

WHITPAIN TOWNSHIP PLANNING COMMISSION JANUARY 2015

A work session of the Whitpain Township Planning Commission was held on Tuesday, January 13, 2015 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. Chairman Kenneth Corti presided with Commission members Richard Shorin, Bradley Tate, Penelope Gerber, Edward McLaughlin, and Tory Meitner present. Township Engineer James E. Blanch, P.E., Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus and Recording Secretary Karen Dolga were also present. Planning Commission member Otis Hightower was absent.

The Planning Commission discussed the election of its officers, as well as meeting dates and times.

1. Review of a Subdivision Plan for 683-691-711 Cathcart Road. This application involves a five lot subdivision of approximately 5.50 acres of property located at 683-691-711 Cathcart Road, which is on the western side of Cathcart Road between Morris Road and Skippack Pike. Access to the site will be from Cathcart Road. The property is zoned R-1 Residential District.

Mr. Blanch provided a brief summary of the requested application, stating that stormwater management is a key issue of concern. He mentioned that the stormwater report shows a tailwater condition. Mr. Blanch noted some conditions that are challenging with the project including the soils and the flat topography. He stated that the Township has requested more information regarding the culverts. Mr. Blanch mentioned that the Township is working with the developer on these concerns. Mr. Blanch commented that he had very recently received a revised set of plans from the developer that he has not been able to review yet.

Mr. Tate questioned if the applicant conducted an investigation to see if the maximum elevations in the stream corridor times out differently than the detention basin discharge.

A lengthy discussion ensued regarding the grading, driveways, basins, culverts, potential basements, stormwater management, and the tree canopy.

2. Review Ordinance No. 4-237, an Ordinance amending Chapter 160 of the Code of the Township of Whitpain (also known as the Zoning Ordinance of Whitpain Township) for the purposes of defining a Community Shopping Center Overlay District and providing for such use in the Community Shopping Center Overlay District by Conditional use.
3. Review Ordinance No. 4-238, an Ordinance amending the Official Zoning Map of Whitpain Township to include certain parcels, further identified as tax parcels 66-00: 01780-008, 01777-00-2, 01774-00-5, 01783-00-5, 01786-00-2, 01789-00-8, 01792-00-5, 01795-00-2, 06325-00-8, 06322-00-2, 06319-00-5, 06316-00-8,

01789-01-7, 06310-00-5 and 06313-00-2 within the Community Shopping Center Overlay District.

The Planning Commission reviewed Ordinance No. 4-237 and 4-238. It was noted that the applicant will be removing a proposed ball field and instead providing a berm.

The Planning Commission discussed Exhibit "A"-Sign Criteria. They wanted the differences between proposed Exhibit "A" and the existing signage regulations to be clarified. The Planning Commission also discussed the maximum floor area for a tenant.

In addition, the Planning Commission questioned why the outdoor gathering area cannot be utilized by the public from November 10th to November 30th.

Mr. Rieker noted that the façade sign area will be calculated differently allowing for larger, more attractive channel letters in the Community Shopping Center Overlay District. He mentioned that there will not be a LED sign.

Mr. Blanch provided some general information stating that the Planning Commission will see this again through the Conditional Use and Land Development processes. Mr. Rieker added that along with the Conditional Use application a design booklet must be provided to show details of the building, park benches, streetscapes, trees, etc.

4. Review of a Subdivision Plan for 500 Lewis Lane. This application involves a two lot subdivision of approximately 10.97 acres of property located at 500 Lewis Lane, which is on the eastern side of Lewis Lane between Morris Road and Skippack Pike. Access to the site will be from Lewis Lane. The property is zoned R-5 Residential District.

The Planning Commission discussed having one common driveway instead of the proposed two driveways.

Mrs. Gerber suggested that the applicant check with the fire department regarding the length and width of the driveways.

Mr. Blanch stated that there are several Conservation easements on the property. He mentioned if the applicant builds the second driveway they will have to build the trail at the same time.

5. Review current zoning hearing board applications.

- 1.) **NO. 2031-15 WILLIAM J. & ELIZABETH McKEON** request a variance from Article VII, Section 160-36 regarding rear yards for single-family dwellings, Article XXVIII, Sections 160-204 regarding rear yard intrusions, and 160-204.D regarding accessory buildings to allow for a new 15'0" x 16'8" second floor bedroom extension over the new first floor expansion with rear yard of 45 feet 4 inches where 50 feet is required, and to allow 9 feet between principal and accessory building where 10 feet is required which is proposed for the property located at 1501 Sylvan Drive, Blue Bell, Whitpain Township 19422, Montgomery County, in the R-2 Residential District.

- 2.) **NO. 2033-15 CHRISTOPHER ALLEN** requests a variance from Article XII, Section 160-62 regarding accessory structures and Article XXVIII, Section 160-202 regarding projections into front yards to allow for the installation of a natural gas backup generator measuring 36 inches high x 50 inches in length and 30 inches wide to be located with setbacks of 5 ft. 6 inches and 3 ft. 6 inches where accessory structures are not permitted in the front yard and 10 feet setbacks required in side and rear yards at the property located at 210 Huntsman Lane, Blue Bell, Whitpain Township 19422, Montgomery County, in the R5 Residential District.

The Planning Commission had some concerns regarding the location and noise of the proposed generator.

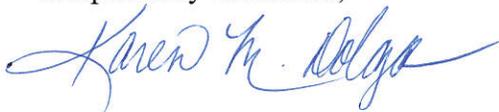
6. Review of pertinent planning issues.

Chairman Corti invited the Planning Commission to attend the Comprehensive Plan Committee meeting from 5:30 PM-7:00 PM on January 20th, 2015 at the Whitpain Township building. Mr. Blanch also mentioned that a student from Wissahickon High School may be added to Tuesday night's agenda regarding the Comprehensive Plan.

In addition, Mr. Blanch reported that there are four Town Hall meetings scheduled. He pointed out that speaker; Tom Hylton will be on the February 4th agenda at Montgomery County Community College.

The work session adjourned at 7:34 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
JANUARY 2015**

The first meeting of the Whitpain Township Planning Commission for the year 2015 was held on Tuesday, January 13, 2015 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Kenneth Corti presided with Commission members Richard Shorin, Penelope Gerber, Tory Meitner, Edward McLaughlin, and Bradley Tate present. Township Manager Roman M. Pronczak, Township Engineer James E. Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus and Recording Secretary Karen Dolga were also present. Planning Commission member Otis Hightower was absent

Chairman Corti called the meeting to order at 7:35 PM. The members of the Planning Commission and Township Staff introduced themselves to the public that were present.

1.) Re-organization

A. Election of Officers -2015.

A motion was made by Mrs. Gerber, seconded by Mr. McLaughlin, to elect Kenneth Corti as Chairman. The motion passed 6-0.

A motion was made by Mr. Meitner, seconded by Mr. Shorin, to elect Bradley Tate as Vice Chairman. The motion passed 6-0.

A motion was made by Mr. Meitner, seconded by Mrs. Gerber, to elect Richard Shorin as Secretary. The motion passed 6-0.

B. Set Meeting Dates and Times for 2015.

The Planning Commission set the meeting dates and times for the year 2015 as follows: The Planning Commission will meet on the second Tuesday of each month with the work session to begin promptly at 7:00 PM and the public meeting to begin at 7:30 PM. The Planning Commission will recess in the month of August. Any changes to the meeting dates will be advertised for the public. The meeting dates for 2015 are as follows:

January 13	June 9
February 10	July 14
March 10	September 8
April 14	October 13
May 12	November 10
	December 8

In Addition, the Planning Commission added January 12, 2016 meeting date for the first meeting date in 2016.

2.) Approval of minutes.

Chairman Corti called for any comments or questions on the December meeting minutes from the audience. There being none, Mr. Shorin made a motion, seconded by Mr. Meitner, to approve the minutes of the December 9, 2014 meeting of the Planning Commission. The motion passed 6-0.

3.) Review of a Subdivision Plan for 683-691-711 Cathcart Road. This application involves a five lot subdivision of approximately 5.50 acres of property located at 683-691-711 Cathcart Road, which is on the western side of Cathcart Road between Morris Road and Skippack Pike. Access to the site will be from Cathcart Road. The property is zoned R-1 Residential District.

Present for the applicant: Richard Mast, Richard C. Mast Associates, P.C.
Joshua Gross, P.E., Project Manager
Oliver Snowden, Owner/Representative for the applicant

Mr. Mast provided a brief summary of the proposed subdivision, stating that the site is approximately 5.8 acres located along Cathcart Road. He mentioned that the site exists as three parcels today. He reported that the applicant is proposing a total of five dwellings. Mr. Mast noted that two of them contain single family residences and the third, middle parcel is vacant. He showed an aerial photograph of the area and a site plan. Mr. Mast remarked that the applicant is proposing to remove Mr. Snowden's dwelling which is located between Lots 3 and 4, but indicated that as the property evolves it is possible that the original dwelling could stay if it conforms to the setbacks with the new lot as well as the existing lot. Mr. Mast pointed out the access to the properties and noted that the common driveways will be 16 feet wide. He stated that to control stormwater runoff the applicant is proposing two stormwater detention facilities. Mr. Mast remarked that stormwater ordinances require greater control than years ago. He added that this particular area of the Township (i.e., Stony Creek watershed) requires the applicant to control stormwater management to a greater extent than what runs off the property today and the applicant is meeting those regulations with this design. The dwellings will be serviced with public sewer and public water. Mr. Mast also mentioned that the proposed plan complies with the Township requirement of no more than 40% of the tree canopy to be removed.

In addition, Mr. Mast reported that he has received a review letter from the Township's Planning consultant and the Township Engineer. He stated that the applicant intends to comply and mentioned that revised plans have recently been submitted. Mr. Mast noted that the flags lots and the driveway access were reconfigured to address the zoning comments. He pointed out that the applicant is

only seeking a deferral for the requirement to install sidewalks along Cathcart Road. Mr. Meitner commented that he would like to see the sidewalks installed.

Mr. Blanch stated that there were two sets of plans submitted, the original submission and the revised submission. He mentioned that the Township's second review is pending.

Planning Commission's comments:

Mr. Tate asked what Mr. Mast thoughts were on the resident concerns regarding stormwater management. Mr. Mast responded that they will work together with the Township to make sure that stormwater does not runoff onto the neighboring properties and that all of the parcels will be properly graded.

Mr. Tate questioned the tailwater condition. Mr. Mast replied that they have provided adequate stormwater management that meets the Township criteria.

Mr. Tate asked if the change with the driveways was due to a zoning issue. Mr. Mast replied yes.

Mr. Shorin commented that stormwater is the primary issue and several well written letters were received from residents regarding this concern. Mr. Blanch mentioned that revised plans were received just last week and a second review letter has not yet been prepared. He noted that the revised plans will be closely reviewed to make sure the Township's stormwater concerns have been addressed and they meet the Township's regulations. Mr. Blanch mentioned that there are additional requirements that the applicant will have to comply with that are beyond the Township regulations. He pointed out that the applicant will have to obtain an NPDES permit through the County Conservation District and DEP.

Mr. Shorin questioned if there will be a Homeowner's Association. Mr. Mast replied that they would like to avoid it, but stated that they will work with the Township and solicitors to figure out the best way to have a mechanism in place to handle the common driveways and common facilities. In addition, Chairman Corti asked who will maintain and operate the basins, lots and common driveways. Mr. Mast replied that the common driveways will have an agreement in place for maintenance. He stated that the stormwater management could be managed through a covenant. Mr. Mast added that general maintenance would be done by the homeowner whose lot the basin resides.

Chairman Corti questioned if the basins will be naturalized basins. Mr. Mast responded yes.

In addition, Chairman Corti asked how the applicant will ensure that the 40% for the canopy cover will be preserved when people move in. He asked if there will be a deed restriction on it. Mr. Mast replied that there is nothing noted on the plan today other than the ordinance requirement, but that it is a reasonable request.

Chairman Corti inquired if the homes will have basements. Mr. Mast replied yes.

Mr. Rieker pointed out some items listed in his review which included a clear site triangle for the driveways, providing Mr. Blanch with acceptable paving specifications for the common driveways, and submission of a grading plan for any future improvements on the lots. Mr. Mast replied that would not be a problem.

Audience's comments:

Pat Foley, 886 Parkwood Road, had a concern regarding the basins. He asked how big of a storm does it take to fill a basin, how easy is it to fill the basin, and what kind of impact. Mr. Mast replied that the design criteria require it be designed to contain the 100-year storm. He remarked that as a basic requirement these facilities are designed to handle that type of a storm and, in addition to that, the basin may only outlet 85% of the pre-construction outflows. Mr. Mast also noted that as an added safety measure there is additional freeboard capacity.

Dennis MacDermott, 1170 Parkwood Place, asked if there will be a gas utility line going to the neighborhood. Mr. Mast responded that there will probably not be a gas main brought into the property, but most likely service lines from the street. In addition, Mr. MacDermott questioned the overall square footage of the homes. Mr. Mast replied that at this time it has not been determined.

Herbert Raynes, 675 Cathcart Road, voiced several concerns regarding ground water runoff, questioned if he will be able to have well water, and will there be blasting for basement foundations. He noted that he does not want headlights shining into his home and inquired if his pool will be shielded. Mr. Raynes requested trash pickup on Cathcart Road. He had traffic and speed limit reduction concerns. Mr. Mast replied that the applicant is proposing public water. He stated that he does not know if there will be any blasting for foundations, but commented that this concern can be overcome with proper construction methods. Mr. Mast also explained that there is a stormwater piping network that not only collects the roof runoff, but also collects the surrounding yard area. He stated that it then directs it into the stormwater management system. Mr. Mast added that there is nothing being proposed in this development that would aggravate the current situation.

Additionally, Mr. Raynes asked if the applicant is planning on providing any privacy shields for his pool or home now that the applicant is moving the driveway closer to these aforementioned items. Mr. Mast replied there is none proposed on the plan other than maintenance of the tree canopy. Mr. Raynes commented that he would like to request one. Mr. Mast responded that the ordinance does not require buffers between like uses so at the present time there is no additional buffer proposed.

Donna McGrath, 721 Cathcart Road, asked what the applicant intends to do to keep water off her property. Mr. Mast reviewed the controls that are in place for controlling stormwater. He explained that the applicant's entire site will drain into the drainage channel and will not go beyond the drainage channel. The site will reduce stormwater runoff because of the proposed detention basin, piping, and stormwater management controls. She stated that she does not want it to be any worse than it is currently.

Ms. McGrath also commented that she has an in ground pool and is concerned with who will be watching her children swim. In addition, she commented the applicant is allowed to put a driveway to the back of the property when she could not extend her driveway because she was not allowed to put macadam down on driveway due to how wet the properties are. Mr. Shorin asked if the applicant thought about using pervious driveway material. Mr. Mast responded yes, but stated that they are still studying the issue.

Mr. Tate inquired if the applicant has prepared a 100-year flood elevation cross-section of the stream corridor. Mr. Mast replied yes.

Juan Varleta, 884 Parkwood Road, echoed what the other neighbors have said regarding the flooding and would like to make sure it does not get worse because of this project. He provided pictures of previous flooding to Mr. Mast.

Dennis Miranda, Executive Director of the Wissahickon Valley Watershed Association, inquired if the soils on the property are hydric and if the Township will require a wetland delineation. He suggested the proposal may be too intense for the site. He commented that he would never allow these stormwater basins without a HOA.

Chairman Corti asked if a wetland study has been completed. Mr. Mast stated yes and would provide the results to the Township. The Planning Commission will review the applicant's wetland identification and delineation report.

Paul Anders, 892 Parkwood Road commented that the culvert of the existing stormwater system is old and prone to flooding.

Bonnie Piecyk, 678 Cathcart Road, asked what kind of guarantee that the stormwater system will continue to function as intended once the homes are purchased. Mr. Mast replied that a covenant will be in place for the stormwater facilities and post construction stormwater plans will have to be recorded at the Montgomery County Courthouse.

David Guarnaccia, 710 Cathcart Road, asked what the front setback along Cathcart Road is. Mr. Mast replied from the center of the road approximately 80 feet. Mr. Guarnaccia asked if there will be any issues during construction, especially for drainage on Cathcart Road. Mr. Mast replied that they will improve the situation because a larger pipe will be installed. In addition, Mr. Guarnaccia questioned the location for trash collection, a utility box, and a street light. Mr. Mast responded that trash collection would be from the street and there will be an electric transformer in the front and rear of the site. Mr. Mast added that all utilities will be underground. Mr. Mast stated that there will be no street lights but possibly a lamp post at the driveway.

The Planning Commission chose not to vote on the subject application until the recently submitted revised plans are reviewed by Township staff. In addition, the Planning Commission commented that sidewalks should be installed.

- 4.) Review Ordinance No. 4-237, an Ordinance amending Chapter 160 of the Code of the Township of Whitpain (also known as the Zoning Ordinance of Whitpain Township) for the purposes of defining a Community Shopping Center Overlay District and providing for such use in the Community Shopping Center Overlay District by Conditional use.

Present for the applicant: J. Edmund Mullin, Esq. HRMM&L
Timothy Cassidy, Civil Planner
John McKenna, President of Madison Development Inc.

Mr. McKenna provided a brief summary of the proposed ordinance, stating that the proposed development consists of approximately 22 acres at the south east corner of Route 202 and 73. He mentioned there have been diligent efforts to assemble ten parcels at this intersection and the proposal is to consolidate all of the parcels to accommodate one unified development community shopping center. The project has approximately 950 feet of frontage on Route 202 and 650 feet on frontage on Skippack Pike.

Mr. McKenna provided a slide show presentation depicting existing conditions of the properties. He stated that currently there are ten points of ingress/egress and noted that the proposed development will be consolidating them into four points of ingress/egress. Mr. McKenna showed an overview of all the parcels, the proposed open space area, and the proposed additional north bound lane on Route

202. He remarked that there is also a proposed traffic signal located at the main entrance. Mr. McKenna presented slides of the latest plan which included the modern village layout with multiple common areas accented by benches, fountains, planters, decorative lighting, and outdoor seating/dining. He reported that they had multiple meetings with some of the neighbors that are immediately adjacent to the development to determine how to best screen this development from those neighboring residents. Mr. McKenna stated that in addition to the significant setbacks they are proposing a large berm, approximately 15 feet in height and 80 feet in width (cross section) to help minimize the impact.

Planning Commission comments:

Mr. Shorin commented that the biggest difference from last meeting is that the ball field has been removed. Mr. McKenna agreed and showed the configuration of the fitness center in relation to the berm. He presented perspectives of the anchor tenant, Fresh Market, Zoey's Kitchen, fitness center, the outdoor areas and the community space for seasonal events.

Planning Commission comments:

Chairman Corti questioned a section of the proposed ordinance on Page 3, 160-260, Realization of criteria, item "C". He asked if this is to limit the consolidation of the buildings to one large store to avoid a box store. Mr. Mullin replied yes.

Chairman Corti asked for clarification on Page 4 under item "E" regarding the outdoor weekend use, noting there is a limitation from November 10th to November 30th. He also asked if that was specific to Fresh Market. Mr. Mullin replied yes that it is their busiest time and that there will be no public activities during that limited time of 20 days.

The Planning Commission had a concern with Exhibit "A", sign criteria. The developer was asked to summarize the differences in the proposal for Exhibit "A" verses existing Township sign regulations. Mr. McKenna mentioned there are different sign allowances based on distance; stores closer to the road will have smaller signs. Mr. McKenna researched past variances for shopping centers in the Township finding multiple variances granted for signage indicating the inadequacy of the sign regulations. He specifically mentioned the Giant shopping center and variances for facade signs as large as 35 sf. The current ordinance only allows for 20 sf maximum facade signs in the Shopping Center District. Exhibit "A" is appropriate for this scale of the project.

Chairman Corti questioned how to balance the signs for car traffic verses for pedestrians in the shopping center. Mr. Cassidy replied that there will be smaller

signs at the pedestrian level and that the larger façade signs will not be visible to the pedestrians.

Mr. Mullin handed out a list of signage variances for shopping centers in the Township.

Mr. Rieker pointed out that the channel letters of the façade signs are to be illuminated, but not the background. The letters will be back lit making the sign more attractive.

Mr. Tate asked about the front pad site and if there are any proposals to limit the signage. Mr. McKenna replied that the sign is limited to 30 sf, but can be increased based on distance from the road and store front length.

Mr. McKenna added he is proposing one 200 sf pylon sign per street frontage which is similar to the sign at the Village Square Shopping Center. He thinks that his pylon signs will be no higher than 23 feet. Mr. McKenna mentioned that the "Welcome to Whitpain" sign will be lighted.

Mr. Shorin commented that there is a regulation that the sign must be on a timer and the sign must be turned off one hour after closing.

Audience comments:

Kim Zampirri, 1198 Grant Avenue, had a concern regarding the hours of the potential taproom and the Fresh Market and the possibility of signs being lit all night. She also voiced several other concerns regarding sidewalks, walkability, and insufficient parking. Mr. Tate replied that the Township encourages adding sidewalks with the hope there will be future linkage.

In addition, Ms. Zampirri asked does the overlay apply to all future tenants. Mr. Mullin replied yes. Mr. Tate added that the overlay District applies to the specified parcels in the ordinance.

Lauren Keatley, 1453 Balboa Bend, commented that the proposed project looks beautiful. She expressed a concern regarding traffic congestion and asked how the applicant intends to handle the short distance between the existing and proposed light. Chairman Corti responded that the applicant will be installing a traffic light with four way movement, create a north bound lane, and in 2017 PennDOT will start construction towards improving and widening Route 202. Mr. Blanch added that the traffic signals will be coordinated to allow traffic to progress through the lights.

Additionally, Ms. Keatley had a concern regarding parking during special events. Mr. McKenna replied that parking will not be interrupted during special events.

Doug Scheichert, 1640 Forest Creek Drive, voiced a concern regarding traffic issues and increased congestion in the area. He also thought the signage was excessive and that allowing drive-through facilities is not compatible with a Village Center. Mr. McKenna replied that traffic counts will be provided during the Conditional Use process.

Chairman Corti explained that the next phase of the project will be a Conditional Use Hearing followed by the Land Development process.

Steven Lampe, 203 Pebble Beach Place, echoed a concern that was previously mentioned regarding traffic lights and crossing Route 202 and 73. He stated that a light that close may create more problems and make the intersection worse.

Mike Keatley, 1453 Balboa Bend, commented that traffic is so bad and he could see people wanting to use the shopping center as a cut through to avoid the traffic light. He asked if speed bumps were being considered. Mr. McKenna replied the design will minimize cut through traffic with additional design features proposed such as raised crosswalks. Mr. Cassidy pointed out on the plan where raised pavers are proposed. He mentioned that the route is designed to deter cut through traffic.

Ronald Sorace, 160 Canterbury Lane, commented on the previous issue with making a left turn off of Route 202. He stated that the problem can be easily solved with installing a "No Left Turn" sign. He also commented that he loves the project.

Rosalie Bucci, 160 Canterbury Lane, commented that it is a wonderful project and is happy with the proposed sidewalks as she will be able to walk from her house to the shopping center. She thanked the applicant for taking on such a large project and commented it is beautiful.

Mr. Pronczak commented on the proposed sidewalks. He stated that the developers plan does show sidewalks along Route 202 and 73 as well as internal sidewalks but stated that as far as sidewalk linkages to this project the Township has requested PennDOT to include sidewalks when they do the 202 widening project. This would allow pedestrians to be able to walk from Township Line Road to the Community College as well as Blue Bell Country Club. Mr. Pronczak mentioned that PennDOT has included sidewalks on at least one side of the street for the 202 widening project.

Mary Martin, 1327 Lee Road, commented that this corner of the Township has gone downhill and it is an embarrassment. She remarked that she likes the project. Ms. Martin stated that she hopes that everything the developer is saying is true. She feels the residents on Lee Road and Grant Avenue will be protected from the noise and lights and that the area will be safer.

Dan Parente, 1001 Grant Avenue, commended Mr. McKenna on answering all of his questions and is in support of project. Mr. Parente asked about any future plans for the fire station. Mr. Pronczak responded that at one point there was discussion on whether Madison Development would acquire some of the land from the Center Square Fire Department, but that has not been worked out to this point. He noted that it could still happen in the future. Mr. Pronczak mentioned that the Fire Department is working independently with a civil engineer on plans and they would have to go through the same process if this ordinance was adopted. The fire department would have to file a Conditional Use application, show architectural details, and go through the land development process. In addition, Mr. Pronczak stated that the fire department plans on meeting with the neighbors in the near future to receive their input and incorporate any concerns into their design.

Dawson Deck, 1043 DeKalb Pike, commented that he does not see a provision for loading docks for deliveries from tractor trailers. Mr. McKenna replied that the only facility that would receive deliveries from tractor trailers would be Fresh Market. He mentioned that most tenants will be serviced by UPS.

Ray Soly, 1315 Lee Road, commented that he liked the proposed plan and stated it is the best design plan for that corner. He had a concern with creating an ordinance for one specific area that may be considered spot zoning. Mr. Mullin replied it is not spot zoning. In addition, Mr. Soly questioned the maximum allowable size for a tenant that allows for big stores and asked about the size of Fresh Market. Mr. McKenna replied Fresh market is 22,000 sf which is less than a modern size supermarket. He further added that box stores are generally 120,000-180,000 sf and pointed out that the Giant food store on Route 202 is 65,000 sf.

Luis Marin, 1380 Skippack Pike, commented that he is in favor of the project.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, a motion was made by Mr. Tate, and seconded by Mr. McLaughlin, to recommend that the Board of Supervisors grant approval of Ordinance #4-237 to amend the Whitpain Township Zoning

Code to establish a Community Shopping Center Overlay District by Conditional Use.

The motion passed 6-0.

- 5.) Review Ordinance No. 4-238, an Ordinance amending the Official Zoning Map of Whitpain Township to include certain parcels, further identified as tax parcels 66-00: 01780-008, 01777-00-2, 01774-00-5, 01783-00-5, 01786-00-2, 01789-00-8, 01792-00-5, 01795-00-2, 06325-00-8, 06322-00-2, 06319-00-5, 06316-00-8, 01789-01-7, 06310-00-5 and 06313-00-2 within the Community Shopping Center Overlay District.

Present for the applicant: J. Edmund Mullin, Esq. HRMM&L
Timothy Cassidy, Civil Planner
John McKenna, President of Madison Development Inc.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, a motion was made by Mr. Shorin, and seconded by Mrs. Gerber, to recommend that the Board of Supervisors grant approval of Ordinance #4-238 to amend the Township zoning map to reflect the extents of the Community Shopping Center Overlay District.

The motion passed 6-0.

- 6.) Review of a Subdivision Plan for 500 Lewis Lane. This application involves a two lot subdivision of approximately 10.97 acres of property located at 500 Lewis Lane, which is on the eastern side of Lewis Lane between Morris Road and Skippack Pike. Access to the site will be from Lewis Lane. The property is zoned R-5 Residential District.

Present for the applicant: Scott Mill, Van Cleef Engineering Associates
Richard Wezner, Property Owner

Mr. Mill provided a brief summary of the proposed application, stating that application is for a minor subdivision of approximately 11 acres located off of Lewis Lane. He reported that he has received review letters from the Township Consultant and Township Engineer. Mr. Mill remarked that the property has a conservation easement held by the Wissahickon Watershed Association and mentioned that the Prophecy Creek is located at the bottom of the site. He mentioned that there is also floodplain and floodplain (alluvial) soils contained within that easement. Mr. Mill stated that the proposal is to subdivide the 11 acres into two lots with each lot more than 5 acres. He discussed the access for

each lot and mentioned that the proposal is for on-lot sewer and on-lot water. Mr. Mill also mentioned that the proposal will maintain the wooded area. Mr. Mill stated that they have conducted preliminary infiltration testing for the on-lot septic systems.

Planning Commission comments:

Mrs. Gerber questioned why the applicant is proposing two driveways. Mr. Mill replied that with a shared driveway the lots are not as marketable and there may be possible issues with maintenance and ownership.

Mr. Shorin commented that the impervious surface area of the driveways exceed the impervious surface area for each house. Mr. Mill stated that the applicant is well under the impervious permitted for each lot.

There was some discussion regarding the Conservation easement. Mr. Wezner explained that a tree was in the high protection area and as a result they left the tree there.

Mr. Tate questioned if the Wissahickon Valley Watershed Association has Conservation easements on these lots. Mr. Mill replied yes.

Chairman Corti asked if there were any items in the Township's review letters that the applicant will not comply with. Mr. Mill replied that there are some questions relating to providing grading, stormwater, and erosion control for the lot. The applicant's thought was to defer those requirements until the building permit stage. Mr. Blanch suggested that the applicant show that the driveways can be constructed during the subdivision process.

Mr. Tate asked if the driveways have adequate sight distance. Mr. Mill responded yes.

Mrs. Gerber suggested the applicant make an attempt to save the tree. She asked if the applicant talked to the Wissahickon Valley Watershed Association to make sure they are in agreement with the easements and plan. Mr. Wezner replied no.

Chairman Corti inquired if there was going to be a future trail on the parcels. Mr. Mill replied, yes.

Mr. Rieker asked if the Township is satisfied that the applicant has complied with all the conditions that were part of the original plan. Mr. Blanch replied that one of the comments listed in his review letter is that all information regarding easements and restrictions should be listed on the plan. Mr. Mill replied that the applicant will comply.

Audience comments:

Beth Pilling, Montgomery County's Open Space planner had some comments and thought that it may be helpful to let the Planning Commission know how restrictions are established by the County's open space program. She stated that this project was as a result of grant funding provided to the Wissahickon Valley Watershed Association and the Township. Ms. Pilling reported that the driveway is an easement and is owned by Wissahickon Valley Watershed Association. She mentioned that Whitpain Township holds a permanent easement on the parcel. Ms. Pilling stated that there are certain things that you can and cannot do, certain grant restrictions, and the County holds more detailed restrictions that are recorded not only in the deed, but in the Declaration of Covenants. She suggested that the Township be familiar with the history of the project and be cautious. Ms. Pilling noted the County expectation is that at the time the driveway is approved there will also be a trail within that easement area that will be built at same time.

Chairman Corti asked if these easements have been physically located. Mr. Mill relied yes through a survey.

Additionally, Chairman Corti asked has the Township reviewed the Declaration of Covenants. Mr. Blanch stated that the Township's solicitor is reviewing the documents.

Mr. Tate commented that the trail has to be built at the same time of the driveway and reside in the same easement space, must be clearly noted and shown on the plan.

Chairman Corti questioned how the trail driveway is separated. Mr. Wezner replied it is defined in the driveway easement.

John Ferro, Wissahickon Valley Watershed Association, stated that they would like all the Conservation easements shown on the plan and would like to review it before it is approved.

Chairman Corti called for any additional comments or questions from the audience. There were none.

The Planning Commission chose not to vote on the subject application until more clarification is provided. Applicant should amend the Subdivision Plan to reflect all Covenants and Restrictions recorded on the subject property and as previously agreed upon. Construction details demonstrating compliance with these Covenants and Restrictions (as necessary) should be included on the plan to be recorded. The plan should be submitted to the WVWA and the MCPC for comment prior to further consideration by the Planning Commission.

7.) Review of current Zoning Hearing Board applications.

- 1.) **NO. 2031-15 WILLIAM J. & ELIZABETH McKEON** request a variance from Article VII, Section 160-36 regarding rear yards for single-family dwellings, Article XXVIII, Sections 160-204 regarding rear yard intrusions, and 160-204.D regarding accessory buildings to allow for a new 15'0" x 16'8" second floor bedroom extension over the new first floor expansion with rear yard of 45 feet 4 inches where 50 feet is required, and to allow 9 feet between principal and accessory building where 10 feet is required which is proposed for the property located at 1501 Sylvan Drive, Blue Bell, Whitpain Township 19422, Montgomery County, in the R-2 Residential District.

Chairman Corti noted for the record that the applicant was not present for the meeting.

Chairman Corti mentioned that typically the Planning Commission remains neutral on residential applications.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application.

- 2.) **NO. 2033-15 CHRISTOPHER ALLEN** requests a variance from Article XII, Section 160-62 regarding accessory structures and Article XXVIII, Section 160-202 regarding projections into front yards to allow for the installation of a natural gas backup generator measuring 36 inches high x 50 inches in length and 30 inches wide to be located with setbacks of 5 ft. 6 inches and 3 ft. 6 inches where accessory structures are not permitted in the front yard and 10 feet setbacks required in side and rear yards at the property located at 210 Huntsman Lane, Blue Bell, Whitpain Township 19422, Montgomery County, in the R5 Residential District.

Chairman Corti noted for the record that the applicant was not present for the meeting.

Chairman Corti mentioned that typically the Planning Commission remains neutral on residential applications.

Chairman Corti called for any additional comments or questions from the audience. There were none.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application, but commented that they would like the applicant to explain the proposed generators location as it appears that the generator will be closer to the neighbor's property than to the applicant's house. Applicant should demonstrate that they are unable to comply with the required yard setbacks.

8.) Pertinent Planning Issues

Chairman Corti announced that the Comprehensive Plan Committee meeting will be held on January 20, 2015 from 5:30 pm- 7:00 pm at the Whitpain Township building.

Mr. Pronczak thanked Shawn Sealer and Andrew Herbert for working with the Township on its PA system.

Mrs. Gerber thanked the Planning Commission for her reappointment of a 4-year term on the Planning Commission. Chairman Corti thanked Mrs. Gerber for her continued service on the Planning Commission.

There being no further business to come before the Commission, a motion was made by Mr. McLaughlin, and seconded by Mr. Meitner to adjourn. The meeting adjourned at 10:05 PM.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Richard Shorin', is written above the printed name.

Richard Shorin, Secretary