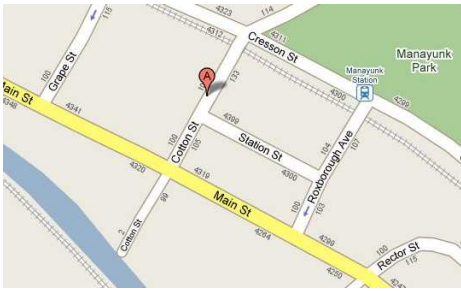




the council crier

NEW MEETING LOCATION - MUGSHOTS COFFEEHOUSE - 110 COTTON STREET



Google Map

NEW MEETING LOCATION -

Beginning with our January 7 meeting, we will be meeting at Mugshots Coffeehouse at 110 Cotton Street.

Refreshments will be available. There is no heat in the

Rec Center and it is due to be torn down in spring. We will meet at Mugshots until further notice.

3 Rector/Labov's Project Stopped - On December 18, 2008, the Commonwealth Court (state) handed down a solid decision overturning the zoning board and stopping the project. The developers have until January 29 to appeal their case to the Pennsylvania Supreme Court but that seems very unlikely.

"Manayunk Neighborhood Council and Kevin Smith (hereinafter collectively referred to as "MNC") appeal from an order of the Court of Common Pleas of Philadelphia County (trial court) which affirms the decision of the Philadelphia Zoning Board of Adjustment (Board) granting certain variances to Rector Street Associates, L.P. (Rector), to construct a residential addition to an historic industrial warehouse. We reverse."

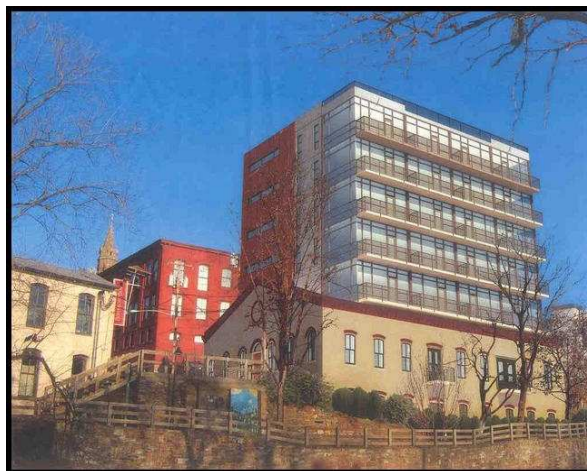
In November of 2006, the Zoning Board of Adjustments approved the proposal to build a five-story condo on top of the existing building. We appealed that decision to the Common Pleas Court (city). We lost that appeal and so appealed to the Commonwealth Court (state). We argued three points. 1) The Common Pleas court improperly made findings that the ZBA had not made. 2) The ZBA had not made the necessary findings regarding hardship, public detriment, and minimum variance. 3) Even though the ZBA did not make adequate findings, the variance should be overturned because the only facts in the record

support the denial of the variance.

We prevailed in all three arguments.

"... we agree with MNC that the trial court improperly made findings of fact. The facts set forth in the trial court's decision were gleaned from the hearing transcript and mostly were based on the statements of Rector's attorney. ... By gleaning its own facts from the record to support the Board's decision, the trial court clearly exceeded its scope of review."

"Initially, we note that MNC is correct that the Board's finding are lacking in detail. While the Board did include the applicable sections of the Philadelphia Zoning Code and principles of law governing variance relief in its decision, the Board did not set forth detailed findings applying the foregoing to the facts or evidence presented in this matter. As stated previously herein, the Board only made one brief conclusory finding of fact in granting Rector's application. However, as the record fails to support the grant of the Rector's variance application by the Board in this matter regardless of the lack of detailed findings, there is no need to remand for additional findings."



DENIED

"... the only evidence in this matter that the property is unmarketable as zoned is the statement of Mr. LaBov, the current owner. We conclude that Mr. Labov's self serving statement is insufficient evidence of an active, prolonged and specific testing of marketability. Therefore, this evidence is insufficient to prove unnecessary hardship."

"A review of the entire transcript of the October

4, 2006 hearing reveals that the bulk of the testimony on behalf of Rector was simply argument by their attorney which is insufficient to establish the required facts to prove unnecessary hardship."

More details can be found at

<http://www.ManayunkCouncil.org/zoning/Rector-3/>

Zoning (continued)

1 Cotton / Waterford Apartments – The project we all thought was dead has come back to life. The project started as 270 unit condo development called Cotton Street Landing. This, along with Venice Lofts (already built), were originally proposed in November of 1999. In December of 1999 Councilman Nutter (now Mayor Nutter) introduced legislation to rezone parts of Venice Island to residential, specifically to enable these projects.

We believed, and still believe that residential, in the floodway, on Venice Island is dangerous and inappropriate. In a five year battle we opposed residential in the floodway all the way to the Pennsylvania Supreme Court. When the Supreme Court elected not to hear our case, it was over that the developers were free to proceed.

In 2005, developer Dennis Maloomian reduced the original 270 units to 205 units. After a five year court battle (including a takeover attempt of MNC) the reduction seemed like an improvement. In December of 2005 we made the following statement

“Manayunk Neighborhood Council does not support residential development on Venice Island. However, we support this reduction and any other reductions in the number of units for the projects already approved for the site.”

By the time the developer was ready to begin, water department regulations and the recently formed Delaware River Basin Authority held up the project. With those hurdles finally cleared, the developer came forward with a third version of the project, still 205 units.

The new Zoning Board, headed by Susan Jaffe, declined to approve the project administratively and called for a new zoning hearing. In November we met with Mr. Maloomian to review the latest plans.

We raised several concerns with the project. Mr. Maloomian declined to address any of our concerns. He stated that he met with us as a courtesy only and that, based on our 2005 letter, he hoped we would support him, or at least not oppose him.

From our review of the plans and our discussion with Mr. Maloomian, we raised, with the Zoning Board, the following concerns with the project.

- Developer does not intend to construct a river side path.
- Space is not allocated for a river side path.
- Southwest corner, with views of the river and Manayunk bridge, is given over to parking.
- No landscape buffer between the parking lot and the canal.
- Oversized simplified building form and pitched roof are out of scale, and out of place with adjacent buildings and Manayunk as a whole.

Appearance, from across the river, will detract from the existing picturesque industrial hill town character.

- Monolithic block building form does not respect undulating river's edge location.
- No provisions are made for balconies and terraces to take advantage of river side location.
- Restricted access pedestrian access bridge, from Main Street to the development, is a missed opportunity to provide public access to the canal.
- No sustainable systems components are evident in the design, such as solar, geothermal, reflective or white materials.
- Parking areas insufficiently landscaped to provide shaded open parking areas. No evidence of high albedo reflective material for parking areas to mitigate heat island effect.
- Building residential in the floodway is dangerous and irresponsible.

Proposed Remedies

- An adequate accessible path must be built concurrent with the rest of the project.
- Project should be downsized to lower the height, create a river side setback, create a southwest corner public space, and to create a canal side landscape buffer.
- Roof should be flattened and should incorporate sustainable elements such as solar electric, thermal and/or green roof elements.
- Monolithic form should be broken up. Terraces and balconies should be provided.
- Pedestrian bridge should include public access to the tow path.

We also argued that by approving all the Venice Island projects with sizes and densities far above what was legislated, the ZBA has effectively re-legislated the island. In a follow-up letter, after the hearing, we noted that, in 2000, the ZBA had approved the development for only 153 units (before switching back to 270 units a month later in a closed door hearing).

At the 2000 hearing, Councilman Nutter opposed the development saying **“I believe that this zoning hearing and the larger issues of growth and development in Manayunk and on Venice Island have generated an environment that is tantamount to a final stand for the future of this community.”** He urged that the board refuse the application, concluding **“I ask that the Board exercise its good judgement and authority to ensure that Manayunk and Venice Island are protected from over-development and uncontrolled growth.”**

Following the hearing we also wrote to Mark Alan Hughes, Director of Sustainability for the City of Philadelphia, outlining our concerns with the project.

Kevin called the meeting to order at 7:30

The next three meetings will be at Mugshots. Demolition for Venice Island Rec Center is slated for Spring 2009. There is no heat available at Venice Island necessitating the move. Special thanks to Jill at Mug Shots for making the building available to us.

Zoning

The brief for the Venice One appeal was filed today and will be heard January 26th at City Hall.

The zoning hearing for Waterford Apartments, which had been approved as a 270 unit building in 2000, is scheduled for Tuesday December 9th. The developer has reduced the number of units to 205 and must go back to zoning.

The zoning committee met with the developer. The committee was opposed to the lack of trail space in the new plan and the lack of a buffer. The zoning committee would like more public space and voiced support for a hotel but not an apartment building.

A motion was made to oppose Waterford Apartments. It was agreed to contact Councilman Jones and our lawyer before formally proceeding. Discussion followed about various reasons why we are opposed to the apartments and how we can best oppose them. The motion was seconded and passed unanimously. Guidelines were developed for a

letter to be written and sent to the Zoning Board.

Fire Station & Rec Center Closing

Engine 39 contains an engine, ladder, and emergency rescue. The emergency rescue will remain open. Ridge Park has asked us to support them. Discussion followed and the motion was tabled pending more information from the Mayor's upcoming Town Hall Meeting.

Kendrick pool is also slated to close.

Mayor Nutter will conduct town hall meeting Tuesday December 9th at Roxborough Hospital Community Room. Members were encouraged to attend and speak.

The Quality of Life Committee presented a report on efforts to build a website. The website is still under construction. Debate centered on what can be done to make a difference on Main Street. Pictures of Manayunk life serve to explain our efforts and frustrations dealing with noise, vandalism, and escalating violence. The website will display constructive remarks based on best practices around the country detailing what communities with similar problems have done.

Efforts at working with St. Joes and Philadelphia University will begin next month.

The Meeting adjourned at 8:20.

**MANAYUNK NEIGHBORHOOD COUNCIL MEMBERSHIP FORM
January 1, 2009 to December 31, 2009**

<input type="checkbox"/> \$5 Student/Senior	<input type="checkbox"/> \$15 Household	<input type="checkbox"/> \$100 Patron
<input type="checkbox"/> \$10 Individual	<input type="checkbox"/> \$50 Business or Supporter	<input type="checkbox"/> \$_____ Other
Name:		Phone:
Address:		Email:
City, State, Zip:		Date:
Signature:		

Please make check payable to Manayunk Neighborhood Council & mail to PO Box 4667, Philadelphia, PA 19127

Events

January 7 - MNC meeting, 7:30 pm

February 4 - MNC meeting, 7:30 pm

2009

MNC BOARD

Kevin Smith, President	Charlie Hewins, Trustee
John Hunter, Vice President	Hilary Langer, Trustee
Mark Turtle, Treasurer	Erika Orsulak, Trustee
Keith Newman, Rec. Secretary	Susan Shimp Trustee
Jane Glenn, Corres. Secretary	Liz Gabor, Trustee
Rob Lamendola, Sgt/Arms	

215-482-5528 - mail@manayuncouncil.org
www.manayuncouncil.org

Contact us at mail@manayuncouncil.org if you would like to receive the newsletter by email.

Otherwise

Please Read and Pass along to Your Neighbor



Next Meeting:
Wednesday, January 7
7:30 PM
Venice Island Rec Center

PO BOX 4667, PHILADELPHIA, PA 19127

