

**MINUTES  
PLANNING COMMISSION  
ZOOM MEETING  
AUGUST 11, 2020**

**Attendees/Participants:** Dave Shula, Sherri Glantz Patchen, Patrick Doran, Bob Dambman, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning and Zoning, Krista Heinrich (Township Engineer's office), Vince Manuele (BOS Liaison), and Dave Sander, Esq. (Township Solicitor's office)

**1. CALL TO ORDER:** 6:03 PM by Chair Dambman

**2. ANNOUNCEMENTS & CORRESPONDENCE**

**Announcements:**

- Act 15 requires advertising Zoom meetings 5 days in advance. This meeting was published in the Times Herald on August 6, 2020.
- Chair Dambman stated the 5 minute maximum for each individual to offer public comment will be enforced.

**3. APPROVAL OF MINUTES**

- On a motion by Ms. Patchen seconded by Mr. Doran, the Planning Commission moved to approve the July 28, 2020 meeting minutes as amended. Vote 4-0

**4. ZONING HEARING BOARD APPEALS:** None

**5. CONDITIONAL USE APPLICATIONS:** None

**6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:**

- Review (continued) SLD#02-19 Argos Associates/Adelphia Land Associates/  
Polergodom Group, Ltd., "Longfield Farm" Butler Pike, Ambler, PA;  
Preliminary Plan; 58 Townhomes

Attendees: Robert Downs, Owner's Representative; Caroline Edwards, Esquire, Attorney; Richard Collier, FAICP, Planner; David Cavanaugh, RLA, Landscape Architect; Robert Irick, RLA, Landscape Architect, Estelle Eberhardt, P.E., Engineer; and Brian Keaveney, P.E. Traffic/Transportation Engineer

Ms. Edwards commented they are seeking a recommendation for plan approval; you will see they addressed all the issues that were raised the last time.

Mr. Collier provided a PowerPoint presentation. He stated they spent a lot of time going through the comments they received from various review letters from Mr. Guttenplan, Gilmore & Associates, Heinrich & Klein, the Fire Marshal (there were no comments) and the County Planning Commission. Mr. Collier recapped the items and their status; as of the last meeting, there were 21 open items that were noted for further investigation and/or discussion that included contact with the County, PennDot, and the Township Engineer. Since then, 18 items have been resolved and 3 items are in process and moving to satisfactory resolution with the Township Engineer, Montgomery County and PennDot. An updated waiver request letter (8/7/2020) was provided to the Township that recapped all the waivers that had been requested including the removal of a partial waiver for the installation of a sidewalk along Skippack Pike since the portion east of the access drive is to be installed, and a waiver added to permit concrete sidewalk widths at 4'; asphalt paths to be 6' as the category determined not "high pedestrian density". A new landscape plan was presented with updated numbers on all of the required landscape components – street trees,

parking lot trees, basin landscaping, and tree replacement. The code requirements for all landscape categories are met, including the full complement of replacement trees. Additionally, predominantly native plant materials are proposed; they have allowed for appropriate horticulture, including growth/form, layering (shade trees, flowering/understory trees, shrubs, ground layer), and seasonal interest to achieve a high quality of landscape with high habitat value. Finally, they met with the Shade Tree Commission on 8/4/2020 and received approval for replacement trees of which there are 330 trees and tree equivalents with 20 additional shade trees to be added for increased canopy.

Mr. Cavanaugh pointed out the southern part of the site that shows a mix of plant material that has been keyed out on the plant schedule; the site plan was adjusted to shift a unit down to save a heritage tree (Silver Maple) and also shifted some units to preserve a hedgerow. The northern part of the site was also shown with plant material which identifies street trees, parking lot trees, replacement trees and the buffer. The planting schedule shows a broad diversity; they tried not to put one of any species predominant because you never know when a disease is going to occur and wipe out a certain species. Mr. Cavanaugh went over the different types of trees and shrubs they will be using throughout the site.

Planning Commission Comments: is the applicant meeting the requirement to reduce stormwater runoff now that it is all being collected at Skippack Pike (not only are they eliminating all runoff towards Butler Pike and into Whitpain they are still meeting the requirement to reduce post development flow to equal or less than towards the Skippack Pike watershed); were the two areas of open space redesigned (no, the 11,000 sf is the one identified at Conditional Use that would meet the requirement of a level open area and because there was great interest in having some additional open space they added 3,000 sf of outdoor space that is not landscaped); #7 on the Conditional Use decision states it has to meet the satisfaction of the Township Engineer (the applicant hasn't formally resubmitted plans so a thorough review has not been completed, but it appears to be reasonably level); what is the ground cover plan under the trees and shrubs (the basins have an ernst seed mix and the other ground cover will be turf in areas that are not vegetated); they mentioned they would rather see 10% used as natural open space without a fee in lieu, where does that stand (they are proceeding with the waiver request for a fee in lieu; they believe this site is not appropriate for a public park; the request for fee in lieu was part of the submission to the BOS at the Conditional Use and their approval included a condition that the plan would be substantially the same as the plan as they saw; another aspect is this is a private community with private streets and placing a public park within that community that would mean the residents of that community would be bearing the cost of street maintenance as well as bearing that liability that comes from the additional traffic and additional number of people); are there internal sidewalks along all the roads (there are internal sidewalks along the roads and every unit and every parking lot as well as along both Skippack Pike & Butler Pike until you get to the water tower; a partial waiver is being requested because there are some areas where there are not sidewalks on both sides of the street); what is under the trees and who maintains them (the HOA will have a maintenance contract); there was clarification that the plan presented does not have the 20 additional native shade trees shown on it that the Shade Tree Commission required and that they agreed to.

#### Public Comment:

Steve Kaufman, Harts Ridge Road, spoke to the Chapter 55 issue with the swapping out of shade trees for shrubs, etc. If you resort to any of the swap out provisions, that requires the approval of the Shade Tree Commission and puts you in waiver territory. The STC basically approved the waivers subject to 20 additional trees. From the last consideration on the waterfront project the Planning Commission can take up landscaping issues and he hopes they do. He stated Chapter 55 is all across the board distorted and needs to be taken up by the Planning Commission. Mr. Collier commented they looked at this at length with the STC and they accepted the substitutes because more shade trees were added.

Sydelle Zove, Harts Ridge Road, asked if the plan accommodates for the future possibility of the main roadway continuing to the boundary with the adjacent residentially zone parcel under the same ownership which was a concern raised in the Montgomery County review letter (yes, they made a wider space so that it can be extended through there without interrupting the units; they are going to reserve an easement with the adjoining landowner so that if a development is ever contemplated next door it will fall on that landowner to install and connect the rest of the road, all the rights that are necessary to finish the job will be reserved before any parcel is conveyed).

Pat Sheinman, 983 & 999 Butler Pike (Whitpain Township), commented she is seriously concerned about traffic impact, her driveway is directly across from the proposed left turn lane which will create a serious hazard when pulling out of her driveway during rush hour and that a traffic light could be put up in front of her house; where is the plan for school buses to pick up the children that are anticipated to live in this development whether it is going to be on Butler Pike, Skippack Pike or inside the development itself (not sure at this point); where is the construction entrance planned to be; how long is construction anticipated to take from the time they break ground (the construction entrance will most like be at the main entrance, the construction logistics have not been planned out; the time anticipated depends on how fast the units are sold, a likely scenario would be 18 months to 3 years); the landscape looks lovely but she is anticipating a lot of care going on and is concerned about the amount of pesticide use (limited use of pesticides was discussed at the last meeting).

Linda Doll, Fairway Road, wanted to make everyone aware that the meeting on the calendar shows 7:00 PM and asked that the agenda time is the same as the meeting time that is posted on the website; what are the road widths compared to what the ordinance allows (26' wide cartways are proposed, they ran an auto turn analysis of each of the bends in the roads and intersections in order to verify emergency vehicles can maneuver through the site; the ordinance requires 36', there is a separate ordinance section that states that a waiver can be granted for less depending on what the classification of the road is but based on prior development, none are less than 26' so they increased their width to 26'); Ms. Doll commented that no one parks in their driveways anymore, they park on the streets even if not allowed and trash trucks cannot get by, she sees this as an issue, how will this be enforced (streets will be owned by a HOA so the police will not be called for parking issues, the HOA will be taking the enforcement actions).

Planning Commission Comments: there were two references to the plan not being resubmitted so what are we voting on tonight (the landscaping plan shown reflects any of the changes made to the site plan; Ms. Heinrich commented that the plans were seen informally and cursory reviews were done but a formal re-review by staff has not been done) Charlie explained that the modifications were minor in response to prior reviews and in cases like this, formal re-reviews are not typically conducted; was there a lighting plan submitted (it's on the landscape plan); Mr. Guttenplan commented that Village Commercial has specific lighting requirements and believe the applicant met those requirements (Ms. Heinrich will confirm).

Mr. Dambman read the waivers one by one and the applicant's justification per the waiver request letter dated August 7, 2020.

Waiver #1 Ch. 105-21(B)(1)(n) – partial waiver from the requirement to show drainage, utility, and other man-made features within 500 feet of the site

Waiver #2 Ch. 105-21(B)(13) – provide an Existing Resources and Site Analysis Plan (ERSAP)

Waiver #3 Ch. 105-29(C) & 105-30(A) – proposed roads A, B, and C have a right-of-way and cartway of 36 feet to allow them to have a right-of-way and cartway of 26 feet; and that curbs be installed along Butler Pike and Skippack Pike to not require curbing along Butler Pike and Skippack Pike

Waiver #4 Ch. 105-36(C) – private driveways shall not be located less than 40 feet from an intersection and shall provide access to the street of lower classification when a corner lot is bounded by streets of two different classifications to allow the driveways for units 40 and 4 to be developed as shown on the Plan

Waiver #5 Ch. 105-32(B) - private streets shall have a right-of-way width and a horizontal and vertical alignment consistent with the requirements for public streets per Sections 105-33.B(1) and 105-33(C) to allow the proposed streets to be developed as shown on the Plan

Waiver #6 Ch. 105-47(B) - minimum width of all sidewalks and pedestrian paths be 5 feet to allow sidewalks to be 4 feet wide

Waiver #7 Ch. 105-38(F) - perpendicular parking is not permitted on public or private streets to allow perpendicular parking as shown on the Plan

Waiver #8 Ch. 105-47(A), 56(G) & 73 - partial waiver from the requirement that sidewalks be provided to allow sidewalks to be provided for pedestrian access to each unit, parking spaces, and open spaces so that the roadways do not need to be used for such access, and to allow sidewalks/pedestrian paths to be provided along the entire frontage of Skippack Pike and Butler Pike

Waiver #9 Ch. 105-53(D) - dedication of land in the amount of 10% of the total site area to the Township suitable for park and recreation use

Waiver #10 Resolution 2004-8.II.D.(8) - emergency spillways must be 3 feet lower than the spillway crest to allow all basins to be less than 3.5 deep from spillway to basin invert

Waiver #11 Resolution 2004-8.II.D.(12) - inlet pipes into a basin be 6 inches above the floor of the basin to allow some basins not to comply with this requirement, but to require all basins to have forebays to reduce velocity and impact on amended soil material in basin pool area

Waiver #12 Resolution 2004-8.II.E.2.(g)(iv) - storm pipe have a minimum diameter of 18 inches to allow the use of 15-inch diameter storm pipes

Ms. Heinrich explained that she has no issue with Waivers 10, 11 and 12.

Public Comment:

Sydelle Zove commented she is not pleased with the waiver request for sidewalk width. Feels the 5' width should be adhered to and that 4' is not adequate. Had a question regarding the last few waiver requests on stormwater management issues: did the Conditional Use approval speak in any way to stormwater management and adhere to the codes' provisions (the Conditional Use approval contained condition #4 that the rate and volume of stormwater shall be no more than predevelopment with respect to stormwater released to Whippen Township from the property).

Linda Doll commented that waivers #10, 11, & 12 are very concerning to her. Storms are getting worse and there should never be waivers for stormwater management; they should not be granted based on what was approved in the past; need to learn from mistakes from the past and move forward.

Steve Kaufman commented about the fee in lieu issue, doesn't want to walk across Skippack Pike to get to the preserve across the street, there is a need for onsite open space; disagrees that recommendations can't be provided due to Conditional Use plan approval, it's not a good legal argument to try to bootstrap approval of a waiver request out of the Conditional Use process; the developer should be showing some sort of hardship argument; and finally the argument that only half of the units are being built here that can be built, no one has ever been able to build up to the

zoning for a single family development because of all the requirements to have roads, buffers, stormwater treatment, etc.

Pat Sheinman reiterated about what she commented before on Waiver #1 with regard to them not having to delineate in detail who the neighbors are to this development because they are not in this Township and feels they have been left out to dry by their own Township as it relates to this development and would like a little consideration thrown in their direction to be a good neighbor and would be greatly appreciated and the fact that these properties are not delineated on the plan makes it less obvious the impact this is going to have (typically property owners on the other sides of the street in neighboring municipalities are not shown, but in this case they can add them).

Planning Commission Comments: what has been done with sidewalks in recent developments, is 5' the requirement across the board or is this different because of private roads (Ms. Heinrich explained that sidewalks need to be 4' wide and in areas of higher pedestrian density shall be 5' wide; the asphalt paths along Butler Pike & Skippack Pike are 6' wide); what would be the impact of 5' sidewalks if the waiver is not granted (it is additional impervious surface and pushes the units back 1' from the street); it was asked what is the width of most of the sidewalks in the Township (4'), Ms. Zove commented it is not relevant of what is in the Township, what is relevant is the code; Mr. Quitel agrees that the legal argument won't fly; stormwater pipes should be the appropriate size; safety issues – doesn't think it is relevant that there are other parks nearby; there is no stated hardship which goes back to the landscape plan in general, he appreciates the amount of native ecosystem landscaping that is taking place and in the spirit of the comprehensive plan would never allow for us to let developers buy their way into not preserving open space; Ms Patchen commented if allowance of a fee in lieu of open space is not a waiver (based on wording of the SALDO which was read to the Commission during the meeting), do they have to demonstrate hardship? (Mr. Sander explained that if they don't need a waiver, they don't need to show hardship, if they have to show the 1.5 acres of open space on the plan, Mr. Sander doesn't think they would be in violation of Condition #10 of Conditional Use approval). Mr. Collier commented that the area set aside for the open space is nearly 45% of the entire site which is 15 acres, the whole south end is all a wooded environment;

Motions:

Mr. Shula made a motion to recommend approval of waiver #1 as modified to require showing adjacent properties and waivers #2 through #8 & #10 through 12; seconded by Mr. Doran. Vote 5-0

Mr. Quitel made a motion to recommend granting a partial waiver from Section 105-53(D) to recommend to the Board of Supervisors that they not accept a payment of a fee in lieu but that they require that an additional 10% of open area above and beyond the 45% of the site already depicted as open space be preserved and maintained by the HOA; seconded by Mr. Shula. Vote 5-0

Ms. Patchen made a motion to recommend to the Board of Supervisors approval of the preliminary plan subject to the Board of Supervisors taking the Planning Commission's recommendation on not accepting the fee in lieu and requiring that the additional 10% of open space be preserved and maintained by the HOA; seconded by Mr. Doran. Vote 4-1

**7. OLD BUSINESS:** None

**8. NEW BUSINESS:** None

**9. PLANNING COMMISSION MEMBERS COMMENTS:**

Mr. Dambman commented he would like the Planning Commission to take a closer look at the fee in lieu and understand it better; Mr. Quitel agrees with that and wished it would have come up

when discussing the Comprehensive Plan, what is the purpose historically and what is the use of it going forward.

Mr. Quitel commented he thinks it is relevant that the Planning Commission become familiar with what happened last week with the storm when it comes to recommending open space plans and riverfront plans for proposed developments.

Mr. Shula commented they should have taken a closer look (at Longfield Farm) at the time of Conditional use when they made a recommendation for its approval, but thinks if you go before the Board of Supervisors with a plan for conditional use which clearly is not showing the 1.5 acres on site, he thinks they have some reason to rely on that conditional use approval as ok, we will be ok with the fee in lieu. Mr. Sander commented the conditional use approves the use and not anything else you would consider at land development including the amount of open space or whether to pay a fee in lieu or not. It's a plan that's drawn and we require that they are consistent when they submit their land development plan and that it doesn't look entirely different from the conditional use plan. It leaves those other factors like stormwater management, how wide the roads are, open space dedication, etc. all to be addressed at land development. Mr. Manuele commented that his time on the Planning Commission they did not opine on the fee in lieu, it was left to the discretion of the Board of Supervisors.

## 10. PUBLIC COMMENT FOR NON AGENDA ITEMS

Sydelle Zove commented she is disappointment on the discussion of their support for the waiver request on sidewalks; made them aware that Washington Street was under water in the recent storm, gives her a great amount of concern when the Planning Commission is contemplating 62 unit housing development (at 901 Washington Street); and finally she hopes that the Planning Commission and the Board of Supervisors take a careful look at how Conditional Use approval is worded. She commented that Ms. Edwards made it clear that to do anything different from what was in the approved conditional use plan would undermine the approval. Mr. Sander stated he respectfully disagrees with Ms. Edwards statement about the fact that they can't change it now that is was approved as conditional use because it just has to be substantially similar.

Linda Doll asked what the Chat protocol is (you can either type in the comment or speak aloud).

Steve Kaufman commented on Mr. Doran's constructive conversation and the clear thinking from various members and thinks it is a real model on how groups like this should do business.

## 11. ADJOURNMENT

- On a motion by Mr. Shula seconded by Ms. Patchen, the meeting was adjourned at 9:28 PM.

Respectfully submitted,

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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.