

WHITPAIN TOWNSHIP PLANNING COMMISSION JUNE 2015

A work session of the Whitpain Township Planning Commission was held on Tuesday, June 9, 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, Penelope Gerber, Bradley Tate, Otis Hightower and Edward McLaughlin present. Township Manager Roman M. Pronczak, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus and Recording Secretary Karen Dolga were also present. Planning Commission member Tory Meitner was absent.

1. Review of a Subdivision Plan for 1902 Yost Road. This application involves a three lot subdivision of approximately 1.90 acres of property located at 1902 Yost Road, which is on the southern side of Yost Road between Cortez Road and Mauck Road. Access to the site will be from both Yost Road and Cortez Road. The property is zoned R-2 Residential District.

Chairman Corti mentioned that the applicant has addressed the Planning Commission's concerns that were raised two months ago and noted that it is a by-right plan.

Mr. Pronczak provided a brief summary and stated the applicant is not asking for any zoning relief. He mentioned there is the option that someone could file an application if they disagree with the Zoning Officer's interpretation of the Code.

The Planning Commission discussed grading, easements on the lots and stormwater impact on the neighbors.

Mr. Pronczak showed a revised plan that diverts water to Cortez, instead of the neighboring properties.

Mr. Tate stated that Lot 1 should have a seepage bed like the seepage beds proposed for Lots 2 and 3. Mr. Pronczak commented that Lot 1 is an existing lot and the proposal will decrease the impervious coverage on the lot.

In addition, Mr. Pronczak commented that the Township has received letters from residents and complaints that this subdivision involves irregularly shaped lots, but nothing in the Code prohibits these lots. He stated that as part of this review, if we identify a weakness, an ordinance can be enacted in the future, but noted that this application has to be reviewed under the current code.

2. Review Conditional Use Application #**CU28-15** submitted by **CENTRE SQUARE COMMONS, INC.**, 1380 Skippack Pike, 2nd Floor, Blue Bell, Pennsylvania 19422. The Application concerns ten (10) tracts of land located on the southeast corner of the intersection of Skippack Pike and DeKalb Pike in Whitpain Township, Montgomery County, Pennsylvania, consisting of an

aggregate of approximately 21.78 acres. If approved as a conditional use by the Whitpain Township Board of Supervisors, the Applicant proposes to develop the Tract as a shopping center which, at present, would include a food market, fitness center, bank, retail, and restaurant uses pursuant to Section 160-258 of the Whitpain Township Zoning Ordinance. The development, as proposed by the Applicant, includes seven (7) buildings consisting of an aggregate of approximately 111,100 square feet of first floor building area, 11,500 square feet of mezzanine space, paved parking, and internal pedestrian walkways and connections.

Mr. Pronczak provided a brief summary of the application, stating that this request is for Conditional Use.

Mr. Tate pointed out that the last exhibit page is a site plan that shows the stormwater basin in a different location and this could affect the appearance of the Center.

Mr. Pronczak explained that originally an underground detention basin was proposed. The basin was going to be used jointly by the developer and PennDOT, but they could not reach an agreement. PennDOT and the applicant are now doing a land swap. He mentioned that PennDOT will build a conventional basin at the main entrance off of Route 202. Mr. Pronczak stated that the Township asked the applicant to come up with a plan on how they intend to buffer the basin. A solution could be if the Applicant enters into an agreement with PennDOT for maintenance of it. In addition, Mr. Pronczak discussed some of the minor changes from previous plan.

The Planning Commission discussed Stormwater management, berming and landscaping for the site. They had additional discussions regarding the size, location, appearance and the possibility of the applicant working with PennDOT on the design and maintenance of the basin.

Mr. Pronczak noted that the Firehouse plan should be submitted in near future and it includes a retail pad. He stated that the Township has asked the applicant to show how it will work with the new Center and how it will be buffered. Mr. Pronczak mentioned the possibility of a traffic signal that will line up with the Kohl's driveway. He pointed out that the Firehouse will have to go through the same Conditional Use process as Centre Square Commons.

3. Review current zoning hearing board applications.

- 1.) **NO. 2044-15: OLIVER P. SNOWDEN JR. and 711 CATHCART, LLC** request variance relief from Article XXVIII, Sections 160-216(C) and (D) of the Whitpain Township Zoning Ordinance, as amended, relating to flag

lot requirements. Applicants propose to allow four proposed lots to share a common driveway in the proposed subdivision of the three consolidated parcels located at 711 Cathcart Road, 691 Cathcart Road, and 683 Cathcart Road in the Township's R-1 Residential District. Under the Ordinance, a maximum of two tiered lots or three stacked lots may share a common driveway.

Mr. Pronczak provided a brief summary of the requested relief, showing a by-right plan and the proposed plan. The Planning Commission also discussed impacts on the tree canopy, emergency access and possibly sprinkling the homes.

- 2.) **NO. 2045-15: EDWARD J. SCOTT** requests variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-34 relating to side yards for one-family detached dwellings in the R-2 Residential District; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to construct a 506-square-foot two-story garage addition on the property located at 10 Meade Road in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow side yards of 13.41-feet and 5-feet resulting in an aggregate width of 18.41-feet, where side yards of 13.41-feet and 25.90-feet with an aggregate width of 39.31-feet currently exist, and side yards of not less than 25-feet each with an aggregate of not less than 60-feet are required under the Ordinance.
- 3.) **NO. 2046-15: NORMAN J. AND VALERIE G. BARLOW** request the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article VII, Section 160-38 relating to height and setback requirements for accessory buildings or structures in the R-2 Residential District; and (2) Article XXVIII, Section 160-204 relating to residential rear yard intrusions. Applicants propose to construct a 440-square-foot detached garage on the property located at 80 Norristown Road in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow a 14-foot high garage with a side yard setback of 8-feet, where the Ordinance would require a 13-foot side yard setback for a 14-foot accessory structure.
- 4.) **NO. 2047-15: LUIGI COLELLA, LLC** requests variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXVIII, Section 160-214(C) relating to required green area; and (2) Article XXIX, Section 160-225 relating to an extension of nonconforming use. Applicant proposes to (1) increase the impervious coverage from 21,217 square-feet to 21,397 square-feet, where not more than 9,034 square-feet is permitted under the Ordinance; and (2) allow the expansion of the non-conforming use of land beyond the 38% previously approved, where the

Ordinance permits a maximum expansion of 25%, to add a 180 square-foot exit-only driveway on the property located at 298 Norristown Road in the Township's R-1 Residential District.

Mr. Pronczak provided a brief summary of the requested relief, stating that this applicant was previously before the Planning Commission for relief. He pointed out that currently there is one continuous curb cut along the entire frontage of the property. With the previous relief, the applicant agreed to have one curb cut. They discovered that having one curb cut limits maneuverability so the applicant is seeking an additional curb cut for an exit. Mr. Pronczak stated that his request will still require a PennDOT permit and the applicant is allowing a trail through the property.

- 5.) **NO. 2040-15: GIANNI CALABRETTA** requests an appeal from the determination of the Code Enforcement/Zoning Officer; an appeal from a Zoning Enforcement Notice; a modification of conditions of previously granted relief (prior Decisions 643-88, 1111-97, 1469-03, 1547-04, 1626-05 and 1922-11) and/or a variance from Article XXI, Section 160-135 and 160-135(G) of the Whitpain Township Zoning Ordinance, as amended, relating to use regulations in the C-1 Commercial District as well as clarification of "hours of operation" as set forth in Decision #1922-11 relative to the property located at 1626 Kendrick Avenue within the Township's C-1 Commercial and R-2 Residential Districts. Applicant proposes (1) that the storage of outside materials such as mulch, stone, and salt be permitted on the premises; and (2) that the hours of operation be extended from 5:00 p.m. to 7:00 p.m. Monday through Friday for purposes of parking and access only. Applicant's requested variance relief, if granted, will permit (1) the outside storage of materials such as mulch, stone, and salt; and (2) access to the property between the hours of 5:00 p.m. and 7:00 p.m. for the limited purposes of parking vehicles, accessing tools, and entering and exiting the property.

Chairman Corti gave a brief summary of the requested relief, stating that the applicant is not adhering to the existing conditions from the previous variance. The Township has received multiple letters and complaints.

4. Review of pertinent planning issues.

There were no pertinent planning issues to be discussed.

The work session adjourned at 7:33 PM, at which time the Planning Commission members left for the public meeting.

Respectfully submitted,


Karen M. Dolga, Recording Secretary

Montgomery County Planning Commission for approval of the plan since it is in compliance with the zoning.

Mr. Hanna pointed out that the revised lot line configuration between Lot 1 and 3.

Planning Commission comments:

Mr. Shorin had concerns regarding Lot 1 stormwater and potential impacts on Lots 2 and 3. Mr. Hanna stated that the plan is to construct a berm and swale along the westerly property lines. Mr. Tate suggested Mr. Hanna discuss with Mr. Hannum before clearing vegetation. Mr. Hanna replied yes, but stated that the berm will be constructed on the applicant's side of the existing vegetation so the water is directed down to the front of the lot.

Mr. Tate discussed the seepage beds Lot 2 and Lot 3 and suggested a seepage bed for Lot 1 as well. Mr. Hanna replied it is a possibility, but not a requirement and commented that they are removing a sufficient amount of impervious from Lot 1.

Mr. Rieker asked as part of the grading plan was the need for an easement determined. Mr. Hanna responded that the only easement being created is for the existing sanitary lateral for Lot 1 that goes out to Cortez Road.

Audience comments:

Leonard Perrone, 1463 Cortez Road, thanked the members of the Planning Commission who visited Cortez Road and discussed stormwater concerns. He commented that the proposed subdivision represents a classic infill subdivision and in this case this 3-lot subdivision is in part being made possible due to be a flaw in the Townships Zoning Code. It is understood that the code cannot be changed in mid-stream. He mentioned that Ordinance #4-115 is being used in a manner in which the residents feel it was never the intent to apply that regulation to a new subdivision. He stated that the language seems to represent that it applies to lots that are either greater than four sided or less than four-sided. Mr. Perrone asked the Planning Commission and future Boards to take a look and see whether or not this proposal really meets the spirit and intent of this Ordinance.

Mr. Perrone asked the Planning Commission if they received his comments that he submitted to the Township earlier today. The Board replied yes.

Mr. Perrone questioned why Lot 1 does not show a drainage plan and stated that Lot 1 should have a seepage bed. In addition, Mr. Perrone stated that the residents are requesting copies of stormwater calculations and controls and any reviews from the Township.

He encourages the Planning Commission and Board of Supervisors to look at Ordinance #4-115 regarding rear yards for illegal lots and ask if it really make sense for the future of Whitpain Township.

Joe Barry, 1445 Cortez Road, is in agreement with Mr. Perrone's comments. Stormwater not going to an underground system, he would like it directed to be drained into storm sewer on Cortez Road. Mr. Hanna showed how water will flow and the control that will be put in place for the water to percolate.

Mr. Perrone commented that the applicant is allowing Lot 3 to accept the water runoff from Lot 1 and remarked that Lot 1 should take care of itself. He pointed out that it does not make sense to impose upon the future owner of Lot 3 to accept stormwater runoff from its neighbor.

Joseph Hannum, 1417 Cortez Road, mentioned there was a pool that was demolished and the area now acts as a catch basin. He stated the proposed plan is not adequate for stormwater. Mr. Hannum mentioned that he had water in his basement in the past and that has been resolved, but he fears this subdivision could cause future problems. He mentioned that Planning Commission members saw the flow that exist now during their site visit. Mr. Hanna replied the applicant will have to submit in more detail stormwater plans during the process.

Elise Bjordammen, 1426 Cortez Road, commented that if 90% of the people on the street have a water problem already then squeezing three more homes does not seem appropriate. The three proposed homes won't be in keeping with the neighborhood look, appeal and quality of life.

Mr. Tate acknowledges the existing stormwater problems in the neighborhood and noted that the applicant's engineer did a fairly good job draining the stormwater towards Cortez and recommend that a seepage bed be built on Lot 1.

Chairman Corti added this is a by-right plan and the applicant is entitled to subdivide this lot into three lots without asking for relief from the Zoning Hearing Board.

Mrs. Gerber stated that the Planning Commission considers the quality of life within the constraints of the law.

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. Shorin to recommend that the Board of Supervisors approve

the subdivision application for 1902 Yost Road with the condition of providing a seepage bed to receive water runoff from Lot 1.

The motion passed 6-0.

- 3.) Review Conditional Use Application #CU28-15 submitted by **CENTRE SQUARE COMMONS, INC.**, 1380 Skippack Pike, 2nd Floor, Blue Bell, Pennsylvania 19422. The Application concerns ten (10) tracts of land located on the southeast corner of the intersection of Skippack Pike and DeKalb Pike in Whitpain Township, Montgomery County, Pennsylvania, consisting of an aggregate of approximately 21.78 acres. If approved as a conditional use by the Whitpain Township Board of Supervisors, the Applicant proposes to develop the Tract as a shopping center which, at present, would include a food market, fitness center, bank, retail, and restaurant uses pursuant to Section 160-258 of the Whitpain Township Zoning Ordinance. The development, as proposed by the Applicant, includes seven (7) buildings consisting of an aggregate of approximately 111,100 square feet of first floor building area, 11,500 square feet of mezzanine space, paved parking, and internal pedestrian walkways and connections.

Present for the applicant: Edmund J. Mullin, Esquire
Neil Liebman, Architect
John McKenna, President of Madison Development Inc.

Mr. Mullin gave a brief summary of the Conditional Use application. He stated that the Planning Commission has seen this plan previously in creating the ordinance.

Mr. McKenna showed the most recent site plans depicting the site and building configuration. He stated that the biggest change from the previous plan is the new location of PennDOT's basin for stormwater. He added that this is a result of a land exchange by the applicant and PennDOT.

Mr. Shorin voiced a concern regarding the appearance of the basin. Mr. McKenna replied they will heavily screen their property adjacent to the basin.

Mr. Tate asked if the Center's stormwater system will tie into the PennDOT basin. Mr. McKenna replied no, that their stormwater includes two large underground systems.

Chairman Corti asked Mr. McKenna if he is trying to negotiate with PennDOT on the maintenance of the basin. Mr. McKenna replied that they have request a plan and gave PennDOT a suggested landscape plan.

At this time, Mr. Liebman reviewed the design guidelines. He highlighted some of the design elements of the Center including civic spaces, piazza, walkability, elevations and paving.

Mr. Rieker asked would the design elements be a part of the Conditional Use. Mr. Liebman replied yes and all graphics will be part of the record.

Mrs. Gerber noted the plans absence of street trees. Mr. McKenna replied that there will be street trees and will be shown on the landscape plan.

Mr. Liebman also showed that the design will incorporate trash dumpsters, enclosures, gates, benches, bike racks and bollards etc.

Chairman Corti asked will the piazza be closed to vehicular traffic. Mr. McKenna responded that it is yet to be determined, but a temporary structure will be put in place.

Chairman Corti asked will the new Center match the existing surrounding architecture. Mr. McKenna mentioned that they have a varied roof line and gable roofs.

Mr. Shorin asked when the traffic signal will be installed across from Kohl's and the fire station. Mr. McKenna replied that will be based on the determination of the future development of the Firehouse.

Mr. Shorin also asked would the parking lots be sufficient for and near the adjacent businesses, for example, the fitness center. Mr. McKenna responded that they have extensive parking at the fitness center and have scaled back the size of the development to ensure sufficiently parking.

Mr. Tate questioned how much of the project can you build without the access of the fire department. Mr. McKenna replied the entire development. He noted they have obtained traffic studies.

Mr. Rieker commented overall this was a great presentation. He inquired if lighting fixtures and shields shown are representatives of what will be built.

The Planning Commission questioned the sidewalk and where it is shown on the plan. Mr. McKenna replied that the intent is to have sidewalks around the perimeter and is shown on the highway plan.

Mr. Pronczak reported that the Township did prepare a review letter and most of the comments have been addressed or are in the process of being addressed.

Audience comments:

Barbara Verica, 1020 Carriage Lane, commented that she loves the plan, but asked if the Township or developer could discuss with PennDOT on how the basin could be more ascetically pleasing for the development. Mr. Tate responded that the applicant and the Township are clearly in line in making sure that can be as best as can be.

Herb Raynes, 675 Cathcart Road, asked if there is a way to connect back to Wentz Road Park. Mr. Pronczak replied that as part of the 202 widening project, there will be a bike lane added along the entire length and the developer mentioned they will provide sidewalks along the frontage of Route 73, but there will still be a gap between that point and Wentz Run. Mr. Pronczak noted that the Township is looking for opportunities, grants in working towards the goal.

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 approve the Conditional Use Application #CU28-15 submitted by Centre Square Commons subject to compliance with Township staff review letters.

The motion passed 6-0.

4.) Review of current Zoning Hearing Board applications.

1.) **NO. 2044-15: OLIVER P. SNOWDEN JR. and 711 CATHCART, LLC** request variance relief from Article XXVIII, Sections 160-216(C) and (D) of the Whitpain Township Zoning Ordinance, as amended, relating to flag lot requirements. Applicants propose to allow four proposed lots to share a common driveway in the proposed subdivision of the three consolidated parcels located at 711 Cathcart Road, 691 Cathcart Road, and 683 Cathcart Road in the Township's R-1 Residential District. Under the Ordinance, a maximum of two tiered lots or three stacked lots may share a common driveway.

Present for the applicant: Ken Snowden
Oliver Snowden

Mr. Oliver Snowden provided a brief summary of the requested relief to allow four proposed lots to share a driveway. He presented the by-right plan showing three lots served by one driveway and a fourth and fifth lot each having their own driveway. Mr. Snowden pointed out that the proposed plan

is better than the by-right plan because there are less driveways and the new driveway will be centrally located which is better for Mr. Raynes.

In addition, Mr. Snowden mentioned that the proposed plan minimizes the amount of impervious surface. He stated that it is approximately 1,600 sf less than the by-right plan. Mr. Snowden also pointed out that the proposed plan increases preservation of tree canopy and neighborly contact. He stated that the proposed plan is consistent with PennDOT guidelines.

Planning Commission comments:

Mr. Shorin questioned the width of the driveway, and is there enough room for two cars to pass. Mr. Snowden replied that there is a wider section where two cars can pass, but the shared driveway will have cross easements and a 16 feet width.

In addition, Mr. Shorin mentioned previous water concerns and asked are there precautions taking to prevent driveway obstructing the water flow. Mr. Snowden replied yes, and that will be part of the subdivision process.

Mr. Snowden added that Lots 1, 2, 3 and 4 were rotated so the front yard is towards the driveway and the back yard is toward the Raynes property, creating more of a buffer.

Mr. Rieker commented that in reviewing the options this is a better option than the initial plan.

Audience comments:

Herbert Raynes, 675 Cathcart Road, commented that his front yard is very wet which is why the house is 350' from the road. He is against the by-right plan that would place the driveway plan close to his property.

Dana McGrath, 721 Cathcart Road, commented that her front yard is wet and will bring pictures to next hearing. She asked what the applicant intends to do with the water that flows onto her property. Mr. Snowden replied that with regulations and detention basin there should be less water runoff after construction.

Additionally, she asked how two cars can fit down driveway. Chairman Corti responded that there will have to be some pulls off areas along the wider parts of the driveway. During the work session, he noted a concern regarding emergency vehicles. The dimensions will have to be discussed during the subdivision process.

Dana McGrath, 721 Cathcart Road, commented that because of the stormwater she had to install gravel for her driveway.

Mr. Snowden wanted it noted on the record that it rained 2 inches last night. Ms. McGrath stated that her pictures are from April 20, 2015, the last big rainfall.

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications.

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

The Planning Commission chose to remain neutral on the subject application and commented that the Planning Commission is more in favor of this plan that limits driveways and curb cuts on Cathcart Road than the applicant's by-right plan.

2.) **NO. 2045-15: EDWARD J. SCOTT** requests variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-34 relating to side yards for one-family detached dwellings in the R-2 Residential District; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicant proposes to construct a 506-square-foot two-story garage addition on the property located at 10 Meade Road in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow side yards of 13.41-feet and 5-feet resulting in an aggregate width of 18.41-feet, where side yards of 13.41-feet and 25.90-feet with an aggregate width of 39.31-feet currently exist, and side yards of not less than 25-feet each with an aggregate of not less than 60-feet are required under the Ordinance.

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 Zoning Hearing Board applications.

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

The Planning Commission chose to remain neutral on the subject application, and Mr. Tate felt the proposed addition is an aggressive use of the lot and is not sure it is consistent with past Broad Axe additions. Mrs. Gerber commented that the houses are close together and there are water issues in that neighborhood.

- 3.) **NO. 2046-15: NORMAN J. AND VALERIE G. BARLOW** request the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article VII, Section 160-38 relating to height and setback requirements for accessory buildings or structures in the R-2 Residential District; and (2) Article XXVIII, Section 160-204 relating to residential rear yard intrusions. Applicants propose to construct a 440-square-foot detached garage on the property located at 80 Norristown Road in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow a 14-foot high garage with a side yard setback of 8-feet, where the Ordinance would require a 13-foot side yard setback for a 14-foot accessory structure.

Present for the applicant: Steve Merman, Applicant's Contractor

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications.

Mr. Shorin asked if there were discussions with the neighbors. Mr. Merman replied yes that he stressed to the homeowner to notify the neighbors of the proposal. He stated that the homeowner complied and there were no objections. Mr. Merman mentioned that one neighbor had concerns with water runoff. He pointed out that the homeowner is downstream and the applicant's lot has a basin.

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.

- 4.) **NO. 2047-15: LUIGI COLELLA, LLC** requests variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXVIII, Section 160-214(C) relating to required green area; and (2) Article XXIX, Section 160-225 relating to an extension of nonconforming use. Applicant proposes to (1) increase the impervious coverage from 21,217 square-feet to 21,397 square-feet, where not more than 9,034 square-feet is permitted under the Ordinance; and (2) allow the expansion of the non-conforming use of land beyond the 38% previously approved, where the Ordinance permits a maximum expansion of 25%, to add a 180 square-foot exit-only driveway on the property located at 298 Norristown Road in the Township's R-1 Residential District.

Present for the applicant: William Owen, Robert E. Blue Consulting Engineers
Luigi Colella, Applicant

Mr. Owen provided a brief summary of the requested relief, stating that this relief is for an addition of a single 15 foot wide exit-only driveway onto Norristown Road to help circulation. It is a modification of a recent plan approved by the Zoning Hearing Board. Mr. Tate asked if it will be a right turn out. Mr. Owen replied there are currently no turn restrictions but they need PennDOT's permission.

In addition, the applicant has committed to work with the Township to connect a trail on the property.

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.

- 5.) **NO. 2040-15: GIANNI CALABRETTA** requests an appeal from the determination of the Code Enforcement/Zoning Officer; an appeal from a Zoning Enforcement Notice; a modification of conditions of previously granted relief (prior Decisions 643-88, 1111-97, 1469-03, 1547-04, 1626-05 and 1922-11) and/or a variance from Article XXI, Section 160-135 and 160-135(G) of the Whitpain Township Zoning Ordinance, as amended, relating to use regulations in the C-1 Commercial District as well as clarification of "hours of operation" as set forth in Decision #1922-11 relative to the property located at 1626 Kendrick Avenue within the Township's C-1 Commercial and R-2 Residential Districts. Applicant proposes (1) that the storage of outside materials such as mulch, stone, and salt be permitted on the premises; and (2) that the hours of operation be extended from 5:00 p.m. to 7:00 p.m. Monday through Friday for purposes of parking and access only. Applicant's requested variance relief, if granted, will permit (1) the outside storage of materials such as mulch, stone, and salt; and (2) access to the property between the hours of 5:00 p.m. and 7:00 p.m. for the limited purposes of parking vehicles, accessing tools, and entering and exiting the property.

Present for the applicant: Gianni Calabretta, Applicant

Mr. Calabretta wanted clarification of the original Zoning Hearing decision and the interpretation of the hours of operation to allow him to be at the shop, but not work in the shop.

Mr. Tate asked what the approved hours of operation are. Mr. Calabretta replied 7 am to 5 pm Monday through Friday and 9 am to 5 pm on Saturday.

Mr. Shorin commented that this property came before the Planning Commission and Zoning Hearing Board multiple times in the past.

Mr. Calabretta announced that he has an agreement of sale for a new property and is hoping to move within 90 days.

Mr. Pronczak pointed out that this application seeks to extend hours of operation from the previous Zoning Hearing Board decision. Mr. Calabretta is also appealing an enforcement notice.

Mrs. Gerber questioned the size of the trucks.

Mr. Shorin understood the concerns of the neighbors regarding the noise, view and odors.

Audience comments:

David and Deborah Milburn, 1630 Burke Avenue, asked the Planning Commission to make a recommendation to the Zoning Hearing Board to oppose the variance and have the applicant live up to hours that were originally agreed upon. He stated that these hours have been violated for the past three years. Mr. Milburn stated they have also written detailed letters regarding illegal operations.

The Planning Commission recommends that if the next tenant needs variances expires with the tenant.

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications.

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

The Planning Commission commented they are not making a recommendation on the requested relief, but suggested that if relief is granted the Planning Commission recommends it be temporary in nature.

5.) Pertinent Planning Issues

Chairman Corti announced that next Tuesday, June 16, 2015 at the Board of Supervisors meeting there will be discussion about the open space initiative. Mr. Pronczak commented that it will be a full agenda in addition to the open space initiative. He pointed out that a Conditional Use Hearing for the Leoni Tract, a hearing on the ordinance for the Welex property and some other major

issues will be on the agenda. Mr. Pronczak noted that because of the anticipated turn out the meeting will be held at Prophecy Creek.

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

Respectfully submitted,



Richard Shorin, Secretary