

WHITPAIN TOWNSHIP PLANNING COMMISSION MAY 2015

A work session of the Whitpain Township Planning Commission was held on Tuesday, May 12, 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 Tory Meitner 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 Edward McLaughlin was absent.

1. Review of a Subdivision Plan for 1218 Walton Road. This application involves a two lot subdivision of approximately 7.98 acres of property located at 1218 Walton Road, which is on the eastern side of Walton Road between Dundee Drive and Walmere Way. Access to the site will be from Walton Road. The property is zoned R-5 Residential District.

Mr. Pronczak provided a brief history of the requested proposal and plan. He mentioned that the applicant is currently proposing a two lot subdivision. Mr. Pronczak pointed out that each lot is approximately 2.5 acres. He noted that PennDOT permits will have to be obtained for access on Walton Road.

Mr. McManus stated that the applicant has to demolish the existing structure prior to the subdivision or obtain a variance to allow the structure to remain.

The Planning Commission questioned what the long term proposal is for the adjacent lot which has structures for operation of a horse farm. In addition, the Planning Commission had a discussion regarding the applicant installing sidewalks/path along Walton Road.

2. Review of Ordinance #4-241 – Corporate Rental Suites Ordinance. 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 corporate residential suite and providing for such use in the R-E Research and Engineering Zoning District by Conditional Use.

The Planning Commission questioned whether or not the ordinance was too specific. Mr. Rieker stated the ordinance was written to only allow long term extended stays, and not allow a permanent residential habitation. Mr. Pronczak also pointed out that the Corporate Residential Suites are only permitted in the RE-District. He showed the Planning Commission the two RE-Districts on the Township map. Additionally, Mr. Pronczak mentioned that it is a nice compliment to some of the development going on in the area.

Mr. Rieker mentioned that the ordinance allows this use to be added to the existing RE-District uses.

3. Review current zoning hearing board applications.

NO. 2038-15: GWENDOLEN W. AND STEPHEN C. BRYANT request the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article XIV, Section 160-85(B)(2)(e), relating to dimensional standards for front yards; and (2) Article XXVIII, Section 160-202 relating to projections into front yards. Applicant proposes to construct an addition within the front yard setbacks along Dairy Lane and Hereford Drive on the property located at 1130 Dairy Lane in the Township's R-7 Residential District. Applicant's requested variance relief, if granted, will allow (1) the construction of the addition resulting in front yard setbacks of 26-feet 3-inches and 21-feet 11-inches along Dairy Lane and Hereford Drive, respectively, where currently the front yard setbacks are 30-feet 8-inches and 35-feet, and the Ordinance requires a minimum setback of 35-feet for front yards; and (2) the construction of the proposed addition within the front yard setbacks along Dairy Lane and Hereford Drive, where the Ordinance prohibits such a structure from being erected within the front yard.

Mr. McManus stated that the applicant has moved the proposed addition from one side of the house to the other.

NO. 2041-15: NVR, INC. (RYAN HOMES) request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXVI, Section 160-191.B relating to permitted signs in the R-3B Low-Intensity Multifamily District, and (2) Article XXVI, Sections 160-187.B and C relating to prohibited signs. Applicant proposes to install additional signage for the Red Fox Farm Subdivision in the Township's R-3B Low-Intensity Multifamily District. Applicant's requested variance relief, if granted, will allow (1) five 1.5 square foot sales signs and six 14 square foot sales flag signs, where flag signs are prohibited, and where one 32 square foot sales sign is permitted under the Ordinance; and (2) one double sided 8.38 square foot directional sign, where two 2 square foot directional signs are permitted under the Ordinance.

NO. 2042-15: C. ALEX AND TARA BAHN request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-34 relating to side yards for single-family detached dwellings in the R-2 Residential District; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicants propose to expand an existing garage 3 feet 4 inches into the side yard and to construct a 10-feet 8 inch addition behind the garage, 3-feet of which will extend into the side yard of their property located at 27 Meade Road in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow a side yard of 12-feet, where 15-feet currently exists, and a minimum of 25-feet for

each side yard is required, and no part of a building is permitted to project into the side yard under the Ordinance.

Mr. Pronczak stated that this is a residential property and the request is for a side yard setback.

NO. 2043-15: AMBLER POWER SPORTS, LLC/BEVILACQUA request (1) a special exception to grant an additional use pursuant to Decision 519-86; or alternatively (2) a change in a nonconforming use pursuant to Article XXIX, Section 160-224; or alternatively (3) a variance from Article XI, Section 160-55 relating to use regulations in the R-4 Village Preservation District. Applicant's requested relief, if granted, will permit the sales of motorcycles and ATVs at its property located at 200 Railroad Avenue in the Township's R-4 Village Preservation District.

Mr. Pronczak gave a brief summary of the requested relief, stating that it is the Biddle property and the tenant will be located on the Railroad Avenue side. He noted that the previous tenant was a repair business and the new tenant is seeking a variance to add sales. Mr. McManus mentioned that the applicant stated that sales would be a minor part of the business compared to repairs.

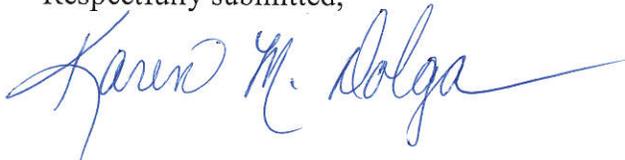
The Planning Commission expressed concerns regarding test driving ATV's and motorcycles on the property, noise, safety, and possibly limiting the amount of ATV's and motorcycles for sale.

4. Review of pertinent planning issues.

Mr. Pronczak announced that the Comprehensive Plan Committee will have a meeting on May 21, 2015 at 5:30 PM to present the draft Comprehensive Plan.

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
MAY 2015**

The fifth meeting of the Whitpain Township Planning Commission for the year 2015 was held on Tuesday, May 12, 2015 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Kenneth Corti presided with Commission members Richard Shorin, Penelope Gerber, Bradley Tate, Otis Hightower and Tory Meitner 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 Edward McLaughlin was absent.

Chairman Corti called the meeting to order at 7:31 PM. The members of the Planning Commission and Township Staff introduced themselves to the public that were present.

1.) Approval of minutes.

Chairman Corti called for any comments or questions on the April meeting minutes from the audience. There being none, Mr. Meitner made a motion, seconded by Mr. Hightower, to approve the minutes of the April 14, 2015 meeting of the Planning Commission. The motion passed 6-0.

2.) Review of a Subdivision Plan for 1218 Walton Road. This application involves a two-lot subdivision of approximately 7.98 acres of property located at 1218 Walton Road, which is on the eastern side of Walton Road between Dundee Drive and Walmere Way. Access to the site will be from Walton Road. The property is zoned R-5 Residential District.

Present for the applicant: Robert Ayerle

Mr. Ayerle provided a brief summary of the proposed subdivision application, stating that the applicant is proposing to subdivide into two parcels. He noted that there is an existing driveway on one of the parcels and on the other parcel a driveway will be installed. Mr. Ayerle mentioned that the applicant has received review letters from the Montgomery County Planning Commission and the Township. He remarked that the applicant's intends to comply with the comments listed in the Township's review letter with the exception of one item that they needed clarification regarding storm sewer improvements within the right-of-way. Mr. Pronczak responded that it is a standard note. Mr. Ayerle asked whether or not the Township wanted to accept dedication of the right-of-way. Mr. Pronczak replied that Walton Road is a state road and a lot of times it is reserved as a right-of-way, but not actually dedicated.

Planning Commission comments:

Chairman Corti inquired about the existing property. Mr. Ayerle replied that the existing lot will remain as a lot.

Mr. Tate asked if the dwelling on Lot 2 will be raised. Mr. Ayerle responded that that is the plan if it gets developed unless someone wants to buy the existing house and renovate it.

Mr. Shorin asked if there will be enough space for the horse farm after subdivision. Mr. Ayerle responded that the horse farm currently has a lease which runs through December 21, 2015 and the applicant is not planning to operate a horse farm past that time.

Mr. Tate inquired about public sewers. Mr. Ayerle replied that there is public sewer on the other side of the street and individual sewage pumps will be needed. In addition, Mr. Tate asked if the existing house has public sewer. Mr. Ayerle responded that he did not believe it did, but noted the intent is to have public sewers.

Mr. Shorin asked if the applicant considered installing sidewalks. Mr. Ayerle replied no. The Planning Commission asked the applicant to consider installing sidewalks or a walking trail. Mr. Ayerle replied that he would like to take it under consideration and investigate it more before agreeing to it.

Mr. Rieker asked the applicant not to show the building envelope in the floodplain as noted on the Township review letter. Mr. Ayerle replied yes that they will comply.

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 Mr. Meitner to recommend that the Board of Supervisors approve the subdivision application for 1218 Walton Road subject to compliance with Township Engineer's review letter and the consideration of sidewalks/walking trail.

The motion passed 6-0.

3. Review of Ordinance #4-241 – Corporate Rental Suites Ordinance. 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 corporate residential suite and providing for such use in the R-E Research and Engineering Zoning District by Conditional Use.

Present for the applicant: Robert Lewis, Kaplin Stewart
Mark Korman, President, Korman Communities

Mr. Lewis stated that they had an opportunity in March to present a full presentation regarding the Korman Communities proposal for the redevelopment of the Welex site at the intersection of Jolly Road and Union Meeting Road. Since their presentation to the Planning Commission, on March 31, 2015 they have updated the proposed ordinance per the Planning Commission's comments and now they are submitting the request for adoption of the text amendment to RE District allowing Corporate Rental Suites subject to numerous requirements and design criteria. He mentioned that the ordinance is expected to be scheduled for a hearing on June 16, 2015. Mr. Lewis pointed out some important components including minimum and maximum tract sizes, minimum of 50% green space, four floors no more than 50 feet high, mix of smaller studios and one and two bedrooms, and approximately 50% or more of the parking underground.

Mr. Pronczak pointed out that this ordinance requires a Conditional Use Hearing which is an extra step prior to land development approval depicting details of the building, architecture and other amenities.

Mr. Tate questioned the first sentence of the ordinance and asked what is meant by "units available to the public with or without meals". Mr. Lewis replied that a limited breakfast is served for the residents only.

Mrs. Gerber asked if the units will have kitchens. Mr. Lewis replied yes.

Mr. Shorin commented about the County letter and promoting walkability. Mr. Lewis stated that there are feasible connections down Union Meeting Road and along Jolly Road.

Mr. Rieker noted that this is a text amendment to the RE District and the zoning map will stay in place. Mr. Rieker read the last sentence under Section 1 stating that it is a long term rental facility which will have loads of amenities for the use of the residents and not the outside public.

Chairman Corti asked if there is a limit on the length of stay. Mr. Lewis replied that they typically do not have a ceiling on the length of stay. In addition, Chairman Corti asked if the average stay will be 4-6 months. Mr. Lewis replied yes.

Mr. Hightower asked is there a time limit that the outdoor amenities will close. Mr. Korman replied that the swimming pools usually close at midnight.

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 Mrs. Gerber to recommend that the Board of Supervisors approve Ordinance #4-241 allowing a Corporate Rental Suites Use by Conditional Use.

The motion passed 6-0.

5.) Review of current Zoning Hearing Board applications.

- 1.) **NO. 2038-15: GWENDOLEN W. AND STEPHEN C. BRYANT** request the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article XIV, Section 160-85(B)(2)(e), relating to dimensional standards for front yards; and (2) Article XXVIII, Section 160-202 relating to projections into front yards. Applicant proposes to construct an addition within the front yard setbacks along Dairy Lane and Hereford Drive on the property located at 1130 Dairy Lane in the Township's R-7 Residential District. Applicant's requested variance relief, if granted, will allow (1) the construction of the addition resulting in front yard setbacks of 26-feet 3-inches and 21-feet 11-inches along Dairy Lane and Hereford Drive, respectively, where currently the front yard setbacks are 30-feet 8-inches and 35-feet, and the Ordinance requires a minimum setback of 35-feet for front yards; and (2) the construction of the proposed addition within the front yard setbacks along Dairy Lane and Hereford Drive, where the Ordinance prohibits such a structure from being erected within the front yard.

Present for the applicant: Stephen Bryant

Mr. Bryant gave a brief summary of the requested relief, stating that they are proposing to build a downstairs bedroom, full bath and garage so there is a place for them to live when they can no longer go upstairs. He pointed out that his neighbors objected to his plan in April and since then the plans have been revised. Mr. Bryant stated that the proposed addition will be placed on the other side of the house. He stated that he talked to all of the immediate neighbors and none of them had any objections.

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.

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

- 2.) **NO. 2041-15: NVR, INC. (RYAN HOMES)** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXVI, Section 160-191.B relating to permitted signs in the R-3B Low-Intensity Multifamily District, and (2) Article XXVI, Sections 160-187.B and C relating to prohibited signs. Applicant proposes to install additional signage for the Red Fox Farm Subdivision in the Township's R-3B Low-Intensity Multifamily District. Applicant's requested variance relief, if granted, will allow (1) five 1.5 square foot sales signs and six 14 square foot sales flag signs, where flag signs are prohibited, and where one 32 square foot sales sign is permitted under the Ordinance; and (2) one double sided 8.38 square foot directional sign, where two 2 square foot directional signs are permitted under the Ordinance.

Present for the applicant: Carl Weiner, Esq., HRMML PC

Mr. Weiner provided a brief summary of the request relief, stating that this is an application for a signage package related to the development at Red Fox Farm. He pointed out the flags that are proposed are interior to the site and they are setback from Skippack Pike. Mr. Weiner mentioned that there are a series of parking signs that identify the sales department. Additionally, he stated that there is a third 8 sf sign.

Mr. Tate asked if all the signage is interior to the development. Mr. Weiner replied yes. Mr. Tate stated that there is one sign at the entrance. Mr. Weiner stated that is already permitted and not part of this application.

Chairman Corti voiced a concern of the Planning Commission suggesting once the homes are sold, the signs be removed. Mr. Weiner replied there is no intention to keep signs up. Chairman Corti asked how long you are requesting the signs. Mr. Weiner replied after the last unit is sold. Mr. Pronczak added that sign removal is often tied to the issuance of the last Use and Occupancy.

Mr. Rieker pointed out the flag signs are more like banners because they are fixed at the top and bottom of the pole.

Mr. Rieker suggested the signs be removed in a reasonable amount of time, perhaps when the last Use and Occupancy is issued.

Audience comments:

Ken Snowden, 683 Cathcart Road, asked about the location of the signs and are the signs inspected by the Code Department.

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.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application, but suggested the Zoning Hearing Board consider an expiration date for removal of the signs.

- 3.) **NO. 2042-15: C. ALEX AND TARA BAHN** request variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-34 relating to side yards for single-family detached dwellings in the R-2 Residential District; and (2) Article XXVIII, Section 160-203 relating to projections into side yards. Applicants propose to expand an existing garage 3 feet 4 inches into the side yard and to construct a 10-feet 8 inch addition behind the garage, 3-feet of which will extend into the side yard of their property located at 27 Meade Road in the Township's R-2 Residential District. Applicant's requested variance relief, if granted, will allow a side yard of 12-feet, where 15-foot currently exists, and a minimum of 25-feet for each side yard is required, and no part of a building is permitted to project into the side yard under the Ordinance.

Present for the applicant: Mike McBrien, Father of Tara Bahn

Mr. Brien gave a brief summary of the requested relief, stating that his daughter and son-in-law are requesting relief from the required side yard setback to expand the garage three feet.

Audience comments:

Richard Mandel and Francine Delricci, 25 Meade Road, voiced a concern regarding the addition impact on stormwater. They noted an existing strong water flow and basement flooding.

Planning Commission comments:

Mr. Tate questioned how the three foot encroachment would affect the grading and water flow.

Mr. Shorin commented that the applicant consider looking into other options because of the existing water problem.

The Planning Commission suggested Mr. Mandel and Mrs. Delricci voice their concerns at the Zoning Hearing Board 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.

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

- 4.) **NO. 2043-15: AMBLER POWER SPORTS, LLC/BEVILACQUA** request (1) a special exception to grant an additional use pursuant to Decision 519-86; or alternatively (2) a change in a nonconforming use pursuant to Article XXIX, Section 160-224; or alternatively (3) a variance from Article XI, Section 160-55 relating to use regulations in the R-4 Village Preservation District. Applicant's requested relief, if granted, will permit the sales of motorcycles and ATVs at its property located at 200 Railroad Avenue in the Township's R-4 Village Preservation District.

Present for the applicant: Michael Bevilacqua

Mr. Bevilacqua provided a brief summary of the requested relief, stating that he is applying for a use variance to sell motorcycles and ATVs.

The Planning Commission had concerns regarding ATVs. Mr. Bevilacqua responded that the ATVs and motorcycles are legal, fully licensed and sold to local buyers who use them for hunting, fishing, recreational and utility purposes.

In addition, the Planning Commission had concerns with ATVs and motorcycles being test driven. Mr. Bevilacqua replied that no test driving is permitted and pointed out that his insurance policy excludes test drives. He stated that he will bring a copy of the insurance policy to the Zoning Hearing Board meeting.

Mr. Rieker asked that if the engines will be turned on in the building. Mr. Bevilacqua responded yes and that there are no residential neighbors and that he has not received any complaints.

Mr. Hightower asked how many repairs per day. Mr. Bevilacqua replied approximately three a day.

Mr. Meitner questioned if the variance will run with the applicant or the property. Mr. Pronczak noted that it will run with the property. Mr. Meitner made a recommendation that if this applicant is approved that it runs with the applicant's lease.

Mr. Hightower asked will the repair work be done inside. Mr. Bevilacqua replied yes.

Mr. Tate asked Mr. Bevilacqua if he specialized in a specific type of ATVs and motorcycles. Mr. Bevilacqua replied no.

Mr. Shorin commented that there appears to be a good inventory on site. Mr. Bevilacqua replied that most of the items there are for repair not sale.

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.

There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application, but recommended that if the Zoning Hearing Board grants approval it will expire when the tenant's lease expires and that test driving be prohibited.

6.) Pertinent Planning Issues

Chairman Corti announced that the Comprehensive Plan Committee meeting is open to the public and will be held on May 21, 2015 at 5:30 PM to review the draft Comprehensive Plan.

There being no further business to come before the Commission, a motion was made by Mrs. Gerber, and seconded by Mr. Hightower to adjourn. The meeting adjourned at 8:20 PM.

Respectfully submitted,



Richard Shorin, Secretary