

MINUTES OF TOWNSHIP OF PINE PLANNING COMMISSION MEETING

Monday, April 14, 2008

Pine Township Municipal Building

This session of the Township of Pine Planning Commission was called to order at 7:00 p.m. by Pasquale Avolio.

Members in attendance were: Pasquale Avolio, Chair; Joel Dennison, Vice-Chair; John Lombardo, Shannon Miller-Yeakel, R. Jeffrey McGeary and Garrin Welter. Also present were Scott Anderson, Director of Code Administration and Land Development; and Timothy R. McClelland, Lennon, Smith, Souleret Engineering, Inc.

There were approximately 50 visitors present.

Mr. Avolio explained that the Planning Commission is a recommending body and all approvals must be received from the Board of Supervisors.

PLEDGE OF ALLEGIANCE

MINUTES

Motion was made by Mr. Welter and seconded by Mr. McGeary to approve the minutes of the March 10, 2008 Planning Commission meeting. The aye vote on the motion was unanimous with the exception of Mr. Hansen who abstained due to his absence at that meeting. Motion carried.

THE VILLAGE AT PINE PRD, PHASE IV

Mr. Avolio advised that the developer of The Village at Pine requested that consideration of the Phase IV final phase, Planned Residential Development plan be tabled so as to provide an opportunity to make plan revisions as noted in the April 4, 2008 Lennon Smith Souleret Engineering review letter.

GEORGETOWNE SUBDIVISION, PLAN 5

Mr. Anderson explained that the Georgetown Subdivision, Plan 5, is a subdivision of Parcel "B" into four lots, based on townhouse foundation location. He explained that the developer constructs the foundations and then separates the parcels for individual ownership. Mr. Anderson noted that there were no engineer's comments.

Motion was made by Mr. Dennison and seconded by Ms. Yeakel-Miller to recommend to the Board of Supervisors, preliminary and final approval of the Georgetown Subdivision, Plan No. 5, pursuant to Drawing 1 of 1, prepared by Tait Engineering and dated March 13, 2008. The aye vote on the motion was unanimous. Motion carried.

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N.P. LOUNGE/GRAZIE RESTAURANT/CABANA BAR – Revised Land Development

Mr. Avolio reported that the submission of the revised land development plan for the Grazie Restaurant and the Cabana Bar attempts to address the addition of structures, revisions to the existing bar and restaurant, and the proposed revisions of certain existing site conditions. He questioned Mr. McClelland if a review of the submission was conducted and, if so, if a letter of review comments was submitted to the North Park Lounge Field Club.

Mr. McClelland reported that a letter dated March 25, 2008 was provided; however, no response has been received.

Mr. Avolio questioned Mr. Mark Baranowski if had received the letter of review and Mr. Baranowski acknowledged that receipt.

Mr. Fritz Baehr, Architect, advised that he had also received a copy and was preparing a response and preparing revised plans.

Mr. Avolio requested that the response comments be provided directly to the engineer for his review, rather than itemizing them that evening. Mr. Avolio questioned if there was any misinterpretation of the engineer's comments and Mr. Baehr stated there was not. Mr. Avolio questioned if the plan modification would bring the existing structures into compliance.

Mr. Baehr expressed his belief that it would. He referred to the land development plan and pointed out the structures that were built without permits after the initial restaurant construction. Mr. Baehr specified that they are currently proposing to add 48 parking spaces in the front of the Oxford Athletic Club and are proposing parallel parking along the private drive. He added that they are reviewing alternate locations for parking, such as the area to the southwest.

Mr. Avolio pointed out that the master plan indicates that the road is to be dedicated as a public road at a future time. He stated there were significant issues in the engineer's review and the plans must be revised in accordance with that review.

Mr. McGeary requested clarification on the currently proposed parking.

Mr. Baehr explained that Oxford Development received Conditional Use approval for a reduction of the required 500 parking spaces to 350 spaces, with 365 built. He advised that several areas for overflow parking were initially proposed, using stabilized turf, north of the existing building and parallel with the access drive and at the southerly end of the existing parking. Mr. Baehr advised they now propose to pave 12 spaces and add 36 parallel spaces along Village Club Drive. He added that they intend to use professional valet parking and will limit occupancy to either 700 or 750 patrons, depending on available restroom facilities. Mr. Baehr stated that they view Village Club Drive as a private road and the paving surface will not meet Township specifications.

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N.P. LOUNGE/GRAZIE RESTAURANT/CABANA BAR – Revised Land Development (Cont.)

Mr. Avolio questioned if the proposed occupancy of 750 was exclusive of other activities at the gym and indoor restaurant.

Mr. Baehr specified that it would be exclusive of the gym and indoor restaurant use, as he believes the Cabana Bar's occupancy would be minimal until late in the evening.

Ms. Miller-Yeakel expressed concern with the open fire pits and questioned emergency egress from the patio area.

Mr. Baehr stated that additional walkway and illuminated exit signs now exist to assist emergency exit.

Ms. Miller-Yeakel also expressed concern about the valet parking in an emergency situation. She questioned how emergency vehicles could access the building with valet parking in the fire lanes. Additionally, she questioned if the hours of operation could be limited.

Mr. Baehr stated that he could not address that issue.

Mr. Lombardo questioned the valet parking.

Mr. Baehr explained their traffic engineer's recommendation that the valet parking occur in all of the drive aisles.

Mr. Avolio stated that the parking must comply with the Code and, as proposed, it does not.

Mr. Baehr noted that valet parking is only permitted as a Conditional Use.

Mr. Hansen stated that Items #36 and #37 of the March 25, 2008 Lennon Smith Souleret Engineering review, relating to noise, must be resolved. He added his opinion that the parallel parking and grass parking should be eliminated and suggested that the maximum occupancy be set in relation to the restaurant occupancy.

Ms. Miller-Yeakel questioned if the applicant's traffic engineer had reviewed the proposed plan and Mr. Baehr replied that he did.

Mr. Avolio questioned access to the Cabana Bar, which Mr. Baehr explained is by a separate entrance to the gym and the indoor restaurant. Mr. Avolio questioned if revised plans would be presented for the May 12, 2008 meeting and Mr. Baehr replied that was their intent. Mr. Avolio questioned if it was their intent to satisfy all parking requirements onsite and Mr. Baehr again stated that was their intent. Mr. Avolio then questioned if occupancy would be restricted.

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Mr. Baehr agreed to limit occupancy to 750. He pointed out that the club opens at 4:00 p.m., but the peak occupancy is between 9:00 p.m. and 2:00 a.m. He expressed his opinion that valet parking would reasonably solve parking issues and felt that maximum parking would rarely be needed.

Mr. Dennison questioned if the applicant had applied for Conditional Use for the valet parking and Mr. Baehr replied that was not part of the current application. Mr. Dennison questioned how the plan could be reviewed without Conditional Use approval.

Mr. Avolio suggested that the applicant revise the plan to meet Code requirements or make application for Conditional Use approval.

Mrs. Karen Dionise, 120 Oakhaven Drive, stated that she has experienced 6 1/2 years of frustration with the club. She stated she has previously addressed the issues with Mark Baranowski, the Chief of Police, the Oxford Athletic Club manager, and the Liquor Control Board. Mrs. Dionise stated that the Cabana Bar infringes on their privacy. She specified that their house vibrates from music and they cannot open their windows on summer evenings. She concluded that 750 people drinking and partying adjacent to her is unacceptable.

Mr. Avolio stated that the Code addresses restrictions on noise. He specified that outdoor speakers are not permitted.

Mrs. Dionise questioned if there were pole dancers at the club the previous season which Mr. Baranowski denied. Mrs. Dionise offered to submit information to the contrary.

Mr. Jeff Kozemchak, 208 Pine Cone Court, reiterated Mrs. Dionise's statement. He remarked that Mr. Baranowski has been responsive but the issues have not been resolved. Mr. Kozemchak felt the current submission will further negatively impact their quality of life.

Mr. Clifford Foster, 606 Garden Way, stated that he moved into the community for what it provides. He recommended there be more cooperation between the Township and the Cabana Bar.

Mr. Stephen Kutlenois, 945 Park Plaza, stated that his unit faces the Oxford Athletic Club parking lot and he has had issues with noise and parking. He specified there has been Cabana Bar patron parking on Park Plaza and trespassing through his property.

Mr. Joseph Nowak, 933 Park Plaza, stated that an indoor restaurant was approved at the time of club construction, not an outdoor nightclub.

Mr. Baranowski remarked that they were trying to be good neighbors. He specified that they are not looking to expand. Mr. Baranowski acknowledged that occupancy may have exceeded over 1000 people last season, which will not occur under the current submission. He stated that

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parking and egress are being addressed. He also stated that use of bands and DJ's will no longer occur and the outdoor speakers will be removed as they are not permitted.

Mr. Avolio suggested that Mr. Baranowski directly address the issues with the residents in a separate forum, if he chooses to do so.

Mr. Baranowski stated that he recently spoke to the Oakhaven homeowners association president and a meeting is to be scheduled.

Mr. Avolio advised that the applicant's plan must comply with The Village of Pine tentative plan approval.

Motion was made by Mr. Hansen and seconded by Mr. Welter to table review of the Grazie Restaurant and the Cabana Bar Revised Land Development Plan. The aye vote on the motion was unanimous. Motion carried.

Mr. Anderson advised the residents in attendance that the submission will again be reviewed at the May 12, 2008 Planning Commission meeting but they would not receive additional written notice of that review.

THE VILLAGE AT PINE PRD, PHASE IV

Motion was made by Mr. Hansen and seconded by Mr. McGeary to table review of The Village at Pine, Phase IV. The aye vote on the motion was unanimous. Motion carried.

BREAK

Motion was made by Ms. Yeake-Miller and seconded by Mr. Welter to recess at 8:15 p.m. for five minutes. The aye vote on the motion was unanimous. Motion carried.

The meeting reconvened at 8:20 p.m.

ENGLISH ESTATES PRD

Mr. Anderson reported that the English Estates Planned Residential Development is an eight lot single family plan along English Road. He specified that the "E-1" Zoning District requires three acres per lot and the approximate 30 acre parcel would therefore permit up to 10 lots, although only 8 are proposed.

Mr. McClelland referred to the Lennon Smith Souleret review of March 31, 2008 and noted that connection to the English Farms stormwater management system remains unresolved.

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ENGLISH ESTATES PRD (Continued)

Mr. George Saad, Richland Properties, advised that most engineering items have been resolved and he would cooperate with the Township staff and engineer to resolve the remaining minor issues. Mr. Saad asked that the subdivision plan be approved subject to approval of the planned residential development plan as he could not purchase the property without a recorded plan. After consideration, he withdrew that request and agreed to address both the subdivision plan and the land development plan at the May 12, 2008 meeting.

Mr. Dennison questioned if the stormwater will be piped under English Road to the English Farms stormwater detention and Mr. Saad replied that it would. Mr. Dennison questioned if Lot A would have frontage on English Road.

Mr. Saad stated that it could, but he would prohibit access from English Road in the covenants.

Mr. Hansen questioned if he had met with the Environmental Advisory Council and Mr. Saad advised that the EAC had walked the parcel the previous week-end.

Mr. Anderson stated that he had their draft report. He noted that the Parks and Recreation Commission is not required to review the submission due to the minimal number of lots.

Mr. Saad added that all open space will remain undisturbed and he has volunteered to contribute a park fee.

Mr. Welter recommended that additional consideration be given to the plan access due to limited sight distance in that location.

Mr. Lombardo requested that a cross-connection be provided between the two sidewalks on English Road.

Mr. Saad stated he would provide that connection when widening English Road.

Mr. Avolio asked that the plan entrance be aligned with the opposite residential driveway, which Mr. Saad agreed. Mr. Avolio advised that improvement of English Road to the north should be indicated and a plan provided.

Mr. Patrick Bradley, 664 Baur Drive, stated that Baur Drive is a private road. He asked that consideration be given to runoff and that the area be paved for their access. He also asked that the Baur Drive residents be provided with the opportunity to connect to sanitary sewer and public water in the future.

Mr. Avolio explained that the Code requires easements be provided to the property line.

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ENGLISH ESTATES PRD (Continued)

Mrs. Vicki Robinson, 655 Baur Drive, stated they were unable to receive trash removal services several times due to their private road conditions. She added that egress from Baur Drive onto English Road is dangerous and as the traffic has greatly increased, asked that consideration be given to shared accesses to alleviate traffic at the crest of the hill.

Mr. Avolio stated that the Township engineer will review stormwater management to address that concern.

Mrs. Pamela Koryak, 661 Baur Drive, questioned if the lots lines will be as indicated which Mr. Avolio confirmed. Mrs. Koryak stated that the property slopes toward her property. She asked that it be assured that runoff not occur. Mrs. Koryak requested that access be provided between two of the homes and then Baur Drive be paved for one access.

Mr. Avolio stated that the developer is not required to provide off-site improvements.

Mrs. Korak noted that preservation of trees will assist with the stormwater detention.

Mr. Saad reported that he originally proposed the ultimate plan for the English Farms development, which included both properties, to all Baur Road residents. He also expended \$20,000 for engineering for connection of the sanitary sewer. He noted that 2 of the 12 Baur Road residents had opposed his proposal, and both had spoken this evening.

Motion was made by Ms. Miller-Yeakel and seconded by Mr. McGeary to table consideration of the English Estates Planned Residential Development. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

Motion was made by Ms. Yeakel-Miller and seconded by Mr. Welter to adjourn. The aye vote on the motion was unanimous. Motion carried.

The meeting adjourned at 9:00 p.m.