

WHITPAIN TOWNSHIP PLANNING COMMISSION APRIL 2016

A work session of the Whitpain Township Planning Commission was held on Tuesday, April 12, 2016 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 Bradley Tate, Richard Shorin, Penelope Gerber, Tory Meitner, and Edward McLaughlin present. Township Engineer James Blanch, Assistant Zoning Officer William McManus and Recording Secretary Gregory Monte were also present. Planning Commission member Otis Hightower and Township Planning Consultant E. Van Rieker were absent.

1. Review Ordinance #4-239, "Airport Overlay District", An Ordinance Amending The Whitpain Township Zoning Map To Create The "Airport Overlay District" To Designate The Appropriate Airport Area In Whitpain Township; And Amending The Code Of The Township Of Whitpain, Part II (General Legislation), Chapter 160 (Zoning) To Add A New Article XXVA Entitled "Airport Overlay District" To Establish Regulations For Airport Facilities In The Township, Including: Legislative Intent; Creation Of Overlay District; Use Regulations; And Special Regulations Related To Operating Certificates, Runways, Signs And Residential Housing; And Further Amending Chapter 160 (Zoning), Article II (Definitions), Section 160-7 (Word Usage And Definitions) To Add New Terms Which Apply To The "Airport Overlay District"; And Amending The Whitpain Township Zoning Map To Identify The "Airport Overlay District" And Include The Following Parcel Numbers: 66-00-04573-00-5, 66-00-04570-00-8, 66-00-06159-00-3 And 66-00-04568-00-1, Within Such Overlay District.

The Planning Commission clarified that last time the applicant was before the Planning Commission was because the Board of Supervisors was voting to advertise the Ordinance and now they will be voting to enact the Ordinance. There were no substantive changes since the last presentation. The Planning Commission felt it was important to explain the importance of the Ordinance to the residents.

2. Review current zoning hearing board applications.
 - 1.) **NO. 2070-16: HENRY AND SUZY O'REILLY** request modification of condition from previously rendered Zoning Decision No. 569-87 to remove obligation to file and comply with a "Declaration of Restricted Covenant", which covenant requires the use of a renovated barn be restricted to usage by members of the immediate family of the principal dwelling unit on the property. Applicant additionally requests variance relief from the Whitpain Township Zoning Ordinance, as amended, Article XII, Section 160-60 regarding Use Regulations to permit 2 principal dwellings on 1 lot, where 1 is permitted in the R-5 Agricultural/Rural Residence District for property located at 350 Skippack Pike, Blue Bell, Whitpain Township, PA 19422. Alternatively, Applicants request any and all necessary dimensional variances to permit subdivision of the property to allow the existing home on 1 lot and the existing renovated barn with dwelling on

another. Accordingly, Applicants request variances from Article XII, Section 160-61 regarding area regulations, Section 160-61.B regarding minimum building setback from street right-of-way lines, Section 160-61.C regarding minimum lot size per dwelling unit, Section 160-61.E regarding minimum rear yard depth and Section 160-61.G regarding minimum for each side yard; Article XII, Section 160-66 regarding special regulations for rural cluster subdivision, Section 160-66.A(1) regarding minimum tract size; Section 160-66A(3) regarding minimum lot size per dwelling unit; Section 160-66A(4) regarding minimum building setback from street ultimate right-of-way line; Section 160-66A(5) regarding minimum front yard depth; and Section 160-66A(6) regarding minimum rear yard depth; and Article XII, Section 160-66B regarding undeveloped and deed-restricted open space.

Mr. Blanch gave a brief background of the application noting the proposed subdivision plan was only being pursued if the condition from the previous variance was not lifted. He mentioned that currently there is a farmhouse and a barn. The previous variance allowed the barn to be rented, but only to the applicant's mother-in-law. Mr. Blanch stated that the applicant now wants the option to rent the barn to any potential renter.

- 2.) **NO. 2071-16: HENKELS & McCOY** request variance relief from the Whitpain Township Zoning Ordinance, as amended, Article XXVI, Section 160-191.F regarding General regulations relating to signs on the property located at 985 Jolly Road in the Township's I Limited Industrial District. By prior Decision of the Board, Decision #254-75, two identifying signs were permitted to be attached to the faces of the South and West walls of Applicant's building. The Zoning Ordinance permits 1 non-illuminated facade sign, 16 feet in area, and the Applicant's variance request is to replace the 2 existing facade signs with 2 halo illuminated Henkels & McCoy facade signs of 107.5 square feet and 113.5 square feet.

The Planning Commission had no significant issues with the application.

- 3.) **NO. 2073-16: OFFICE COURT AT WALTON POINT CONDOMINIUM ASSOCIATION** requests the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article XXVI, Section 160-184 relating to sign illumination; (2) Article XXVI, Section 160-184.A regarding LED illumination signs not permitted; (2) Article XXVI, Section 189.O.1 regarding changeable texts and LED signs not permitted in the Township's C-1 Commercial District; (3) Article XXVI, Section 160-189.F regarding address of premises to be included on sign; and (4) Article XXVI, Section 191.D relating to permitted signs. Additionally, Applicant requests modification of condition to prior Zoning Hearing Board Decision #824-90, for property located at 482-492 Norristown Road, Blue Bell, Whitpain Township, PA 19422, in the Township's C-1

Commercial District. Applicant proposes 3 LED entrance signs of 31 square feet each, where the prior Zoning Decision had permitted 2 signs of 25 square feet; Applicant proposes 1 LED directory sign of 19.43 square feet and 1 LED facade sign of 24.67 square feet.

Mr. McManus explained that he discussed the application with the applicant and only one LED facade sign is requested. He added that an LED directory sign is not being requested. Mr. McManus commented the LED for the facade sign will be concealed and only used for internal illumination.

Note: ZHB Case No. 2072-16 LMT Real Estate LLC originally scheduled to be before the Planning Commission was continued until May.

3. Review of pertinent planning issues.

Ms. Gerber asked about the status of the land development for the Gulf Station at 298 Norristown Road. Mr. Blanch responded that land development plans have been submitted but the applicant is still working with PennDOT's highway occupancy permit department and their traffic signal department.

Mr. Blanch mentioned that the Comprehensive Plan hearing before the Board of Supervisors will be next Tuesday, April 19th.

Respectfully submitted,



William McManus, Recording Secretary

WHITPAIN TOWNSHIP PLANNING COMMISSION MEETING APRIL 2016

The fourth meeting of the Whitpain Township Planning Commission for the year 2016 was held on Tuesday, April 12, 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, Assistant Zoning Officer William McManus and Recording Secretary Gregory Monte were also present. Planning Commission member Otis Hightower and Township Planning Consultant E. Van Rieker were absent.

Chairman Corti called the meeting to order at 7:30 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 March meeting minutes from the audience. There being none, Mr. McLaughlin made a motion, seconded by Mr. Meitner, to approve the minutes of the March 8, 2016 meeting of the Planning Commission. The motion passed: 6-0.

2. Review Ordinance #4-239, "Airport Overlay District", An Ordinance Amending The Whitpain Township Zoning Map To Create The "Airport Overlay District" To Designate The Appropriate Airport Area In Whitpain Township; And Amending The Code Of The Township Of Whitpain, Part II (General Legislation), Chapter 160 (Zoning) To Add A New Article XXVA Entitled "Airport Overlay District" To Establish Regulations For Airport Facilities In The Township, Including: Legislative Intent; Creation Of Overlay District; Use Regulations; And Special Regulations Related To Operating Certificates, Runways, Signs And Residential Housing; And Further Amending Chapter 160 (Zoning), Article II (Definitions), Section 160-7 (Word Usage And Definitions) To Add New Terms Which Apply To The "Airport Overlay District"; And Amending The Whitpain Township Zoning Map To Identify The "Airport Overlay District" And Include The Following Parcel Numbers: 66-00-04573-00-5, 66-00-04570-00-8, 66-00-06159-00-3 And 66-00-04568-00-1, Within Such Overlay District.

Present for the applicant: Amee S. Farrell Esq., Kaplin Stewart
Dave Cavanaugh, Land Concepts

Ms. Farrell distributed the requested colored rendering of the Airport Development Plan. She also distributed the requested Comparative Analysis Sheet detailing development considerations under the existing conditions, 1984 Supreme Court decision, current R-5 zoning, and the proposed overlay.

Chairman Corti asked Ms. Farrell to explain the general intent of the proposed overlay district.

Ms. Farrell explained the airport is a nonconforming use zoned R-5. She mentioned that development and improvements at the airport require the applicant to obtain relief, which leads to costly litigation for the airport and Township. Ms. Farrell noted a few years ago the Township and airport wanted to work on an overlay as a solution to the litigation. She added the Overlay District with its referenced Airport Development Plan gives certainty to Wings, the Township, and the residents regarding potential future improvements. Ms. Farrell mentioned that the Overlay limits the airport to one runway no longer than 3800 feet and prohibits scheduled service. She also mentioned that the latest Airport Development Plan adds an additional triangular area along Narcissa Road to the other areas of preserved land shown on the previous plan.

Mr. Tate asked if the overlay district is in conformance with the 1984 Supreme Court plan. Ms. Farrell responded that the airport does not gain any areas for airport operations, but the hangars are in different locations now.

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, duly seconded by Mrs. Gerber to recommend the approval of Ordinance #4-239 "Airport Overlay District" to the Board of Supervisors.

The motion passed: 6-0.

3. Review of current Zoning Hearing Board applications.

1.) **NO. 2070-16: HENRY AND SUZY O'REILLY** request modification of condition from previously rendered Zoning Decision No. 569-87 to remove obligation to file and comply with a "Declaration of Restricted Covenant" which covenant requires the use of a renovated barn be restricted to usage by members of the immediate family of the principal dwelling unit on the property. Applicant additionally requests variance relief from the Whitpain Township Zoning Ordinance, as amended, Article XII, Section 160-60 regarding Use Regulations to permit 2 principal dwellings on 1 lot, where 1 is permitted in the R-5 Agricultural/Rural Residence District for property located at 350 Skippack Pike, Blue Bell, Whitpain Township, PA 19422. Alternatively, Applicants request any and all necessary dimensional variances to permit subdivision of the property to allow the existing home on 1 lot and the existing renovated barn with dwelling on another. Accordingly, Applicants request variances from Article XII, Section 160-61 regarding area regulations, Section 160-61.B regarding minimum building setback from street right-of-way lines, Section 160-61.C regarding minimum lot size per dwelling unit, Section 160-61.E regarding minimum rear yard depth and Section 160-61.G regarding minimum for each side yard; Article XII, Section

160-66 regarding special regulations for rural cluster subdivision, Section 160-66.A(1) regarding minimum tract size; Section 160-66A(3) regarding minimum lot size per dwelling unit; Section 160-66A(4) regarding minimum building setback from street ultimate right-of-way line; Section 160-66A(5) regarding minimum front yard depth; and Section 160-66A(6) regarding minimum rear yard depth; and Article XII, Section 160-66B regarding undeveloped and deed-restricted open space.

Present for the applicant: Carl Primavera Esq., Klehr, Harrison, Harvey,
Branzburg, LLP
Henry O'Reilly, Applicant

Mr. Primavera distributed a package of exhibits. Chairman Corti asked if the variance request was for an in-law suite. Mr. Primavera stated the exhibits will tell the story and told the history of the property. He mentioned the property, farmhouse and barn had historic value. Mr. Primavera added the current owner, Mr. O'Reilly moved and is renting the farmhouse. He added that due to a condition from a past variance the barn can only be rented to an in-law of Mr. O'Reilly. Mr. Primavera noted the current tenant would like to buy the property, but can't obtain a mortgage unless he can rent the barn. Mr. Primavera said that the O'Reillys were considering subdividing the property and the lots would be big enough but irregularly shaped. He mentioned that instead of subdividing the O'Reillys would prefer to remove the restriction that limited the barn to only be rented by a relative of the property owner. Mr. Primavera added that removing the restriction would allow for the preservation of the historic structures and that both structures were far from the neighbors.

Mr. O'Reilly then added that he was before the Planning Committee and he didn't want to subdivide the property and neither does the current tenant. Mr. Tate pointed out that the lot closest to Skippack Pike on the subdivision plan was very irregular. Mr. Primavera agreed that the lot can't conform but the engineer wanted to show a potential approach for the subdivision. He noted that the owner would prefer to keep ownership in one name versus a condo arrangement.

Mr. Tate asked if the neighbors had any concerns. Mr. O'Reilly replied that he distributed flyers and has not heard any concerns.

Mr. Meitner asked what the square footage of the barn is. Mr. O'Reilly replied 2,400 square feet.

Mr. Shorin commented that preservation was very important.

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. The Planning Commission commented that they would like the applicant to preserve the barn.

- 2.) **NO. 2071-16: HENKELS & McCOY** request variance relief from the Whitpain Township Zoning Ordinance, as amended, Article XXVI, Section 160-191.F regarding General regulations relating to signs on the property located at 985 Jolly Road in the Township's I Limited Industrial District. By prior Decision of the Board, Decision #254-75, two identifying signs were permitted to be attached to the faces of the South and West walls of Applicant's building. The Zoning Ordinance permits 1 non-illuminated facade sign, 16 feet in area, and the Applicant's variance request is to replace the 2 existing facade signs with 2 halo illuminated Henkels & McCoy facade signs of 107.5 square feet and 113.5 square feet.

Present for the applicant: Julie Von Spreckelson Esq., Eastburn & Gray, P.C.
Lori Sartin, Senior Manager, Corporate Real Estate
Rhett Jones, Project Architect

Ms. Von Spreckelson gave a background on the property which is 21 acres, zoned I-Light Industrial and contains the recently refurbished corporate headquarters of Henkels and McCoy along with a warehouse, machine shop, and out buildings. She mentioned the building currently has two facade signs, one facing Jolly Road and one facing the Turnpike. Mr. Von Spreckelson added the existing sign facing Jolly Road is an illuminated 89.4 square feet sign and the proposed sign is an illuminated 107.5 square feet sign. She added that facing the Turnpike is a 22.5 square feet illuminated sign and the proposed sign is an illuminated 135 square feet sign. Ms. Von Spreckelson mentioned that the existing sign would be calculated to be much larger if it weren't individual letters attached to the wall.

Mr. Corti asked if the signs would be illuminated all night. Ms. Von Spreckelson replied that the all night illumination was grandfathered and the proposed signs would also be illuminated all night.

Mr. Tate asked what font was used for the signs. Ms. Von Spreckelson said it was a Henkels and McCoy font.

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.

- 3.) **NO. 2073-16: OFFICE COURT AT WALTON POINT CONDOMINIUM ASSOCIATION** requests the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article XXVI, Section 160-184 relating to sign illumination; (2) Article XXVI, Section 160-184.A regarding LED illumination signs not permitted; (2) Article XXVI, Section 189.O.1 regarding changeable texts and LED signs not permitted in the Township's C-1 Commercial District; (3) Article XXVI, Section 160-189.F regarding address of premises to be included on sign; and (4) Article XXVI, Section 191.D relating to permitted signs. Additionally, Applicant requests modification of condition to prior Zoning Hearing Board Decision #824-90, for property located at 482-492 Norristown Road, Blue Bell, Whitpain Township, PA 19422, in the Township's C-1 Commercial District. Applicant proposes 3 LED entrance signs of 31 square feet each, where the prior Zoning Decision had permitted 2 signs of 25 square feet; Applicant proposes 1 LED directory sign of 19.43 square feet and 1 LED facade sign of 24.67 square feet.

Present for the applicant: David McFadden Esq., Applicant

Mr. McFadden gave a brief summary of the proposed application stating that the subject property is a six building office complex which was recently sold to a new owner who is trying to update the complex, including improving the signage. He commented they wanted to replace and enlarge four existing signs, one identification sign at the point of where Township Line Road and Norristown Road meet, two identification signs on either side of the entrance drive at Norristown Road, and one directory sign within the complex. Mr. McFadden added that the identification signs were etched in the brick walls and the proposed signs would be panel signs in a similar style to the new Arborcrest signs. He explained that the proposed directory sign will be on brick that will match the building façade bricks. Mr. McFadden noted that the four identification signs will be externally up lit.

Mr. Meitner asked if the fonts were large enough to see while driving. Mr. McFadden replied yes and that the signs are larger than the existing signs.

Ms. Gerber asked how far the directory sign is from the road. Mr. McFadden replied 100 feet. Ms. Gerber asked if there will be anything on top of the directory sign. Mr. McFadden replied no, only a flat brick top.

Mr. Shorin suggested the directory sign be higher to prevent it from being blocked by plowed snow.

Mr. McFadden added there is one new façade sign proposed for Morison Cogen, who recently moved to the office complex from Bala Cynwyd. He noted that they will occupy the first building in from Norristown Road entrance. Mr. McFadden added that the sign will face Norristown Road and will use concealed LED technology to illuminate the sign.

Mr. Meitner asked if trees have to be taken down to see the sign. Mr. McFadden responded no.

Mr. Corti added that the facade sign using LEDs will be static.

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.

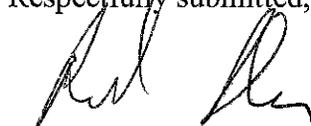
There being no further comments or questions, the Planning Commission chose to remain neutral on the subject application.

4. Pertinent Planning Issues

Chairman Corti announced that the Comprehensive Plan will be heard by the Board of Supervisors next Tuesday, April 19th.

There being no further business to come before the Commission, a motion was made by Mrs. Gerber, and seconded by Mr. Meitner to adjourn. The meeting adjourned at 8:30 PM.

Respectfully submitted,



Richard Shorin, Secretary