

**MINUTES**  
**PLANNING COMMISSION MEETING NOVEMBER 12, 2019**

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

1. Call to order: 7:00 PM by Vice-Chair Dambman

2. Announcements & Correspondence

**Announcements:**

- None

**Correspondence:**

- E-mail of Nov. 5, 2019 from Steve Ziegler, Chair Shade Tree Commission re: September STC review of 'The Villages at Whitemarsh'. Ms. Von Spreckelsen objected to the e-mail coming into the record; not official minutes; it was not read.

3. Approval of Minutes:

- Mr. Shula moved to approve the minutes from the September 24, 2019 meeting; seconded by Mr. Cornog. Vote 5-0-1 (Mr. Doran abstained, not present at that meeting)
- Mr. Cornog moved to approve the minutes from the October 22, 2019 meeting; seconded by Ms. Patchen. Vote 4-0-2 (Mr. Shula and Mr. Quitel abstained, not present at that meeting)

4. Zoning Hearing Board Appeals: None

5. Subdivision & Land Development Applications:

- SLD#11-15 K. Hovnanian Homes/Corson Estate ('The Villages at Whitemarsh'), 4006 & 4046 Butler Pike, Plymouth Meeting, PA; 67 Townhomes; Preliminary Plan Review. Present were Julie Von Spreckelsen, Esq. with Eastburn and Gray, P.C., on behalf of the applicant; Mike Weisslitz, on behalf of the applicant; Greg Elko, project civil engineer from Langan Engineering; Eric Ostimchuk, project traffic engineer from Traffic Planning & Design; Nate Burns, project landscape architect from Langan Engineer; Ray Walker, project ecological environment consultant; Chris Brixius, geotechnical project manager and engineer geologist with RETTEW; and Robert Wise, project historic preservation consultant. The applicant is before the Commission to review and seek a recommendation of the preliminary plan. The proposed development includes the consolidation of the two parcels and the re-subdivision into three lots with Lot#1 retaining the existing historic structures; Lot #2 will be developed with 67 townhomes; and Lot #3 will retain the existing single family residence with detached garage on Marple Lane. Ms. Von Spreckelsen briefly gave background history on the project approvals that were received to date and pointed out that these are revised preliminary plans (submitted in September) due to the extent of comments received on the first set submitted in April (the reviews to be discussed are reviews of these revised plans).

Greg Elko went step by step through a presentation talking about the existing and proposed conditions on the site, giving a physical description of the property and its surrounding uses, and gave an overview of the development plans (access, parking, system of sidewalks & trails proposed throughout the development, storm water & drainage, and water & sewer); the conditions of the conditional use approval to demonstrate they complied with all 22 items; walked through the waivers that are being requested; and then the review letters that were received to date. Waivers discussed were those requested by letter of April 5, 2019, revised Sept. 11, 2019.

Planning Commission Comments and Concerns: (Waivers) dimension of cartway width -- 36' required, asking for 24'; what is 36' based on (Ms. Heinrich explained it's for on-street parking) – applicant feels this is a safer design (reduces speed) and less impervious ground coverage used; is reduced radii at intersections a problem (Ms. Heinrich, no, based on low speed limit; however, Commission requested applicant lower speed from 25 to 15 mph and they agreed); will there be parking on the streets – there will not be parking in the 24' cartway, there are designated areas for perpendicular street parking; all internal roads will have sidewalks; there will be no bumper blocks, making the sidewalks 1 foot wider at front of parking areas – bumper blocks are a tripping hazard and cause issues for snowplows (Mr. Guttenplan requested additional sidewalk width, vehicle overhangs are larger than 1'); the perpendicular parking spaces will be 9'x18' which is in accordance with ordinance requirements though Commission members had concern about larger vehicles. Mr. Doran questioned whether waivers requested for stormwater management provisions could be granted as a result of Condition #17 of the Conditional Use approval which indicates that the plan “shall comply” with these; (Mr. Sander agreed that waivers could not be granted for stormwater management based on wording of this Condition).

Most of the items in the various review letters are commentary or items that “will comply”; there are also a few issues that will be done but deferred until the final plans. Mr. Elko specifically went over the items addressed for clarification from the T&M review letter. All the items in the letter are “will comply” or comments, acknowledgements or items for the Board of Supervisors to consider; waivers discussed in that letter are the same as those in applicant's waiver request letter.

Chris Brixius described the main geology of the site. DEP requires annual maintenance inspections and deals with any subsidence and the stormwater management plan for the property. Question was raised about the possibility of houses starting to sink over the years; it was pointed out that there are design components specific to these potential issues and a number of design elements – watertight stormwater lines, etc. that should prevent it.

Nate Burns spoke about the landscape plan showing the site triangles and tree locations; it was pointed out that one tree in northernmost access sight triangle may need to be removed. He spoke about the applicant's approach for replacement trees and mentioned the possibility of some being planted elsewhere or providing a fee in lieu for some.

Commission members asked why the Shade Tree Commission denied the plan - Julie Von Spreckelsen explained that the Township arborist agreed with the tree counts, surveys, etc.; the Shade Tree Commission had two requests – to walk the site and change the calculations to include invasives. After walking the site they disagreed with the arborist and applicant's expert on what trees were dead, diseased or dying and that was the basis of their denial. Ms. Von Spreckelsen stated they complied with the arborist's request; they added back the invasives in their calculations; and they are more than doubling the number of trees on site today. Mr. Sander said it is up to the Township Engineer and other Township Officials that review the plan to determine if the replacement plan meets the specific ordinance requirements. The applicant pointed out that if required to, they can accommodate all the replacement trees on site but given some of the existing areas of vegetation to remain it would be difficult to do so, and they do not consider this a responsible approach; instead they requested a fee in lieu and/or permission to plant some of the required replacement trees elsewhere in the Township; in either case, they are still providing the required amount of replacement trees.

Due to time restrictions, the discussion of this application will be continued to November 26, 2019.

## 6. Conditional Use Applications:

- CU#01A-19 David S. Wijaya and/or Corporate Nominee, 551 Germantown Pike ('Shoppers World'), Lafayette Hill, PA; Retail business selling general merchandise. John Pak, the applicant's attorney was present along with the applicant. A new application was submitted by the same applicant to utilize the same space where the previous tobacco shop had been proposed. He is proposing to sell general retail merchandise and will stipulate that no tobacco, vaping, alcohol or adult-oriented products will be sold. The applicant is proposing to sell educational material, toys, sports equipment, candy and DIY crafts. Hours of operation will

be Monday through Saturday 9:00 AM to 7:00 PM; varying for the holidays, Monday through Sunday 9:00 AM to 7:00 PM.

Public Comment: Mary McMonagle, 4030 Kottler Drive, had concerns about how the applicant was listed on the application and will the lease be amended to reflect the correct applicant (the lease will be amended if the applicant receives approval); will there be a restriction in the lease not to sell tobacco, vaping or similar products (yes); what is the status of the pending lawsuit (there is an e-mail agreement that the lawsuit will be withdrawn if the proposed conditional use application is approved). Eli Glick, 7 Whitefield Drive, said the Township needs to be doing more to invite entrepreneurs like this young couple to come to Whitemarsh and do business here; feels they are coming here with a use that should be welcomed and encourages a recommendation for approval. Maureen OConnell, 3062 Kerper Road, agrees with Mr. Glick, it's a great convenience store and she will be one of the first ones in there; but what would be the process down the road if they decide to sell nicotine products (the conditional use application will not allow that, they will have to submit another conditional use application. If they start selling nicotine products without an approval, legal action will be taken).

Motion: Mr. Doran moved to recommend approval of the conditional use application with the understanding that there should be a prohibition of tobacco, tobacco products, vaping products, alcohol or adult oriented pornographic material; seconded by Ms. Patchen. Vote 6-0

7. Old Business: None

8. New Business: None

9. Public Comment:

- Chris Raab, State Representative for the Chestnut Hill area is concerned how the private interest of one group can overshadow something so much bigger than the Township; what are we doing to protect our own historic jewels; the historic resources of the Corson property have greater value than just for our Township, it has significance for our Commonwealth; what about the stories and artifacts; hopes his considerations are taken seriously and that we look into all opportunities that promote community wealth and understanding.

David Miller has concerns about traffic triangles and the intersection at Station Road and Hector Street. The new building that was constructed comes out too close to the street which makes this is a very dangerous intersection for vehicle and pedestrian crossing. There are no pedestrian crossing signs or pedestrian crosswalks.

Sydelle Zove, wanted to make the Township is aware that the section of the Metroplex Office Complex closest to Germantown Pike has been fully approved for two additional buildings which means 7,000+ more vehicle parking spaces in addition to what is already there.

10. Adjournment:

- There being no further business, meeting was adjourned at 9:52 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.

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.

