

**MINUTES
PLANNING COMMISSION MEETING MAY 28, 2019**

Attendees: Dave Shula, Sherri Glantz Patchen, Patrick Doran, Peter Cornog, Bob Dambman, Scott Quitel, Charles L. Guttenplan, AICP, Director of Planning & Zoning, Amy Grossman, BOS Liaison & Krista Heinrich, Township Engineer, T&M Associates

1. Call to order: 7:00 PM by Vice-Chair Dambman
2. Announcements & Correspondence

Announcements: None

Correspondence: None

3. Approval of Minutes:

- Mr. Cornog moved to approve the minutes as corrected (changing vote to 5-1 for motion on SLD #04-16) from the May 14, 2019 meeting; seconded by Mr. Doran. Vote 6-0

4. Zoning Hearing Board Appeals: None

5. Subdivision & Land Development Applications:

- SLD#02-19 Argos Associates/Adelphia Land Associates/Polergodom Group, Ltd “Longfield Farms” Butler Pike, Ambler, PA; 60 Townhomes; Sketch Plan Review. Mr. Guttenplan briefly stated that there was a Housekeeping Amendment to the Zoning Ordinance last year. This commission made a recommendation in July on the ordinance. Subsequent to the Planning Commission’s recommendation, the Board of Supervisors requested an additional change to the ordinance incorporating VC-4 into a section where there are a number of conditional uses already permitted in VC-1, VC-2 & VC-3. The ordinance was advertised and displayed and adopted by the Board of Supervisors adding VC-4 to that section of allowed conditional uses. The Planning Commission did not see that version, but it was determined by the Solicitor that it did not need to come back to the Planning Commission so it went on for advertising, etc. and adoption. Since this parcel had been VC-4 previously, so those uses as well as the other VC-4 uses are now available to this particular parcel as well as other VC parcels. Carolyn Edwards, Esquire, was present representing the applicant as well as Bob Downs, with the applicant, and Dave Cavanaugh, from Land Concepts. Ms. Edwards stated the applicant is here to discuss the concept. Ms. Edwards introduced the application, showing the location of the project. A revised sketch plan, submitted the prior week, was discussed, and shows 58 townhouses; the original submitted sketch plan showed 60. No variances are being requested on this project. The review letters on the original plan identify 2 variances that would be required to be obtained for the originally submitted sketch, one because the shared parking requirement was not met and one because an existing dwelling predating 1940 would not have been retained. Since the review letters were received they found a way to comply with those provisions of the ordinance. So they will be moving forward without seeking any variances. A number of review letters were received by the applicant and the Montgomery County Planning Commission viewed this design pretty favorably and applauded the limited density (118 townhomes permitted under the ordinance, 58 proposed). Mr. Cavanaugh wanted to point out that they tried to get every house to have backing on to open space; the side units were turned to not have front loaded garages so the streetscape would have nicer aesthetics; and that the MCPC feels this sketch plan can be utilized as an example of good site planning for future projects. Mr. Cavanaugh walked through the plan pointing out the access on Butler Pike and the right turn-in and right turn out only on Skippack Pike. Ms. Edwards explained one of the requirements of Conditional Use is shared parking. The sketch plan shows shared parking with the parking lots of either side of the water tower and there are designated spaces in the proposed development for shared parking as well.

Comments and concerns by the Planning Commission consisted of: wanting to see an overlay of the surroundings so they can compare to what is existing (mostly open turf; relatively flat open field); location of Split Trail Way and how many trees will be removed (across Butler Pike; may request a waiver for tree removal but not sure at this time if it will even be needed); is there any anticipation of future development (no not at this time, this is the only land on the farm not zoned residential); the two shades of green areas differentiate between homeowners’ space and HOA land; will the ribbon trail substitute for sidewalks (yes); sidewalks are not negotiable especially with the

public walking to the nearby shopping center; is there a deed restriction for open space across Skippack Pike (yes WVWA, Wissahickon Valley Watershed Association land) and perhaps the plan could be reworked to reflect the open space there and move the housing units back away from Skippack Pike; where does the drainage for the existing office building go (self contained, goes to an existing storm sewer system; working with engineer on storm water management for project); what type of soil is on the property, is it limestone (not limestone, sandstone through the area); and what is the layout of the buildings (2,600 sq.ft.-3,200 sq.ft., 2-car garage, 3-bedrooms, 2-bathrooms, 2-story).

Public Comment: Frank Scarpello, 6326 Arlingham Road; Pat Sheinman, Whitpain Resident; Christopher Miller, 1033 Butler Pike; Linda Doll, Fairway Road; Stephen Yusem, 7 Steeplechase Lane; Sydelle Zove, Harts Ridge Road; Myles Pettengill, 414 Flourtown Road; and Ana Lloyd, Whitpain Resident – Blue Bell Woods all spoke. Their comments and concerns consisted of: the Housekeeping Amendment being adopted with changes that were not brought in front of the Planning Commission first for their recommendation; what is the process going forward for approval of the plan and will the residents be notified (Mr. Guttenplan explained the process); increase of traffic and was a traffic impact study done (a study was completed by Pennoni, it was reviewed, but traffic will be reviewed in more detail at the Conditional Use and Preliminary Plan process); stormwater runoff destroying properties and neither Township is addressing the situation; any road improvements to Butler Pike and Skippack Pike to improve traffic flow (all road improvements will need approval from the State and County); is this the only VC-4 parcel in the Township (yes); what is the distance from the access of the proposed development to Whitpain Farms (measurement not available but a few hundred feet); will removing the third area of parking spaces (for the Watertower Office Building) shown now as HOA green space, still allow the parking requirements to be satisfied (yes, and the two remaining areas are proposed to be linked by a driveway behind the building); the development lacks context to surroundings, in the future views around the site should be shown; try to improve the land, make it something beautiful; and this plan should not even be discussed at this point. Mr. Dambman read a letter from a concerned resident who was unable to be present (Bernice Helene Smith, 6305 Farmar Lane) opposing the project because the designation for land use code should remain Village Commercial 4 without its current amendment and feels this amendment was made without notifying residents to discuss changes in the code.

The applicant will take all comments and concerns into consideration.

6. Conditional Use Applications:

- CU#02-19 Toyosu Sushi & Poke Bowl c/o Doonark and Myung-Jean Song, 428 Germantown Pike, Lafayette Hill, PA; Restaurant Use. Mr. Guttenplan briefly introduced the application and explained a restaurant is a listed conditional use in §116-290.B.(10) in the VC-1 District and since a new restaurant could have different impacts than the prior one, a new conditional use approval is required. George Ozorowski, Esq., the applicants' attorney, was present and were the applicants and a representative from the Shops of Lafayette Hill. Mr. Ozorowski provided a brief history on the proposed restaurant. The applicants will be selling sushi and poke bowls; all preparations will be done on site; the hours of operation will be Monday through Saturday 11:00 a.m. – 8:00 p.m.; there will be two employees (husband & wife); the floor plan will stay the same except for the removal of the yogurt machines and the addition of a sushi display case; the owners are licensed food handlers and the space has been inspected by the Department of Health. Pictures of the parking lot were taken at 11:00 a.m. day of the meeting, showing plenty of parking available. Questions and comments from the Planning Commission included: will all food preparation will be done on site (yes); is there any relationship between the former tenant and current tenants (no); is the expectation that the majority will be take out (yes); and hopefully this will attract a lot of walkers as well. No public comment. Ms. Patchen made a motion to recommend approval of the conditional use application seconded by Mr. Doran. Vote 6-0

7. Old Business: None

8. New Business:

- The Planning Commission continued their discussion of the Housekeeping Amendment process and procedure. Mr. Cornog would like to have a discussion with the Planning Commission members in terms of revisiting the process by which townhouses became a conditional use in VC-4 since they were not involved in that process and would like to discuss whether townhouses are an appropriate use on this specific site, thereby satisfying their review requirements. And if it is determined that the PC feels that townhouses are an appropriate conditional use in VC-4, that they make a recommendation. Mr. Doran discussed the possibility of making a recommendation to change it back to how it was before the housekeeping amendment was passed. The Commission members agreed that they were put in an awkward position and would like to know why/how this occurred.

Mr. Doran made a motion that the Planning Commission take up consideration of the text amendment that added townhouses to the VC-4 District. This motion was withdrawn after it was pointed out that the amendment added other uses as well as townhouses.

Mr. Doran then made a motion that the Planning Commission re-visit and address the VC-4 conditional use changes that were made in October 2018; seconded by Mr. Cornog. Vote 5-1

Mr. Quitel moved to have a discussion about procedure, to include the Solicitor, that led to having an amendment to the (previously reviewed housekeeping)amendment being made without being returned to the PC for review; seconded by Mr. Shula. Vote 5-1

Ms. Patchen opposed both motions, because she feels the Planning Commission should wait until after the Board of Supervisors meeting where there will be discussion of why the VC-4 amendment was made without the Planning Commission's knowledge.

9. Public Comment:

- Eli Glick, 7 Whitefield Drive, thinks it is wrong to separate plan from the process. Advised he is running for Supervisor in Whitemarsh Township in the upcoming election in November in part because of the events leading to tonight's Planning Commission discussion and review of the townhouse sketch plan. Feels the process with the Housekeeping Amendment to allow townhouses in the VC-4 District was conducted in the shadows and in a unsavory way; feels that too many waivers have been granted at great harm to the Township by various Boards; builders and developers claim hardship and waivers are granted too easily; and the vision of Whitemarsh as described in the 2003 Comprehensive Plan has not been followed.
- Sydelle Zove, Harts Ridge Road, quoted the Township Code and Section 609.C of the MPC (Municipalities Planning Code) as to review requirements; quoted Mr. Guttenplan from the Board of Supervisors hearing and feels he misrepresented what the Planning Commission did in a public hearing. Mr. Karabots is a mighty man and very generous but might does not make right. Ms. Zove believes that the Commission should request any written documentation that was received from the Solicitor in which the Solicitor asserts that the way in which this process unfolded meets the requirement of the law.
- Joe Corcoran, 341 Militia Hill Road, feels this isn't right; the Planning Commission should take a position; feels the Township staff is out of line; and stated sidewalks are required in the Subdivision & Land Development Ordinance and are mandatory.
- Frank Scarpello, Arlingham Road, stated he is also running for the Board of Supervisors for reasons like this. Mr. Scarpello read a text that allowed all this to happen; feels procedure was not followed and the people were not informed; the taxpayers and the residents deserve much better; and if not discovered through his right-to-know requests would they have learned it; just doing what he thinks is best for the Township.

10. Adjournment:

- There being no further business, meeting was adjourned at 9:21 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.

All written or graphic material that is presented to the Planning Commission at a public meeting shall be kept in Township files and is subject to examination under the PA Right-to-know Law.