

LAND USE, PLANNING AND ZONING COMMITTEE

Minutes of the Meeting of August 7, 2008

Members Present

_____	Joyce Lenhardt, Co-Chair	_____	Patrick McGranaghan
_____	Jean McCoubrey, Co-Chair	_____✓	Larry McEwen
_____✓	Harriet Brumberg	_____	Ned Mitinger (temporary reassignment)
_____✓	Steve Gendler	_____✓	Bill Washburn
_____✓	John Haak	_____	Allison Schapker
_____	Alfred Dragani	_____✓	Ned Mitinger, VP Physical (ex-officio)

Others Attending

Sanjiv Jain, owner 8524 Germantown Avenue
Rachel Williams, proposed tenant 8524 Germantown Avenue, Treehouse Play Cafe
Rick from Kitchen Kapers
Carol Warner owner of Kitchen Kapers building 8530 Germantown Avenue
Jackie Hallmeyer, Bowden Properties
Hank O'Donnell, owner 8552 Germantown Avenue
AnneMarie Arment, CHCA Board member
Meg McNally
John Di Illio
Ed Budnick
Sue Walsh, manager Prudential Fox Roach
Suzie O'Neil, owner 8511 Germantown Avenue
Patricia Cove
Joel Hoffmann, Chestnut Hill Local
Melissa Nash, recorder

Larry McEwen, acting chair, opened the meeting at 8:03 with an explanation of the process and meeting procedures. It was moved that the July minutes (prepared by Ned Mitinger) be accepted. The motion was seconded. It was noted that the June minutes were approved at the end of the meeting and that this should be included in the minutes. The minutes were approved with the amendment.

Tree House Play Cafe at 8524 Germantown Avenue

•Presentation/Discussion: L McEwen noted that an 11-point list was developed for Sanjiv Jain to respond to. The points included issues related to design, operations and construction scheduling. Many of the points have been completed. In addition, Prudential Fox Roach was asked to assist in creating an agreement with S Jain. Progress should be made in contacting neighbors and securing their approvals. S Jain also was asked to see the Historic District Review Board. Progress has been made with the design although it is not yet complete. S Jain distributed an information packet. The packet included a letter from the Parking Foundation, which states that it will rent parking spaces to S Jain during construction. The spaces are for laydown area and neighboring businesses to use. (4-6 spaces for construction, 9-11 for neighbor parking including 7 for Prudential Fox Roach) The packet also included the Construction Impact Reduction Agreement prepared by the Glendennings, a construction schedule and time line and an aerial photo showing construction areas. S Gendler asked if parking would be provided for construction workers. S Jain stated that this question has not been asked and that they could be dealt with as other employees are dealt with. S Gendler also asked about the construction fencing type and equipment screening. S Jain stated this would be the contractor's choice and would probably be chain link. L McEwen noted that an enclosed container could be used to store construction equipment and tools. Concern was expressed that the area set aside for laydown was inadequate. S Gendler asked if all material would come in from the rear of the site. They would. The possibility of oversize deliveries that would

require Avenue off-loading was brought up. This could be pre-scheduled to minimize Avenue disruption. There would be times when the sidewalk would need to be closed – for example, when the schist facing is applied to the façade. S Gendler asked if construction hours have been set. S Jain stated that they have not but that excessive noise notification has been called for.

- Continued /Presentation Discussion: Harriet Brumberg, referring to the Construction Impact document, asked about a point on pg. 3, item 2. L concerning mediation and arbitration and if a time limit had been set for mediation. S Jain noted that the Prudential Fox Roach attorney recommended this. L McEwen questioned if the LUPZC could function as mediator or arbitrator. Ned Mitinger asked about item 2.K requiring S Jain and the neighbors to meet monthly at the LUPZC. He asked if the committee want have this function. L McEwen stated that the committee had issue with both 2. K and 2.L. John Haak suggested that the committee’s by-laws support working with neighbors but may not support legal work. L McEwen noted that a mediator would cost money. J Haak noted that a committee member should be present during mediation/arbitration. S Gendler suggested that neighbor representative be present at construction meetings, hopefully to solve issues before mediation is needed. H Brumberg noted that a working group for the project could act as a facilitator. It was noted that the committee would review substantial changes.

- Continued Discussion: L McEwen asked if holiday seasons have been spelled out. S Jain stated that November and December have been noted as times when sidewalks may not be blocked. The timing of construction (major exterior work being scheduled for the coldest months) was questioned. The schedule was set up by working backward from the proposed November 2009 completion date. The blocking of the alley for kitchen and exhibits installation was questioned. The floor was opened at this point.

- Open Discussion: Rachel Williams asked S Jain about the February 2009 demolition date as she will need to make changes to her present business. L McEwen noted that he received a document via email from the Chestnut Hill Zoning Preservation Coalition that contained positions against the project and was signed by various business and property owners on Germantown Avenue. Suzie O’Neill, owner of 8511 Germantown Avenue, stated that the Glendenning document couldn’t make a deal for the alleyway without the easement owners’ consent. Some have not signed off on it. The resident of 22 W. Evergreen, an easement owner, stated that she has not been asked about it. It was further noted that the renting of spaces does not insure the alley easement question is satisfied. L McEwen stated that Caleb Myers and Bonlyn Cleaners can be satisfied by the parking spaces and others can use the present second drive for access. J Haak stated that agreement was needed from the easement parties. It was noted that most of the signers of the CH Zoning Preservation group were not present. The documents includes objections based on the C-1 zoning allowing 75% max coverage with retail on the ground floor and residential above, lack of neighbor contact by S Jain, lack of hardship, no permission from easement owners, question of “greenness” of the building, lack of community input and documentation of input. Carol Warner, owner of the Kitchen Kapers building and a resident of the building, expressed concern about the demolition and construction. She also stated she does not understand the hardship involved. Kitchen Kapers stated a concern about the hardship on existing businesses and also that this would establish a bar/restaurant on the site. References were made to the interruptions caused by Commerce Bank. There was also discussion of a change on the Avenue created by commercial activity on the second floor.

- Discussion Wrap-up: N Mitinger stressed the need to contact all parties who would beaffected by the demolition/building. Hank O’Donnell questioned the concept and suggested more inclusion of neighbors. L McEwen stated that the finds the Play Café compelling. R Williams questioned that H O’Donnell had earlier supported the project without the fourth floor and is now against it. S Jain stated that he has tried hard for a year to satisfy all demands and wants action.

•Committee Action: John Haak moved that the committee recommend that the Board support the application for variances as presented contingent upon hearing at the DRC that the questions raised by the Construction Impact agreement are resolved. These issues include the legal issues of the alley easement and the rights of the easement holders and that parties contacted regarding this agreement are in fact in agreement. The motion was seconded and discussion was opened. Other issues discussed include the need to have a set of plans in the office and a need to specify holiday times. Patricia Cove asked to see changes in the design in response to the Historic District Review Board. S Jain should attend the DRC meeting on August 19.

Adjournment

•The meeting was adjourned at 10:20PM.