

MINUTES
PLANNING COMMISSION MEETING JANUARY 12, 2016

Attendees: Peter Cornog, James Hoban, Dave Shula, Sherri Patchen, Scott Quitel, Charles L. Guttenplan, AICP, Director of Planning & Zoning, Amy Grossman (BOS Liaison), Jim Sullivan, T&M Associates, Township Engineer

1. Call to order: 7:02 PM by Vice-Chair Ms. Patchen
2. Election of Chair and Vice-Chair: Motion by Mr. Cornog, second by Mr. Shula to elect Sherri Patchen as Chair. Motion by Mr. Cornog, second by Mr. Shula to elect Jim Hoban as Vice-Chair. Votes for both officers were unanimous. Vote 5-0
3. Announcements & Correspondence
 - None
4. Approval of Minutes:
 - Mr. Shula moved to approve the meeting minutes from November 24, 2015, seconded by Mr. Quitel. Vote 4-0 (Mr. Cornog was not present for the vote.)
5. Zoning Hearing Board Appeals: None
6. Subdivision & Land Development Applications:
 - SLD#03-03 Ratoskey & Trainor; 150 Barren Hill Road; Minor 2-Lot Subdivision (Final Plan). Mr. Guttenplan explained the proposal is for two lots. The Planning Commission reviewed the Preliminary Plan and recommended its approval in January 2013; the Board of Supervisors granted conditional preliminary approval later the same month. The final plan is consistent with the approved preliminary plan. At this time, there is no development proposed; the proposed dwellings are for illustrative purposes only. When each lot is sold, an Earth Disturbance Permit will be required for the proposed house prior to issuance of a Building Permit. Mr. Ratoskey, the applicant, was present. Mr. Ratoskey explained the history of proposals with the last attempt to use the Conservation Overlay District but due to the grade for the private road they were not able to pursue the plan. In the interim, the applicants purchased the old Kingdom Hall property and the property behind it so two of the issues on the Township Engineer's review letter for easements have been satisfied. In addition to the waivers that were previously granted (plan features within 500' of site, lot width and depth ratio, land dedication for recreational use, street trees and buffer yard requirements which were deferred to the Earth Disturbance permit), additional waivers are being requested (curbing, sidewalks, street widening on Barren Hill Road and buffer yard requirements). Mr. Sullivan is ok with the street widening waiver. No Public Comment. Mr. Quitel moved to recommend that the Board of Supervisors approve the requested waivers in full and approve the final plan; seconded by Mr. Hoban. Vote 4-0 (Mr. Cornog was not present for the vote.)
 - SLD#06-15 505A Germantown Pike Associates; 505 ½ Germantown Pike; Zoning Map Amendment. Mr. Guttenplan explained this is a request to amend the Zoning Map to rezone an additional contiguous area of approximately 1.45 acres, to VC-1. At the October 27, 2015 meeting, the Planning Commission recommended that the Board of Supervisors authorize a

public hearing for this application; the Board did so at its meeting on November 12, 2015. That hearing is scheduled for February 11, 2016. This application is on this meeting's agenda for the Commission to consider a recommendation on the merits of the requested rezoning. Marc Jonas, Esquire with Eastburn and Gray, P.C. was present along with Estelle Eberhardt, Civil Engineer. Mr. Jonas stated they are here requesting a recommendation to the Board of Supervisors for rezoning from A-Residential to VC-1 to accommodate 9 townhouses and 4 single family houses. If the Board of Supervisors grants the rezoning this will be one of many land use steps they will be going through. It will require several variances due to the property having unusual characteristics, conditional use to accommodate the 9 townhouses and subdivision and land development approval. Mr. Jonas presented a PowerPoint showing the site, aerial view, existing driveway easements, site views from various perspectives and concept plan. Mr. Jonas received the Montgomery County Planning Commission review which stated they have a couple of design issues but generally support the request. Mr. Guttenplan raised the issue of ensuring that the use would be townhouses and not some other potentially inappropriate VC-1 use, should it be rezoned; Mr. Jonas is willing to work with the Solicitor to determine what mechanism should be used to guarantee this. Comments and Questions from the Planning Commission Members: Why not variances for the use instead of conditional use; in response, Mr. Jonas feels this is a planning issue and should be decided by the Board of Supervisors. Is the size of the basin necessary; in response, it will help alleviate existing conditions and keep the green area in the middle. Is the green area undevelopable; in response no, if you look at the prior plans they show homes all the way through. Is there potential for future development in the green area; in response, there would be issues with meeting requirements for green space and impervious coverage which would require additional variances. Any thoughts on doing a deed restriction for the green space; in response, the record plan will show it green and you wouldn't be able to change that without approval from the Township. Will this site ever be developed (given its long history of attempts); in response, Mr. Nolen wants to develop as shown. Now that the Board is willing to hold a hearing, this is a very serious consideration. Is there any issue with density; in response, with the rezoning, variances will not be needed for density. No Public Comment. Mr. Shula moved to recommend in favor of rezoning the section to VC-1 with the provision that the Board of Supervisors make sure controls are in place to ensure the green area is preserved and that the use is townhouses as proposed; seconded by Ms. Patchen. Vote 5-0

7. Conditional Use Applications: None

8. Old Business: None

9. New Business:

- Proposed Freestanding Floodplain Ordinance. Mr. Sullivan, Township Engineer, presented the proposal. The Federal Emergency Management Agency (FEMA) revised the Montgomery County flood maps in July of 2010 and after years of review and comment by all affected municipalities, the maps will be officially adopted in March of this year. Along with the official adoption of these maps, the Township is required to revise/update its floodplain regulations to match the current FEMA regulations. It was decided the best way to ensure proper regulation of work in the floodplain was to adopt a stand-alone ordinance prepared in accordance with the model ordinance that issued by FEMA. There is very little change necessary to the process the Township already uses to regulate construction and grading in floodplain areas, however the new ordinance will make it easier to enforce those regulations since they are all contained in one chapter of the Whitemarsh Township Code. Some of the new requirements are:

1. A separate permit will be required for all improvements in floodplain areas

2. A Flood Hazard Area Map will be created identifying all areas subject to flooding including areas not included in mapped floodplains
3. The Township Engineer will be the appointed as the 'Floodplain Administrator'

Adoption of the new ordinance will also require revisions to the Zoning Ordinance, the Subdivision and Land Development Ordinance, Chapter 58 and Chapter 42 of the Whitemarsh Township Code. The proposed ordinance is scheduled for public hearing on January 28, 2016. Ms. Patchen made a motion to recommend that the Board of Supervisors adopt the Freestanding Floodplain Ordinance; seconded by Mr. Hoban. Vote 5-0

10. Public Comment:

- Bob Dambman, 426 Flourtown Road, and a few neighbors from Fountain Green Road were present regarding the proposed changes to The Hill at Whitemarsh – Phase 2. Mr. Dambman stated 2 years ago they were here to recommend that the Planning Commission visit the site before voting on the Text Amendment. The residents have concerns on how The Hill at Whitemarsh will fit all the proposed buildings on the site, how will the current view be preserved, the replacement of all trees and how stormwater runoff will be contained. Another resident stated that the construction access is a big issue. Mr. Dambman is inviting the Planning Commission to come out to the land for a site visit. It was suggested by Mr. Guttenplan that the logical time would be after the preliminary plans have been revised and re-submitted so the Planning Commission members have an understanding of the plan. Mr. Guttenplan will discuss with the Township Solicitor on how this should be done.

11. Adjournment:

- There being no further business, meeting was adjourned at 8:09 PM.

Respectfully submitted,

Charles L. Guttenplan, AICP, Director of Planning & Zoning

The Planning Commission is appointed as an advisory group to the Board of Supervisors and the Zoning Hearing Board with respect to comprehensive land use planning, existing land use, and various land use and zoning applications in Whitemarsh Township. No formal decisions are rendered by the Planning Commission. Formal decisions are rendered by the Board of Supervisors or Zoning Hearing Board, as prescribed by law, based on the type of application.