended to encourage people to use the Mountainview cut to leave the site because there is a traffic light. There is none on the Pocono side although there are adequate sight distances for both driveways. . He said they have received some Departmental comments. They are not proposing sidewalks here, but Mrs. Emminger and Mr. Mohammed have

asked for sidewalks on the three sides. He added that Fran Lollis had only asked for them on two of the sides. They feel that a sidewalk on the Newtown Rd. side would make the most sense. They would prefer not to put them on all three sides because they will not be used. And they would like to maximize the amount of green space that they have. They did not prepare a lighting plan yet since they do not have a user for this site. He said for now they will address it in the notes and as soon as they secure a tenant, they will submit it. Mr. Mohammed also asked that one of the loading zones be removed because he is concerned about it blocking the view for drivers leaving the site. He also asked that they restrict the exit onto Pocono to left turn only. He said they can do this with signage but enforcing it will be impossible. He added that since there is a signal on Mountainview, they would like to leave this open so that people who live behind the site can get out using Pocono. They looked at their choices and they would prefer option one. Option two addresses Mr. Mohammed's comment but causes them to lose space, tightens the parking and causes confusion as people leaving the site could end up in the drive-thru lane. They prefer option one as it does not create other problems but still addresses Mr. Mohammed's comments. Mr. Doto said the Engineering Dept. had many comments but most are pretty straight forward and can be addressed. He said the site will be connected to a new sewer lateral. The well has been abandoned and they will connect to City water which is available. He said the Engineering letter also questions if there is soil contamination, but the soils have been tested and are okay. He said they do not believe they need a demolition plan since they did not use one when they demolished the house, they just pulled demo permit. He said they are only adding about 2,000 sq.ft. of green space. He said he would check with the Health Dept. to see if an oil/water separator is needed. The Highway Dept. wants an existing catch basin moved and the Building Dept. wants an extra detail showing the handicapped spaces. Mrs. Emminger said the Planning Dept. concurs with Mr. Mohammed and wants the sidewalks on three sides. She said she had spoken to Jim Lapan from DOT and he said the State will decide. She added that although they had gotten a variance to eliminate the landscape strip around the entire property, they have tried to compensate by adding a buffer strip along the north side.

Joe Balskus, PE & Traffic Engineer, Tighe & Bond, said he had prepared the traffic report that was submitted. He said his conclusion is that this will have no significant impact. He said Mr. Mohammed had asked them to include the off ramp in addition to the Pocono Lane and Mountainview Terrace intersections. This site has excellent access from both the City roads and the Interstate. There are not a lot of issues involved from a traffic perspective. The traffic generation calculation is based on ITE numbers. This type of use and this location encourages a significant number of pass-by trips. They did not take credit for any site that is vacant because tomorrow there could be a new business that would generate traffic. He said they were very conservative in calculating their trip generation. He said the conclusions are that the sight distances are adequate, there is excellent access and egress, and this is an ideal site for this type of use. They are talking about 135 additional trips and there are no safety issues. The roadways can carry the volume and they are consolidating the wide curb cuts and moving them back from Newtown Rd. as far as possible.

Chairman Finaldi asked if there was anyone to speak in opposition to this and two people came forward.

Christine Bojarczyk, 7 Mountainview Terr. said that only she and her neighbor, Robert Layok of 6 Mountainview Terr. would be affected by this. She said they are abutters and are concerned about the lighting. Also where the loading zone will be located and how dense the evergreen trees will be. She asked that a note be made that the other commercial properties all have really dense tall trees that block view. Chairman Finaldi asked the applicant to try to address these concerns.

Mr. Doto reminded them that the passway road is located between the site and Ms. Bojarczyk's property so she is technically across the street. The City already has installed a 6 ft. high fence to give her privacy and the lighting plan will conform to the requirements in the Zoning Regulations. He

Mrs. Emminger said the parking generation is extremely low. Mr. Urice said this was a pretty straightforward application; they have the space in the building and plenty of parking. Mr. Cerminara asked where this building is located. Mrs. Emminger said is across from Prindle Lane. It was a dwelling in the 1980's but has since been converted to office space.

Nemco Limited Partnership – Application for Special Exception to allow Automobile Service Garage (“Mobil One Lube Express”) in the CG-20 Zone – 85 Newtown Rd. (#M11004) – SE #694.

Chairman Finaldi said Mrs. Emminger had sent all of them a draft resolution for this matter. Mrs. Emminger said this is all standard language, nothing out of the ordinary. Mr. Urice made a motion to approve this per the resolution. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

ZBA Referral: Application #10-08 – 29 Federal Road LLC, 21 Federal Rd. (#K11123), Use Variance to allow sale of used automobiles in the IL-40 Zone. ZBA public hearing scheduled for 3/11/09.

Mrs. Emminger briefly described the location of this parcel. Mr. Cerminara then recused himself as it is located next door to his business. Mrs. Emminger then said the Dept. does not support this request because the property owner is not being denied reasonable use of the site. It is surrounded on three sides by IL-40 zoned land and directly behind it is land zoned IG-80. The application states that they do not want to go for a zone change because they don't want to open this parcel up to all of the uses permitted in CG-20. It also says that they are limited in which IL-40 uses they can do because they don't have City sewer and water. Mrs. Emminger then said the Plan of Conservation & Development proposes mixed light industrial use for this parcel. And based on that the Dept. feels that to allow commercial usage would be spot zoning. She added that sewer and water are both available to this site; they just have to pay the connection fee. But not having them really does not restrict the uses they can do on this property. Mr. Urice then said he is not in favor of this because it would be inconsistent on his part to encourage the carving away of the IL-40 zone. Ms. Hoffstaetter said she agrees with that especially because a zone change seems to be the more appropriate way to get this use on this site. Chairman Finaldi said despite the fact that we do not like to see empty buildings, the Regulations have to hold some integrity. Mr. Urice then made a motion to give this a negative recommendation for the following reasons: there has been no hardship shown and there are other options available to this property owner that would allow him reasonable use of this property. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Mr. Cerminara returned to the meeting at this time.

There was nothing under Correspondence and under For Reference Only there were two applications for Floodplain permits and two public hearings scheduled for March 17, 2010. Mrs. Emminger mentioned that there also is an Affordable Housing application for Division St. It is not listed on the agenda because the proposed name of the project was a duplicate and the Department insisted they change it.

At 9:15 PM, Mr. Urice made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.