

**WHITPAIN TOWNSHIP PLANNING COMMISSION  
SEPTEMBER 2009**

A work session of the Whitpain Township Planning Commission was held on Tuesday, September 8, 2009 at 6:30 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, Vincent Philomeno, Daniel Kluger, Richard Shorin, and Harry Phifer were present. Township Engineer Roman M. Pronczak, Assistant Township Engineer James Blanch Township, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus, and Recording Secretary Karen Dolga were also present.

1. Review Zoning Hearing Board Application No.1818-09 filed by North Wales Road Partnership, LP and a subdivision proposal of approximately 7.6 acres of the property located at 1620 North Wales Road.

Mr. Pronczak gave a brief summary of the proposed subdivision. He stated that the applicant claims to have authorization from SEPTA to cross the rail line for one lot. The Planning Commission members expressed concerns about developing a home on the back section of the property, the number of lots, stormwater management and safety issues with the crossing of the railroad.

2. Review Zoning Hearing Board Application No. 1837-09 and a subdivision proposal of approximately 4.2 acres of the property located at 1220 Wentz Road, also known as the Zimmerman Property.

Mr. Pronczak gave a brief history on the subject application, adding that this property was the subject of numerous zoning enforcement actions and previously there were concerns from neighbors about the uses that existed on the property. Mr. Pronczak stated that the applicant is now proposing to subdivide to a more conventional residential subdivision and is asking for zoning relief on two issues:

1. To be able to keep the existing building and allow it to be used as a duplex.
2. To have a second driveway for one of the lots on Wentz Road.

Mr. Pronczak discussed some concerns regarding stormwater management and pointed out that the Township is requesting additional storm sewers and inlets on the new subdivision. Mr. Pronczak informed the Planning Commission that the most significant issue is the slope/grading of the roadway. Mr. Pronczak explained how difficult it is for the Public Works Department to plow cul-de-sacs and noted that the driveways come out onto the cul-de-sac limiting the area to place snow. Mr. Pronczak remarked that an easement is to be set aside on two of the properties for an area to stockpile snow.

Mr. Rieker recommended that if/when the plan is approved that heavy construction vehicles be limited to access from the Wentz Road side of the development.

There was some discussion regarding retaining trees on the property and placements of sidewalks.

3. Review land development plan application for the Montgomery County Community College – College Hall Addition.

Mr. Shorin commented that everything that was done at the college in the last few years has been a nice job.

4. Review Ordinance 4-227. Mr. Rieker briefly reviewed this proposed ordinance which would rescind the AQRC and create a new residential district that would have a lower density than the current R3 and R3A and would remove the age restriction.

Mr. Pronczak gave a brief history on the property and explained what is being proposed. He stated that the density will be reduced from 30 units down to 24 units. (Mr. Pronczak later corrected that to 25 units) Mr. Pronczak informed the Planning Commission that there will be a Conditional Use Hearing prior to the land development being approved. This will enable the Board of Supervisors to impose additional conditions on how the property can be developed.

Mr. Rieker reported to the Planning Commission that the Montgomery County Planning Commission issued a letter today which supported the elimination age restriction but suggested that the technique that was chosen seemed to be complicated and they prefer to use one of the existing districts. Mr. Rieker explained the reason R3B was chosen, stating that the Township wanted to have a lower density. He added that part of the reason for an Age-Qualified Community is that the number of trips, number of people, and school children would all be reduced. Because the age restriction would be removed, a lower density would be appropriate.

5. **#1840-09:** This application, filed by Latham Realty Associates as owner of the property located at 650 DeKalb Pike, Blue Bell, PA 19422, is to allow an existing 5' x 8' new construction land development sign plus attached 1' x 6' web address sign totaling 46 square feet which is in excess of the maximum allowable 32 square feet for a new construction/land development sign at the entrance of the development on DeKalb Pike at the subject property.

Mr. Rieker stated that the applicant is looking to install some additional signage and advised the Planning Commission that in the past, the Township has allowed extra signage during the construction and sales phase of a community. Mr. Rieker recommended that such an application should be approved on an annual basis; therefore, allowing the Planning Commission to evaluate the application each year for approval.

6. **#1841-09:** This application, filed by Stephen M. Masucci & Olesya Fedoryshin as owners of the property located at 982 Sunset Drive, Blue Bell, PA 19422, is to allow the removal of an existing screened porch within the side yard and the construction of a new 20' x 16' porch roof reducing the minimum required side yard from 45' to 39' at the subject property.

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

Respectfully submitted,

Karen M. Dolga, Recording Secretary

**WHITPAIN TOWNSHIP PLANNING COMMISSION MEETING  
SEPTEMBER 2009**

The eighth meeting of the Whitpain Township Planning Commission for the year 2009 was held on Tuesday, September 8, 2009 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Kenneth Corti presided with Commission members Vincent Philomeno, Daniel Kluger, Richard Shorin, Mark Clemm, and Harry Phifer present. Township Engineer Roman Pronczak, Assistant Township Engineer James Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus, and Recording Secretary Karen Dolga were also present.

Chairman Kenneth 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.

Announcements.

Chairman Kenneth Corti announced that the Reeds application will not be discussed on tonight's agenda. He stated that it will be reviewed at the October Planning Commission meeting.

1. Approval of minutes.

A motion was made by Mr. Philomeno, seconded by Mr. Shorin, to approve the minutes of the July 14, 2009 meeting of the Planning Commission. The motion passed 6-0.

2. Review Zoning Hearing Board application and a subdivision proposal of approximately 7.6 acres of the property located at 1620 North Wales Road, which is on the eastern side of North Wales Road between Township Line Road and Pulaski Drive.

**NO: 1818-09:** Application filed by North Wales Road Partnership, LP as Equitable Owner of the property located at 1620 North Wales Road, Blue Bell, PA 19422, for the following relief at the subject property:

1. A variance from the terms of Article VII, Section 160-31 to reduce the minimum required lot area from 12,500 sq. ft. to 9,130 sq. ft. for Lot #2, to 8,086 sq. ft. for Lot #4, and to 8,861 sq. ft. for Lot #5.
2. A variance from the terms of Article VII, Section 160-31 to reduce the minimum required lot width from 100 ft. to 76 ft. for Lot #4, and to 87 ft. for Lot #5.

3. Variances from the terms of Article VII, Section 160-32 and Article XXVIII, Section 160-202 to reduce the minimum required front yard from 50 ft. to 20 ft. for all lots.
4. Variances from the terms of Article VII, Section 160-34 and Article XXVIII, Section 160-203 to reduce the minimum required side yard from 25 ft. to 10 feet for all lots and reducing the minimum required aggregate side yard from 60 ft. to 20 ft. for lot nos. 1, 2, 4, & 5.
5. Variances from the terms of Article VII, Section 160-36 and Article XXVIII, Section 160-204 to reduce the minimum required rear yard from 50 ft. to 25 ft. for Lot #2 and to 35 ft. for all other lots.

The zoning classification of the subject property is “R-2” Residence District.

Present for the applicant: Carl Weiner, Esquire  
Richard C. Mast, P.E., Richard C. Mast Associates, PC

Mr. Weiner provided a brief explanation of the proposed subdivision plan, which had been previously reviewed by the Planning Commission. Mr. Weiner clarified to the Planning Commission that an easement is reserved for the crossing of the Stony Creek Railroad. Mr. Weiner also explained that his client was requesting variances for reduction of lot sizes and setbacks to accommodate the existing house and to conform to the type of lots that are typical in the area.

#### Planning Commission Comments

Mr. Clemm questioned the size of the 5 lots and the size of the proposed buildings. Mr. Weiner responded that the lots closer to North Wales Road would range from 8,086 square feet to 20,920 square feet, and the lot on the opposite side of the railroad would be 246,375 square feet. Mr. Clemm also asked if there was a projected dwelling size or footprint for the homes. Mr. Mast replied that they would range between 2,300 and 3,000 square feet.

Mr. Shorin expressed a concern that the Planning Commission had regarding the crossing of the railroad. He asked if there was any documentation in writing granting permission to cross the railroad and/or if a crossing gate is needed. Mr. Weiner informed the Planning Commission that permission for a crossing was granted in 1970 and that they would have to work out details with SEPTA.

Mr. Kluger indicated that he would feel more comfortable if that one home on the back property was eliminated. His concern is not only for the safety of the person that needs to get to their house, but for emergency vehicles and other large vehicles crossing as well.

Mr. Phiefer raised concerns regarding water/flooding issues if subdivided. Mr. Mast stated that studies and surveys were conducted and there is no flood concern on that lot. Mr. Rieker inquired about the flood elevation. Mr. Mast responded that the elevation of the house is approximately five or six feet above the floodplain.

Audience comments:

Jan Hansen, 1725 Forest Creek Drive, asked if blasting would be needed. Mr. Mast stated that was not likely. Ms. Hansen also inquired about the floodplain. Mr. Mast stated that there is floodplain on this property but the portion where the house would be located is elevated above the floodplain.

Margaret Phiambolis, 1655 Forest Creek Drive, pointed out that when the developer acquired this property they should have been aware that this parcel had a railroad tract, floodplain, and creek. She stated that it is frustrating to the residents that the applicant is now asking for extreme changes in order to increase the density. She added that with all fairness to the Township and the people that live in the Township the repeated requests coming from this applicant is a burden to the whole community.

Richard Liberto, 1642 North Wales Road, stated that he is against the variance and does not believe a lot this size can support five homes. Mr. Liberto mentioned that the neighbors will not benefit with a development like this because there is ample ground now between the homes and this subdivision would bunch everything together. Mr. Liberto also had concerns with size of the homes and stated he does not want the homes close to his house as the variances would allow.

Paul Berg, 1615 Forest Creek Drive, commented that this project is negative for the Township and mentioned that to-date, nature has been taking care of the rear portion of the property in a positive way, and that this development is not necessary.

Lawrence Quillian, 1630 Forest Creek Drive, had some concerns regarding access to Lot 6.

Brian Dietrich, 1635 Forest Creek Drive, questioned what hardship the applicant is alleging that would justify the variances under this plan.

Susan Quillian, 1630 Forest Creek Drive, voiced her concern over the noise with the train passing through the development in the middle of the night, and indicated that another rail crossing would make this problem even worse.

Douglas Schleicher, 1640 Forest Creek Drive, remarked to the Planning Commission that there are a number of neighbors that are opposed to this proposal.

A motion was made by Mr. Philomeno, seconded by Mr. Shorin to recommend that the Zoning Hearing Board deny the request for variances on the subject application. The motion passed 6-0.

3. Review Zoning Hearing Board application and a subdivision proposal of approximately 4.2 acres of the property located at 1220 Wentz Road (Former Zimmerman Property), which is on the eastern side of Wentz Road between the northern and southern intersections with Plowshare Road.

**NO: 1837-09:** Application filed by Lago D'Argento, LLC as owner of the property located at 1220 Wentz Road, Blue Bell, Penna., 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 (Silver Lake 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, Consulting Engineer

Mr. Stein mentioned that the applicant previously appeared before the Planning Commission with a zoning application and with the direction from the Planning Commission it was suggested that a formal subdivision application be submitted for this property. Mr. Stein proceeded with a brief explanation of the subdivision application and requested variances, which involves a 9-lot subdivision of the Zimmerman property at the end of Silver Lake Lane. He stated that the applicant is looking to be able to keep the existing building and allow it to be used as a duplex. Mr. Stein added that currently there is an existing driveway out to Wentz Road and the applicant is proposing one additional driveway out to Wentz Road. This would allow Lots 4 and 5 each have an individual driveway. Mr. Stein stated that the plan is in conformity with all other requirements in the R-7 Residential District.

Mr. Stein reported that review letters had been received from the Assistant Township Engineer, Township Planning Consultant, and Township Sewer Consultant and remarked that the applicant would comply with the items in the review letters.

Based on the Township's review comments, Mr. Pronczak highlighted two areas of concern, which were stormwater management and the slope of the cul-de-sac. He reported that additional recommendations were added regarding grading and installation of storm sewers that would help capture the water and transport it to the detention basin without adversely affecting any of the neighbor's properties.

Mr. Pronczak advised the Planning Commission that the other significant issue is the slope of the road leading to the cul-de-sac. He mentioned how difficult it is for snow plowing equipment to maneuver through cul-de-sacs and the slope of the road would make this even more difficult. He added that there is also the issue of where to place the snow once you reach the top of the cul-de-sac.

Mr. Blue offered to provide a snow plow easement at the end of the cul-de-sac. Mr. Blue also suggested to the Planning Commission that they would like to get together with Township staff to come up with a compromise to adjust the grade of the road. Mr. Pronczak thought that was a reasonable approach.

Mr. Corti questioned the direction that hill of the cul-de-sac would be facing. His concern was to see if the road would remain icy. Mr. Shorin added a suggestion to avoid placing trees over that one section of steep road.

Mr. Shorin asked if the applicant will maintain ownership or sell the duplex. Mr. Stein replied that they would probably sell as a package.

Mr. Rieker suggested that during the construction phase heavy construction vehicles should be limited to access from the Wentz Road side of the development.

Audience Comments:

Hildy Richelson, 340 Miles Drive, had some concerns regarding the steepness of the cul-de-sac, removal and placement of snow.

Jim Kozeniewski, 1125 Siler Lake Lane, expressed concerns regarding ways to prevent water from flooding out his basement, extension of curbing and the easement for snow removal. Mr. Pronczak stated that Township staff shared concern and indicated that this was the reason why additional storm sewers and grading modifications were requested.

Sheila Curristin, 981 Blue Rock Lane, asked to review the variances. Mr. Pronczak explained the two variances that are being requested.

Mildred McDonald, 1130 Silver Lake Lane, inquired about how the buildings will be knocked down. Mr. Blue replied that they would most likely be bulldozing them but added that they would take the necessary precautions to limit dust, noise and erosion. Additionally, Ms. McDonald expressed a concern with trees falling on her property.

Sharon Schaible, 1001 Grant Avenue, inquired about the style of the homes.

Roberta Geske, 1052 Grant Avenue, wanted to clarify that the developer plans to remove the stone barn and shed and leave the duplex. Mr. Blue replied yes.

The Planning Commission made a recommendation on the two requested variances and the subdivision proposal.

A motion was made by Mr. Clemm, seconded by Mr. Phiefer, to recommend that the Zoning Hearing Board grant the two requested variances for the subject application. The motion passed 6-0.

Also a motion was made by Mr. Shorin, seconded by Mr. Philomeno to recommend that the Board of Supervisors approve the Subdivision plan subject to compliance with the comments and requirements of Township staff and Township Planning Consultant. The motion passed 6-0.

4. Review land development plan application for the Montgomery County Community College – College Hall Addition. This application involves the construction of a 2,187 square foot addition to the existing building.

Present for the applicant: Joseph Hanna, PE, Chambers Associates

Mr. Hanna provided some background information on the plan, which proposes enhancements and expansions to the atrium vestibule and outdoor lobby areas, including connections to sidewalk circulation on both sides of College Hall. Mr. Hanna stated that he received the Township's review letter and will comply with Township comments.

Planning Commission Comments:

Mr. Shorin commented on the nice job that the College has done with all the additions in the past few years. He also had a comment unrelated to this plan that when you first enter the College it is confusing and suggested "you are here" maps be posted.

A motion was made by Mr. Clemm, seconded by Mr. Phiefer to recommend that the Board of Supervisors grant preliminary and final land development approval of the application as submitted, subject to compliance with all requirements and approval of Township staff. The motion passed 6-0.

5. Review Ordinance 4-227 which involves a zoning text amendment for the purposes of amending Article X, AQRC - Age Qualified Residential Community District to change its title to R-3B Low-Intensity Multi-Family District, to remove and replace all references to "Age Qualified Residential Community District" or "Age Qualified Zoning District" with a reference to "R-3B Low-Intensity Multi-Family District", and to provide special regulations for residential development without unit occupancy regulations, eliminate any requirement for a declaration of age restriction, permit townhouses by conditional use, and repeal all ordinances or portions of ordinances inconsistent therewith; to amend Chapter 160, Article XXVI (signs), Section 160-191 (schedule of signs) to remove and replace all references to "AQRC – Age Qualified Residential Community" or "AQRC" with a reference to "R-3B Low-Intensity Multi-Family District" or "R-3B" as appropriate; and to further amend Chapter 160, Article XXVIII (general provisions), Section 160-214 (green area regulations), Subsection C.(1) (schedule of green area requirements) to establish a proposed minimum green area of sixty percent (60%) for any lot used or occupied for the R-3B Low-Intensity Multi-Family District. (also known as the Paone Development)

Present: Carl Weiner, Esquire  
Sal Paone, Jr.

Mr. Weiner provided some background information on this project, He explained that Canterbury Estates has land development approval for a 30 townhome development. To lower density, some homes were removed, which reduced the number from 30 townhomes to 25 townhomes.

This ordinance replaces AQRC- Age-Qualified Residential Community District.

Planning Commission Comments:

Mr. Clemm asked to clarify if the ordinance is just for this particular development and Mr. Weiner replied yes.

Mr. Shorin had some concerns about the size, price and type of homes that are proposed to be built.

Mr. Clemm agrees with the concept of this project but suggested to the applicant that if there are any plans for adding any amenities to this project that the plan should be modified now. Mr. Paone indicated that this project was too small to warrant additional amenities.

Mr. Corti asked if the road will be public or private. Mr. Paone replied that the road will be private.

Mr. Shorin inquired if there were any solutions regarding buffering with the Turnpike. Mr. Pronczak responded that the Turnpike Commission will be taking care of that by installing a sound barrier as part of the widening project.

Audience Comments

Barbara Verica, 1020 Carriage Lane, asked if we are creating a R3B to accommodate this project. Mr. Clemm replied yes.

Andy Williams, 520 Plymouth Road, asked if there has been a traffic impact study done and how will this affect traffic. Mr. Paone responded that there was no traffic study done. Mr. Rieker added that a study was not warranted because the density is being reduced as part of this amendment.

Gail Szeker, 835 Whitney Drive, had concerns regarding the sort of and/or age of people living in the units and inquired what would happen if these townhomes will not sell.

Sheila Curristin, 981 Blue Rock Lane, questioned if these units can be rentals. Mr. Weiner replied that it is not the developer's intention to rent any units. However, any subsequent homeowner has the right to rent a house.

A motion was made by Mr. Clemm, seconded by Mr. Philomeno to recommend that the Board of Supervisors adopt Ordinance 4-227. The motion passed 6-0.

6. Zoning Hearing Board Applications:

- a. **#1840-09:** Application filed by Latham Realty Associates as owner of the property located at 650 DeKalb Pike, Blue Bell, PA 19422, for a variance from the terms of Article XXVI, Section 160-191.B. to allow an existing 5' x 8' new construction land development sign plus attached 1' x 6' web address sign totaling 46 square feet which is in excess of the maximum allowable 32 square feet for a new construction/land development sign at the entrance of the development on DeKalb Pike at the subject property. The zoning classification of the subject property is "R-9" Residence District.

A motion was made by Mr. Kluger, seconded by Mr. Clemm, to recommend that the Zoning Hearing Board deny the subject application because no one was present to represent the applicant and answer questions regarding the application. However, if a variance is granted, it is recommended that the variance be limited to renewal on an annual basis. The motion passed 6-0.

- b. **#1841-09:** Application filed by Stephen M. Masucci & Olesya Fedoryshin as owners of the property located at 982 Sunset Drive, Blue Bell, PA 19422, for variances from the terms of Article V, Section 160-17 and Article XXVIII, Sections 160-203 to allow the removal of an existing screened porch within the side yard and the construction of a new 20' x 16' porch roof reducing the minimum required side yard from 45' to 39' at the subject property. The zoning classification of the subject property is "R-1" Residence District.

A motion was made by Mr. Clemm, seconded by Mr. Phifer to remain neutral on the subject application. The motions passed 6-0.

7. Review Pertinent Planning Issues.

There were no pertinent planning issues to be discussed.

There being no further business to come before the Commission, a motion was made by Mr. Phifer, and seconded by Mr. Philomeno to adjourn. The meeting adjourned at 9:20 PM.

Respectfully submitted,

Richard Shorin, Secretary