

**WHITPAIN TOWNSHIP PLANNING COMMISSION**  
**APRIL 2009**

A work session of the Whitpain Township Planning Commission was held on Tuesday, April 14, 2009 at 7:00 PM at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA for the purpose of reviewing the agenda of the public meeting to be held that evening. Planning Commission members Kenneth Corti, Vince Philomeno, Rick Shorin, Dan Kluger, and Harry Phifer were present. Township Engineer Roman M. Pronczak, Township Planning Consultant E. Van Rieker, and Recording Secretary Michele Alifano were also present.

1. Review Zoning Hearing Board applications.
  - a. #1823-09. This application is to allow a 33' x 5' banner announcing the anniversary of Henkels & McCoy, to be displayed on the building façade for a period ending December 31, 2009.

Mr. Rieker stated that there is currently a banner in place, and this request would replace the existing banner.

Mr. Pronczak remarked that Henkels & McCoy are good neighbors to the Township, and that the Police firing range is located on the rear of their property.

- b. #1824-09. This application, filed by Blue Bell Diner, is to allow a 600 sq. ft. addition that will reduce the minimum required setback from the ultimate right-of-way, and decrease the minimum allowable setback from a residential district. Also, there is a request for an increase to the maximum allowable projection of a sign, as well as a variance request to allow four façade signs at the subject property.

Mr. Rieker commented that all the other businesses along Skippack Pike in that area are aligned, while the proposed addition at the diner would be expanding forward to the street. He added that the proposed addition may not be feasible depending on the nature of the PennDOT widening project that will take place along the roadway.

Mr. Shorin was concerned about the sight line issues for the neighboring Centre Square Fire House.

Mr. Pronczak stated the curb line will not be shifting much on their side of Skippack Pike.

Mr. Corti stated he does not see a need for the increase in the signage, especially since the proposed construction would move the building closer to the road.

Mr. Rieker remarked that there should be no precedent for variances, but that each should stand on its own merit. The applicant needs to present a dimensional reason that he requires the extra space that is being proposed.

- c. #1825-09. This is a residential application to allow a 12' x 15' addition and a 12' x 12' enclosed porch, that will reduce the minimum required side yard and the aggregate side yard.
- d. #1826-09. This is a residential application requesting that a condition from ZHB Decision #1267-00 be transferred to the new property owner, and allow the kitchen that is located in the detached garage to remain.

Mr. Pronczak provided some information on this application. He stated the original variance was granted to allow the kitchen unit, but it carried a deed restriction that the use would terminate when the owner moved out of the residence.

Mr. Rieker stated that realistically, the new owners are not going to remove the kitchen unit because it is part of the assets of the home, and the Zoning Hearing Board should just place conditions on its use, such as only being utilized by members of the family, and the unit will not be used as a rental.

2. Review of pertinent planning issues.

Mr. Pronczak discussed the highlights of the Planning Committee meeting that had been held at the Township Building on Tuesday, April 2, 2009. There was a previous application to the Zoning Hearing Board from Village Crossing, LLC regarding a request for a signage variance. The application has been amended and will be on the May, 2009 Planning Commission agenda. Mr. Pronczak stated that the latest proposal is an improvement from the original submission, when the applicant was asked to revise the design to have a more unified look to the sign.

The work session adjourned at 7:30 PM, at which time the Planning Commission members left for the public meeting.

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Respectfully submitted,

Michele Alifano, Recording Secretary

**WHITPAIN TOWNSHIP PLANNING COMMISSION MEETING  
APRIL 2009**

The fourth meeting of the Whitpain Township Planning Commission for the year 2009 was held on Tuesday, April 14, 2009 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Ken Corti presided with Commission members, Vince Philomeno, Rick Shorin, Dan Kluger, and Harry Phifer present. Township Engineer Roman M. Pronczak, Township Planning Consultant E. Van Rieker, and Recording Secretary Michele Alifano were also present.

Chairman Ken Corti called the meeting to order at 7:30 PM. The members of the Planning Commission introduced themselves to the members of the public that were present.

1. Approval of minutes.

A motion was made by Mr. Philomeno, seconded by Mr. Shorin, to approve the minutes of the March 10, 2009 meeting of the Planning Commission. The motion passed 5-0.

2. Zoning Hearing Board Applications.

- a. #1823-09. Application filed by Henkels & McCoy, Inc. as owner of the property located at 985 Jolly Road, Blue Bell, PA 19422, for a variance from the terms of Article XXVI, Section 160-180.B to install a 33' x 5' banner announcing their year in business, attached to the front of a four story building, for a period ending December 31, 2009, at the subject property. The zoning classification of the subject property is "I" Limited Industrial District.

There was no one present to represent the applicant. Chairman Corti explained the request for relief is to obtain permission to display a banner advertising the company's anniversary.

Mr. Rieker stated that there is a banner currently on display on the front of the building, in the masonry panel between the first and second floor. The anniversary banner will simply replace the existing one.

Mr. Shorin noted that Henkels & McCoy have been good neighbors within the community, and they maintain their property well.

A motion was made by Mr. Philomeno, seconded by Mr. Kluger, to remain neutral on the subject application. The motion passed 5-0.

- b. #1824-09. Application filed by Blue Bell Diner as tenant of the property located at 1324 Skippack Pike, Blue Bell, PA 19422, for the following relief at the subject property:
1. A variance from the terms of Article XXIV, Section 160-158.E to allow a 600 sq. ft. addition to the front of the building reducing the 50' minimum required setback from the ultimate right-of-way of Skippack Pike to 34'.
  2. A variance from the terms of Article XXIV, Section 160-158.E to allow a 600 sq. ft. addition to the front of the building reducing the 100' minimum required setback from a residential district line to 5'.
  3. A variance from the terms of Article XXVI, Section 160-178.C to allow a projecting sign to increase the 3' maximum projection from the wall or surface to 5'.
  4. A variance from the terms of Article XXVI, Section 160-182.2.C to allow four 6.25 sq. ft. façade signs and one 47 sq. ft. projecting sign increasing the maximum number of signs from one projecting sign to four façade signs and one projecting sign and to increase the maximum square footage of signage on the subject property from 35 to 72 sq. ft.

The zoning classification of the subject property is "SC" Shopping Center District.

Present for the applicant: Mr. Robert Nase, AIA of nase Architects  
Mr. Andy Kamaratos. Owner

Mr. Nase provided a brief explanation of the variance being requested stating that the owner would like to construct a 600 sq. ft. addition to the front of the building. The addition would encroach 20 feet out in front of the existing building, which would place it 10 feet over the setback line.

Mr. Rieker asked for clarification regarding encroachment of the front yard into the ultimate right-of-way. Mr. Nase clarified the setback line on the plans that were submitted.

Mr. Philomeno asked for the reason for the addition, and he expressed his concern over businesses being closer to the street. He stated he would to see improvements within the Township and not just haphazard additions.

Mr. Nase stated the intent was to drastically improve the look of the existing façade, while keeping functional concerns in mind. There is no way to expand on the side of the building due to the existing parking, nor can they build onto the rear, as that is where the kitchen is located.

Additionally, Mr. Nase pointed out that the business provides 52 parking spaces, when there are only 48 spaces required.

Mr. Kluger asked if additional seating was being added. Mr. Nase responded that approximately 35-40 seats would be added. The owner of the business, Mr. Kamaratos, stated the reason for the addition was to provide additional seating to accommodate the influx of weekend diners. Concerning the signage request, he would like more to have more visibility from the road.

Mr. Nase outlined the request for relief regarding signage. Part of the plan was to integrate the projection sign on the side of the building, instead of having a sign out in front of the building. Mr. Rieker expressed concern that the four smaller façade signs were excessive. Mr. Nase explained that the smaller signs are still in the design process, but if they were to present a problem, the applicant would withdraw the request from the application.

Regarding other issues at the property, Mr. Rieker stated that the curb line will not be impacted by the proposed construction, and they will not be exceeding the building coverage requirement. He added that the property has 20% more green space than is required.

Mr. Pronczak commented that while there are existing parking lot issues, there is no need to address them at this point. If the Zoning Hearing Board was to approve the variance request, the issues would need to be addressed at the land development phase of the process.

A motion was made by Mr. Shorin, seconded by Mr. Phifer, to recommend that the Zoning Hearing Board approve the application subject to the following conditions:

- a. The applicant will withdraw the request for (4) 6.25 sq. ft. façade signs.
- b. Only the lettering will have backlighting on the projecting sign, as opposed to the entire sign.

The motion passed 4-0, with one abstention.

- e. #1825-09. Application filed by Margaret A. Williams, Julie Williams, and Hunter R. Martin as owners of the property located at 755 Midway Lane, Blue Bell, PA 19422, for the following relief at the subject property:
  - 1. A variance from the terms of Article V, Section 160-15 and Article XXVIII, Section 160-193 to allow a 12' x 15' addition reducing the minimum required side yard from 45' to 38' and reducing the minimum required aggregate side yard from 100' to 88'.
  - 2. A variance from the terms of Article V, Section 160-15 and Article XXVIII, Section 160-193 to allow a 12' x 12' enclosed porch to the proposed addition further reducing the minimum required side yard from 45' to 26' and further reducing the minimum required aggregate side yard from 100' to 76'.

The zoning classification of the subject property is "R1" Residence District.

A motion was made by Mr. Philomeno, seconded by Mr. Shorin, to remain neutral on the subject application. The motion passed 5-0.

- f. #1826-09. Application filed by Kathryn Seel as owner of the property located at 1175 Penllyn Blue Bell Pike, Blue Bell, PA 19422, for a variance from the terms of Article V, Section 160-11 and Article XXVIII, Section 160-197.1 to request that condition #1 of ZHB Decision No. 1267-00 be transferred to the new property owner and to allow the kitchen in the detached garage to remain.

The zoning classification of the subject property is "R1" Residence District.

A motion was made by Mr. Philomeno, seconded by Mr. Kluger, to remain neutral on the subject application. The motion passed 5-0.

- g. #1820-09. Application filed by Keystone Novelties, LLC as tenant of the property located at 1798 DeKalb Pike, Blue Bell, PA 19422, for variances from the terms of Article XIX, Sections 160-112 & 160-119.I to allow the temporary erection and use of a 20' x 40' tent for the outdoor storage and sales of sparkler products for the period June 25 to July 6 in 2009 through

2011 at the subject property. The zoning classification of the subject property is "C" Commercial District.

This application was reviewed by the Planning Commission in February, 2009, when the applicant was not present for the meeting, and a recommendation was made at that time, that the Zoning Hearing Board vote to deny the application. The owner and vice-president of the company, Mr. Wes Runnels, was present to provide details on his request for a variance. He explained that his company has been selling legal sparkler products at the location of G & S Tire for the past three years, and the Township has provided the company with a permit to sell their products. In the past, the company would have applied for a temporary non-conforming use, but due to changes in the zoning code, they are now required to apply for a variance. Mr. Runnels addressed each point of concern raised by the Planning Commission back in February. He stated that the products they offer adhere to strict standards of what the government says are safe, in accordance with the Consumer Product Safety Commission. He stated that parking should not be a concern, as the owners of the property and the business that is operated there, had assured him that there were no more than five cars per day on their lot. Regarding the issue of multiple uses, Mr. Runnels stated that the location is in a commercial zoning district, and that they would not have been invited to return if there was any interference to the daily operations of G & S Tire.

The issue of site lines was then addressed by Mr. Runnels. He stated that there are unobstructed views for vehicles exiting the lot onto both Township Line Road and Route 202. Mr. Rieker expressed concern regarding the interference of parking in the lot with travelers on either roadway, since there are no defined parking spaces in the lot. Mr. Runnels stated that his company has used a chalk-like substance to temporarily delineate parking spots.

Mr. Runnels answered a series of questions from the Planning Commission regarding the business itself. He stated the company has maintained a \$6 million dollar insurance policy for the business, which is based in Lancaster, and they sell their products all year long in over 260 locations in multiple states.

Mr. Pronczak stated that the Planning Commission had made a recommendation last year that these types of businesses do not belong in the Township. The product should be sold in stores. An Ordinance was passed prohibiting them, and the Planning Commission is taking the steps it needs to take to enforce the Ordinance. Mr. Pronczak then advised the

Planning Commission that if there was no change in their position on this matter, then there was no motion required. The Planning Commission stayed with their original recommendation from February, that the application be denied.

There being no further business to come before the Commission, a motion was made by Mr.Philomeno, and seconded by Mr.Phifer to adjourn. The meeting adjourned at 9:00 PM.

Respectfully submitted,

Richard Shorin, Secretary