

TOWNSHIP OF MIDDLETOWN
PLANNING COMMISSION MEETING

July 14, 2015

Present: Mark Bradson, Anthony Mirenda, William Moran, Susan Powell, Peter Schettler, and David Sharbaugh

Eric Janetka, Kelly & Close, and Donald Petrosa, Esquire

A. Call to Order

Chairman Mr. Sharbaugh called the meeting to order at 7:29 PM. Approval of Minutes

B. Approval of Minutes

Mr. Bradson motioned to approve the June 9, 2015 minutes. Mr. Schettler seconded this motion and the Commission approved the minutes unanimously with a vote of 6-0.

Mr. Sharbaugh commented that he wanted the minutes to reflect that he thought the recorder did a good job putting together the June 9th minutes and noted that the June meeting was much longer than usual with very specific details.

C. Old Business

None

D. New Business

Review of an amended version of the Mall Conversion Overlay zoning ordinance amendment previously reviewed by the Planning Commission at April 14, 2015 meeting

Joe Riper, legal representative for BET, explained that the proposed amendment originally requested 4 changes be made; however, after receiving feedback from Township Council, one of the proposed changes has since been removed.

Mr. Riper informed the Planning Commission that the first change increased the building height maximum from 65 feet to 70 feet for the apartment buildings. He emphasized that the building plans have not changed and that this request is simply for language purposes due to confusion on how the height should be measured. Mr. Lieberman agreed and noted the

calculations for mean ground elevation is the concern and by increasing the maximum height, the issue would be rectified.

Mr. Riper stated the second change being proposed was regarding the minimum drive aisle width for the residential parking. He stated that Ms. Merino pointed this concern out and the amendment would comply with her comment that the minimum width for in-structure parking aisles would be 24 feet.

Mr. Riper reported that the third change dealt with signage, specifically with banner signs and sandwich board signs. The current ordinance prohibits these types of signs and the amendment would allow for them. He explained that banner signs are helpful in directing traffic within the property and assist in creating uniformity and cohesion. He also explained that sandwich board signs are popular with restaurants and retailers as a means to advertise daily specials or events. Mr. Riper noted that Council did not seem concerned about allowing these types of signs on the property since they would not be on public streets and were internal to the property. He emphasized that design guidelines, separate from the ordinance, would be comprehensive and provide requirements for these types of signs, as well as others. Exclusions would also be listed in the design guidelines.

While the fourth change was no longer being proposed, Mr. Riper commented that it dealt with open space requirements and the applicant's request to remove the requirement from the proposed ordinance. He noted that Mr. Damico did not feel comfortable including this exclusion as part of the ordinance, which is why the applicant is no longer making the requested amendment change for this point.

Mr. Moran asked what the design standards would be for sandwich boards. Mr. Lieberman stated they would have to be 3 ½ feet tall, 2 feet wide and temporary. He also noted that the banner signs would be relatively small, hung from the internal light posts and act as a means of way-finding and branding. Mr. Lieberman stated these requirements are all laid out in the design guidelines and that the ordinance allows for the restrictions to be indicated within the design guidelines. Mr. Moran asked if all the store fronts were single story. Mr. Lieberman noted that some were 2 stories tall, but the 2nd story would have back entrances. Mr. Moran asked if it would be possible that a banner would hang on the back of a second story for a first story store front. Mr. Lieberman stated that would depend on what the design guidelines allows, but that he felt the purpose of the banner signs were more for branding and way-finding. Mr. Bradson commented that some stores may want to hang banner signs like Mr. Moran noted for grand openings.

Mr. Lieberman expressed that the banner signs are discussed in length in the design guidelines and that Mr. Comitta, the Township's landscaping consultant, encouraged the applicant to use banner signs on the light posts in order to draw people into the complex. Mr.

Petrosa asked for a status update on the design guidelines. Mr. Lieberman reported that they have been submitted and reviewed by Mr. Comitta's office. He revised the guidelines based on the landscaping consultant's comments. During a meeting last week with Mr. Comitta, Mr. Lieberman stated he received further comments. He expected the design guidelines to be more complete by August. Mr. Riper noted he was hoping to set up a meeting with Mr. Clark, Mr. Damico and some Council members prior to the August 10th meeting in order to get their feedback on this document. Mr. Petrosa felt that it would take some time to go through the design guidelines. Mr. Riper stated they have been worked on for over 4 months.

Ms. Powell expressed that signage is important to her and that while she likes the idea of banner signs and sandwich board signs, she is more concerned with store front signs. She asked if approving this amendment change would lessen the Township's control on other forms of signage. Mr. Petrosa explained that the proposed changes were for this type of property specifically and while the changes are significant, they are only applicable to this zoning district. Ms. Powell asked if this was approved, would there still be control in the future for the zoning district. Mr. Petrosa stated that would be based off of what the design guidelines indicate. Mr. Riper commented that the design guidelines specify what has to be done to eliminate the need to acquire variances from an ordinance. Mr. Lieberman agreed. Mr. Petrosa expressed that he prefers working with zoning ordinances over design guidelines but noted it was a personal preference and understood why design guidelines were used in certain circumstances. Mr. Riper noted that the design guidelines are a condition of approval for land development and can be amended if necessary.

Mr. Petrosa moved on to question the height maximum requirement of the apartment buildings being increased from 65 feet to 70 feet. Mr. Lieberman explained that 65 feet is a fairly standard height restriction; however, the applicant is requesting more because the apartment complex will be "stepped down and not on a flat site." He explained this increase is only for the pitch to move water off the roof. Mr. Bradson asked if mechanical gear, like air condition units, included in this height restriction and Mr. Lieberman answered in the negative. The height of these types of items would increase the overall height of facility by approximately 5 feet, but is excluded from the calculations in question. Mr. Lieberman added that the ordinance could remain at 65 feet but that could cause problems with the calculations down the road. Mr. Riper agreed and reiterated that the design of the building will remain the same and not change.

Based off of questioning by Mr. Petrosa, Mr. Lieberman provided information about parking on the property. He stated that parking for the apartment complexes would be interior parking, noting that these spaces have to be a minimum of 9 feet wide by 18 feet long. The retail parking is primarily 9 ½ feet wide by 19 feet long. 30% of parking for retail will be 9 feet wide by 18 feet long; however, this is permitted under the zoning ordinance and these spots

are located the furthest away from the commercial area. Mr. Lieberman noted this was necessary to allow for an increase in the fire lane. He stated that the residential parking would allow for 1.5 spaces per residential units. While there are no designated exterior parking spaces for the apartment complexes, he reported that there was a significant excess in spaces for the commercial part of the property (more than 600 extra spaces) and the apartment complexes could use these parking spaces for guests, if needed. Both Mr. Lieberman and Mr. Riper emphasized that there should be adequate parking for the apartment complexes in the internal structure. Mr. Lieberman elaborated on this, stating that ULI and ITE are known for parking data and their recent studies both indicate that 1.5 spaces per multi-family unit is a common ratio.

Mr. Riper commented that the apartment parking ratio was a topic considered in length and that Mr. Comitta was comfortable with the ratio. Mr. Lieberman reported that a Westtown development he was involved with operates on this ratio with an occupancy of 45% 1 bedroom apartments, 45% 2 bedroom apartments, and 10% 3 bedroom apartments. He reported that 1.5 parking spaces per unit at this location has proven to be adequate. While there could be situations where there is overflow, Mr. Lieberman felt it would not be common and that there was adequate parking available throughout the property to accommodate such a scenario. He also stated he would be happy to share all the data he just referred to with Mr. Janetka to review. Mr. Janetka agreed to review it and stated his instinct felt 1.5 spaces per unit seemed low but acknowledged that he may feel differently after he reviews the studies. Mr. Petrosa noted that this discussion was not part of the amendment in front of the Planning Commission for review.

Mr. Sharbaugh asked if there was enough space to allow for 2 parking spaces per unit. Mr. Riper expressed that would be a physical design issue and the applicant was pretty set in the design at present. He also stated that the Planning Commission seemed to be assuming that there would be 2 people in a 1 bedroom apartment and that studies show it would likely only be 1 person in most of these units with one bedroom. Mr. Lieberman noted that the actual breakdown in spaces per unit for Apartment 1 is 1.92/unit, which is close to 2 parking spaces. Apartment 2 is 1.54/unit. Mr. Sharbaugh felt the requirement of 1.5 spaces per unit seemed low considering this is a suburb and felt a recommendation should be made to Council to review this further.

Based on questions from Mr. Sharbaugh, Mr. Riper noted that according to the applicant, parking spaces would be assigned to units with area on the first floor designated for guest parking. Mr. Bradson stated he agreed with Mr. Sharbaugh that 1.5 spaces per unit seemed low and felt Council should review it further.

Mr. Janetka commented that he did not highlight the parking space amount for the apartment complexes in his review because it complies with the ordinance. He agreed with Mr. Lieberman that there is a lot of parking collectively throughout the property. Mr. Janetka

suggested the applicant may consider designating external parking spaces for the apartment complexes as well since there is such an excess there.

Mr. Petrosa inquired if there was enough space for additional retail above and beyond what is presently being submitted to Council for consideration of approval. Mr. Riper stated that the maximum building coverage for the property is 25% and the current proposal is already at 20%. Therefore, there is only a possibility of 5% expansion at this point. Although there is technically an allotment for an expansion of 5%, this cannot happen at this time because of the parking restrictions associated with the current leases. He noted if Sears or Boscov's ever decide to terminate their lease early, then changes may occur. At present, however, the current tenant leases for those anchor stores are long-term and also have parking restrictions, which limits the buildable space.

Mr. Bradson expressed he was still concerned with increasing the height maximum for the apartment complexes; specifically for the complex by Oriole Avenue because of the residents living on that street. He asked how this could potentially affect their line of sight. Mr. Lieberman reiterated that the design has not changed for the apartment buildings. He emphasized that the current calculations are very close to 65 feet and that this request is only to allow a "cushion." He noted that along Oriole Avenue, the apartment building would appear to look more like 4 stories.

Robert Bond, 37 Oriole Avenue, asked if his property is still zoned as B-2. He expressed concern for his property and the one immediately to the left of his property. Mr. Riper stated that he spoke with Mr. Damico about Oriole Avenue's zoning recently and that the lots currently zoned as B-2 would remain that way. He reported they were still working on the non-conformity issues related to those lots. Mr. Riper also explained that if the properties owned by BET are not shown as part of the development, then they would remain as-is. This included the 2 lots that BET recently acquired, which were supposed to be acquired at the time of original purchase of Granite Run Mall. Mr. Lieberman noted that the land development application is only filed for the properties listed with the mall conversion overlay (MCO). After further questions from Mr. Bond, Mr. Lieberman acknowledged that the cover sheet location map showed 2 properties on Oriole Avenue as part of the MCO but were actually to remain as B2 zoning. He stated he would have that fixed as soon as possible.

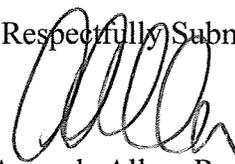
Steve Mescanti, 33 Oriole Avenue, stated that the plan originally indicated the apartment complex by Oriole Avenue was to be 4 stories and inquired when it became 5 stories. Mr. Lieberman stated the MCO has had it at 5 stories since the initial submission and Mr. Riper expressed he did not recall it ever being 4 stories. Nevertheless, he stated he would review the original submission to be sure. Mr. Riper emphasized that the proposed amendment to the height maximum did not affect the amount of stories, which would remain the same. Mr. Janetka asked how many stories are seen from Oriole Avenue and Mr. Lieberman stated 3. Mr. Mescanti

requested to see the elevation diagrams and commented that the elevation was more concerning to him than how tall the building was or how many stories it included. Specifically, he wanted to know how much taller the building would be from his house. Mr. Riper asked for Mr. Mescanti's email address and informed him he would send him the requested information. Mr. Lieberman noted he should receive it within the week.

Mr. Sharbough motioned to recommend approval of the amended version of the Mall Conversion Overlay zoning ordinance amendment subject to further discussion of parking ratio issue and the resolution of resident concerns discussed herein. Mr. Mirenda seconded this motion and the Planning Commission approved unanimously with a vote of 6-0.

Mr. Sharbaugh adjourned the meeting at 8:43 PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Allen', written in a cursive style.

Amanda Allen, Recorder