

LAND USE, PLANNING AND ZONING COMMITTEE

Minutes of the Meeting of June 5, 2008

Members Present

<input checked="" type="checkbox"/> Joyce Lenhardt, Co-Chair	<input checked="" type="checkbox"/> Jean McCoubrey
<input checked="" type="checkbox"/> Patrick McGranaghan, Co-Chair	<input checked="" type="checkbox"/> Larry McEwen
<input type="checkbox"/> Harriet Brumberg	<input type="checkbox"/> Ned Mitinger (temporary reassignment)
<input checked="" type="checkbox"/> Steve Gendler	<input checked="" type="checkbox"/> Bill Washburn
<input type="checkbox"/> John Haak	<input checked="" type="checkbox"/> Allison Schapker
<input checked="" type="checkbox"/> Alfred Dragani	<input checked="" type="checkbox"/> Ned Mitinger, VP Physical (ex-officio)

Others Attending

Sanjiv Jain, owner 8524 Germantown Avenue
Rachel Williams, proposed tenant 8524 Germantown Avenue, Treehouse Play Cafe
Alan Metcalfe, Metcalfe and Associates
Nayan Shah, Architect
Attorney for Rachel Williams
Melissa from Kitchen Kapers
Carol Warner owner of Kitchen Kapers building 8530 Germantown Avenue
Greg Welsh, Chestnut Grill, CH Restaurant Association
Meredith Sonderskov
Ed Budnick
Ed Feldman
Patricia Cove
Hank O'Donnell
Numerous others in audience
Phil LaCalsey, CHCA manager
Pete Mazzaccaro, Chestnut Hill Local
Melissa Nash, recorder

Patrick McGranaghan, co-chair, opened the meeting at 8:10 with an explanation of the process and meeting procedures. First, the presentation would be made, the committee would question and comment, then the floor would be opened to the audience. He asked that repeat comments be avoided. The committee would then take action. The committee members introduced themselves to the group. A motion was made to accept the May minutes as submitted. The motion was seconded and approved. Due to Rachel William's need to leave at 10 PM, committee business was postponed to the end of the meeting.

Treehouse Play Cafe at 8524 Germantown Avenue

•Pre-presentation: Before Sanjiv Jain began his presentation, P McGranaghan summarized the previous meeting's action and requests for changes/information. The committee has supported the proposed use and coverage (both setback and open area variances) of the new building. Changes and info needed included maximum 3 story /legal height, showing context of the building more completely including a site plan, accommodation of roof top equipment, materials, sections, facades, ownership of alleyway, hours of operation, alcohol service (hours and type), maximum occupancy, details of take-out and trash removal.

•Building Presentation: Sanjiv Jain distributed a packet that contained descriptive views, elevations, plans, trash removal, stairs/egress plans, and detailed floor plans. It also includes documents showing alley ownership, the deed for the alley and easements. The third floor would be a conservatory with a partial glass roof. The walls would be Wissahickon schist, doors would be wood, there would also be flower boxes and stucco wall areas. Similar materials would be used on both the front and rear facades. A 3' parapet height would conceal the rooftop equipment. There would be a slope to the roof to allow drainage

and a wood roof screen for additional equipment shielding. The Parking Foundation owns the alleyway, called 8-10 West Evergreen. All buildings on the alleyway, as well as W. Evergreen neighbors, have access to the alleyway. Trash would be removed through the alleyway. Trash would be stored inside the building with the dumpster rolled out for collection.

•Operational Presentation: Rachel Williams addressed operations issues. She has contacted a trash collection company, which would empty trash three times per week and recycled material once each week. Top of the Hill Market also follows this frequency schedule. She proposed opening at 8:30 am and closing at 8 pm Sunday through Thursday and 9 pm on Friday and Saturday. Party use would require later use. At capacity there would be 60 children plus their adults and 30 in the activity rooms. There will be 120 seats. Her target number is 60 families. She stated the building occupancy allowed by code is 407. During the week she estimated there would be one adult for 1.25 children and a 1:1 ratio of adult to child on the weekend. Take out is not an advertised activity and is not proposed to be intensive. People will be allowed to take away their food. There will be no off-premises alcohol sales. She sees approximately 6.5 cycles of occupancy per day. R Williams has not applied for a liquor license. There are two types: beer and full (all types of liquor). She needs the full license. R Williams stated that hours of alcohol service would begin at lunch and would be offered only with food. There will be no display of bottles like the Trolley Car Diner and will offer beer, wine and spirits. She has consulted the Liquor Control Board and stated that high shelves for glasses are acceptable to keep alcohol out of children's reach. Alcohol will be available on the first two floors. The third floor is for private parties. Alcohol will not be served without food.

•Committee Questions/Comments: Ned Mitinger asked if the LCB had been contacted and what was its response. R Williams stated she has contacted the LCB and that it does understand her proposed use and set up. Larry McEwen asked where alcohol could be served. It could be served everywhere depending on the situation. Steve Gendler likened the alcohol service to a bowling alley's service – get your own at the counter. (It would also be like Dave and Buster's.) Allison Schapker asked about the function of the third floor. R Williams stated it was for classrooms, parties, and private affairs, booked events only. N Mitinger inquired about staffing. There will be an attendant on each floor. Parents are to supervise their children. S Gendler noted that there is still conflicting information given on various plans – location of elevators. He also asked about the alignment of tables and relationship to play areas. Alfred Dragani noted that the original plan featured an atrium that seems to have been lost in this version. Alan Metcalfe noted that there still is an atrium but that the two designs have not been coordinated. A Dragani further commented on the stairs. Two ways out of the building are required; he questioned that the entrances to the stairs may be too close to qualify as separate means of exiting. L McEwen also noted that the position of the elevators might also be a problem in allowing free circulation. S Gendler pointed out a contradiction in the placement of elevator openings. General concerns about life safety and seating/occupancy were raised. R Williams stated that the worm feature in the entrance lobby is to provide an eye-popping feature from the street. Concern was raised that this needs to be on the secure side of the lobby. L McEwen asked about the building's overall height. The architect answered that the 35' line is the second mullion from the top on the third floor. The ceiling height on the third floor is 9', 8'8-1/2" on the second and 10'8-1/2" on the first. The floors are composed of web trusses plus the depth of the HVAC. It was suggested that other structural systems be explored. This is not a wide span especially when elevators and stairs are taken out of the width. L McEwen questioned the design of the fenestration on the front and pointed out the difficulty of using stone on this design. S Jain pointed out that the rear façade had no parapet. Joyce Lenhardt asked about food service. R Williams stated there would be no waitresses/table service. People will pick up their food at the counter and take to their tables. It was asked if that meant carrying food from the first floor to the second. It does. There could be a second floor service station if traffic demanded it.

•Audience Questions/Comments: Pat Pregmon, W. Gravers, stated she was an attorney representing some of the neighbors of 8524 Germantown Ave and expressed concern about a variance being granted for eat-in/take-out and playspace. She noted that a variance is forever. R Williams stated that she would be willing to have restrictions placed on the variance. The allotment of space in the building was discussed. As proposed it would be three full floors as a restaurant/bar. P Pregmon reiterated that this project should be looked on as a restaurant. She further asked about the staging of construction. Other audience members expressed concern about the variance for a restaurant remaining with the building in perpetuity. Cindy DeMaio stated that she takes her young child to McNally's and asked what the problem with having children in a place in which alcohol is served. Peter O'Connor agreed. Ed Feldman stated there was an equivalency: the primary use for Chuckee Cheeze is play. The Play Café's primary use is also play. MADD has lobbied against granting a liquor license for Chuckee Cheeze. He read a letter from MADD to the meeting stating opposition to this project. He further suggested that the committee consult the LUPZC rules and zoning overlay which states no buildings over 2 stories, no changes in land use or having businesses above the first floor should be allowed. It also recommends 75% coverage as a maximum. These guidelines were written in 1990. He added that there is no hardship indicated for this project. R Williams countered that food sales would be her greatest revenue source rather than play. A member of the audience asked if the committee would approve a restaurant with longer hours for this site. Greg Welsh, owner of Chestnut Grill and chair of the CH Restaurant Association, stated that the CHRA is generally favorable to the concept. He will poll the members and forward the results to the LUPZC. He added that there are currently 14 liquor licenses in Chestnut Hill. R Williams stated that she has submitted a large number of letters of support to the committee and that she has letters of support from property owners in the 8500 block of Germantown Avenue. She added that her hardship is that she needs the extra space to make her food service and business work. She has consulted experts regarding the size of business needed. A Chestnut Hill business owner stated that the community needs the business. R Williams read a letter of support for the business. Ed Budnick stated that the architect needs to make a greater effort to abide by the 35' height limitation. He further stated that agreements limiting variances and use have been difficult to enforce in the past due to economics and changes in demographics. P O'Connor asked which owners did not approve of the business. Prudential Fox and Roach expressed opposition, as did the manager of the Kitchen Kapers who felt construction would be a problem. Carol Warner, who own and lives 8530 Germantown, said she has asked for additional information about the project but has not received any. S Jain stated that he would agree to not block sidewalks during holiday seasons. L McEwen asked about adding a floor to the existing building rather than demolishing and rebuilding. This would save time and eliminate the possibility of an empty lot on the Avenue. (E Feldman asked about the 65 CHCA memberships he claimed were purchased by Sanjiv Jain. He was declared out of order.) Prudential Fox and Roach asked how the easement access would be enforced during construction.

•Continued Committee Comments: N Mitinger asked S Jain to review the building's height and asked if he were wedded to the design as presented. S Jain stated that he needs to do well by the tenant and that he needs guidelines. S Jain asked committee members to work with his architects and stated his inexperience with doing this type of project. His architect was asked if the walls were party walls. He did not know. A Dragani asked that the project be designed to code, adding that this is a significant event on Germantown Avenue. He asked if this were still going to be a green building. It is to be LEED certified. It was noted that one aspect of LEED is not to remove more than is needed. A Schapker asked that drawings show how the proposed building relates to its neighbors. Studying the phasing of construction would also be helpful. The architect stated that it was too early in the project to study construction timing. Discussion of how to build the building and how to design a building to fit this project followed. A Metcalfe stated that his installations would work with an open web joist structure. The odors from the kitchen will be vented through the roof. Ed Feldman stated that a sub-committee working with S Jain would have a conflict of interest.

•Committee Action: P McGranaghan called for a motion. L McEwen moved that the Treehouse Play Café return to the LUPZC next month with a revised building that responds to this meeting's comments. The committee supports the use variance with restrictions to be made clear at the July meeting. The motion was seconded. It was suggested that a sub-committee be appointed to work with the applicant and his architect. Issues to be considered are the building height restriction, façade development, construction plan/phasing, stair function in regard to codes, update and coordinate building and interiors, address neighbors' concerns regarding alley use. The sub-committee should meet soon and often but not with the intention of the applicant appearing at the DRC meeting. A general discussion of LEED certification and the certifiability of the building also took place. The motion, as amended, was unanimously approved.

Selection of New Co-Chair

•Patrick McGranaghan's term is up. It was moved that Jean McCoubrey replace Patrick as a co-chair. The motion was seconded and approved unanimously.

Adjournment

•The meeting was adjourned late.