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WEST NORRITON TOWNSHIP
ZONING HEARING BOARD
MONTGOMERY COUNTY, PA

- - -

Hearing No. 876: MHH Properties, LLC

- - -

Wednesday, October 23, 2013
Commencing at 7:03 p.m.

- - -

West Norriton Township Municipal Building
1630 West Marshall Street
Jeffersonville, PA

- - -

BOARD MEMBERS:

ORIGINAL

ALBERT ZONE, Chairman
EDWARD LINCUL, Vice Chairman
DOMINIC DIASCRO, Member

- - -

COUNSEL APPEARED AS FOLLOWS:

MICHAEL E. FUREY, ESQUIRE
Solicitor for the Zoning Hearing Board

ROBERT A. SARACENI, ESQUIRE
for the Applicant

- - -

ALSO PRESENT:

PATRICIA FISHER
Township Secretary

MIKE VALYO
Code Enforcement Officer

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I N D E X

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APPLICANT'S EVIDENCE

<u>Witness</u>	<u>Page</u>
Hamed Sadeghilar	10

- - -

E X H I B I T S

BOARD'S

<u>Number</u>		<u>Marked</u>	<u>Rec'd</u>
B-1	Posting	4	4
B-2	Notice	4	4

- - -

APPLICANT'S

<u>Number</u>		<u>Marked</u>	<u>Rec'd</u>
A-1	Parking plan	7	7
A-2	Site plan	7	7

- - -

P R O C E E D I N G S

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THE CHAIRMAN: Mr. Lincul will now read Hearing Number 876, please.

MR. LINCUL: "Hearing Number 876.

"Notice is hereby given that the Zoning Hearing Board of West Norriton Township will conduct a hearing beginning at 7 p.m. on Wednesday, October 23rd, 2013, to consider the application of MHH Properties, LLC, and having reference to property situate 2082 West Main Street. The property is located in the C Commercial District.

"The petitioner is requesting a special exception in accordance with Chapter 27, Section 801-12D, Use Regulation to allow a used car lot to be placed in the C Commercial District.

"The hearing will be held in the West Norriton Township Municipal Building, 1630 West Marshall Street, Jeffersonville, PA, and all persons having interest are invited to attend and be heard."

MR. FUREY: Mr. Chairman, the zoning officer just signed a certificate of posting and that will be marked as B-1.

(Posting marked Board Exhibit

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B-1, for identification, and received into evidence).

MR. FUREY: The notice that was just read in by the vice chair will be marked as B-2, and that was published in the Norristown Times Herald as required.

(Notice marked Board Exhibit B-2, for identification, and received into evidence).

MR. FUREY: Mr. Chairman, we have Mr. Saraceni here, counsel for the applicant, to present the application.

MR. SARACENI: Good evening. I am Robert Saraceni here on behalf of MHH Properties which is a Pennsylvania LLC. Hamed Sadeghilar is the managing member of MHH Properties and he is here this evening to answer any questions that you may have.

Just briefly, what is happening here is Mr. Sadeghilar operates a used car dealership about a half mile away from the subject property at 2491 West Main Street. He has grown and needs to expand, and the property at 2082 is a little more suitable for his needs. It's a little larger property, so he would like to relocate down to there.

MHH Properties has entered into a agreement of sale to purchase the property. He is in

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2 the midst of his due diligence period which expires
3 at the end of the year, which is why we are here to
4 try to resolve the special exception that is needed
5 in this Commercial District. The name of the
6 business, by the way, is Good Value Cars if you have
7 driven past it, and he will be maintaining that same
8 name, same business structure, just at the new
9 location.

10 His intent is then to, again,
11 relocate down to that property. The building itself
12 is about 36 hundred square feet sitting on a largely
13 rectangular lot of about 13,600 square feet. I think
14 our parking plan was submitted along with a site
15 plan. Nothing has really changed with regard to
16 that.

17 A couple of things I do want to
18 point out for the board. The building is one and a
19 half stories. It has, at the lower level, offices
20 which will be his used car dealer office, and it has
21 an existing residence, a one-bedroom apartment above.
22 He is purchasing the property subject to that lease.

23 The tenant is in place and he has
24 no intent to change that residential use if the board
25 is willing to continue that use.

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2 MR. FUREY: We can address that,
3 Mr. Saraceni. I have a question for the zoning
4 officer. I understand the residence is an existing
5 nonconforming use, so they can continue that --

6 MR. VALYO: Yes.

7 MR. FUREY: -- in addition to the
8 used car lot.

9 MR. VALYO: Yes.

10 MR. FUREY: There was some
11 reference that this property was used as a welding
12 shop in the past; is that correct?

13 MR. VALYO: I believe a welding
14 supply house.

15 MR. FUREY: Is that the current
16 use?

17 MR. SARACENI: I believe the
18 office is currently vacant, but my recollection in
19 being from the area, that is what was there sometime
20 ago.

21 MR. FUREY: We will mark the
22 parking plan referenced by Mr. Saraceni as A-1 and
23 the site plan as A-2.

24 (Parking plan marked Applicant's
25 Exhibit A-1, for identification, and received into

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evidence).

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(Site plan marked Applicant's Exhibit A-2, for identification, and received into evidence).

MR. SARACENI: I don't know if you need to enter the agreement of sale. I have extra copies if the board needs them.

MR. FUREY: I see the agreement of sale is not redacted.

MR. SARACENI: If the board doesn't need it, I saw the same thing. It was submitted before he retained me, and I would prefer that it not be part of the record if it's not needed.

MR. FUREY: We are satisfied that he has standing, so I think we are fine.

MR. SARACENI: I appreciate that. Thank you. As you can see according to the parking plan, he can fit about 26 cars with two additional spaces for employees or himself as laid out. One of the issues or one of the parts that he needs -- and the zoning officer I think is familiar with this -- there is a flower bed in the front of the building. That is the only change he proposes to make to the

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2 exterior of the building, which is to remove that
3 flower bed, which I think is comprised of wood and
4 filled with dirt.

5 He would like to remove that and
6 replace it with macadam to accommodate a couple
7 spaces in the front of the building. The remaining
8 of the parking is all to the rear of the building.
9 So there is only enough space for about four cars in
10 the front, very similar to the adjacent property,
11 Dillon Janitorial, which has a few spaces in the
12 front. This would have about the same amount of
13 spaces, maybe two or three more than Dillon. I think
14 they only have two.

15 He could probably fit about four
16 there where that flower bed is. The remaining spaces
17 would be in the back as reflected on the plan. There
18 will be no storage of junk cars. This is purely cars
19 that are ready for resale. No automotive work will
20 be done on site. No body work done on site.

21 Any car that he may bring on that
22 needs work would be done at another location, and
23 then brought when ready for sale to the current
24 location. He won't store any cars there that aren't
25 ready for sale. The only thing they may do is some

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detailing to keep the cars clean while they are for sale.

We would also like to add some lighting mounted to the building reflecting down to the parking area, nothing towards the street or neighboring properties. It is just for security. Also, of course, when it gets late in the winters it gets a little darker earlier, he won't have to close down at 4:30 or 5 o'clock.

The only other request that was part of the application -- and I am not sure that he is actually going to need relief -- is the sign. His proposal is to have a 32 square foot sign, which I think is permitted in the district, located where he's required to, which is fifteen feet from the street or any driveway.

There are two driveways on either side of the building that go to the rear, and the freestanding sign would be appropriately placed. Permits will be filed for when he moves in which would be sometime in January.

The sign will be within the parameters of your Ordinance. I don't think there will be any changes, any need to address that. There

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2 will be no flashing, no moving parts. It will be a
3 double-sided, internally illuminated, appropriate
4 sign for that property.

5 Anything else that the board
6 requires, that is pretty much all I had to present to
7 you or explain. Mr. Sadeghilar is here to answer any
8 specific questions you may have regarding the
9 property and the requested special exception.

10 APPLICANT'S EVIDENCE

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12 HAMED SADEGHILAR, having been
13 duly sworn, was examined and testified as follows:

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15 THE CHAIRMAN: I have no
16 questions.

17 MR. VALYO: I do have one thing.
18 Hamed, I believe we already talked about this, that
19 you are in the Traffic Revitalization District of
20 West Norriton.

21 MR. SADEGHILAR: Right.

22 MR. VALYO: So any kind of
23 improvements to the property also include compliance
24 with the Traffic Revitalization District, and I think
25 we already talked about that with some sidewalks and

1
2 maybe a street lamp.

3 MR. SADEGHILAR: Right.

4 MR. FUREY: You will see that
5 further up the street where the Wawa is going in. We
6 are trying to bring West Norriton back to a walking
7 district there and, hopefully, we will do it
8 eventually. We can talk about that. That's not a
9 problem.

10 I really don't consider that you
11 have to take the flower bed out. You are really not
12 doing improvements to the property there. So I think
13 we will be okay. We will talk about that.

14 MR. SADEGHILAR: Sure.

15 MR. SARACENI: He referenced that
16 when we met the other day, so we are familiar with
17 the requirements. As you said, the flower bed is not
18 much. Other than cosmetic repairs, that would be the
19 only need to address the building itself, a little
20 painting, a little cleaning up. But other than that,
21 there is no proposed change to the building.

22 MR. VALYO: And I think we had
23 talked about the sidewalk, maybe even just dressing
24 up the building and adding a little bit of ambiance
25 to the building there.

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MR. SADEGHILAR: Yes.

MR. SARACENI: It would probably help the business.

MR. LINCUL: I do have a question. If the sidewalk is installed, usually that's back off the road. Is that going to interfere with the parking in the front?

MR. VALYO: I don't think so. I was there today. I actually drove by this morning. I think he has enough room to put the sidewalk in.

My only question is -- and going back to the parking -- would be to make sure you have enough spaces for your employees.

MR. SADEGHILAR: Right.

MR. VALYO: And you need customer parking too.

MR. SADEGHILAR: Right. The rear has a lot of space. We are probably going to have anywhere between 20 to 25 maximum cars, so there will be plenty of parking for customers.

MR. SARACENI: The parking plan is rather blank as we presented it, but it could fit up to 28 cars. It doesn't necessarily need to have all 28 designated for cars for sale. They can be

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2 used for employee parking as you stated. We don't
3 want to overwhelm the property, and he knows he needs
4 parking for himself, employees and customer parking,
5 but there is certainly plenty of space to accommodate
6 all of it.

7 MR. VALYO: And just to touch on
8 the lighting, I know you are going to light the
9 parking lot up. Make sure that it's shaded and
10 doesn't extend past your property line.

11 MR. SADEGHILAR: Right.

12 MR. VALYO: That is one of the
13 issues we have sometimes with new properties.

14 MR. SARACENI: I talked to him
15 about adjacent neighbors. He can't interfere with
16 them with the lighting and certainly not the street.
17 It has to be directed towards the lot, and he is
18 aware of that.

19 MR. VALYO: Thank you.

20 MR. FUREY: So it would be no
21 more than thirty used cars?

22 MR. SADEGHILAR: Yes, I would say
23 that would be the maximum.

24 MR. SARACENI: That would
25 include, as Mr. Valyo said, he would also have to

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2 include in that the employee parking as well.

3 MR. FUREY: Do you have anything
4 further?

5 MR. SARACENI: Nothing further.
6 We just appreciate you listening to us this evening,
7 and keep in mind his due diligence period when you
8 render your decision.

9 MR. FUREY: Thank you.

10 THE CHAIRMAN: We are going to
11 now take a short recess.

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13 (Recess)

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15 THE CHAIRMAN: All right. Let's
16 bring the meeting back to order. Ed, do you have any
17 questions?

18 MR. LINCUL: No questions.

19 THE CHAIRMAN: Dominic?

20 MR. DIASCRO: No questions.

21 THE CHAIRMAN: I have no
22 questions. Shall we take it to a vote?

23 MR. LINCUL: Yes.

24 MR. FUREY: Perhaps you can read
25 the relief for the special exception.

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2 THE CHAIRMAN: All right. The
3 vote to grant a special exception under Section
4 801-12D of the West Norriton Township Zoning
5 Ordinance to operate a used car lot. A special
6 exception for the operation of a used car lot is
7 granted upon the conditions that the applicant
8 displays or stores no more than thirty cars at any
9 time, also including employee parking. No junk cars
10 shall be stored on the premises. Comply with the
11 Traffic Revitalization District as required.

12 The special exception granted
13 herein applies only to the operation of a used car
14 lot as completed by this application. The applicant
15 shall submit all plans and apply for all necessary
16 permits in order to operate a used car lot as set
17 forth herein.

18 MR. FUREY: You may poll the
19 board.

20 THE CHAIRMAN: Ed Lincul?

21 MR. LINCUL: I vote yes.

22 THE CHAIRMAN: Dominic?

23 MR. DIASCRO: Yes.

24 THE CHAIRMAN: Yes. The motion
25 is granted.

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MR. SARACENI: Thank you very
much.

MR. FUREY: A decision will be
out very shortly.

MR. SARACENI: Thank you for your
time.

THE CHAIRMAN: This meeting is
adjourned.

(At 7:30 p.m., proceedings were
concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.



THOMAS P. CORCORAN,
Court Reporter

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