

WHITPAIN TOWNSHIP PLANNING COMMISSION NOVEMBER 2015

A work session of the Whitpain Township Planning Commission was held on Tuesday, November 10, 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 Engineer James Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus, Recording Secretary Karen Dolga and Gregory Monte were also present. Planning Commission member Edward McLaughlin was absent.

Chairman Corti announced that Centre Square Fire Company originally scheduled for consideration this evening will be postponed to the December Planning Commission meeting.

1. Review of a Land Development Plan for the Centre Square Commons Shopping Center located at 938-956-990-998-1010 DeKalb Pike & 1324-1380 Skippack Pike. This application involves construction of an 111,100 SF shopping center, 5,300 SF outdoor seating area and an 11,500 SF mezzanine area, which is on the southeastern corner of the intersection of DeKalb Pike and Skippack Pike. Access to the site will be from both DeKalb Pike and Skippack Pike. The property is located entirely within the Community Shopping Center Overlay District.

Mr. Blanch provided a brief summary of the requested application. He stated that in the Township's latest review there are still some concerns regarding the Flo-Tank system, and other engineering items to be addressed.

The Planning Commission wanted clarification for the Phase II shared driveway with the Fire Company, especially the timing and scheduling between the two properties, and the necessary permits.

In addition, the Planning Commission discussed the financing of the new Fire House and the phasing of the project, and how stormwater management will work for both properties.

The Planning Commission discussed the PennDOT Route 202 widening and the impact on the shopping center.

Chairman Corti suggested that if this plan is approved, it be conditioned upon the Shade Tree Commission review of the landscape design.

1. Review current zoning hearing board applications.

NO. 2059-15: MALVERN SCHOOL REAL ESTATE, LP request a special exception under Article XXII, Section 160-142G.(5) to operate a Malvern School at 475 Norristown Road in the Township's I-Limited Industrial District, in space where St. Miriam's Church was located (citing prior Decisions and Orders 996-94, 1849-09 and 1958-12 regarding Use regulations that allowed the additional use of educational room space for a private parochial kindergarten then called St. Miriam Academy which worked in cooperation with a then existing Goddard School); and variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXII, Section 160-142.G. to permit the operation of a Malvern School on the property; (2) Article XXVII, Section 160-192.B.(2)(m) relating to off-street parking and loading; and (3) Article XXVI, Section 160.191.F. relating to sign regulations. Applicant proposes constructing a Malvern School in the Township's I-Limited Industrial District. Applicant's requested variance relief, if granted, will allow (1) parents to park in order to bring child(ren) into school and pick up their child(ren) from the school; and (2) one 24.9375 square feet building sign identifying "THE MALVERN SCHOOL," where one 16 square feet building sign per building for tenant or owner-occupant occupying more than 50% of the floor area is permitted under the Ordinance.

Mr. Blanch provided a brief summary of the proposed application noting that they are renovating one building that used to be a daycare facility and church. He pointed out the applicant is requesting to make the entire building a daycare facility. Mr. Blanch mentioned that they are redesigning the parking lot in front of their building to allow for child drop off and pick up. He stated that the applicant will install a rain garden to meet stormwater requirements.

2. Review of pertinent planning issues.

Mr. Blanch announced that the Comprehensive Plan will be reviewed in January.

The work session adjourned at 7:36 PM, at which time the Planning Commission members left for the public meeting.

Respectfully submitted,



Karen M. Dolga, Recording Secretary

Chairman Corti inquired about lighting the bollards in the Muhlern review letter. Ms. Kearney responded that the applicant will not light the bollards.

Ms. Kearney referenced Item #9 from Mr. Blanch's review letter dated November 6, 2015 regarding the Welcome to Whitpain sign. Ms. Kearney noted that permission or an easement may be required from PennDOT for the sign. Ms. Kearney also stated that the Conservation District will require that PennDOT have a rain garden in the area where the sign is currently proposed. Ms. Kearney asked for guidance on a new location for the sign.

Chairman Corti asked for clarification of the name that will be displayed on the sign. The Planning Commission had a discussion regarding the name and location of the sign. Mr. McKenna suggested placing the sign along Skippack Pike closer to intersection or possibly placing it on Route 202. Mr. Blanch noted that the rain garden takes up most of the parcel on the PennDOT plan. Mr. Rieker stated that the applicant can come up with designs to share with the Planning Commission.

Ms. Kearney referenced Item #11 from Mr. Blanch's review letter. She stated that the applicant is aware that Building #7 tenants will need building permits and possibly zoning relief for the signs. Ms. Kearney stated that the applicant will comply with the rest of Mr. Blanch's comments in his review letter.

Ms. Kearney referenced Mr. Rieker's review letter. She stated that the bollards will not be lit. She also stated that the applicant will keep a running tab of the eating and drinking establishments on the plan. Ms. Kearney asked Mr. McManus for clarification that a permit will be required for new tenants. Mr. McManus stated that each new tenant will need to obtain a Use & Occupancy certificate.

Mr. Shorin commented that he would like to avoid a parking situation similar to the Plymouth Meeting Mall. The parking is not equally distributed and there is always a deficiency on the weekends.

Chairman Corti asked if all comments regarding stormwater management and Flo-Tank in Mr. Blanch's review letter have been addressed. Mr. McFall stated that they will address all concerns regarding the Flo-Tank in Mr. Blanch's review letter and provide additional information.

Mr. Tate asked Mr. Blanch if there are any concerns with the downstream flow under Route 202. Mr. Blanch stated that the applicant is reducing the flow, which is beneficial to the project and PennDOT will be replacing the culvert as part of their project. Chairman Corti asked if the box culvert under Route 73 will be replaced as well. Mr. Blanch stated it will. Chairman Corti asked for clarification

regarding the issue of the 94% reduction of flow. Mr. Blanch stated that is not a 94% flow reduction, it is a 94% release rate based on the Act 167 study.

Chairman Corti raised concerns regarding the scheduling and phasing of the project in regards to the driveway for the Fire Company. Mr. McKenna provided some background information, stating that they have an agreement on an easement with the Fire Company, and they have received CAD files from the Centre Square Fire Company's engineer to begin design.

Mr. Tate asked for clarification on the number of current HOP applications. Mr. McKenna responded that for Phase II they will be applying for a second HOP for the Firehouse driveway. Mr. Tate inquired if a permit application for the driveway and traffic signal has been made for Route 202. Mr. McKenna responded that it has. Mr. Tate also asked to clarify that a permit application has been made for the right-in right-out by the bank for State Route 73. Mr. McKenna stated that all four (4) points of their ingress and egress are part of one HOP application including part of the traffic signalization. Mr. Tate raised a concern that this may cause a delay in the project. Mr. McKenna responded that he believes it will not because that they have gone through the design and scoping phase with PennDOT. Mr. Tate inquired on the timing of the permit applications. Mr. McFall stated it will take about 60 days.

Chairman Corti asked Mr. McKenna when he anticipates starting the project. Mr. McKenna responded he is looking to start demolition within the next month and tree clearing and grubbing as soon as plans and development agreements are signed. Chairman Corti clarified that the start of the project is contingent upon getting NPDES approval. Mr. Tate asked if the applicant received a NPDES review. Mr. McFall responded yes. Mr. Tate asked if the review could be shared with Mr. Blanch. Mr. McFall responded yes.

Mr. McKenna noted that the governor signed in to law the land exchange for the basin relocation. Mr. McKenna also stated that they plan to start their roadwork in May 2016.

Chairman Corti asked if the applicant was confident that the traffic could be managed safely prior to Phase II. Mr. McKenna responded yes.

Mr. Rieker stated that he invited a landscape architect to assist him in the hardscape review. Mr. Rieker said that the focus of the hardscape was on how the routing would work and how people with disabilities would walk the site. Mr. Rieker stated that the Landscape review memo was very positive. Mr. Liebman informed the Planning Commission that they will comply with all general comments and design guidelines and will tidy up the hardscape drawings. Mr. Liebman stated they will go back and double check locations where they may

have missed a detectable warning where there is a crosswalk. Mr. Liebman also stated that they will put them where they are required by the ADA. Mr. Liebman referenced Item #3B in regards to pedestrian pavements and stated that they have been very successful in providing this type of pavers in small towns.

Chairman Corti asked Mr. McKenna if he had an email from Carol Christ regarding her concerns with ADA and making the site more user friendly. Mr. McKenna stated he did, and also stated that they have incorporated her comments into the design. Mr. Liebman stated that there is an accessible route throughout the entire site. Mr. McKenna said that they will provide accessibility with their crosswalk to the WaWa side.

Mr. Shorin inquired about the type of bike racks being used. He stated that there are some newer looking bike racks that are more usable and aesthetically pleasing than the conventional bike racks. Mr. Liebman responded that they have proposed simple bike racks. Mr. McKenna stated that they were willing to look into that detail.

Ms. Kearney referenced Item #9b of Maser Consulting's October 13th response letter to McCloskey & Faber's June 10th review letter. Ms. Kearney stated that they will address the issue that all landscaping planting areas should be raised in order to prevent road salts from seeping into the plant area. She also referenced Item #10Ci that they will provide edge trimming to delineate between the driveway and adjacent landscape areas.

Chairman Corti explained that if the Planning Commission makes a recommendation, that they also recommend that the Shade Tree Commission receives a copy of the landscaping plans for their review. Mr. McKenna stated that they will take their comments under advisement.

Ms. Kearney referenced a review comment under general lighting regarding the relationship between the proposed trees in the islands and the effectiveness of the lights. She stated the proposed trees would reach a height of 15' with and the lights at a height of 25' and there should not be an issue.

Mr. Liebman referenced Items #10d and #10g regarding cart corrals and details for the trash enclosures noting that they are in the design guidelines and are not part of the construction documents.

Mr. Liebman referenced Item #10h regarding potential pavilions and pergolas. Mr. Liebman explained that if they decide to put a pavilion or pergola in, they are also listed in the design guidelines.

Audience comments:

Luis Marin, 1380 Skippack Pike, stated he has been operating in Blue Bell for 15 years at El Sarape. He mentioned that in the beginning he supported the project; however, over the past 18 months he and Mr. McKenna have yet to come to a lease agreement for his business. Ms. Kearney objected to Mr. Marin's statement and noted Mr. Marin and the applicant are in lease negotiations and both are represented by counsel. Mr. Marin stated that he is concerned about zoning, safety and traffic for his business during construction.

Mr. Marin was confused about how his restaurant is shown on one plan and not others. Mr. Rieker mentioned that the existing building does not survive the Master Plan.

Mr. Tate commented that the construction scheduled is usually a component of the NPDES application. He mentioned for demolition and clearing we can look at the plan to see the construction staging.

Todd Dratch, 1150 Old York Road, had concerns regarding the plans and referenced sheets 15, 16, and 17. He stated that Mr. Marin understands he has a private lease issue with Mr. McKenna. Mr. Dratch stated that Mr. Marin's question is regarding the safety, traffic, and how this existing building is shown on sheet 16 and not on 17, the Erosion and Sedimentation and Control Final Plan. He commented that there are no notes on how, when and where that building will be demolished. Mr. Dratch stated they are requesting the opportunity to sit down with the developer, the Township and Mr. Marin to discuss the phasing of plans from sheet 16 to sheet 17.

Chairman Corti asked Mr. Dratch if he has raised concerns at a Board of Supervisors meeting. Mr. Dratch replied no, and stated that he was unaware of Board of Supervisors meetings.

Mr. McKenna explained that his attorney has been at this for 2 ½ years regarding the lease and asked the tenant if they want to relocate. The offer has not been accepted yet.

Mr. Tate questioned Mr. McKenna's ability to demolish the building and its impact on soil erosion. Mr. McKenna replied the space is built out if they decide to relocate.

Mr. McKenna commented that the tenant is trying to create a hardship and seeking to derail the project. Mr. Dratch stated it is not true.

Mr. Tate asked if Mr. Blanch has reviewed circulation. Mr. Blanch replied no. Mr. McFall added that it operates as it does today.

Mr. Dratch inquired if sheet 16 was part of the Conditional Use plan.

Mr. Rieker questioned when the lease terminates. Mr. McKenna replied July 31, 2019.

Mr. McKenna mentioned that the tenant wants a seamless transition where they are not out of business at all and that is not what is required in the lease.

Chairman Corti stated that the Planning Commission does not get involved with legal issues. Additionally, he questioned why the Planning Commission wasn't informed about this.

Mr. McKenna stated that they have accommodated the tenants not knowing if they wanted to be part of the new development.

Mr. McKenna confirmed that the shopping center cannot open until the tenant's building is demolished to accommodate for new parking.

At this time, Chairman Corti temporarily adjourned the meeting and the Planning Commission members stepped down from the dais and went into the work session meeting room. The Planning Commission meeting resumed at 8:34 pm.

Chairman Corti commented that it is disappointing that the applicant was not more forth coming to the Planning Commission. Mr. McKenna replied it has been on the plan before June and shown as phases.

Mr. Blanch explained that this will be addressed through the issuance of certificate of occupancy certificates and building permits. He noted it must be safe at all times for the U&O to be issued.

Chairman Corti commented that it would be nice to keep a tenant that was in favor of your project and would like to see you all work it out in a fair manner.

Mrs. Gerber commented that she felt it would have been more appropriate if the applicant would have mentioned the fact about El Sarape was going to stay there and objected to the manner in which this was presented.

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 Planning Commission member, Mr. Meitner to move forward.

Upon amended motion by Mr. Tate, duly seconded by Mr. Shorin, the Planning Commission recommended that the Board of Supervisors grant approval of the final land development plan for Centre Square Commons Shopping Center subject to the applicant submitting the landscape plans to the Shade Tree Commission for their informal review, and the timing of the Phase II traffic signal construction be worked out to the satisfaction of the Board of Supervisors.

The motion passed: 5-1.

3. Review of current Zoning Hearing Board application.

NO. 2059-15: MALVERN SCHOOL REAL ESTATE, LP request a special exception under Article XXII, Section 160-142G.(5) to operate a Malvern School at 475 Norristown Road in the Township's I-Limited Industrial District, in space where St. Miriam's Church was located (citing prior Decisions and Orders 996-94, 1849-09 and 1958-12 regarding Use regulations that allowed the additional use of educational room space for a private parochial kindergarten then called St. Miriam Academy which worked in cooperation with a then existing Goddard School); and variance relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXII, Section 160-142.G. to permit the operation of a Malvern School on the property; (2) Article XXVII, Section 160-192.B.(2)(m) relating to off-street parking and loading; and (3) Article XXVI, Section 160.191.F. relating to sign regulations. Applicant proposes constructing a Malvern School in the Township's I-Limited Industrial District. Applicant's requested variance relief, if granted, will allow (1) parents to park in order to bring child(ren) into school and pick up their child(ren) from the school; and (2) one 24.9375 square feet building sign identifying "THE MALVERN SCHOOL," where one 16 square feet building sign per building for tenant or owner-occupant occupying more than 50% of the floor area is permitted under the Ordinance.

Present for the applicant: Bernadette Kearney, Hamburg Maxwell Lupin
Rolph Graf, Rolph Graf Engineering
Helena Swartz, Representative for The Malvern School

Ms. Kearney provided a brief summary of the requested relief, stating that the plan has been modified from the original plan to come closer with complying with the Township ordinance. Ms. Kearney stated that the applicant needs relief for three drop off parking spaces. She noted the applicant will comply with the minimum required number of parking spaces and the relief is for childcare drop off parking spaces. Ms. Kearney added that parents cannot drop off children

because they must be signed in and out. She also mentioned that they received a waiver of land development.

Mr. Shorin asked what could be done to make it more aesthetically pleasing from Norristown Road. Mr. Graf responded that vegetation will be added between the parking lot and Norristown Road and the building façade will be enhanced.

Mr. Shorin inquired if the façade sign will be lit. Ms. Swartz replied no. Additionally, Mr. Rieker asked about the sign's location. Mr. Graf responded the sign will be located near the primary entrance where there is a no parking area.

Chairman Corti asked if the turning radii will permit buses. Mrs. Swartz replied yes.

Chairman Corti asked if the applicant will be installing stormwater management as part of this project. Mr. Graf replied yes.

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. Pertinent Planning Issues

There were no pertinent planning issues to be discussed.

There being no further business to come before the Commission, a motion was made by Mrs. Gerber, and seconded by Mr. Hightower to adjourn. The meeting adjourned at 8:50 PM.

Respectfully submitted,



Richard Shorin, Secretary