

WHITPAIN TOWNSHIP PLANNING COMMISSION
JULY 2009

A work session of the Whitpain Township Planning Commission was held on Tuesday, July 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, Dan Kluger, Yongli Min, Rick Shorin, and Harry Phifer were present. Assistant Township Engineer James Blanch Township, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus, and Recording Secretary Michele Alifano were also present.

1. Review Zoning Hearing Board applications.

- a. #1835-09. This application, filed by Metro PCS, LLC, is to allow the construction and operation of a wireless communications service facility on an existing water tower consisting of six (6) panel-style antennae at the height of 103' (antenna centerline), and radio equipment on a 10' x 16' leased area at the subject property.

Regarding this application, Mr. Rieker commented that the proposed antenna is lower in height than those already in use at the facility. He added that typically, a condition of use is to require the removal of all equipment upon termination of the lease. Mr. Shorin suggested that since the utility cabinet faces the neighboring library, additional landscaping should be added along the fencing perimeter to hide it from view. Mr. Min inquired as to what the code requirements were regarding the connections from the antenna to the water tower. Mr. Pronczak explained that the Township handles any zoning issues such as if the antenna would exceed height requirements, but that the water companies have strict guidelines governing how the antennae are attached and what facilities may be used.

- b. #1836-09. This is a residential application to allow private horse grazing at the subject property.

Mr. McManus explained that horse grazing was previously allowed on the property, and the owners are seeking to have permission re-instated. Mr. Rieker commented that the Wissahickon Valley Watershed Association had done studies in the area that indicate there should be a limit to the number of animals that use a property, and he stated that most zoning codes from surrounding municipalities have a set limit governing this use. Mr. Pronczak inquired as to why they need relief from the Zoning Hearing Board, to which Mr. McManus replied that it is for permission for private use as opposed to the boarding of additional animals. Also, Mr. Shorin referenced comments made by Mark Clemm in an email in which he recommended that there be a

requirement of a 50 foot minimum setback from neighboring properties or streets.

- c. #1837-09. This application, filed by Lago D'Argento, LLC, is to allow a (9) lot subdivision consisting of (8) new homes, an existing dwelling, and apartments at the subject property. The applicant also proposes the addition of a new cul-de-sac road.

Mr. Pronczak provided a brief history of the property, also known as the Zimmerman property, and he stated that there were several previous tenants on the property that had operated businesses. The owner now wishes to sell the property and subdivide the land. They are in compliance with zoning regulations in terms of the number of lots proposed, and the density, but they are seeking relief for an existing duplex that is situated on "lot #2" of the proposed plan. Mr. Pronczak stated that the zoning regulations will require that all access to newly created lots would need to come from an interior roadway. One of the concerns that was raised by Township staff was the management of stormwater due to the density proposed at the site. There was some discussion regarding the possibility of the recommendation of approval if the developers were willing to eliminate a building lot in order to reduce the density and demonstrate that there would not be an issue with stormwater management.

2. Review ordinance #4-224 – Reed's Property – Age-Qualified Overlay District.

Mr. Rieker commented that the developers have attempted to address the concerns of the Township and of the surrounding residents, and that the proposed development has conformed to the vision of the Comprehensive Plan. Although the plan is not in its final stage, Mr. Rieker recommended that the text be amended to require a Conditional Use hearing, so that the burden would be put upon the applicant to demonstrate that they will be able to comply with all regulations as part of the approval process. Mr. Pronczak then explained the Conditional Use process, stating that it is similar to a special exception, but it is granted by the governing body. Mr. Kluger stated that he is conflicted on the issue, but he feels that it is time to make a decision on the matter. He felt that the major issue with the proposal is the possibility of an increase in traffic to an already congested area. Following some further discussion, Mr. Rieker suggested that if the Planning Commission should choose to vote on this matter tonight, that they should not remain neutral, but rather they should generate a decisive vote.

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

Respectfully submitted,

Michele Alifano, Recording Secretary

**WHITPAIN TOWNSHIP PLANNING COMMISSION MEETING
JULY 2009**

The seventh meeting of the Whitpain Township Planning Commission for the year 2009 was held on Tuesday, July 14, 2009 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Ken Corti presided with Commission members Vince Philomeno, Dan Kluger, Yongli Min, Rick Shorin, and Harry Phifer present. Township Engineer Roman Pronczak, Assistant Township Engineer Jim Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer Bill McManus, 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 June 9, 2009 meeting of the Planning Commission. The motion passed 6-0.

2. Zoning Hearing Board Applications.

a. #1835-09. Application filed by Metro PCS, LLC as tenant of the property located at (640), 648 Skippack Pike, Blue Bell, PA, 19422 for the following relief at the subject property:

1. A variance from the terms of Article XIX, Section 160-119 (formerly Section 160-112) to permit the construction and operation of a wireless communications service facility on the existing water tower consisting of six (6) panel-style antennae at the height of 103' (antenna centerline) and radio equipment on a 10' x 16' leased area.
2. A variance from the terms of Article XIX, Section 160-120 (formerly Section 160-113) to increase the maximum height of the six (6) communication antennae from 40' to 103' (antenna centerline).
3. A variance from the terms of Article XXVIII, Section 160-201.A (formerly Section 160-191.A) to increase the maximum height of the six (6) communication antennae from 50' to 103' (antenna centerline).

The zoning classification of the subject property is “C” Commercial District.

Present for the applicant: Nicholas Cuce, Jr., Esquire
Robin Kohn, Architect/Site Acquisition Specialist

Mr. Cuce provided a brief explanation of the relief requested, stating that there are multiple providers utilizing the water tower, which is owned by North Wales Water Authority, and his client is seeking the addition of three antennae, as well as the placement of a concrete pad for the storage of facilities equipment.

Mr. Shorin inquired about the possibility of conflicting frequencies with other providers at the location. Mr. Cuce stated that the FCC mandates that each provider stay within their own frequency, and there are filters to assure that the requirement is met. Mr. Shorin also asked if additional landscaping could be provided for camouflage of the facilities equipment. Mr. Rieker asked if the lease agreement with the water company included a clause that covered the removal of all equipment following termination of the lease.

A motion was made by Mr. Shorin, seconded by Mr. Philomeno, to approve the application subject to the following conditions:

- a. The color of the cable will be painted to match the tower.
- b. Additional landscaping will be added along the fence behind the library.
- c. All equipment will be removed within six months from the time of the lease termination.

The motion passed 6-0.

- b. #1836-09. Application filed by Thomas J. & Mary Ann Messmer as equitable owners and Boehm’s Reformed Church as the legal owner of the property located at 730 Penllyn Blue Bell Pike, Blue Bell, Penna., 19422 for a variance from the terms of Article XXIII, Section 160-157 (formerly Section 160-149) to allow private horse grazing at the subject property. The zoning classifications of the subject property are “IN” Institutional District and “FP” Floodplain Conservation District.

Present for the applicant: Mrs. Mary Ann Messmer, property owner
Mr. Joseph Roscick, property owner

Mrs. Messmer explained that she and her husband have lived at 720 Penllyn Blue Bell Pike since 1976, and they grazed their horses on the property from 1979 through 2001. In February of 2001, as a result of PA DEP remediation to the stream located on the property, the horses were moved to a boarding stable. When Boehm's Church decided to sell the land, and the Messmers wished to bring the horses back to the property, they discovered that horse grazing was not permitted on the property because it was zoned "IN – Institutional". She explained that she and her husband would like permission to keep two horses on the property, which is fenced in and also has a barn. She emphasized that another advantage to the requested relief being granted was that they intend to keep the land as open space.

Mr. Shorin asked if the fence could be moved in order to create a buffer from the neighboring property. Mrs. Messmer expressed some concern over the maintenance of the area between the two fences.

Audience comments:

Mr. Edgar David, 740 Penllyn Blue Bell Pike, was agreeable to the horses being on the property but he expressed some concern over the fence being right up against their property line. He stated he would like to see a buffer between the properties.

Mr. Richard Oberholtzer, 559 Village Circle, had concerns regarding a buffer between the properties, the conservation of trees in the specific area where a fence would be located, and the possibility of contamination of the stream from horse droppings.

Mr. John Comonitski, 563 Village Circle, commented that he agreed with the idea of preserving that property as open space, but he would like to see a buffer between the surrounding properties.

Mr. Pronczak stated that the Zoning Ordinance may require screening and a 50 ft. buffer between the properties in the Institutional Zoning District, but that would need clarification as additional relief may be needed from the Zoning Hearing Board.

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 is limited to having two horses on the property.
- b. There will be no commercial use.
- c. There will need to be a buffer between the applicant's fence and the neighboring properties located on Village Circle.

The motion passed 6-0.

- d. #1837-09. Application filed by Lago D'Argento, LLC as owner of the property located at 1220 Wentz Road, Blue Bell, PA, 19422 for the following relief at the subject property:
 1. Variances from the terms of Article XXVIII, Section 160-209 A. & B. (formerly Section 160-200.A & B) to allow Lots 4 and 5 to have direct access to Wentz Road instead of access over of the newly created local residential street (Silverlake Lane).
 2. Variances from the terms of Article XXIX, Sections 160-224 & 160-225 (formerly Sections 160-207 & 160-208) to continue the existing non-conforming use, i.e., the continued use of the existing dwelling as two (2) residential apartments.
 3. Such other relief as the Board may deem necessary.

The zoning classification of the subject property is "R-7" Residential District.

Present for the applicant: Neil Stein, Esquire
Robert E. Blue, P.E.

Mr. Stein gave a brief explanation as to the zoning relief that is being requested. He stated the Zimmerman property has an existing driveway on Wentz Road and has stub access at Silver Lake Lane. Also, there is a lot that has a legal non-conforming use as a duplex apartment. The proposed subdivision would add eight more lots to the property. Mr. Stein added that the Zoning Code requires that all the lots take access from an internal street.

Mr. Blue briefly discussed the preservation of the existing driveway and the creation of another driveway located between the Plowshare Road loop. He stated that the other existing structures on the property, besides

the duplex, will be demolished. In order to control stormwater, an underground basin is proposed.

Mr. Corti stated that the Planning Commission is mainly concerned with the density, and that they would like to see the reduction of the number of lots in order to effectively manage stormwater run-off.

Mr. Pronczak inquired as to who would be responsible for maintenance of the basin, such as the possibility of establishing a homeowner's association.

Mr. Dan Shannon, a partner in the project, stated he did not feel it was the appropriate time to make the decision to remove a lot from the proposed plan. Studies regarding stormwater management have yet to be completed, and based on these results an alternative option will be to remove a lot, but not until reaching the land development stage.

A motion was made by Mr. Shorin, seconded by Mr. Philomeno to recommend that the Zoning Hearing Board approve the request for the additional driveway subject to sight line clearance. A motion was made by Mr. Corti, seconded by Mr. Min to recommend that the Zoning Hearing Board deny the request for the duplex variance until the applicant satisfies and conforms to the stormwater management requirements of Whitpain Township and the Department of Environmental Protection Approved Stormwater Management Plan for Stony Creek watershed.

The motions passed 6-0.

3. Review Ordinance #4-224, an Ordinance amending the codified Ordinances of the Township of Whitpain, Chapter 160 (Zoning) to adopt a new Article to be known as "Article XXXII Age-Qualified Overlay District" establishing an Age-Qualified Overlay District in the R-1 Residence District and the R-2 Residence District and repealing any Ordinances or portions of any Ordinances in conflict therewith. This ordinance and rezoning request pertains to the Reed's property on Skippack Pike, west of Route 202.

Present for the applicant: Neil Stein, Esquire

Peter Gebbert, Franklin Realty

Joseph Hanna, PE, Chambers & Associates

Charles Guttenplan, AICP, The Waetzman Planning Group

Terry Dougherty, Traffic Planning & Design, Inc.

Mr. Stein provided a brief update as to the developments regarding this application since the last time the applicant appeared before the Planning Commission in May, 2009. The proposal has been revised and it now consists of a 90 unit, age-targeted community. He explained that the overall density has been reduced, and there has been a reduction in the number and size of the buildings.

Mr. Terry Dougherty advised that the results of a traffic impact study did not indicate that there would be any significant increase in traffic due to the change in classification from an age-restricted to an age-targeted development.

Planning Commission Comments:

Mr. Kluger stated that the traffic generation is one of the most concerning issues, as the intersection of Routes 202 & 73 is the focus point of the Township. He felt the proposed development may be a suitable use for the property, though not necessarily at this point in time. He also inquired as to the benefit of having the development be classified as age-targeted, as opposed to age-restricted.

Mr. Peter Gebbert explained that after a review of the AQRC Ordinance it was determined that although the demographics may not change, the Ordinance was included as part of the proposal to make the development more prohibitive to families with children. He stated the change in use will not cause an increase in traffic.

Mr. Terry Dougherty had prepared a supplemental analysis which he distributed to the Planning Commission. He explained the trip generation summary for the property by comparing the various land uses that were considered. He stated that if the age restriction were to be removed, traffic would increase compared to other uses, but he was confident that the same level of service could be maintained at the intersection of Routes 202 & 73, even prior to PennDOT completion of road improvements.

Mr. Shorin asked about for specific rates regarding the number of “trips” during peak hours. Mr. Dougherty responded that the age-restricted demographic does not generate as many peak hour trips. Mr. Shorin was concerned about the increase in traffic if the age restriction was to be removed. Mr. Gebbert assured that the development would not be appealing to families that have children, who would be the ones to generate the peak hour trips, because there are no amenities geared toward that demographic at the development.

Chairman Corti asked if the access point on Route 73 would be signalized. Mr. Rieker asked if the access point on Route 202 would be signalized. Mr. Dougherty responded by saying the Route 73 access point would not be signalized, and the proposed access from Route 202 would have a traffic signal installed following the completion of the PennDOT road improvements.

Mr. Min inquired about the impact of storm water run-off for the surrounding neighbors. Mr. Joseph Hanna stated that stormwater management comes into play as part of the land development process, and a detailed study will be forthcoming. He added that the developer is required to comply with all stormwater regulations imposed by the Township.

At this time, Mr. Rieker provided a summary of the current proposal as detailed in his consultant report. He stated that the Township would also require a Conditional Use application, as authorized by the Board of Supervisors if this project is to move forward.

At this time, Chairman Corti requested clarification from Mr. Pronczak regarding the status of the proposed Ordinance. Mr. Pronczak stated that the Ordinance has not yet been advertised because the Board of Supervisors is awaiting a recommendation from the Planning Commission before scheduling a public hearing. Also, Mr. Rieker emphasized that the proposed overlay district will not be a "floating" overlay, but that the district would be tied to the specific tract of land.

Audience Comments:

Ms. Zdenka Kneschke, 1030 Carriage Lane, asked for an explanation of how traffic would be able to make left hand turns from Route 73. Mr. Dougherty stated that main access to the development would be located on Rt. 73, with an easement that will connect with the Wawa and provide access to Rt. 202. Mr. Rieker added that only right turns will be allowable until the PennDOT widening of Rt. 202 takes place, and a traffic signal can be placed at the intersection where the Wawa is located. Mr. Pronczak added that with a state owned road such as Rt. 202, approval is required from PennDOT to signalize the intersection.

Mr. Pat Kane, 1487 Skippack Pike, commented that he would rather have the age targeted community than Reed's or any other usage at that location.

Ms. Mary Martin, 1327 Lee Road, stated it is difficult for traffic to exit Cherry Lane onto Rt. 202, and she cited the high incidence of traffic accidents. She believed that a 90 unit, age-targeted development will increase traffic to the area creating additional problems. Also, she was not convinced that the units would be able sell at the proposed price.

Mr. Thomas Moser, 1115 Grant Avenue, expressed his concern over the flow of traffic through the Wawa parking lot, and how much more difficult it would become if the proposed development was to go forth.

Mr. Wayne Schiabe, 1001 Grant Avenue, noted the high rate of illegal left turns being made by motorists attempting to exit the CVS/Wawa shopping center, and he identified the large number of accidents this type of illegal activity will cause.

Ms. Barbara Verica, 1020 Carriage Lane, expressed her concern over the density at the site, as well as the problems with stormwater management. She stated that her property experiences flooding since the construction of the Wawa, and she felt that it would be imprudent to grant zoning relief prior to the applicant providing proof that they could conform to stormwater regulations.

Mr. Antonio Matos, 975 Clover Court, was leery about making the change from age-restricted to age-targeted because he believes that realtors in the area may market the units to families with children.

Ms. Katherine Bullock, 980 Clover Court, stated that the proposed traffic circulation pattern would not work without first having PennDOT complete the improvements on Rt. 202.

Mr. William Eastlack, 1408 Cherry Road, stated that the main concern should be the generation of more traffic, and the problem of means of egress.

Mr. Dawson Deck, 1043 DeKalb Pike, stated that he spoke to the owners of Wawa and he was informed that there is no easement agreement which would allow for traffic from the proposed development to exit onto Rt. 202.

Ms. Gail Szeker, 835 Whitney Drive, identified a traffic study that she stated was conducted by Montgomery County in 1999 in which the intersection of Routes 202 & 73 was rated poorly for the flow of traffic. She stated that the issue has only worsened since that time. She also asked for an explanation of the zoning designation at the property. Mr. Pronczak explained that the Comprehensive Plan does not have the same type of zoning districts as the Township zoning map. The

“age-qualified” designation was included as an “other residential” concept for the Center Square focus area.

Ms. Szeker then commented that it was her belief that Mr. Charles Guttenplan and The Waetzman Group were still working on the development of the Township Comprehensive Plan at the same time that he began work on the Reed’s proposal with Franklin Realty, which she stated would constitute a conflict of interest.

Mr. Patrick Rafferty, 1256 Grant Avenue, commented that people have the right to develop their property, and that when the property was purchased it had a particular zoning classification. He felt that it was fundamentally unfair to be able to change this.

Chairman Corti summarized by stating that the applicant has made progress in addressing concerns of Township staff, but there are too many unresolved issues that remain that prevent the Planning Commission from making a recommendation on this application. Mr. Shorin stated that he was troubled by the building height and the density, as well as the PennDOT timeline for making the roadway improvements to Rt. 202.

A motion was made by Mr. Phifer, seconded by Mr. Min to postpone the hearing until September, 2009 to provide the Planning Commission time for further review of this matter. The motion passed 6-0.

There being no further business to come before the Commission, a motion was made by Mr. Phifer, and seconded by Mr. Min to adjourn. The meeting adjourned at 9:45 PM.

Respectfully submitted,

Richard Shorin, Secretary