WHITPAIN TOWNSHIP PLANNING COMMISSION
SEPTEMBER 2016

A work session of the Whitpain Township Planning Commission was held on Tuesday, September 13, 2016 at 6:00 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 Bradley Tate, Richard Shorin, Penelope Gerber, Tory Meitner, and Edward McLaughlin present. Township Engineer James Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus and Recording Secretary Gregory Monte were also present. Planning Commission member Otis Hightower was absent.

The work session started early to accommodate a 6:30 presentation on Homeowners Associations

1. Presentation on Homeowners Associations (6:30pm-7:30pm)

   Mr. Blanch provided a brief summary of the presentation stating that Mr. Carl Weiner, Esq. & Mr. Jeffrey Wert, Metz Engineers will be the presenters of the presentation. He mentioned that this presentation is for educational purposes and that the township is not preparing to pass any new regulations or proposing any new changes. Mr. Blanch added that the presenters will speak about the process of the dedication of improvements when a project gets developed which includes inspections between HOAs and the township.

   Mr. Rieker commented that Mr. Weiner & Mr. Wert have presented to a number of municipalities and part of their goal is to present to every municipality in Montgomery County.

2. Review of Conditional Use Application #CU32-16 – ACTS Retirement Life Community, Inc – Additional Detached Single Family Dwellings

   Review of a Land Development Plan for Normandy Farms Estates Carriage Homes Phase 2 & Skilled Nursing Addition- This application involves the construction of 21 carriage homes and a 22,500 SF addition to the skilled nursing facility on approximately 101.08 acres of property located at 9000 Twin Silo Drive, which is located off of Morris Road between DeKalb Pike and North Wales Road.

   Mr. Blanch provided a brief summary of both applications stating the Conditional Use Application is coming before the Planning Commission because it is a requirement of the applicant as they are proposing a revision to a previous approval. He commented that the conditional use governs such items as the allowable number units and open space requirements. Mr. Blanch mentioned that the applicant is not currently proposing to build everything on the plans tonight. He added that they are proposing to have the plans approved tonight, but there are (9) nine units that they cannot build until they remove (9) nine units from another section of the site to free up the density on the site. He noted that currently they are able to build (12) twelve of the proposed 21 units, but they are asking for approval tonight for 21 units. Mr.

Blanch noted that there is currently a lack of clear directional signage and circulation on the site.

3. Review current zoning hearing board applications.

1) **NO. 2084-16: PJ'S ENTERPRISES, LLC, dba PJ WHELIHANS RESTAURANT AND PUB** request relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXVI, Section 160-191.D relating To Sign Regulations. Applicants propose to place a 6.5 inch by 6.5 inch Company logo on each of ten separate outside awnings on the property located at 779 DeKalb Pike, Blue Bell, PA in the Township's C Commercial District. Applicants requested variance relief, if granted, will allow the Applicant to place the Company logos on each individual awning when the Ordinance does not permit façade signs in the C Commercial District.

   Mr. McManus provided a brief summary of the application stating that the applicant is requesting relief in regards to signage. Chairman Corti mentioned that the applicant's awnings display an emblem.

   The Planning Commission commented that they felt that the signage was benign.

2) **NO. 2085-16: STEPHEN G. AND SALLIE A. STRAYER** request relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-32 relating to front yards for single family dwellings and Article XXVIII, Section 160-202 relating to projections into front yards. Applicants propose to construct a 10 foot by 10 foot, 8 inch one story addition on the property located at 1650 Sylvan Drive, Blue Bell, PA in the Township's R2 Residential District. Applicants requested variance relief, if granted, will (1) allow the proposed one story addition to project into the front yard where no building or part of a building may do so under the Ordinance and (2) allow the front yard to be reduced from 52 feet to 42 feet where 50 feet is required by the Ordinance.

   Mr. McManus provided a brief summary of the application stating that the applicant is requesting a front yard variance to build a kitchen addition. Mr. McManus mentioned that the applicant's addition is similar to one that their neighbors did.

3) **NO. 2088-16: MELISSA WEBER AND ROBERT WEBER** request relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXV, Section 160-172.A relating to Prohibited Uses in a Floodplain Conservation District and (2) Article XXV, Section 160-175.E regarding Uses Permitted by Special Exception in a Floodplain Conservation District. Applicants propose: (1) to widen the existing driveway of the property located

at 730 Belfry Drive, Blue Bell, PA within the Township's R1-FP District by adding an area measuring 5 feet by 51 feet on the left side of the driveway and adding an irregular shaped area measuring roughly 3 feet by 16 feet on the right side of the driveway and (2) place a 10 foot by 12 foot garden shed in the rear year of the said property which will encroach in the floodplain zone. Applicants requested variance and special exception relief, if granted, will: (1) allow the existing driveway to be expanded by adding an area measuring 5 feet by 51 feet on the left side of the driveway and adding an area measuring roughly 3 feet by 16 feet on the right side of the driveway when the Ordinance does not permit driveways or expansion of driveways within the floodplain conservation district except by special exception and (2) allow the placement within the floodplain zone in the rear yard of the property of a garden shed measuring 10 feet by 12 feet when the Ordinance does not permit any permanent structure to exist within a floodplain conservation district.

Mr. McManus provided a brief summary of the application stating that the applicant is requesting a variance to construct a shed and driveway in alluvial soils.

Mr. Shorin suggested that the applicant place some shrubs around the shed so that the shed would not seem so visible to the neighbors.

4. Review of pertinent planning issues.

Chairman Corti announced that there will be a dedication of Steuer Woods in honor of former Shade Tree Commission Chairman Joseph Steuer at 11am on Sunday, September 18th at Centre Square Park.

Chairman Corti also mentioned that the Community Festival will take place on Saturday, September 24th at Montgomery County Community College.

The work session adjourned at 6:30 PM, at which time the Planning Commission members left for the Presentation on Homeowner's Associations and public meeting.

Respectfully submitted,

Gregory L. Monte

Gregory L. Monte, Recording Secretary

WHITPAIN TOWNSHIP PLANNING COMMISSION MEETING
SEPTEMBER 2016

The ninth meeting of the Whitpain Township Planning Commission for the year 2016 was held on Tuesday, September 13, 2016 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Chairman Kenneth Corti presided with Commission members Bradley Tate, Richard Shorin, Penelope Gerber, Tory Meitner and Edward McLaughlin present. Township Engineer James Blanch, Township Planning Consultant E. Van Rieker, Assistant Zoning Officer William McManus and Recording Secretary Gregory Monte were also present. Planning Commission member Otis Hightower was absent.

Chairman Corti called the meeting to order at 6:32 PM. The members of the Planning Commission and Township Staff introduced themselves to the public that were present.

1. Presentation on Homeowners Associations (6:30pm-7:30pm)

   Presenters: Carl N. Weiner, Esq., Hamburg, Rubin, Mullin, Maxwell, & Lupin PC
   Jeffrey A. Wert, P.E., P.L.S., ASCE, Principal, Metz Engineers

   Mr. Weiner thanked the Planning Commission for allowing him to present to them this evening. He introduced Mr. Wert and himself to the board and the public. He provided some professional background information stating that he is a Developers Attorney and Mr. Wert is a municipal and developer engineer. Mr. Weiner mentioned that they are both involved in the creation and operation of Homeowners Associations. He noted that they are also members of the Community Association Institute, which is nationwide organization whose function is the promotion of education and awareness of Association issues. Mr. Weiner added that Mr. Wert and he are both members of the Government Affairs Committee, which reaches out to various municipal and government agencies to provide additional educational opportunities and awareness about Homeowners Associations and Condominium Associations.

   Mr. Weiner's presentation included the topics of what an association is, the legislative statues that are in place for associations, the process of developing a common interest community, and an explanation of what a declaration is and the components of it. He additionally discussed what flexible communities are, and how a developer utilizes convertible real estate. He also provided some background on age-restricted communities, and described the process when a developer turns over control of a community to an association.

   Mr. Tate asked Mr. Weiner what prohibits a developer from transferring such items as the clubhouse, pool, or tennis courts to the association before the majority of the units are occupied. Mr. Weiner replied that it's the developer's choice when to transfer control over to an association.

Mr. Shorin questioned if it is a state law to require a certain number of units for an association to be established. Mr. Weiner responded that if the community is under (12) twelve units, the requirements are lessened.

Chairman Corti questioned if there is an acknowledgement in the declaration for the prospective buyer to sign. Mr. Weiner replied that a community that is larger than (12) twelve homes is required to give each prospective buyer a public offering statement which contains a summary of all association documents. He noted it usually includes a copy of the declaration, bylaws, budget, and standard form of the agreement. He mentioned that if a prospective buyer doesn't receive a public offering statement, any buyer can cancel the agreement of sale.

Mr. Wert's presentation covered the topic of what a transition study is and the steps and components that are included in this process. He additionally discussed the topic of coordination and communication between municipalities and associations.

Mr. McLaughlin inquired about the type of training CAI requires of property managers. Mr. Wert responded that there are three levels of designations, which include AMS and PCMA. Mr. Wert additionally noted that property managers do not have to have these designations to be a manger, but about 80% of property managers take course work to achieve these designations. Mr. Weiner commented that the Community Association Institute provides courses for entry level property managers to more experienced mangers locally and at the national level. Mr. Weiner added that there are free education sessions that association boards can attend as well.

Mr. McLaughlin additionally asked about the changes in water quality requirements set to take place in 2018. Mr. Wert replied that changes to water quality requirements have been occurring since 2003. He added that every (5) five years the water quality requirements have become more strict. Mr. McLaughlin asked if existing associations will be grandfathered in from the water quality changes. Mr. Wert responded that they may be grandfathered in for next couple of years, but eventually the requirements will take effect.

2. Approval of minutes.

Chairman Corti called for any comments or questions on the May meeting minutes from the audience. There being none, Mrs. Gerber made a motion, seconded by Mr. McLaughlin, to approve the minutes of the May 10, 2016 meeting of the Planning Commission. The motion passed: 6-0.

3. Review of Conditional Use Application #CU32-16 – ACTS Retirement Life Community, Inc – Additional Detached Single Family Dwellings

Review of a Land Development Plan for Normandy Farms Estates Carriage Homes Phase 2 & Skilled Nursing Addition- This application involves the construction of 21 carriage homes and a 22,500 SF addition to the skilled nursing facility on approximately 101.08 acres of property located at 9000 Twin Silo Drive, which is located off of Morris Road between DeKalb Pike and North Wales Road.

Present for the applicant: Joseph Hanna, P.E., Chambers Associates

Mr. Hanna provided a brief summary of both applications stating that the applicant had submitted a Conditional Use Application and Land Development Application in June 2016 to put an addition on the Skilled Nursing Center. He added that the addition will include renovating the existing Skilled Nursing Center. Mr. Hanna noted that there will be 73 beds in private rooms instead of semi-private rooms. He mentioned that there is no increase in density as far as the number of beds.

Mr. Hanna additionally discussed that there is a proposed addition of 21 carriage homes on the site. He mentioned that the applicant completed a prior phase in 2000 where 26 carriage homes were constructed on the site. Mr. Hanna noted that at the time of the first phase of carriage homes, the applicant almost maxed out the density for the site. Mr. Hanna explained that the site is 100 acres, where they can build (4) four units per acre. He mentioned that ACTS had a maximum allowable density of 404 units and currently there are 401 units on the site. Mr. Hanna commented that ACTS has been converting some of the independent apartments in the facility by combining some (2) two bedroom and (1) one bedroom units to make larger units. Mr. Hanna added that through this process ACTS has reduced the number of units in the facility by (9) nine units. He stated that ACTS, as a result of the reduction of units, will then be able to build a total of 12 new units. Mr. Hanna noted that as ACTS anticipates converting additional units, they will reduce the numbers of units of the site by an additional (9) nine units, which will allow them to build a total of 21 carriage homes. Mr. Hanna commented that the ACTS has submitted a plan showing the design, land disturbance, stormwater, grading, water services, and sewer services. He noted that the applicant will only be increasing the density by (3) three additional units. Mr. Hanna felt that there would not be any significant impact on traffic, water or sewer.

Mr. Tate asked for clarification that (3) three units were approved in the previous land development approval. Mr. Hanna responded that as of the last approval they had a maximum allowable density of 404 units and that currently they have a density of 401 units. Mr. Tate questioned if the applicant will be reaching the 404 unit threshold but not exceeding it. Mr. Hanna responded yes.

Mr. Hanna added that they have received review letters and met with township staff to discuss the Township Engineer's review. He mentioned that the applicant will comply with all comments and will ask for standard waivers. Mr. Hanna noted that they have hired Traffic Planning & Design to assist them with truck circulation,

realign of the loop road and to provide support on how to design and stripe the road so that there is an orderly circulation throughout the site.

Chairman Corti asked for clarification that there will not be a separate service road for trucks or deliveries. Mr. Hanna responded that there are no changes to the existing signalized intersection.

Mr. Hanna mentioned that there is currently a stoned emergency access road with a gate at the back of the property, but it currently is not very well defined. Mr. Hanna noted that there was a comment in the review process to make this road more visible for emergency services. He commented that the applicant will comply with the recommendation.

Mr. Shorin suggested that the applicant provide better directional signage on the property as well as additional sidewalks to promote better walkability on the site. Mr. Hanna responded that they have received comments from the county's review about adding additional sidewalks and a possible trail. He noted that the applicant is willing to look into those aspects.

Mrs. Gerber questioned if the nursing facility will have the same number of beds. Mr. Hanna responded yes, it will have the same the number of beds.

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

Chairman Corti called for a motion to recommend that the Board of Supervisors approve the Conditional Use Application #CU32-16 - ACTS Retirement Life Community, Inc – Additional Detached Single Family Dwellings.

A motion was made by Mr. Meitner, and seconded by Mr. Shorin to recommend that the Board of Supervisors approve the Conditional Use Application #CU32-16 - ACTS Retirement Life Community, Inc – Additional Detached Single Family Dwellings. Applicants shall comply with reports and recommendations of Township Staff and Consultants.

The motion passed: 6-0.

Chairman Corti called for a motion to recommend that the Board of Supervisors approve the Land Development Plan Application for Normandy Farms Estates Carriage Homes Phase 2 & Skilled Nursing Addition.

A motion was made by Mrs. Gerber, and seconded by Mr. Meitner to recommend that the Board of Supervisors approve the Land Development Plan Application for Normandy Farms Estates Carriage Homes Phase 2 & Skilled Nursing Addition. The Planning Commission suggested that the applicant produce better defined directional signage on the property and provide additional sidewalks to improve walkability on the site. Applicants shall comply with reports and recommendations of Township Staff and Consultants.

The motion passed 6-0.

4. Review of current Zoning Hearing Board applications.

1) **NO. 2084-16: PJ'S ENTERPRISES, LLC, dba PJ WHELIHANS RESTAURANT AND PUB** request relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXVI, Section 160-191.D relating To Sign Regulations. Applicants propose to place a 6.5 inch by 6.5 inch Company logo on each of ten separate outside awnings on the property located at 779 DeKalb Pike, Blue Bell, PA in the Township's C Commercial District. Applicants requested variance relief, if granted, will allow the Applicant to place the Company logos on each individual awning when the Ordinance does not permit façade signs in the C Commercial District.

Present for the Applicant: J. Kenneth Butera, Esq., Butera, Beausang, Cohen, and Brennan
Ray McCausland, PJ. Whelihans

Mr. Butera providing a brief summary of the application stating that in 2003 PJ Whelihans took over operations of what was once the Tiffany Saloon. He noted that at that time PJ Whelihans had installed new awnings on the building. Mr. Butera mentioned that in 2013, the awnings were getting tattered and they were replaced with new ones that had a small emblem on them. He noted that they are requesting zoning relief for the emblems on the awnings.

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 being no further comments or questions, the Planning Commission chose to remain neutral on the subject application. The Planning Commission commented that the signage seems to be benign.

2) **NO. 2085-16: STEPHEN G. AND SALLIE A. STRAYER** request relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article VII, Section 160-32 relating to front yards for single family dwellings and Article XXVIII, Section 160-202 relating to projections into front yards. Applicants propose to construct a 10 foot by 10 foot, 8 inch one story addition on the property located at 1650 Sylvan Drive, Blue Bell, PA in the Township's R2 Residential District. Applicants requested variance relief, if granted, will (1) allow the proposed one story addition to project into the front yard where no building or part of a building may do so under the Ordinance and (2) allow the front yard to be reduced from 52 feet to 42 feet where 50 feet is required by the Ordinance.

Present for the Applicant: Stephen Strayer, Applicant

Mr. Strayer commented that he is requesting a variance for his property located at 1650 Sylvan Drive. He mentioned that the front of his house is supposed to be 50' feet from the property line and currently it is 52' from the property line. He added that with the 10' extension of the addition to his property would now be 42' from the property line. Mr. Strayer is requesting a variance for the 8' intrusion into the 50' setback.

Mr. Meitner asked if the applicant had spoken to his neighbors. Mr. Strayer responded that he has spoken to some of his neighbors. Mr. Meitner inquired if there are any objections with his neighbors. Mr. Strayer replied that he has not heard any objections.

Mr. Shorin added that the Planning Commission has seen similar additions in the applicant's neighborhood that are consistent with his request.

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.

NO. 2088-16: MELISSA WEBER AND ROBERT WEBER request relief from the Whitpain Township Zoning Ordinance, as amended, as follows: (1) Article XXV, Section 160-172.A relating to Prohibited Uses in a Floodplain Conservation District and (2) Article XXV, Section 160-175.E regarding Uses Permitted by Special Exception in a Floodplain Conservation District. Applicants propose: (1) to widen the existing driveway of the property located at 730 Belfry Drive, Blue Bell, PA within the Township's R1-FP District by adding an area

measuring 5 feet by 51 feet on the left side of the driveway and adding an irregular shaped area measuring roughly 3 feet by 16 feet on the right side of the driveway and (2) place a 10 foot by 12 foot garden shed in the rear year of the said property which will encroach in the floodplain zone. Applicants requested variance and special exception relief, if granted, will: (1) allow the existing driveway to be expanded by adding an area measuring 5 feet by 51 feet on the left side of the driveway and adding an area measuring roughly 3 feet by 16 feet on the right side of the driveway when the Ordinance does not permit driveways or expansion of driveways within the floodplain conservation district except by special exception and (2) allow the placement within the floodplain zone in the rear yard of the property of a garden shed measuring 10 feet by 12 feet when the Ordinance does not permit any permanent structure to exist within a floodplain conservation district.

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. The Planning Commission suggested that the applicant provide some shrubbery around the shed so that the shed would not seem so visible to the neighbors.

5. Pertinent Planning Issues

Chairman Corti announced that there will be a dedication of Steuer Woods in honor of former Shade Tree Commission Chairman Joseph Steuer at 11am on Sunday, September 18th at Centre Square Park.

Chairman Corti also mentioned that the Community Festival will take place on Saturday, September 24th at Montgomery County Community College.

Mr. Tate asked Mr. Blanch about the Waterfowl Preserve pond in West Ambler. Mr. Blanch responded that the bottom of the pond was modified to raise the bottom elevation. He additionally noted the surrounding elevations adjacent to the pond have changed resulting in the appearance of a lower water surface elevation.

There being no further business to come before the Commission, a motion was made by Mr. Meitner, and seconded by Mr. Shorin to adjourn. The meeting adjourned at 7:55 PM.

Respectfully submitted,

Richard Shorin, Secretary