

Whitemarsh Township Planning Commission

Meeting Minutes of August 25, 2009

The following Planning Commission members were present: Ken Parsons, Chairman, Chris Gubeno, Dick Leonard, Dave Shula and Peter Cornog. Also in attendance were Bruce Horrocks, Assistant Township Manager, Charlie Guttenplan, Waetzman Group Planner and Jim Sullivan, P.E., CMX.

1. CALL TO ORDER – 7:30 p.m.
2. ANNOUNCEMENTS & CORRESPONDENCE
 - Special Joint Meeting – September 8, 2009 @ 7:00 p.m.
3. APPROVAL OF MINUTES
 - June 9, June 23 and July 28, 2009

Motion by Mr. Cornog, seconded by Mr. Shula, June 9, 2009 Planning Commission Minutes approved, vote 5-0-0.

Motion by Mr. Shula, seconded by Mr. Cornog, June 23, 2009 Planning Commission Minutes approved, vote 5-0-0.

Motion by Mr. Cornog, seconded by Mr. Shula, July 28, 2009 Planning Commission Minutes approved, vote 5-0-0.

4. ZONING HEARING BOARD APPEALS
 - ZHB #2009-22, National Label Company, 2025 Joshua Road

Richard P. McBride, Esquire, represented applicant National Label Company and introduced Charles Stoneback, Principal, Charles Shoemaker Inc. Background provided on plant expansion 30,000 square feet, second access point improving circulation, acquiring easement grant, impervious coverage increase, detention basin/outfall pipe noted: building coverage 40%, parking in place. Previous zoning relief granted for road setback and building height and special exception for basin location: landscaping for parking area. Future Land Development Plan will be discussed with the Township Engineer.

Mr. Parsons questioned stormwater basin enlargement. Mr. Stoneback said it will increase surface area by 20%. Mr. Cornog noted past zoning appeals allowing 69% questioning the hardship going to 78% impervious. Mr. McBride said the building is within ordinance tolerances; parking is commensurate with ordinance standards. Mr. Shula said the southern drive is opposite Copper Beech Drive. Reply: Joshua is a State Road, sight visibility has been checked: PennDot issues the permit.

Mr. Guttenplan questioned parking. Mr. McBride said 107 spaces are shown on the plan, some spaces are being relocated.

Audience poled for comments: no response.

Mr. Parsons summarized relief requested in ZHB #2009-22 Items 1 through 8 proposed addition to the existing building, parking, driveway and site conditions.

Motion by Mr. Shula to recommend approval to the Zoning Hearing Board for the variances/special exception to the site: seconded by Mr. Leonard, vote 5-0-0 approved.

- ZHB #2009-25, 1128 Realty Investments, L.P., 626 Germantown Pike

Richard P. McBride, Esquire, spoke on behalf of the applicant 1128 Realty Investments L.P., principals Mr. and Mrs. Shacklett. Mr. Parsons noted the Waetzman Planning Group letter of July 23, 2009. Mr. McBride named two aspects: Zoning Hearing Board review September 14th and Conditional Use on September 24th. He spoke of Village Commercial (VC) and Germantown Pike Beautification: photographs shared. Architectural plan submitted for vacant house and 3 bay garage with apartment: they no longer request an apartment above the garage: floor plans shared: explanations ensued. Their development plan shows two parking spaces in the front yard and location of a Heritage Tree. Conditional Use is needed for an office, multiple uses and buildings: regarding the zoning, office use will be marginally larger: parking setback variances noted.

Mr. Cornog shared the garage will be used for parking only: VC intent is no parking in the front yard: Heritage Tree concerns. Mr. Parsons asked about shared parking. Mr. Gubeno stated there is a shared driveway. Comments exchanged: applicant will seek parking arrangements with either adjacent neighbor. Mr. McBride can talk to Mr. Hughes.

Audience poled: no comments.

Motion by Mr. Gubeno to grant the Conditional Use for 626 Germantown Pike with the exception that front yard parking be removed and parking agreement with adjacent neighbor be secured in tandem with ZHB Appeal #2009-25 Item #1 variance be granted for §116.290B live/work unit 50% split: Item #2 §116.292B and 116-291A.(6) two parking spaces in front yard not be granted: Item #3 §116-295 be granted: Item #4 §116-296D to prevent parking within the 7 foot setback. Seconded by Mr. Cornog, vote 5-0-0, approved.

5. SUBDIVISION & LAND DEVELOPMENT APPLICATIONS

- SLD #05-09, CVS, Butler and Skippack Pikes, Sketch Plan

Mr. Parsons said the Planning Commission will only comment on the Sketch Plan.

Mark Capuccio, Eastburn and Gray represented Keystone Property Group regarding the property at the corner of Skippack and Butler Pike proposing to remove two office buildings and gas station and replace them with a CVS: there are three parcels, two will be consolidated, one separated for financing purposes: driveway setups per PennDot meeting: input meetings held with neighbors. Greg Hansen from Keystone and the developer's representative and a Bohler Engineer were introduced: the engineer provided background.

Mr. Guttenplan's August 19, 2009 letter has been reviewed: a zoning application is forthcoming, waivers will be listed on the preliminary plan. Mr. Parsons said it will be a one story building under 30 feet. Mr. Shula questioned parking count and inserting an island. Their engineer said they are looking at relocating the trash enclosure adjacent to the building. Mr. Cornog noted site history. Mr. Hansen said economics today is an issue. Mr. Gubeno noted parking closer to curb line on Butler, Skippack setback, drive-thru, intersection opening, shopping center entrance. Reply: Montgomery County Roads and Bridges Commission took a look at it: Traffic Study will be done before Land Development submission. Comments shared on conflicting turns and stacking.

Mr. Parsons noted signage and stormwater runoff. Mr. Sullivan shared Mr. Hansen had the flood plan removed from this property in the other application and finalized a map amendment process. Discussion continued regarding two lanes for drive thru, pneumatic tube and window, concrete divider and landscaping. Mr. Guttenplan asked for explanation of encroachments from the Wissahickon Valley Watershed Association ground/fence/trail/playground along Skippack Pike. He said the biggest issue is setbacks from the ultimate rights-of-way: most sidewalk area is on private property.

- SLD #06-09, 901 Washington Street, Sketch Plan

Mr. Parsons said the Planning Commission will make comments to the applicant.

Mr. Eli Kahn, Conshohocken Ventures, L.P. explained Robert Haley, Spring Mill Corporation was not available: history of the 100 year old building within the floodplain was shared: business/marketing background provided. Proposed are three office buildings over grade level parking totaling about 90,000 square feet: propose to create a right-of-way and extend Washington Street through the property. David's Bridal property circumstances shared: easement agreement noted.

Mr. Guttenplan's August 24, 2009 review letter noted. Mr. Kahn spoke of zoning and RDD, green area/pedestrian access, parking and economics. Mr. Cornog questioned the view shed, balconies and Washington Street. Mr. Eli's marketing capitalizes on the river view and train station. Mr. Gubeno questioned parking variance, fewer spaces and greening. Mr. Kahn said there is some ground between the property and riverbank and Whitemarsh Boat Club: exhibit shared.

Mr. Gubeno said it is an improvement over an industrial use or vacant building: he would like as much green space as possible: wetlands questioned. Mr. Kahn said they are in a floodplain: comments on increasing green, reducing impervious coverage, looking to create logical stormwater management. Mr. Parsons noted LEED design. Mr. Kahn is looking at that: he is building his first LEED project in West Chester. They will use sustainable design and construction methods. Discussion ensued.

6. OLD BUSINESS

- 2009 PC Tasks – nothing on the agenda

7. NEW BUSINESS

- Conditional Use – 1128 Realty Investments, 626 Germantown Pike
Recommend against front yard parking.
- The Hill at Whitemarsh Parking Expansion Project
Land Development Waiver Request

Peter Fernandez, RLA, ALSA, Carter van Dyke Associates said they were requesting additional parking at the entrance and around the building: plans shown: they are working with the Township Engineer on stormwater calculations.

Mr. Gubeno asked about pervious plans. They are looking at storing underneath. Discussion followed. Mr. Sullivan said the Thomas Road basin may need some modification. They will clean up the swale when they put the walk in. Mr. Shula asked about adjoining property owners. They are looking into LED lighting.

Mr. Guttenplan asked about parking spaces for independent units. Reply: resident population is younger, couples have two cars, there are many activities, family visits. Second phase questioned. Mr. Cornog asked about staff and entrance parking and interface with Phase Two. Reply: Phase Two parking 34 residential units with driveways and garages. Overflow parking lot utilization: shifts daytime between 11:00 and 5:00, mid week cross over: by 6:00 or 7:00 they are in good shape. There is a jitney in winter for residents: schedule shared, it can be expanded.

Looking for a recommendation for Land Development waiver, conditioned upon satisfying Township Engineer's concerns.

Motion by Mr. Shula to recommend a waiver from Land Development for The Hill at Whitemarsh Parking Expansion Project, seconded by Mr. Cornog, vote 5-0-0.

- Riverfront Open Space Plan Update

Mr. Guttenplan will forward a summary of the nine Stakeholder Meetings to Doug Knauss for annotation: the draft set of goals/objectives is his objective tonight.

Common themes mentioned: way finding signs and linkage, partnership in joint use, coordinating trails: joint meeting date not set. Goals 1 and 2: RDD increase public access to river, link amenities, preserve riverfront, green design standards, partnerships with landowners/developers to protect views: green corridor/trail restoration. Goal 3: coordinate Riverfront, Open Space, Pedestrian Access Plans with surrounding municipalities. Goal 4: develop active recreational activities along riverfront: Miquon mentioned accessing near Spring Mill Train Station/Park. Note: The Boat Club does not want a pedestrian path along the river, security concerns expressed. Lois Trench-Hines efforts acknowledged: comments shared. Goal 5: partnerships with municipalities sharing the riverfront, partnering with County, PECO, SEPTA and others to develop trails/support facilities: Upper Providence/County model shared.

Mr. Guttenplan will share an overview at the joint meeting: timetable for public meetings, potentially October and late November, review of draft plan early December and then a Public Hearing for adoption. The Stakeholder process was lengthy.

Mr. Guttenplan noted VC front yard parking issue and approval of conditional uses, examples shared: up to 25% parking with decorative wall/fence/landscape linking urban fabric comment. Mr. Cornog doesn't like it, citing 626 Germantown example. We will see a number of variances for existing properties: we don't want to make it impossible for businesses to stay. Mr. Guttenplan wanted commission feedback. Page 4, 116.290(E): some uses were moved from conditional use category: page 5 Building Design, language may be tweaked after legal opinions. Mr. Horrocks said the governing body holds public hearings on conditional use: they don't want to be heavy-handed on something they are trying to revitalize, good VC along Germantown/Bethlehem Pikes and elsewhere.

Mr. Guttenplan asked Commission members to email comments; he will continue tweaking draft prior to discussion in September; Ordinance format shared. Also minor parking ordinance changes for retail stores/offices/market discussed with Mr. Horrocks and Ms. DeCordova: base it on floor area as defined in the zoning ordinance that way we don't have to change it every time a use changes.

Mr. Leonard questioned stall size. Mr. Guttenplan said 9 by 18 is reasonable: an ordinance has not been written and needs to be in both Subdivision Land Development and Zoning. Mr. Horrocks said EAB would recommend 9 x 18 and pervious paving. Mr. Guttenplan can amend the parking ordinance to do that. Comments shared: consider parking bumpers/curbs.

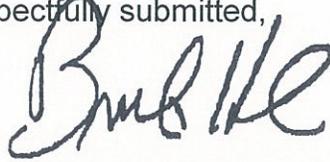
- Village Commercial Zoning Amendment

8. PUBLIC COMMENT

9. ADJOURNMENT

There being no further business the Planning Commission adjourned at 10:19 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce G. Horrocks". The signature is written in a cursive style with a large initial "B".

Bruce G. Horrocks, Assistant Township Manager

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Whitemarsh Township Planning Commission

Meeting Minutes of December 8, 2009

The following Planning Commission members were present: Dave Shula, Vice Chair, Peter Cornog, Dick Leonard and Scott Quitel. Also in attendance were Bruce Horrocks, Assistant Township Manager and Charlie Guttenplan, Waetzman Group, Planner.

1. CALL TO ORDER – 7:30 P.M.
2. ANNOUNCEMENTS & CORRESPONDENCE - None
3. APPROVAL OF MINUTES
 - October 13, 2009 and October 27, 2009

Motion by Mr. Cornog, seconded by Mr. Leonard October 13, 2009 Planning Commission Minutes approved. Vote 4-0.

Motion by Mr. Cornog seconded by Mr. Leonard October 27, 2009 Planning Commission Minutes approved. Vote 4-0.

4. ZONING HEARING BOARD APPEALS - None
5. SUBDIVISION & LAND DEVELOPMENT APPLICATION – None

Mr. Horrocks proposed the Giant Land Development Waiver request be heard next; applicant's representatives were present.

6. OLD BUSINESS
 - Riverfront Open Space Plan

Mr. Guttenplan told of joint meeting progress with Conshohocken Borough: aerial shows RDD down to Miquon: Feasibility Study for Pedestrian/Bike Network adopted by the Board: the Greenway, Open Space, Park and Recreation and Comprehensive Plan noted. Open Space and Trails Map comments: Schuylkill River Trail is the major one. Proposed trail along the river is a key element for development in the RDD. Five major goals established: public access to river, preserve natural surroundings, coordinate recommendations of this plan with all others, develop active recreational opportunities along the river, encourage partnerships with municipalities that share the riverfront. Stakeholder Meetings summarized in packets: The October Halloween tour participants visited area from Spring Mill to Conshohocken.

Mr. Guttenplan said emergency services issues along the river came up: there was a meeting with Police representatives and Fire Marshal: recommendations shared. Options: safe crossing of R-6 tracks: enhancing river views is a goal: partnerships and Boat Club comments shared: trail signage noted. Four places discussed for boat launches: one at Miquon, River Park Office shore line, Spring Mill, Finneran & Haily site, River Walk at Millennium may need a public parking facility. Developing Multi-use Trail along riverfront a major recommendation. Extend Washington Street to connect with Hector and Spring Mill to eliminate the dead end: Police patrol comments shared. Trailhead at Spring Mill partnership with County, Township, Septa and PECO comments: provide security posts with emergency phones/cameras and security lighting: Way Finding Sign System providing overlooks of the river: a civic gathering place along the river as an RDD public amenity: restroom facility at Spring Mill comments: do an area boat tour.

Mr. Guttenplan shared a schematic map of facility locations: fishing pier, boat launch, sculpture, boat tour potential. The trail and Boat Club issues pointed out: Washington Street concept shared: Miquon boat launch potential. Slide of conceptual public gathering space at Boat Club and Finneran & Hailey property explained. We look to get input before going further and finalizing these recommendations.

Mr. Quitel asked about brown field nature, pollutants and capture area for runoff. Mr. Guttenplan said this will have to be studied by developers in various sites, done through Phase I and II studies: this is not a green field. Mr. Quitel noted landscape plant functionality and walking aesthetics. Mr. Shula commented on safe track access: public private partnership on access points for parking noted. There will have to be insurance and maintenance issues worked out: the concept is using them in off hours, SEPTA Lot examples: commercial area lots are often used Saturdays and evenings.

Mr. Leonard noted public parking in RDD. Mr. Guttenplan said it is an amenity; a certain percentage has to be provided. Mr. Cornog noted the proposed trail and commented on safety congestion issues. Mr. Guttenplan can talk to the Police and County about concerns. Amenities seem to be concentrated west of Spring Mill: discussion ensued. Mr. Quitel said design control is important. Mr. Guttenplan said we can make trail recommendations in the RDD study

Mr. David Birch, Vice Chair Conshohocken Planning Commission, commended Township undertakings, seconding bike safety concerns, sharing comments. Mr. Guttenplan said the plan would be enhanced by an extension to the Borough. We have two and a half miles of shoreline in Whitemarsh. Email any comments to him: Board briefing is scheduled for December 17, 2009.

- Solar Energy Systems Amendment

Mr. Horrocks provided background: the solar amendment was advertised. Mr. Guttenplan and the solicitor put together changes incorporating County comments, staff and resident input: authorization for adoption consideration noted.

Mr. Guttenplan expounded: small solar energy system or small scale terminology adjectives removed: solar energy defined: clarified qualified professional, approved list of installers inserted in the Ordinance. Staff discussion based on citizen comments, panels should not be installed in a way that is ineffective, page 2, §116-33.4 (A) 3 b., the phrase is to read “prevents the system from operating as designed.”

Mr. Cornog said we want the same requirements to apply to ground and roof arrays: page 2, §116-33. Comments shared: 3 c 3 named. Mr. Guttenplan would rather pull it out and put it in one place: is that the Planning Commission recommendation. With that change in the process, Mr. Horrocks said it has to go back to the County: we do not have the Board’s authorization to re-advertise yet. It could be under B 2 design installation. We can take the latest draft to the Board with recommendations. Mr. Horrocks said staff will modify this latest draft: take §116.33.4 A 3 c 3 and move it to become §116.33.4 B 2. Discussion ensued: it will have to be modified to apply to all roof and ground systems.

Public Comment: Richard Cutler, Germantown Pike, gave background on two proposed free standing, pole mounted panels: July 2009 Department of Energy (DOE) publication Solar Power in Your Community noted: solar access and solar rights quoted: Pennsylvania Sunshine Program and NABCEP named.

Mr. Leonard noted sun rights. Mr. Guttenplan said our township solicitor drafted the easement language. Comment by Mr. Horrocks: §116 is never static; it’s best to get it on board.

Recommendation for the Board to consider advertising for adoption by Mr. Cornog; seconded by Mr. Leonard, vote 4-0.

Mr. Cornog noted Mr. Cutler’s comment about expanding the body of certified people who can attest to the suitability of proposed solar systems. Mr. Cutler shared the name of the board is in the DOE’s July 2009 publication. Comment: only bona fide groups are put in the ordinance. Mr. Cutler said if a building permit and an easement agreement with a neighbor will be needed, it could be subject to one neighbor’s relationship to another and a property owners right to gain access to the sun.

- Parking Amendments

Mr. Cornog recommended we advertise it: seconded by Mr. Quitel. Mr. Horrocks added it reduces a 10' by 20' parking spot to 9' by 18' and reduces impervious coverage throughout the township. Vote 4-0.

Mr. Cornog commented floor area defined as square footage of the property. Mr. Horrocks said we are not changing the quantities of spaces.

- Village Commercial Text Amendment

Mr. Horrocks said we believe all comments are covered and are recommending this tweak amending of VC is appropriate: we look for a recommendation to advertise this. Mr. Guttenplan said we talked about these specific amendments before: Ordinance dated October 20, 2009 referenced.

Motion to recommend to the Board of Supervisors that we advertise the Village Commercial Text Amendment by Mr. Cornog; seconded by Mr. Leonard, all in favor, vote 4-0.

- Village Commercial Districts Rezoning

Mr. Guttenplan provided two map alternatives for Bethlehem and Butler Pikes. Mr. Horrocks explained CRL blue and red. Mr. Guttenplan said green triangle area would be put back to AA, it's part of the park: both Alternatives suggest the area between the back of the shopping center and homes along Sunnybrook remain B Residential: the front portion would be VC-1. The stream area on Bethlehem Pike seems to be owned by Springfield Township: there is an office complex on the west side. Main benefit of Alternative 1 is to leave the shopping center alone and not touch the zoning: VC allows certain residential types: difference between CRL, VC-1, use, size regulations noted.

Mr. Shula said once you cross the stream those two parcels are part of the shopping center: as long as the shopping center continues the use continues. Mr. Guttenplan said much of the shopping center development is not in the township: it may be a policy and political decision. Ms. Richards said we can pose the question to the solicitor. Mr. Horrocks said the matter has never been in front of this board; we can have the solicitor provide a legal history. Mr. Quitel said we can raise the spot zoning issue as well.

Public comment: Property owner Joan Biddle said they don't want the commercial line north of Henry Lane: spot zoning, lack of parking, Super WaWA at McGarrity rumor noted. Mr. Guttenplan offered explanations.

Mr. Horrocks said moving to Butler Pike remember the comments from Mr. Rosen owner of a 50 foot wide non-conforming property; in this version consider Alternate 2. Mr. Leonard questioned PECO property parallel to Butler. Mr. Guttenplan said there are less angles this way: zoning lines are

generally parallel to the road. Alternative 2 takes it back from Butler matching the back of the 50 foot property. Mr. Leonard said it is a zoning change not an overlay. Mr. Guttenplan said Alternative 1 leaves three lots zoned B separated from other B because of AD intervening; another reason to go with Alternative 2.

No Public comment. Mr. Shula said we await feedback from the solicitor and supervisors, asking if they should be packaged together. Mr. Horrocks said by Ordinance they will be separate; we have to attach an exhibit; they are different in where they are: it helps spot zoning in either case. He is getting positive feedback on Alternate 2 for Butler Pike: Alternative 2 for Bethlehem Pike needs solicitor verification.

There was a time line inquiry: options shared. Mr. Cornog made a positive recommendation on the Zoning Map change on Bethlehem Pike Option 2 contingent upon solicitor input, keeping the shopping center CRL if it is not an issue, including removal of the property north of Henry Lane making Henry Lane that division line: seconded by Mr. Quitel, all in favor: vote 4-0.

Mr. Shula asked for a motion on Option 1 or 2 on Butler Pike. Mr. Quitel moved to go with Option 2 on Butler Pike: seconded by Mr. Cornog, all in favor, vote 4-0.

7. NEW BUSINESS

- Giant Food Store – Land Development Waiver Request

James Strong, Esquire, represented the applicant and provided background on the proposed expansion, renovation and addition of an ADA compliant elevator. They will appear before the Zoning Hearing Board (ZHB) next week. Mr. Horrocks noted Mr. Sullivan's review letter comments.

Their project engineer and real estate representative were available for questions. Responding to Mr. Cornog, the site plan has been revised slightly, expansion moves 4.33 feet closer to the existing property line: new grass area in northwest corner of the property. Mr. Quitel questioned the landscape plan: Inkberry Holly noted.

Mr. Horrocks noted they request a Special Exception pursuant to §116.203 or in the alternative a variance from §116.93D: comments shared. All elevator operations are from inside the building: architectural rendering shown, grass area, fence and tree location indicated.

There was no public comment. Mr. Shula noted two motion possibilities: one a waiver of land development, the other a Planning Commission recommendation to the ZHB.

Mr. Quitel moved to grant the Land Development waiver that Giant Food Store is requesting as well as a recommendation to the ZHB to grant the requested relief for Application 2009-34: seconded by Mr. Cornog, approved, vote 4-0.

- Off Site Outdoor Advertising Sign Amendment

Mr. Horrocks said January 12, 2010 after the December meeting discussion, we will seek a recommendation for Off Site Outdoor Advertising Sign Amendments. It will be given to members tonight, there is a 30 day review period: Clear Channel challenge noted. Responding to Mr. Cornog Mr. Horrocks said we estimate three billboards: three areas of separation explained. The ordinance in front of you represents words only; the map is not an exhibit but a staff representation of what could happen. The black hash mark represents a lease for that site: next two available areas are on the other side of the turnpike where those other hash marks are. Mr. Guttenplan said it might be possible to get four billboards: it comes down to inches.

Mr. Leonard asked who wrote the standards in the Outdoor Sign Ordinance. Mr. Cornog said they walked in with an ordinance. Mr. Guttenplan said that is an industry standard size for billboards. Mr. Horrocks said you also have to net out the other signage from that property, example shared: it is off standard for a limited access high speed highway.

Mr. Shula asked about Colonial School District Field status. Mr. Horrocks sends a monthly email to their staff. They have never submitted the Landscape Plan required by Messrs. Sullivan and Guttenplan's reviews.

There is nothing on the agenda for December 22nd; we can just leave it open.

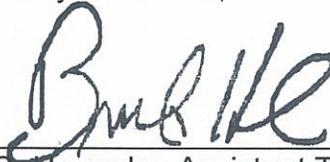
Planning Commission members received letters about attendance at the Board of Supervisors December 17th Volunteers' Recognition meeting: Mr. Shula can attend.

8. PUBLIC COMMENT

9. ADJOURNMENT

There being no further business the Planning Commission adjourned.

Respectfully submitted,



Bruce G. Horrocks, Assistant Township Manager

Whitemarsh Township Planning Commission

Meeting Minutes of April 27, 2010

The following Planning Commission members were present: Dave Shula, Chair, Peter Cornog, Vice Chair, Dick Leonard, Chris Gubeno, Bill O'Donnell, Ken Parsons and Scott Quitel. In attendance were Township Engineer Jim Sullivan, T&M Associates, Township Planner Charlie Guttenplan, Waetzman Group, Leslie Richards, Board of Supervisors Liaison and Bruce Horrocks, Acting Township Manager.

1. Call to order: 7:30 P.M.
2. Announcements and Correspondence

May 25, 2010 Open House – Riverfront Open Space Plan – 5:00 P.M.

Mr. Horrocks said the Open House will be advertised for input. We can start our discussion tonight.

Mr. Shula invited Zakes Café to make their presentation first.

3. Approval of Minutes

March 9, 2010

Recommendation by Mr. O'Donnell to approve the March 9, 2010 Planning Commission Minutes; seconded by Mr. Parsons, vote 7-0-0.

4. Zoning Hearing Board Appeals - None
5. Subdivision and Land Development Applications - None
6. Old Business

Village Commercial (VC) rezoning update

Mr. Horrocks said people are here to address comments to the commission. Background provided on Bethlehem Pike five acre McGarrity Chevrolet property, FEEA Report, Springfield Township Assistant Manager Mike Taylor was provided a copy of the VC Ordinance. VC Phase 1 and 2, Henry Lane property noted. Mr. Guttenplan said that property is currently not developed: there are non-residential uses across both streets. Comments shared.

Mary Grace Sparango and her father Pat have owned the vacant lot since the mid-80's, there is commercial interest: they feel their lot should start the VC District and be included in the rezoning. It is a little more than an acre: they have not

been able to sell it as a residential lot. Discussion ensued. Mr. Guttenplan said it is the first property outside the recreational overlay and fronts on the pike. It is a land development issue: access is a real issue: Bethlehem Pike and light noted. Mr. Horrocks said an HOP from PennDOT might consider that as the only entrance. Ms. Sparango said they were not aware of the December meeting. Mr. Horrocks said he would share the mailing list to verify letters were mailed.

Mr. Ron Denzel and wife Caroline live at the corner of East Valley Green and Bethlehem Pike in a 1700's Federal home and strongly oppose changing anything in that area. Neighbors on Bethlehem Pike and Henry Lane also strongly oppose it. Residents bought residential properties: previous owners were refused zoning for a law office and there are two ways to enter and exit the property. Traffic and congestion concerns shared.

Ms. Denzel shared her concerns: 100% of her property is across the street from this parcel.

Ms. Sparango said they are residential builders: VC offers more opportunity than a single family home: a carriage home building with three townhomes would not have the same impact as a commercial building and could be an entrance to a VC District. They can keep it residential but need more than one house there.

Ms. Denzel said if it is residential she has no objections, she just doesn't want to see it zoned commercial.

Mr. Guttenplan said this is a legal issue as to how and if it can be limited to that. Comments shared. Mr. Horrocks said that type of request if forwarded to the Township by the property owner could be put in front of the solicitor to find out if it could be deemed legal. Mr. Quitel questioned previous requirements on a one acre lot. Mr. Sullivan said there are no impervious restrictions unless there are steep slopes, it is just building coverage in residential. There is an impervious coverage limit in VC: typically for a single house you don't pave everything. Covenant to run with the land comment: the solicitor would need to look at this.

5:00 P.M. traffic congestion on Bethlehem Pike noted by resident. Mr. Horrocks has the FEEA Report, copies will be made available. It is not a plan adopted by either municipality but both townships' approved it. Mr. Cornog commented he was involved in the early stages of the report for a year and a half: Mr. McGarrity was on the planning committee with input to the advisory committee.

Riverfront Open Space Plan update

Mr. Guttenplan said this will be the subject of an Open House Meeting May 25th prior to the Planning Commission meeting. We discussed goals and objectives, stakeholder meetings, preliminary recommendations to plan a document form. Appendices have been added: we provided an action plan without an introduction

taking recommendations putting them into priority form. Planning Commission analysis and recommendations from Environmental Advisory Board, Parks and Recreation, Open Space Committee named. Hearing public comments on the 25th and input from various groups will help come up with a final draft set of priorities. We have indicated some immediate priority recommendations; then a high priority category done in one to three years, medium priority three to five years and low priority beyond five years. Priorities have to be re-evaluated on a periodic basis as part of the budget cycle. Funding sources are less than in the past: grant availability may change some priorities.

Read the document and give Mr. Guttenplan any comments before the May 25th meeting: the recommendations map is not complete, trail links not connected to network, some linking to parks not shown. A formal presentation is not planned: three people from his office will have all the maps on boards and there will be a PowerPoint put together. When we reconvene we will work on completing the document getting it to final draft form: game plan to complete it by the end of June and in front of the Board in early fall: public hearings have to be held.

Mr. Leonard asked about a sign-up sheet for comments. Mr. O'Donnell noted similar comments from Lower Merion, Philadelphia, Conshohocken about river crossings, safety, boat launches, fire hose placement: overlays suggested. Action plan chart comment by Mr. Guttenplan: some comments are not map-able. Have people look at this as Whitmarsh's plan, acknowledge input, make conclusions. Mr. Horrocks said when this is finally out for adoption in front of the Board, there will be another 45 days to review the plan and submit comments.

Mr. O'Donnell said this will be a terrific Riverfront area: Spring Mill access comment. Mr. Guttenplan said they will refine public gathering and overlook sketches for the meeting. Mr. Gubeno commented on the bridge across the river, minimal use, costly, Manayunk Trail Bridge crossing, Boat Club site coordination, connectors back to Washington or other streets. Mr. Guttenplan said the trail going thru the Boat Club could be our ultimate recommendation: they are one of the stakeholders' interviewed. Trail section rendering options shared: County has trail standards.

Mr. Gubeno questioned paved or unpaved paths. Mr. Guttenplan said it must withstand flooding: he will do research. Red shell macadam is more aesthetic. Mr. Quitel said it is a challenge to get the area more inviting, the floodplain has been over developed: ecological improvement noted. Email questions and comments to Mr. Guttenplan.

Mr. Horrocks said at one Open House people put sticky notes on sketches/maps and it was helpful. Mr. Quitel shared experiences with stations and categories of interest. Mr. Guttenplan will coordinate with Mr. Horrocks and provide handouts.

Mr. Horrocks honed in on the zoning map near Zakes property, you will see it is zoned three different districts including VC, A Residential and B Residential. Mr. Gubeno said the property line for Zakes should be the property line for both VC and residential: middle of the connector road should be the line of demarcation. Discussion ensued. Mr. Guttenplan noted it is because the connector came second. Mr. Horrocks commented we agree to look at this in the next zoning.

Public comment:

Female resident appreciates living in the Township and the Open Space attitude.

Ms. Denzel felt if she had not been here tonight a back door zoning change could have been granted under the guise of just asking to be included in the VC and inquired about a notification mechanism. Mr. Horrocks said notifications are mailed. The hearing before the Board of Supervisors had been cancelled because of the snow. Mr. Sparango and his attorney contacted us prior to and after the hearing: background shared. Mr. Quitel shared reflections including traffic issue. Mr. Guttenplan said VC prohibits any drive-ins of any kind, including a bank. Monetary reasons are not a hardship: it may be the reason a variance was not sought.

7. New Business

Zakes Café, 444 South Bethlehem Pike, Fort Washington
Conditional Use Application and Land Development Waiver request

Max L. Lieberman, Esquire, represented the applicant, provided a fifteen year history of Zakes Café/Bakery and introduced Joseph Hanna, P.E. and Marlene Zakes co-owner with her brother Joe McFadden. Their community involvement was shared. Zakes presently seats 38/40; they propose to partially enclose the porch adding three tables to seat 12: separate entrance to an apartment upstairs, photographs shown. The porch tables can accommodate private celebrations: additional employees will generate wage taxes and gross receipt without impact on the Township: no soil disturbance, adequate parking available. Exhibit shared.

In response to Mr. Cornog, Mr. Hanna said there are 32 parking spaces: code requires 25: overflow not anticipated. The spaces were constructed as part of the Lafayette Connector Road. Discussion ensued. Mr. Shula said this includes the 350 square foot restaurant increase. Mr. Guttenplan shared it includes the striped area, there is additional gravel area and opportunity to park.

Mr. Quitel asked about the look proposed. Mr. Guttenplan said ordinance requires architectural as part of the conditional use process. Ms. Zakes said when land use is approved she will get architectural drawings. To seek approval the ordinance requires you provide some architectural rendering of what is proposed.

Review comments indicate you should have something by the time of the Board of Supervisors hearing. Ms. Zakes said it will be done. Discussion ensued.

Mr. O'Donnell noted fence and tree review comments. Mr. Guttenplan noted low fence or shrubs along the parking lot at Bethlehem Pike in keeping with VC and taking out two striped islands off the connector and replacing them with regular islands with tree/shrubs: they would be nice to have. Comments shared. The property is well maintained.

Mr. Cornog noted Mr. Sullivan's review comment on easements and sidewalks along Lafayette Avenue. Their attorney said it can be considered; it goes back to PennDot's condemnation taking some land to make the connector. Mr. Horrocks said Mr. Sullivan's review did not cover the Conditional Use; it covered the Land Development Waiver request, a matter you will be voting on shortly. The Land Development process will weight heavily when the governing body considers whether the applicant will offer that easement.

Regarding an earth disturbance, Mr. Sullivan does not believe there are any storm water management facilities on the property: he asks that question as part of any land development. Mr. Lieberman said they are not disturbing any earth or changing anything, no runoff, the roofline is not changing: costs and delays cited. Mr. Horrocks said consider two separate things; one being Conditional Use, the second being the Land Development waiver.

Mr. Gubeno made a motion the Board recommend waiving the Land Development process and the Earth Disturbance Permit for the project; seconded by Mr. O'Donnell, vote 7-0-0.

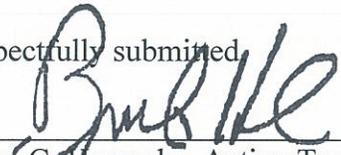
Motion by Mr. O'Donnell that we recommend the Conditional Use be approved: Mr. Gubeno amended the motion to say pending Architectural Renderings consistent with the existing building and intent described today: seconded by Mr. Quitel, vote 7-0-0.

8. Public Comment

9. Adjournment

There being no further business the Planning Commission adjourned at 8:58 P.M.

Respectfully submitted,



Bruce G. Horrocks, Acting Township Manager

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Whitemarsh Township Planning Commission

Meeting Minutes of May 25, 2010

The following Planning Commission members were present: Dave Shula, Chair, Bill O'Donnell, Chris Gubeno, Dick Leonard and Peter Cornog, Vice Chair. In attendance were Charlie Guttenplan, Township Planner, Waetzman Group, Leslie Richards, Board of Supervisors Liaison and Bruce Horrocks, Acting Township Manager.

1. Call to order: 7:30 P.M.
2. Announcements and Correspondence: None
3. Approval of Minutes

March 23, 2010 and April 27, 2010

Recommendation by Mr. to approve the March 23rd and April 27th Planning Commission Minutes; seconded by Mr. Leonard, approved.

4. Zoning Hearing Board Appeals - None
5. Subdivision and Land Development Applications - None
6. Old Business

Riverfront Open Space Plan – Open House

Mr. Guttenplan said folks visited from 5:15 to 6:15 sharing comments with staff and a Montgomery County representative: comments and priorities will be summarized for the Planning Commission. Park and Recreation and EAB gave priorities: Mr. Horrocks has Open Space priorities: they will concur and provide the next step.

Public comment:

Christina Kobland, 5 Johns Lane, feels natural river habitat helps mitigate flood waters, commenting on impervious coverage, finances, wildlife preservation and intrusion by people: restore natural environment, bio-diversity hopes shared. Funnel monies toward habitat restoration along the river and hope others will follow.

Sydelle Zove, Harts Ridge Road, said the river is a tremendous amenity for the Township: reasonable paring of habitat restoration and amenities for nature viewing, walking, fishing, boating is a vision.

Mr. Cornog questioned Mr. Guttenplan about active and passive plans for the trail. Mr. Guttenplan said most are passive; some are more active, boating for one. We want to provide overlooks to appreciate what is there; opening it up is our major goal.

7. New Business

Zoning Text Amendment Request – Shacklett Realty

Richard McBride, Esquire, appeared on behalf of Shacklett Realty National Label property owners: there have been meetings with Township staff and Mr. Guttenplan who reviewed the text: background provided. There is a current land development plan for 290 age-restricted units in ten buildings, which the market no longer embraces. Mid-rise element was a concern. That which is in front of the Commission and Mr. Guttenplan for review is in line with Ordinances that allow for townhouses; density is one half. Commitments made involving the Trail System and contributions to upgrade traffic signals: it is adjacent to Andorra Woods, not out of context for the area. The hearing will afford opportunity for the public and commission to ask questions. They request a recommendation the matter be passed on for due consideration. Basically there will be no more impervious coverage, less traffic, half the number of units and a low number of school children.

In response to Messrs. Gubeno and O'Donnell, Mr. McBride said Townhouses are allowed in an AD District @ 6 units per acre: the density proposed here is 3.2. The project will not be age-restricted.

Mr. Gubeno shared the zoning for this property was made specific at the time for use as age-restricted and granting of Kline Park. Mr. McBride gave background on zoning provided in 1999 when 104 acres was zoned AA Residential and 54 acres deeded to park ground zoned LIM. The proposal now is a design alternative with probably lesser impact because the density has been dropped. Discussion ensued: impact on the age-restricted market shared.

Mr. Gubeno questioned pervious building coverage. Mr. McBride said the development would occur in the same limited area. They will be happy to meet with neighbor groups. Cluster townhouse units with contiguous open space questioned. Plan boards exhibited: the woods will remain: they will be restricted to Ordinance limitations for townhouses.

Mr. Horrocks said a recommendation to the Board of Supervisors to consider a public hearing is a legislative process and the Board does not have to adopt it.

Mr. Gubeno motioned to recommend the Board of Supervisors advertise for a public hearing for the zoning consideration for the Shacklett Realty property lands of National Label; seconded by Mr. Cornog, all in favor.

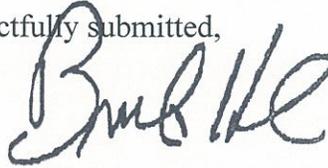
Mr. Gubeno shared in Springfield Township both the Tecci Property and another one after zoning was changed to age-restricted, the Developers came back in and asked for zoning to be changed back again to relieve them of age-restricted zoning. It is market related: comments shared. Half of the Tecci driveway and some open space are in Whitmarsh. Mr. Horrocks said we heard from Springfield Township regarding the Flourtown Shopping Center. Mr. Cornog said ask Springfield for an update regarding the Tecci property: there is a sign out in front.

8. Public Comment

9. Adjournment

There being no further business the Planning Commission adjourned at ____ P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce G. Horrocks". The signature is written in a cursive style with a large initial "B".

Bruce G. Horrocks, Acting Township Manager

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Whitemarsh Township Planning Commission

Meeting Minutes of June 8, 2010

The following Planning Commission members were present: Dave Shula, Chair, Ken Parsons, Bill O'Donnell, Dick Leonard, and Peter Cornog, Vice Chair. Mr. Quitel arrived at _____. In attendance were Township Engineer Jim Sullivan, T&M Associates, Township Planner Charlie Guttenplan, Waetzman Group and Bruce Horrocks, Acting Township Manager.

1. Call to order: 7:30 p.m.
2. Announcements and Correspondence
 - Mr. Horrocks said the first hearing of the Creekside Commons zoning appeal was held June 7, 2010: it was attended by 31 people at Colonial School and was continued to a date to be determined. There were cross examinations and redirects: Bill Reardon is their engineer. Mr. Leonard shared there were five witnesses and they got to the first one.
3. Approval of Minutes - None
4. Zoning Hearing Board Appeals - None
5. Subdivision and Land Development Applications
 - SLD 08-09 10th Avenue Condominiums

Mr. Rob Ratosky, Ratosky Trainor, provided background and impact of RDD-2 District zoning and feels this is a by-right plan for the condominiums. They drew it up to demolish the existing building, do parking on the first floor with two layers of residential above: Philomeno and Salamone building at 9th and Harry Street mimicked. Enter and exit on 10th Avenue. They were able to address most items on the engineers review letter: a few waivers requested because of lot size. Waiver topography within 500 feet: they do an aerial photograph. Traffic Impact Study: residential 22 cars, a decrease from 35 previously; they may ask for street parking on 10th. Mr. Gubeno said sight distance could be a problem.

Mr. Ratosky continued to cart way width: they will defer to the engineer: the one entrance will be off 10th Avenue. They will connect utilities on Spring Mill Avenue. Fire hydrant installation on corner comment: agree. Set back from right of way line: all parking will be within the structure. Mr. Sullivan said Spring Mill Avenue is a township road. Off street loading facilities: basically this will be condominiums, loading will be infrequent: they ask for a waiver. Street trees: they may need a different configuration because of lot size. Streetlights: request lighting on the building shining out instead of separate streetlights.

Mr. Shula questioned stormwater pipe, material and size. They would like an option with an equivalent the engineer would agree on because of cost options. Mr. Sullivan said anything in the right-of-way will be reinforced concrete pipe, size can be discussed.

Mr. Cornog questioned architecturals. Mr. Ratoskey said the footprint will be the same, interior layout will change; ground level parking, grates on open windows noted. Landscape Architect will do a design. Mr. Guttenplan said type and size of material will grow too large: restart the landscape plan suggested. They will comply. Architectural appearance a mixture of stucco and stone, small bump outs with stone. Mr. Guttenplan said 20% of the façade on the long sides have to be bumped out. There are no balconies: back and front similar.

Mr. Horrocks asked Mr. Sullivan about 17 points in Chapter 116, specifically #12 and #13 say obtain a waiver or variance relief from the Zoning Hearing Board (ZHB): discussion ensued. Mr. Sullivan said it is in the zoning ordinance but references the Subdivision Land Development; if they get a waiver then they meet the zoning ordinance. That is from the overlay section. Where it says “applicant must” those are basically plan problems. Mr. Sullivan said items #4 through #8 are technical problems. Regarding architecturals, Mr. Parsons said show us the real plan, not one similar to another building. Mr. Sullivan said it can’t be left to the Code Enforcement Officer; it has to be approved by the Board of Supervisors and then built that way. Mr. Ratosky was seeking input first because of costs. Mr. Horrocks suggested revise the plan and resubmit it. Get a title report noted by Mr. Shula. Mr. Guttenplan questioned a traffic report.

Mr. Horrocks said if it is a condo in the approval the solicitor will want to see an agreement. Mr. Sullivan wants a comprehensive list of waivers next time. Mr. Shula was curious about a little strip between the property line by survey and right-of-way on Spring Mill Avenue. Mr. Sullivan said comment #25 talks about that strip of land; that issue has to be resolved before the plan is approved. It may be part of the title report, talk to the surveyor first: ownership has to be resolved.

No public comment.

6. Old Business

- Philadelphia Swim Club Land Development Waiver Request, River Road

Andrew Sabia was present on behalf of the Philadelphia Swim Club requesting a waiver of land development: plan shared, background provided. They seek to enclose an existing porch, add a front deck and cover that: architecturals have not been done. Improvements are less than 25% of the square footage of the building: the deck would be covered, not enclosed.

Mr. Horrocks said they appeared before us before and zoning items had to be dealt with. The zoning officer has determined she would issue a permit for the work pending the land development. Mr. Sullivan said the zoning officer's one condition would be the applicant demonstrates there is no increase in flood elevations. In a letter Mr. Woodrow the applicant's engineer seeks an approval; however, Mr. Sullivan has no information from him allowing him to do that. Flood elevation comments shared.

Mr. Sabia said they are just trying to make the place look nicer with a new roof, redo the inside and upgrade the facility.

Mr. Cornog motioned to approve the waiver of Land Development conditioned upon flood elevations; seconded by Mr. Quitel. Mr. O'Donnell recused himself. Vote 5-0-1.

Mr. Horrocks will inform the applicant when they are in front of the supervisors.

7. New Business

- Concept Plan discussion, 4130 Butler Pike

Sal Paone Jr. applicant provided a brief history on Cold Point and the northeast corner: exhibit shared. Whitmarsh Township Village Commercial District and Plymouth Township Village concept in this unique intersection noted. They want to cultivate village concept: a sketch was prepared for specialty retail. There is a rendering very residential in style with copula, dormers, and peaked roofs.

Responding to Mr. Cornog, there are three commercial/retail buildings, bank on the corner, one story, and two buildings 5,000 square footprint, two stories: Plymouth allows offices on the second floor.

Mr. Parsons questioned the proposed sketch sharing his expertise with this parcel and walkable space: tie in with the space across the street comments shared. Pedestrian access Plymouth to Whitmarsh and County Trail noted by Mr. Paone. They did intersection work with handicap ramps, signalization, crosswalks. On the Plymouth side for their Cold Point Village Project, sidewalk is proposed to go all the way around: they have planning agency approval from a month ago. The merits of paths shared by Mr. Parsons: have Cold Point lead having a softer village text.

Mr. Cornog questioned the vision. Mr. Paone would like to keep the land and rent the building. Economic feasibility comments. The geometry is unique, where to face the building is a challenge, parking to support the building named. They also have a sketch for residential component. Mr. Quitel questioned a pocket park. Discussion ensued. Mr. Paone said northwest corner is farm field owned by Brandywine Realty currently zoned interchange. Ordinance in place in Plymouth

has been a rough go of late for Brandywine; apartments currently proposed. Mr. Parsons is concerned with density. Plymouth has traffic concerns. Mr. Paone asked if the Township would prefer residential use. Comment: it is more consistent with development there; benefits of developed Flourtown Road noted.

Mr. Paone showed a rendering with three units; access in front of the homes, pre-1940's architecture: they took their Cold Point Village footprint with rear loaded garages and brought it over here; shared driveway coming off Village Way. Mr. Guttenplan wondered if applying VC is the best thing to do here to the odd single parcel: a use variance might be worth supporting because of hardship based on location and shape. We don't want to open the triangle up to all VC uses in the future: use VC design standards as inspiration, concern about actually rezoning it. Discussion comments shared: it is a sensitive corner. Meeting with Messrs. Horrocks, Sullivan and Guttenplan would be a good idea: talk about legalities with the solicitor. Mr. Paone appreciated feedback. Plymouth Planning Agency approval April/May: July meetings scheduled for conditional use and hopeful Council approval.

- Two Zoning Text Amendment requests – 30 day review

Mr. Horrocks said this evening starts your 30 day review: they have been in front of you before. One is use on Riverfront Development District allowing age restriction or continuing care. There is now text to remove age restriction from the approved Cutler/Shacklett Development off Joshua Road: 30 day review starts officially today.

Jennie DeHuff a reporter with the Times Herald sometimes attends our meetings.

Mr. Guttenplan shared a memo summarizing comments from Riverfront Open Space Open House and priorities from three Township committees: the chart of the action plan had been provided: seven people commented. The committees were Open Space, Environmental Advisory Board and Park and Recreation. High priorities included public parking and installing boat launches then looking at developing the multi use trail, restroom facility, water drafting locations for fire fighting, emergency vehicle trails, extending Washington Street and providing way-finding signage. Public participants priorities were security lighting, emergency phones, creating/restoring riparian buffers, then interpretative signing, restoration of habitat on the East 33 Parcel. Comments shared: most people are looking for access to the river; one preferred a natural habitat restoration.

Mr. Guttenplan said Steve Nelson, Director of Policy For Montgomery County attended indicating willingness for partnerships between county and private entities for bike or boat rentals possibly on county land. In the Plan document we recommend public private partnership; there are potential county resources. Mr. Nelson suggested tying the Walnut Street neighborhood into the river with a connection: that neighborhood is isolated from the river.

Zydelle Zove commented last time on the Geasland Property at Barren Hill and River Road. Our Park and Recreation Director was not aware of this property in any Open Space Plans. It is steeply sloped on the opposite side of all the river properties. Members are asked to look at it and form an opinion. There is also an unpaved PECO access road: Doug is looking into that. Mr. Sullivan said that is Bart Levy's. Mr. Cornog said it is a gravel road in private ownership.

The woman who owns the Rowing Center has been in touch with the Township and will meet to talk about future plans: her written comments indicate the possibility of civic gatherings on their ground and perhaps bike/boat rentals on the property. Mr. Guttenplan said public and Township committee priorities are indicated on the memo with checks: use the information to come up with the Planning Commission consensus for our July 13th meeting.

Mr. Horrocks told a representative from a grassroots group Whitemarsh Township had not discussed a crossing of the river. Mr. Guttenplan said the comment may have come from Lower Merion: there may be a proposal to use an abandoned railroad bridge for pedestrian crossing. Comments shared.

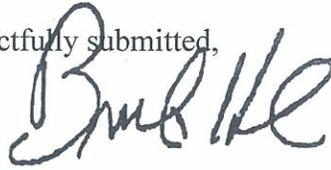
Mr. Quitel said a Green Plan seems to be taking a back seat to connecting trails. Mr. Guttenplan said think about redevelopment under the RDD; get out with a vision before the developers get there. Mr. Quitel asked if we will gain any floodplain forested habitat. Mr. Parsons said it's not a plan being physically implemented; it's Township vision perpetuating growth thinking proactively. Riverfront history in Philadelphia and Conshohocken time frame shared. Mr. Quitel said prior developers did not consider a river buffer. Mr. Guttenplan talked with Conshohocken officials who said they haven't gotten river view/access they wished they had gotten as part of development. Maybe we want to revisit what the ordinance requires redeveloping the area in terms of riparian buffer and landscaping along the river. That can be input from the Planning Commission: we need to bring this to a conclusion. Not all the public provided their thoughts: we documented what we have. We need to conclude efforts, bring this plan to closure and start to use it. We have been fortunate that during this time period we have not had development pressure while formulating concepts for the area.

Mr. Guttenplan will email this to Chris since he was not present: he will email to Chris, Leslie and copy Bruce.

8. Public Comment - none
9. Adjournment

There being no further business the Planning Commission adjourned at ____ P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce G. Horrocks". The signature is written in a cursive style with a large initial "B".

Bruce G. Horrocks, Acting Township Manager

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Whitemarsh Township Planning Commission

Meeting Minutes of August 10, 2010

The following Planning Commission members were present: Dave Shula, Chair, Scott Quitel, Bill O'Donnell, Chris Gubeno, Dick Leonard and Peter Cornog. Mr. Parsons arrived at 7:40 p.m. Also in attendance were Township Engineer Jim Sullivan, T&M Associates, Charles Guttenplan, AICP, Waetzman Planning Group and Bruce Horrocks, Township Manager.

1. Call to order 7:30 P.M.
2. Announcements and Correspondence
3. Approval of Minutes - None
4. Zoning Hearing Board Appeals
5. Subdivision & Land Development Application
6. Old Business

- Riverfront Open Space Plan – Priorities

Mr. Shula shared he has not gotten a consensus from the Board as a whole. Mr. Guttenplan can take what he has from the three Township Boards and the public and put together a recommended set of priorities. Mr. O'Donnell said a review of a professional set of priorities is agreeable. Mr. Shula's basic question is should we or shouldn't we have a multi-use trail. Mr. Guttenplan said recommendations temper how we are describing the multi-use trail. We want this trail character leisurely, not bikes/roller blades. How should it be surfaced: it's in the floodplain. You don't have to be ADA the entire length: Forbidden Drive named. Mr. Parsons prefers a passive natural type setting.

Comments included riparian buffer, clarify circulation issues, art and aesthetic improvements at some point. Should the Township Capital Budget prioritize some improvements; what do we want from a developer in the RDD. Mr. Parsons noted the Historic Canal Path. Mr. Cornog wants a plan guiding developers: safety, boat access, saving contiguous open space: don't add to congestion. Mr. Guttenplan noted the 150 foot green space along the river to link properties. Dialogue ensued. How active an area do we want? Mr. O'Donnell said none of this has been tested: we have a list of what we can control. We missed the CCRC. Mr. Horrocks said there will be a hearing in September.

Mr. Guttenplan said none of the boat launches were intended for powerboats, more canoe/kayak. Mr. Leonard questioned an overall vision statement and river access. Comments about physical and visual access: former industrial area walled off the river and made use of it from a utilitarian standpoint. In a sense Goals and Objectives is doing that: Mr. Guttenplan will take a look at it.

Mr. Quitel felt there was some forcing going on: set parameters. You can change the face of an area over time by putting in good standards developers know they need to follow. Mr. Guttenplan said we are trying to do both. They put standards in the Riverfront Development District: adjunct to RDD comment: not everything is done through the development process. This is kind of the Comprehensive Plan for the river: consensus on what direction to provide: getting the plan out before development opportunities is important: direction to public and private process so we can implement it. Priorities are opportunistic: take advantage of grant monies and resources out there. Boards change: priorities should be reevaluated generally on an annual basis with a budgeting process.

Mr. Shula said maybe we should simplify it and say if our vision is access what type do we want. Mr. Gubeno said our Land Development Ordinance mentions other things, so we have to plan for them. Mr. O'Donnell noted benefits of a professional planner. Mr. Cornog said establish priorities and then go to a professional. Mr. Guttenplan said priorities of residents and committees are scattered: seven people showed up: that is not public consensus. Mr. Horrocks suggested the collected comments be passed on to Mr. Guttenplan who will present a form to the Planning Commission.

Discussion continued: Mr. Quitel had concerns with a trail next to a trail: he relates to making the river area better. Mr. Gubeno said the SEPTA Trail is between railroad tracks and a building, not next to the river, you are not near nature. The original idea five years ago was to get use down on the river. Mr. Guttenplan said west of Spring Mill there is not much to look at, another point of having a trail by the river. Mr. Quitel agrees with a continuous trail, access needs and minimalist approach. Mr. Guttenplan said don't get hung up on tax dollars: some improvements will be put in by the developer: examples shared. Public dollars may not be spent to make all these improvements: we are trying to direct developers to what we want there.

Cooperation from Conshohocken questioned by Mr. Quitel: McNeil apartment complex noted. Mr. Guttenplan said we have met with Conshohocken but cannot dictate what they require developers to do. Conshohocken obtained some easements if in the future there is money to do something there.

Responding to Mr. O'Donnell Mr. Guttenplan said we have a recommendation map that shows location for certain things: we did not choose a specific location for a restroom but in the text we talk of Spring Mill Park area being a possibility

because of the opportunity for public/private partnership and it is central. Mr. Guttenplan will supply appropriate portions of the text and map.

- Bethlehem Pike Village Commercial (VC) Discussion

Mr. Guttenplan shared history: some properties did not meet VC criteria, McGarrity noted: consider a third tier. CRL is the most permissive commercial district in the Township. Goals for Bethlehem Pike are to bring it closer to the notion of VC not highway commercial appearance. Planet Fitness does not currently fit VC: usage is something we have to determine if we look at larger properties. Some architectural controls are built into the VC: technically we can't control it in the CRL: we can negotiate it. VC allows a group of uses on a site as a coordinated land development: in CRL you send to the ZHB for special exception. CRL allows heights to 65 feet. Do we want to see new building at that height in the area.

Mr. Guttenplan said land use decisions have recently been resting with the Board through the Conditional Use Process as opposed to Special Exception. CRL relies on a lot of Special Exceptions. It might not be the most current way of thinking in the Township. VC as currently written is not the best fit for larger properties: consider an amendment, come back and reconsider the boundaries: McGarrity and Henry Lane noted. A piece of the Shopping Center might be rezoned: legal standpoint mentioned. Discussion ensued. Montgomery County agreed this is not good enough for five acre plus properties: an assisted living facility can be a good fit. Consider putting the VC in place of the CRL in the area between the Springfield border up to wherever we decide to stop it. If we consider a map change, look at a text change to fit the larger properties. Mr. Horrocks said look at an amendment for larger property considerations of VC. The Sparango and Whitmarsh Commons property mentioned. Offices are permitted in VC. The Planning Commission will look at Mr. Guttenplan's suggestions.

7. New Business

- Land Development Waiver Request – Planet Fitness, Bethlehem Pike

Anthony Hibbeln, P.E. Hibbeln Engineering provided history: Zoning Hearing Board (ZHB) granted Planet Fitness a Special Exception for use and a variance for parking: they seek a waiver from Land Development. The non-residential building will be improved with the tenant change: improvements noted: the showroom will be removed, a demolition permit sought: slab will remain for parking. Aerials shared: tennis facility/women's fitness remain: impervious cover removal for safer parking: building square footage reduced by 9,000 square feet. Trees have been added to landscape islands to guide emergency vehicle circulation around the building: islands on both ends will keep parking from the circulation field. A large part of the perimeter will be returned to a natural area.

Mr. Guttenplan questioned the gravel area. Reply: an area between the front parking and the back changes from paved to hard packed gravel: it satisfies the ordinance because it is technically in the floodplain. Mr. Sullivan asked what section of the ordinance. Reply: Article 26 §116-184(C) versus (D). Earth Disturbance Application review and issuance comments.

Mr. Cornog questioned Mr. Sullivan. Mr. Sullivan said they do not recommend waiving the Land Development process because of the extent of the changes. There are no stormwater management features on this property: a minor Land Development would be more appropriate than a waiver. Mr. Cornog questioned comparing the Chester County Fitness Facility parking with this one. Reply: Planet Fitness has 167 spaces; the tennis club/women's fitness has 52 and never use more than 36. The club does not have classes; it is not in the franchise and was explained to the ZHB. Mr. Horrocks said you did obtain a variance on the parking. Reply: yes and the Traffic Engineer explained data.

Mr. Cornog questioned lighting. Reply: some lamps will be removed because it is lighted for a showroom versus parking lot. The club is open twenty-four/seven. The perimeter buffer is surrounded by forest: wildflower mix conservation seed, no woody vegetation named: wood edged treatment provides bio-diversity. They can work with the Planning Commission on vegetation details. Exterior design in anticipated Village Commercial (VC) District questioned. The façade was shown on a small graphic: it was the first draft without any feedback.

Mr. Shula questioned total site disturbance. Reply: they are removing impervious cover and one building. Mr. Sullivan asked how thick the slab is. If you go over an acre of disturbance you need an NPDES Permit.

Mr. Quitel questioned landscape island detail with grade handling runoff from the parking lot. Reply: depressed islands do not work well in an existing parking lot, the soil has been compacted over time: the grade has already set. Trees would have a root zone area: islands are 10 to 15 feet in width: Honey Locust do well in a parking lot situation. Comments on removing parking close to the floodplain shared. As part of the zoning variance they had to ask for minimum relief: parking deepest into the floodplain was removed.

Mr. Guttenplan shared Mr. Sullivan's opinion about a Minor Land Development: improvements are appreciated but the plan should be evaluated: detail needs to be looked at, dialogue about architecture and signage. Mr. Shula agreed with a dialogue. Responding to Mr. O'Donnell, Mr. Sullivan defined a Minor Land Development. It gives the Planning Commission and Supervisors the opportunity to review the plan and grant waivers. There is no such thing as non-conforming conditions in SALDO.

Public comment: Joan Biddle, Henry Lane, would also like to see architectural and planting details.

Time frame questioned. Reply: they want to make an application and start construction in September: details shared. Mr. Shula said they are asking for a waiver from Land Development and sought a motion.

Recommendation by Mr. Cornog not to ask the Board of Supervisors to approve the waiver: seconded by Mr. Quitel who said the idea of a Minor Land Development is preferred. Vote 6-1-0. Mr. Gubeno was opposed, noting the opportunity for turning another piece of land over to a business in the Township.

Mr. Cornog asked Mr. Hibbeln how dialogue with the applicant and architect would take place. Reply: the architect would come to meet staff and implement changes. Mr. Horrocks shared procedural comments: the building code is not specific about architectural design. Mr. Sullivan suggested Mr. Cornog was asking for a staff meeting with the architect and planner and would like to be involved. Discussion ensued.

- Conditional Use – Roof Mounted Solar Panels, 2313 Barren Hill Road

Mr. Horrocks said in January 2010 the Township adopted solar energy system provisions and placed them in the zoning ordinance: roof mounted solar panels facing the street require a conditional use. Mr. Guttenplan said if they are of a certain type: street mounting solar panels have to be flush with the roof. This application is on a ten degree (10%) tilt. It faces the ACE Club across the street.

Mr. Gubeno said the ordinance doesn't work with engineering for these things. Mr. Guttenplan read from the ordinance in place: there is no allowance for front facing of that type. A variance would be an alternative. Comments shared.

Mr. Guttenplan said it appears it needs to be interpreted and reviewed for possible amending for future applications. If it is determined through the Township Solicitor and/or Zoning Office this can be considered a conditional use the Planning Commission can make a recommendation. The amendment issue will be discussed another time. Mr. Horrocks said forward a recommendation on the Conditional Use assuming this application meets the ordinance.

Mr. Gubeno motioned to recommend a conditional use for the solar panel array at 2313 Barren Hill Road: seconded by Mr. Parsons, all in favor, vote 7-0-0.

Mr. Parsons said most useful would be south facing equipment. Discussion on pitch of the roof, orientation, minimum tilt necessary to function, a diagram of the building showing the slope. Mr. Guttenplan said there is a provision the system is an effective means of utilizing solar energy certified by professionals: minimum obstruction comment.

- Conditional Use – MaGerks Freestanding Sign, 582 S. Bethlehem Pike (Will be heard as the second item on the agenda.)

Mr. Horrocks said the conditional use is for an existing sign and existing awning, documents shared: zoning relief was granted for parking, signage and other items: it is in the Village Commercial (VC) District.

Mr. Gubeno said the sign is going from 40 to 32 1/2 feet, not lighted.

Motion by Mr. Gubeno to approve the conditional use for the MaGerk sign and awning: seconded by Mr. Quitel, vote 7-0-0.

8. Public comment

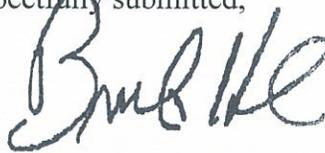
Mr. Leonard said the ZHB approved Creekside Commons (DePaul/HMI) last night. Mr. Horrocks said the basin did not require a variance, they issued an interpretation: the berm and fence are not required.

Mr. Cornog inquired about the Federal case. Mr. Horrocks noted support from Federal Court: they can go to the U.S. Supreme Court; the probability is they will not get there. There are many other cases including the State Court on various levels: the HMI process will continue.

9. Adjournment

There being no further business the Planning Commission adjourned at 9:56 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce G. Horrocks". The signature is written in a cursive, flowing style.

Bruce G. Horrocks, Township Manager

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Whitemarsh Township Planning Commission

Meeting Minutes of September 14, 2010

The following Planning Commission members were present: Dave Shula, Chair, Scott Quitel, Ken Parsons, Bill O'Donnell, Dick Leonard and Peter Cornog. In attendance were Township Engineer Jim Sullivan, T&M Associates, Charles Guttenplan, AICP, Waetzman Planning Group, Leslie Richards, Board of Supervisors Liaison and Bruce Horrocks, Township Manager.

1. Call to order: 7:30
2. Announcements and Correspondence - None
3. Approval of Minutes
 - July 27, 2010

Motion by Mr. Cornog to approve the July 27, 2010 Planning Commission Minutes; seconded by Mr. Leonard, vote 6-0-0, approved.

4. Zoning Hearing Board Appeals - None
5. Subdivision & Land Development Application
 - SLD 05-10 Mercedes-Benz, 404 Pennsylvania Avenue – Sketch Plan

Michael Slone applicant provided background on the project and turned it over to Dominic J. Marziani Architect who shared the concept/sketch plan: sales building, site improvements, intent to eliminate conflict in traffic on Bethlehem Pike and Pennsylvania Avenue, add 18,000 square foot service addition to the back of the building: sister site at Dresher Road and Limekiln Pike. Plans show one curb cut opposite Fort Washington Avenue, no access to Bethlehem Pike and maintaining driveway onto Summit Avenue. Property will be re-graded to accommodate vehicles and traffic patterns: extend retaining structures simplifying circulation, access and customer parking.

They are treating this in terms of a Green Project: the building will have a landscaped roof; pervious paving will be used in two locations, details provided: aerials and exhibits view Bethlehem Pike proposed curb, sidewalk and retaining wall looking into the new addition in two levels. The retaining wall will act as a buffer shield for cars being stored. Building façade looking out Pennsylvania Avenue shows new entrance to small addition where you enter for service, a retaining wall and streetscape out to Bethlehem Pike. Third elevation shows condition of the rear of the building, streetscape at Summit Avenue. Front

streetscape shows new sidewalk, green space, shuttle location: Civil Engineer will provide specific design criteria.

Mr. Cornog questioned area for storage of new cars. Negotiations with Streetscape Committee shared. Mr. Shula noted Mr. Sullivan's review letter comments: parking inside the road right-of-way on Summit. Jodi Litus, Tri-State Civil Engineer said they need relief for that and ten other items. Page two, #5 §116-24(D)(3) accessory uses/structures rear yard, they are at 32%. #6 §116-24(E)(3)(a) accessory uses/structures front yard, interpretation from zoning needed. #7 §116-33(D) structures in the ultimate right-of-way, special permit from the Board of Supervisors will be sought to allow parking along Summit and Station Avenue. #8 §116-33(G)(4) exceptions, the retaining wall will be built so it is not a hazard. #10 §116-93(C) impervious ground cover/green space: they propose a green roof for aesthetics, to cool water for quality, storage, slow release, underground infiltration beneath pervious paving. Green roof canopy as part of open green space: Certified Arborist Dennie Metz believes green roof would count toward tree replacement. #11 §116-93(E) 50 foot buffer in front yard will require a variance: this property has seven yards which shrinks the site. Page 3 #12 §116-93(F) they have two side yards, they are parking within 15 feet from the property line, they ask for zoning relief. #15 §116-96 merchandise on display; cars are underneath a canopy in front yard and outside, they ask for special exception. Page 4 #24 §116-104(B)(6) ask special exception for use. #26 §116-184 it is display car storage on Bethlehem Pike left of the gas station, also eliminating two areas along Pennsylvania Avenue for parking. #27 §116-184(E) complying except question about cars stacked in storage, separated by 10 foot buffer, if need be they will ask for variance/clarification if it is merchandise or parking. #28 §116-184(F) parking within 10 feet of a structure: a lot of these variances are redundant: they will apply for them all. #29 §116-187 they are not having off-street loading. Page 5 #30 §116-206,116-208,116-209,116-210, they seek relief for setback of the sign within 50 foot of the front yard.

Mr. Litus said the rest are Subdivision Land Development Ordinance comments naming six: Page 6 #40 §105-30(B) and (D) increasing cartway widths, relocating utilities: they ask for a waiver: some are PennDot roads. Page 7 #49 §105-38(H) 15 foot setback: they will impact side and rear yard and Station Avenue and Summit Avenue front yards, asking for relief. Page 10 #68 §105-69(C) (repeat of #40) increasing cartway: they are putting improvements along Bethlehem Pike and Pennsylvania Avenue: Summit and Station are two other front yards: they ask for a waiver. #70 §105-73 sidewalks on all street frontages: safety concerns along Summit Avenue sidewalk exists, putting in sidewalk along Bethlehem Pike to get to Summit and a crosswalk, revising sidewalk along Bethlehem Pike moving it away from traffic with a five foot planting strip, buffer, sidewalk. Station Avenue has a sidewalk and crosswalk: looking for a waiver on Summit and Station. Page 11, Resolution 2004-8 #77 I(B)(4)(k): they are taking the edge of the slope and putting in a wall, a five foot buffer on most of it: area along the rear yard and Station Avenue moving the wall back to save two heritage trees, ask for a waiver.

Mr. Slone said they took into consideration the Septa lot; all materials planned are consistent with the retaining wall, black fence and tree type: it all ties together. Two display areas are removed: the neighbors appreciate the community effort.

Bill Brennan, Esquire, said it is a 3.8 acre site, truck delivery of new cars takes place in Upper Dublin, there will be a net decrease in impact level, PennDot HOP's will be met, limitation of entrance/exit points on surrounding roadways: it is a first class expensive enhancement. They will present a list of Special Exceptions and variances to the Zoning Hearing Board (ZHB). They have had meetings with a neighborhood group and they seem satisfied. The roof green area is interesting. They hope to move forward to enhance the property.

Mr. Quitel questioned stormwater calculations. Reply: testing points shown on exhibit; fill material on site and underground utilities indicated; good perk along Bethlehem Pike: they will cut the grade down to 3 or 4 feet and bring the well to the top of the infiltration area: explanations continued.

Green roof specs questioned. Reply: they have not designed it yet and understand it should take up to one year storage in plant material, evaporation. Thickness has not been determined: picture shared, Tray System comments. Mr. Parsons noted Montgomery County Planning Commission comments on runoff.

- SLD 02-10 National Label, 2025 Joshua Road – Land Development Plan

Richard McBride, Esquire, represented the applicant provided background on expansion of the National Label Facility and appearance before the ZHB: plan exhibited. The addition accommodates warehousing storage, eliminates shuttling to Lee Park, no employees to be added. New access point from Joshua Road opposite Copper Beech Drive: easement acquired from Township Authority helps traffic circulate around building: detention basin in the same location with the same amount of impervious coverage.

Review letters received from Montgomery County Planning Commission, Charles Guttenplan, Waetzman Planning Group and Jim Sullivan, Township Engineer. Waivers discussed: 10% Open Space, Shacklett Family donated what is now Klein Park twelve years ago. Mr. Metz, Arborist, Shade Tree Commission noted his satisfaction to Mr. Horrocks: Fire Marshal Cal Bonenberger noted his satisfaction with the plan. They seek a recommendation to move this to the Board of Supervisors as a final plan.

Mr. Cornog asked about planting additional trees along Joshua Road. Mr. Stoneback, P.E., Charles E. Shoemaker, Inc., met with Mr. Metz to review landscaping aspects, eleven trees will be planted. Joshua Road Trail system design comments: easement and installation will be provided across the site frontage. There have been presentations to the public on the expansion.

Mr. Guttenplan commented in his review Architectural Plans are required: they have been provided and elevations are consistent. Black and white elevations shared. The rear of the property goes back to the woodlands.

No comments from the public.

Motion by Mr. O'Donnell that the SLD 02-10 National Label Land Development Plan be recommended for approval; seconded by Mr. Quitel, vote 6-0-0.

- SLD 09-09 Bubbling Springs Well Station, River Road

Christen Pionzio, Esquire, representing the applicant, shared plans on the well facility introducing Bill LeDieu, CET Engineers and Joseph Thurwanger, P.E., Aqua Pennsylvania: background provided on previous appearances. A Tree Survey was done, a Zoning Application filed; they had meetings with concerned neighbors, architectural renderings were shared. They will work with the Shade Tree Commission. There was a safety review of the driveway for site distance; the emergency generator has been enclosed in a whisper trim facility; construction hours 7:00 a.m. to 4:00 p.m. The building has been lowered 7½ feet into the earth; PECO granted an easement which limits anything within 25 feet of the lowest part of any wire. The building has a dormer and peak roof; the retaining wall is made of stone; the entire area enclosed in a fence for security after 9/11.

Ms. Pionzio spoke of easements, waivers and the Trail System: they do not have control over the entire property. It is an unmanned facility. They will beef up the landscaping, exhibit shown. PECO specifies trees can't get too high. Formal waiver list presented: review letters from Messrs. Guttenplan and Sullivan received.

Mr. Quitel questioned benefits of appearing before the EAB. Ms. Pionzio replied relative to stormwater they show an infiltration trench. Integrated vegetation management comments shared by Mr. Quitel. Neighbors want the building buffered. Mr. Cornog expressed his concerns, more buffering on River Road desired. Mr. Quitel noted types of dense grasses: a softening not tree buffer. Mr. Horrocks said Mr. Metz has gone beyond just trees on recent projects. They will look at that concept. Mr. Parsons asked for actual photographs from the road so we know what the views will be. Mr. O'Donnell noted softening on the north side. A public utility building starting to get some character is interesting. Mr. Leonard questioned resolution on the trail and security. Reply: they ask for a waiver, they don't control outside the fenced area and can't put it inside the fenced area. PECO has jurisdiction: they give municipalities trails. Mr. Horrocks said they don't give them to municipalities, they rent them.

Mr. Guttenplan said the lack of the trail easement is a disappointment and hopes influence can be brought to bear on PECO. Discussion ensued. Messrs. Guttenplan and Sullivan said the waivers list looks all right.

No public comment.

Motion by Mr. O'Donnell regarding SLD 09-09 Bubbling Springs Well Station recommend approval and approval of the waivers with the proviso they pursue softer buffering on the south east side view; seconded by Mr. Parsons, vote 6-0-0.

6. Old Business

- Land Development Waiver Request – Planet Fitness, Bethlehem Pike

Anthony Hibbeln, Design Consultant, tenant Tony Ruffo, owners Chris and Joe McGarrity, McGarrity Chevrolet were present: options pursued. The applicant asked for a staff meeting, new items proposed for land development waiver request. Work done with architectural, stormwater management, change to the building itself and alternative not to change the building and disturb any parking lot. Existing Features Plan from the summer available: conceptual plan shows a marked difference from the franchise style building; comments on roofline, flower boxes under windows. Mr. Guttenplan commented the new façade is more in keeping with VC tone: the applicant is putting the sign within the gable area. Mr. Cornog noted softening of the franchise building after commission input.

Mr. Hibbeln noted stormwater management: the plan now specifies a rain garden placed to pick up two acres of the parking lot, much of the fitness building roof and a small portion of the tennis club roof. Without recontouring the parking lot there is a natural run off from these roofs: seeding with wildflower mix, rain garden excavation and stone berm comments shared. Architectural comment on the showroom bay removal: some Bethlehem Pike lot frontage drains to the municipal system: a filtration system will be introduced. Mr. Quitel's questions were answered. Filters are replaced depending on storm rates.

Mr. Hibbeln continued they are still planting two trees on each of the islands, wildflower mix and mowed mix along the edge. The other plan basically the owner and applicant considered leaving the structure alone, moving in, using the parking the way it is, the architecture would not change. They want to pursue a waiver of land development and work with the Township. The lighting would remain as is, broken fixture fixed.

Mr. Sullivan said in staff meeting they talked of providing a rain garden/detention facility in back and water quality in front: it's starting to look good. Concern about planting trees, excavation, bringing in soil and meeting code shared by Mr. O'Donnell. Mr. Cornog is pleased with end result and Mr. Shula is comfortable.

Public comment by Ms. Joan Biddle, 6261 Henry Lane, appreciates improving the plan for the neighborhood: will parking go right up to the building and asked about softening landscaping. Reply: there will be ADA Spaces at the door.

Motion by Mr. Quitel regarding Planet Fitness Land Development Waiver we recommend the Board of Supervisors go ahead with waiver of land development; seconded by Mr. Cornog, all in favor, vote 6-0-0.

Mr. Horrocks asked about sign relief issues in their appearance before the ZHB. Reply: they looked at the street frontage sign, ground signs; they will work with the new architecture. Mr. Horrocks said focus on that. Mr. Sullivan noted earth disturbance: do it at the same time as the waiver, keep it moving.

7. New Business

- Conditional Use – Lice Lifters LLC, 454 Germantown Pike

Eileen Steinberg and Michele Barrack are co-owners of Lice Lifters. Mr. Horrocks said the application for Conditional Use is nothing more than tenant out/tenant in of a long time retail property with multiple tenants: now that it is VC this personal use is also a Conditional Use.

Mr. Shula said they are not making any changes to parking or the building: it is the small building in back. The owners said they remove lice from family heads: nits or eggs are already dead: harmless debris goes in a trash bag in a dumpster. They use an FDA process and are trained and certified to use a device which is the only one now in the industry.

Motion by Mr. Parsons regarding Lice Lifters, LLC Conditional Use request to recommend the Board of Supervisors approve the Conditional Use conditions; seconded by Mr. Quitel, vote 6-0-0.

- Zoning Amendment Request – CCRC in RDD District

Mr. Horrocks said the applicant for 501 Washington Street did not appear this evening but he expects them at the next Board of Supervisors meeting on the 23rd for their zoning text amendment. Consider a recommendation to the Board on the CCRC in RDD: Paul Bucco has appeared before representing owner Dan LePore: Mr. Guttenplan can answer questions.

Mr. Parsons questioned Section 10, Item 2 Medical Treatment Facilities. Mr. Guttenplan said none of these terms are specifically defined and believes they are similar to what we allow in CCRC: a skilled nursing facility is one component. Comments shared: medical treatment and therapy rooms noted: issue raised about emergency evacuation, has it been discussed with Police and Fire personnel? Mr. O'Donnell asked if it could be part of an application. Mr. Horrocks said it could be part of the public hearing on behalf of the Board to consider adoption. Discussion ensued: Mr. O'Donnell said he had some experience with CCRC's and disasters; they get them out pretty fast. With flooding, you get almost a two day notice with this river. Mr. Shula questioned number of stories or use. Mr.

Guttenplan recalled is the use appropriate, can we expect safe evacuation. Mr. Cornog recalled a fire in that area two years ago, questioning fire evacuation logistics. Mr. Leonard said construction would be to a different standard. Mr. O'Donnell said standards are written to code: pertinent it is next to a river. Mr. Cornog noted parking on two levels. Mr. Guttenplan said there is language in the RDD for that: main concern getting people out in a flood. Would building/plan modifications be required because of discussions with emergency personnel that would require something be built into the Ordinance. Mr. Shula questioned density: floor sketch shared, comparables not supplied. Mr. Horrocks shared this is a reason he is anxious for a public hearing.

Discussion ensued. Mr. Guttenplan said the main issue in massing was they did not have an average setback in front as well as minimum setback to get variation/presence on the street. Mr. Parsons cited JPI example. Mr. O'Donnell spoke of experience with The Hill, what a community should provide seniors: get this moving in front of the Board so a viable applicant can get started. Mr. Cornog has density concerns. CCRC is a valid use in the RiverFront District. Mr. Horrocks recalled the applicant reduced density twice; it is now at 85 units.

Motion by Mr. Parsons to recommend the Board of Supervisors approve the amended proposed Ordinance #2010-03; seconded by Mr. O'Donnell, Messrs. Leonard and Cornog opposed, vote 4-2-0.

Mr. Horrocks noted 5 East Germantown Pike, Land Development waiver request: they were before the HAR Board twice: history provided. They want to demolish a one story rear piece, and in the same footprint, put up a two story rear piece. The applicant is not present and there is no objection to the Land Development waiver from the Township Engineer.

Mr. Cornog questioned the structure off the back of the commercial building. Mr. Leonard said HARB would like to see a final rendition. Mr. Horrocks said one had been received: the roof has not been put over the doorway, the windows around the door are uniform. Mr. Horrocks will send it to the Board with no objections.

- Zoning Amendment Request – Attached Dwellings in LIM & LIM-X Districts

Attorney Richard McBride shared background on their May appearance seeking recommendation to the Board of Supervisors to proceed with the proposed text amendment allowing attached dwelling units in LIM Zone provided there is a minimum of 40 acres, contiguous to developments that could contain such uses. Formalized text bears a date of July 15th.

They worked with Mr. Guttenplan, AICP: sign off secured on content and drafting. Density for mid-rise age restricted 6 units per acre; for conventional

townhouse 3.2 units per acre. History on Land Development Plan dating to 2007 shared: site fronts on Cedar Grove, a PennDot Road. The Trail System would be reconstructed, 13 streetlights installed: Open Space would remain the same: odor suppression working with Township Authority: aerial shared.

Mr. Parsons questioned clearance for fire apparatus. Reply: previous plan had all approvals from the Fire Department. Park System and school age children: they spoke with Mr. Terry Yemm, Colonial School System: figures shared. Answering Mr. Leonard, streets would be under the Townhouse Community Association. Mr. Guttenplan's June 18th letter has minor comments which have been satisfied and the current draft referred to by Mr. McBride is fine.

No audience comments. Mr. Shula sought a motion looking for a recommendation for adoption of the text.

Mr. Parsons recommended to the Board of Supervisors for proposed Ordinance Amendment change #2010-04: seconded by Mr. O'Donnell, all in favor, vote 6-0-0.

- Zoning Amendment – Solar and Various Minor Amendments

Mr. Guttenplan commented on the recent Barren Hill Road application to allow non-flush mounted roof systems to also be in the front by Conditional Use if you demonstrate the same need. Elevation angle and installation height would be the minimum necessary so the Solar System operates as it is designed.

Mr. Guttenplan said other amendments are clean-ups: housekeeping amendment adopted a year ago. Most non-residential districts in the Zoning Ordinance have provisions for Planning Commission review and non-land development actions. The Planning Commission makes recommendations on suggested conditions to the Zoning Office. CR District §103, 3 through 6 were missed: we are amending parts to make it consistent with others districts. §7 and 8 in CLI and Heavy Industrial, the wrong article was referred to in the introductory paragraph: it should all refer to Article 30. These passed muster with the Township Solicitor on content and format of the Ordinance.

Mr. Cornog made a formal recommendation to move the proposed Ordinance along to the Board of Supervisors; seconded by Mr. O'Donnell, all in favor, vote 6-0-0.

7. Public Comment

Mr. Guttenplan emailed Riverfront open space priorities after receiving comments: high priorities were safety or access to the river: niceties could come later. The Trail, boat launches, fishing piers, extending Washington Street, additional public parking priorities: river art, water screens low priorities.

Medium priorities: public restrooms, installing overlooks. He asked is this your final priority as part of the action plan in the document.

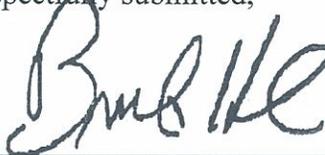
Mr. Parsons feels the action plan is get use of the river with minimal impact. Mr. Shula asked about creation/restoration of the riparian buffer/landscaping and feels it is on par with getting access to the river. Mr. Guttenplan said high is one to three years: it's not far off: he will reflect something in the text. Mr. O'Donnell feels it is a good start. Mr. Quitel agrees with Mr. Shula. Mr. Guttenplan will move it to immediate priority. Priorities will be reevaluated, subject to budget constraints and grant money.

Mr. Leonard asked about implementing creating a plan and individual developers. Mr. Guttenplan said it is for individual developers in the RDD and opportunities for partnerships with PECO, SEPTA, County and the Township. One point: you may get developers putting in pieces of the trail and have missing links: the Township or some entity may step in and recoup funding later. Give parties guidance: the Township in capital budgeting can look to see about public funding. We are mapping locations for improvements, i.e., potential boat launches or good river access or public parking: some areas are appropriate for certain uses. Plan text is 95% finished: next step is a full draft for your review.

9. Adjournment

There being no further business the Planning Commission adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce G. Horrocks". The signature is written in a cursive, flowing style.

Bruce G. Horrocks, Township Manager

Whitemarsh Township Planning Commission

Meeting Minutes of September 28, 2010

The following Planning Commission members were present: Dave Shula, Chair, Scott Quitel, Ken Parsons, Bill O'Donnell, Chris Gubeno and Peter Cornog, Vice Chair. In attendance were Charles Guttenplan, AICP, Waetzman Planning Group, Leslie Richards, Board of Supervisors Liaison and Bruce Horrocks, Township Manager.

1. Call to order: 7:30
2. Announcements and Correspondence - None
3. Approval of Minutes - None
4. Zoning Hearing Board Appeals - None
5. Subdivision & Land Development Application - None
6. Old Business
 - Bethlehem Pike VC Zoning Discussion

Mr. Guttenplan said you received a copy of an amended VC District: the purpose was to explore provisions for larger lots over 5 acres. The potential was to put this district on Bethlehem Pike adjacent to Springfield and Flourtown area which include Planet Fitness/Magarity Property. Section 116-290 Use Regulations, page 4, new section F proposed additional uses in VC-1: (1) Indoor Recreation Facility, (2) Assisted Living Facility, (3) Nursing Home, (4) Theater, (5) Hotel: they would all be by Conditional Use.

Discussion if this is the only five acre parcel: question about parcel owned by Abington Hospital at The Commons split between Springfield and Whitemarsh and condominium office development mostly in Springfield, tax records show 4.5 acres in Whitemarsh. We have to clarify before we adopt this.

Mr. Guttenplan's thought was performing arts not a movie theater: it can be clarified. Comments on multi-family residential, we allow condo/townhouses already: we may want a density cap in this district for multi-family: 6 to 8 units per acre suggested: AD is at 6, apartment at 10. Mr. Shula questioned dedicating 5 acres or more to one use. Response: no, elsewhere in the district it says you can mix uses. Mr. Cornog asked about nursing home/assisted living facility density, Riverfront example noted. Mr. Guttenplan said the State has space requirements: he is more concerned with a private developer doing a multi-family development. Aside from possible need for additional control, do uses seem reasonable for this size site in this district: the threshold question.

Next provision, Page 5 (4) (a) driveways shall be no closer than 100 feet to a residential use. We do not want to adversely impact residents. (7) (a) [1] front yard parking limited to 25%: we want some street presence, low wall/landscaping consistent with the district. Mr. Horrocks said on smaller lots in VC we have that because of shared parking. On Page 6 (9)(a) access points have been limited to two per street frontage; there are some SALDO regulations. Page 7 (3) Massing: buildings on larger parcels have slightly larger dimensions, trying to control dimension of façade along the street. Page 7 to 8 (c) [1] appropriate breaks, architectural changes/embellishments. Some of this architectural style paragraph is taken out of the RDD: we are talking of building scale and type that may be similar. Page 8 [2] buildings with footprint greater than 15,000 square feet, the building must be designed to appear as multiple buildings. Non-residential buildings could come into play: residential buildings cap 15,000 non-residential buildings can be 30,000. Page 8 (4) Materials reference §116-283.A.(2) dominant building materials allowed in RDD seem appropriate for this area as well. Page 9 Additional Design Standards (a) and (b) ground mounted HVAC units and trash enclosures: roof top mechanical equipment was dealt with but not ground units.

Referencing trash enclosures Mr. Gubeno said some VC lots are not 100 feet in width, Germantown Pike noted: he's o.k. with 10 feet. Mr. Guttenplan wrote that thinking of larger 5 acre parcels: will look into this.

Page 11, §116-294 Dimensional & Coverage Standards: add a column for sites 5 acres or greater suggested maximum 30,000 square feet, residential 15,000; no increase in footprint size for pre-1940 building. No height increase: no increase impervious or building coverage from VC Conditional Uses. Page 12, §116-295 added section for 5 acre or greater lot size in terms of front yard requirements, minimum of 30% maximum of 70% located 15 feet from ultimate right-of-way.

Mr. O'Donnell questioned Page 6, (8). Mr. Guttenplan said if your building is higher than 35 feet you have to be set back at least 65 feet: smaller buildings have to be 45 feet away from residential property if you are over 35 feet. Mr. Guttenplan said the last change has to do with signs Page 13 §116-298: parcel with 5 acres or larger, wall signs follow Riverfront Development District, a 35 foot maximum or 5% of the façade. We will have to amend one section in the Sign Ordinance: that section was put in when we wrote the VC District originally. Only wall signs have to be bumped up, it's not necessary for free standing signs. Mr. Gubeno asked about a multi-use facility. Mr. Guttenplan will look at it.

Ms. Richards questioned Page 11 footprint for sites 5 acres or over asking about the 30,000 square feet. Mr. Guttenplan considered Plant Fitness and what would be an appropriate maximum footprint size. Years ago grocery stores would be 30,000/40,000 square feet: put two CVS's together: the Market at Lafayette Hill is just under 10,000. Discussion ensued: nothing magic about the number, most uses will be multi-story. Ms. Richards likes the human scale of VC, encourage walking around. On bigger property Mr. Gubeno noted percent of building and

pervious coverage. Mr. Horrocks shared earlier comments by Magarity's attorney limiting the volume of a given building for his client's site. Maybe we should absolutely know square footages: don't create non-conformity in a new district: the multiple building was not a way they wanted to go on this larger lot. Mr. Guttenplan will look at examples between 20,000 and 30,000 square feet so we can relate to it. Mr. Gubeno noted Flourtown Acme and Genuardi's.

Mr. Horrocks said we want your sense of these proposed amendments, send it to the solicitor for legal review and progress it forward. We can mail a letter to affected residents and advertise a public meeting. Mr. Guttenplan said we can slightly reduce the size: he wants that sense before he makes revisions. Mr. O'Donnell said we do not want to harm the people who own the buildings now. Mr. Guttenplan will double check Planet Fitness measurements. Discussion ensued.

Mr. Cornog asked about buffer and landscaping detail on Page 9. Mr. Guttenplan will look at §105-52 and suggest something if needed. Mr. Horrocks wants to mail letters to residents two weeks ahead. Mr. Quitel noted Architectural Style Page 8, comments on innovative structure. Mr. Guttenplan said perhaps these provisions are better placed in SALDO, it gives the Township more flexibility.

Ms. Joan Biddle, Henry Lane, asked if this Public Hearing letter would go to a larger mail area. Mr. Horrocks explained the process: the letter will go to all affected property owners. Ms. Biddle attended Planet Fitness zoning meetings asking if this ordinance gets adopted will it have teeth? Mr. Horrocks said Pennsylvania Municipalities Planning Code provides rights that deal with land use and property owners have rights: there is State law, there is law the Township adopts and case law. Previous zoning hearing decisions are there as well. Mr. Guttenplan said transitioning to the vision this district has is a slow process because everybody has certain rights, grandfathering noted.

Map option meeting questioned by Ms. Biddle. Mr. Horrocks said that discussion will be back here in front of us for both. Mr. Guttenplan said we had a couple of map options and assumes Ms. Biddle wants to discuss pro and con alternatives.

- **Riverfront Open Space Plan Discussion**

Mr. Guttenplan said before you is a draft report asking for Planning Commission review and comments. Several things are not in the document yet, the final summary has not been written. Several appendices are not yet there: one is a series of minutes from meetings, the other is a list of potential funding sources similar to the Open Space Plan and Pedestrian Feasibility Plan for Bikeways and pedestrian accommodations relating to Open Space Trails, etc. Figure 4 in the Recommendation Section shows some potential styles for lighting; we are trying to establish a style or theme for the Riverfront. Earlier drafts of Riverfront Development District specified a specific type of light fixture: we took that out

and it now says as approved by the Board of Supervisors: the picture in there is the same series. Mr. Guttenplan would like to settle on some type/style and coordinate between lights, benches, trash containers we would see there. He had dialogue with Doug Knauss. He seeks Planning Commission comments on style/theme along the river for discussion.

The final version will have some photographs in it; appendices will be in color with any additions the Planning Commission might make. We can discuss at the October 12th meeting. There are no startling new recommendations: we want some guidance when developers come in for public amenities the RDD requires. Mr. Gubeno shared we are working on design installation guides at several bases, historic area has one set of signs and lights, residential area has a different one, administrative area has a third.

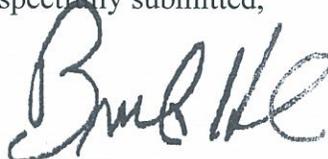
Mr. Guttenplan said the Way Finding Sign prototype comes from the Schuylkill Heritage Organization: they are trying to establish uniformity along the length of the river. He took one and modified it for possible use along the river in the Township.

Mr. Quitel will probably not be at the next meeting.

7. New Business – None
8. Public Comment
9. Adjournment

There being no further business the Planning Commission adjourned.

Respectfully submitted,



Bruce G. Horrocks, Township Manager

Whitemarsh Township Planning Commission

Meeting Minutes of November 23, 2010

The following Planning Commission members were present: Peter Cornog, acting Chair, Scott Quitel, Bill O'Donnell, Ken Parsons and Dick Leonard. In attendance were Leslie Richards, Board of Supervisors Liaison, James Sullivan, T&M Associates, Township Engineer and acting moderator and Charles Guttenplan, AICP, Waetzman Planning Group.

1. Call to order
2. Announcements and Correspondence - None
3. Approval of Minutes - None
4. Zoning Hearing Board Appeals
 - ZHB 2010-20 Giant Food Stores, LLC

James Strong on behalf of Giant Food Stores, LLC, provided background on the expansion, ADA compliant elevator and zoning approval. One of two existing signs was removed in anticipation of replacing it during the remodel: exhibit shared. The larger 151.25 square foot sign will remain: the proposed sign is 64.2 square feet an increase of 30.86 square feet: a variance is required to permit the sign on the smaller gable.

Responding to Mr. O'Donnell if they were constructing the store now they would be permitted a total of 55 square feet: ZHB approved the store for 184.59 square feet. Mr. Quitel asked about visibility. Mr. Strong explained there are two entrances to the store. In answer to Mr. Cognog, they are mirroring the larger sign, reducing scale on the smaller gable.

Motion by Mr. Quitel to recommend granting variance requested from Section 116-206.A(2)(b); seconded by Mr. Parsons, vote 5-0-0, all in favor.

- ZHB 2010-21 Rhino Flourtown, Planet Fitness

Anthony Hibbeln, P.E., Hibbeln Engineering LLC represented the applicant, shared site plans and enlargements of signage, free standing signs on Bethlehem Pike and façade mounted signs: details provided. Mr. Rufo, Planet Fitness, felt provisions were made to get away from the franchised look. The zoning code is silent to side façade: the zoning officer said to be safe add it to the variance request.

Mr. O'Donnell said the zoning code allows 35 square feet total on the building. Discussion ensued. It is a corner entrance, door on both sides; nothing in the code says how to measure a sign, if you measure the letters or the square of the rectangle. The background becomes part of the sign: everything is mounted to the wall. It is lit but has not been finalized yet. This one is back lit plastic polymer and glows blue. Mr. Cornog asked about removing the background just retaining the letters. Reply: they could entertain that idea. Mr. Parsons said it would reduce the square footage. Thoughts on repositioning the sign demarcating the doorway shared. Mr. Quitel said the drawing was balanced. The background is on every sign in the franchise. Mr. O'Donnell said it looks like a lot of signage and may not be appropriate for the neighborhood. Reply: the whole thing was moved back off the street by 65 feet from where Magarity is now: signage there now totals 105 feet.

Mr. Sullivan said code defines sign area as the entire area of the perimeter of the sign, not just the lettering. If the lettering is 42 square feet, you could not have the perimeter placard. Mr. Quitel commented on tasteful lighting. Mr. Cornog asked about typical façade color and stucco. Reply: there are more purple and yellows; this has Mansard rooflines and gables, typical sign background is diamond cut stainless steel. Mr. O'Donnell said if this becomes another type establishment years from now, they will have a lot of signage. Mr. Quitel noted the size of these buildings like Giant, maybe the code needs to be updated. Mr. Hibbeln said if there is a change in the sign itself, they do have to go back to the ZHB.

Mr. Cornog commented you say the cut steel enhances the visibility of the sign. Reply yes: letters stand out darker against the steel plate: the rendering doesn't justify it. Mr. Parsons said your marketing department has to make a decision what direction to go with your franchise, either a free standing sign with 420 square feet or reduce square footage and do lettering only. Reply: they definitely made an application for a rectangle on diamond plate steel of 420 square feet. Mr. O'Donnell questioned scale, Village Commercial look desirable. Mr. Quitel shared we want to see it work if a gym comes in an area not doing well. Discussion ensued: better graphics/rendering desirable. Mr. Hibbeln said during the course of the Land Development waiver Mr. Rufo had shown graphics of the Baltimore Pike location: they will try to have a mock-up for the hearing.

Mr. Sullivan asked Mr. Hibbeln their zoning hearing date. Reply: December 1, 2010. Planning Commission comments on franchise trademark, marketing, proportion of sign to proposed gable and meeting Township standards. Mr. Cornog said five variances will be requested: three relate to the existing sign, the other two refer to the proposed wall signs. Comments shared. Mr. Hibblen will talk to the client about a reduction so proportionally it fits better and bring photographs of other franchise sites. Mr. Sullivan said that would be the procedure, you would go to the ZHB and ask for a continuance on your appeal.

Mr. Cornog said we can make a positive recommendation tonight on the existing sign, the three variances requested, but change the walls signs before you go to the Board. The issue is the rectangular one not the circular ones.

Recommendation by Mr. Parsons regarding ZHB 2010-21 Rhino Flourtown, Planet Fitness for approval for Sections 116-206.A(2)(a), 116-209.B, 116-209.C, 116-212.A. For Section 116-206.A(2)(b), the applicant shall make a presentation to the Board regarding signage reduction on the two Planet Fitness building facade rectangular signs: seconded by Mr. O'Donnell, vote 5-0-0. Mr. Quitel added he does not have an issue with it.

Responding to Mr. Sullivan, Mr. Hibbeln said at the ZHB he will ask for the variances amending the appeal. Smaller sign desired.

5. Subdivision & Land Development Application - None
6. Old Business

Riverfront Open Space Plan Recommendations

Mr. Guttenplan had a list of immediate and high priorities. Mr. O'Donnell noted additional public parking. Copies of the summary were available: input sought. Recommendations on style of lighting named: a sample is in the report, similar to RDD. He hopes to move forward tonight with completing the Riverfront Plan, publishing it and getting it in front of the Board for adoption. He is looking for any issues or modification to the document. Independently he wants to talk about lighting style and if we want to get specific in the document about that. An appendix was written on Funding Sources. The Bicycle and Pedestrian Network Feasibility Study was adopted by the Township last year: information was provided and supplemented from other sources. Some funding is scarce.

Mr. Parsons asked if lighting was still an issue. Mr. Guttenplan said we put an example into the document: he doesn't know if that is the style the Planning Commission thinks it ought to be. What is the criteria for the Riverfront area. Safety is covered in report recommendations: we want to provide guidance for developers, have one type of fixture and set a standard. Options: Riverwalk at Millenium traditional, our docment example an industrial feel, Phillips similar industrial. Area industrial heritage expounded on by Mr. Guttenplan.

Mr. O'Donnell said Millenium lantern is standard, classic: you will get different opinions. Mr. Parsons spoke of reflecting industrial age, what was happening in the area years ago. Continuity symmetry desirable: comments shared: we want to set a standard. Mr. Parsons said identify public space, the path along the river; developer inside his compound fixes the character of his building. Mr. Guttenplan thinks lighting in the public domain should be of a similar style. The Planning Commission will provide their opinion when a developer comes in and avoid clashes. Mr. Leonard said the final decision rests with the Board of

Supervisors. Mr. Guttenplan said it is one element of the document we want to get finalized. The Planning Commission can provide an opinion.

Responding to Mr. Cornog, Mr. Guttenplan said he is talking about lighting public spaces and hopes that lights along the street in the Riverfront District will all be of similar character/family to those along the trail. You know you are in that District when you see the fixtures and street furniture. Mr. Cornog asked if we should treat lighting along the trail differently: spinning off issues to do we want people walking the trail at night. We can make that decision later: we are looking for a recommendation for a family of fixture styles: we can choose height and type for each situation when we need to: we don't have to be that specific at this point. The Township has only used bollard lights along trails according to Doug Knaus. They are utilitarian and probably not what we want to use here.

Mr. Cornog asked if the commissioners were ready to make a recommendation regarding a family of lights. Mr. Parsons noted 1, 2, 3 preferring 3. Mr. Quitel doesn't care for the old lantern look: like Mr. Cornog he prefers the trail area defined by a certain style. Other parts of the public area, he is not sure you want them to match: the main thoroughfare he likes defined by a certain light style prefers the modern machine aged.

Different family style of lights named by Mr. Guttenplan. The Candela series is somewhat similar: they have bollards. Mr. O'Donnell said you can find a bollard to go with any family. Candela or Domus series o.k. Bigger question: are there major issues about the report in general we wish to address. The Planning Commission never had the full document to review: tell me go ahead and finish it. Mr. O'Donnell said get it going through the system: we have all done a thorough job; we have addressed boating, fishing, lighting: applicants will still come asking for variances. Mr. Guttenplan requested it be put in the form of a motion.

Motion by Mr. O'Donnell to approve the draft Riverfront Open Space Plan and submit it to the Board of Supervisors: seconded by Mr. Parsons, vote 5-0-0.

7. New Business
8. Public Comment
9. Adjournment

There being no further business the Planning Commission adjourned.

Respectfully submitted,

Bruce G. Horrocks, Township Manager

MINUTES

PLANNING COMMISSION MEETING MAY 24, 2011

Attendees: Peter Cornog, Dick Leonard, Ken Parsons, Dave Shula, Scott Quitel, Leslie Richards (BOS Liaison), Charles L. Guttenplan, AICP, Director of Planning & Zoning Jim Sullivan, Twp. Engineer, T&M Associates and E.J. Lee, Assistant Township Manager.

The following minutes represent a summary of the presentations and discussions which took place at this meeting.

1. Call to order: 7:37 PM by Chair Shula

2. Announcement:

- April 27, 2011 Letter from Joan Biddle and May 2nd and May 13, 2011 Letters from Michael Cassidy, Esquire. Mr. Guttenplan advised that all three letters pertain to Village Commercial. Mrs. Biddle's letter reiterates issues discussed previously and Mr. Cassidy's letters talk about keeping up with the process and making sure what the future process will be. Mr. Cornog suggested that Roz deLizarriturri get a working group together along with Mrs. Biddle and a few representatives from the Planning Commission to discuss issues and develop any amendments prior to additional Planning Commission meetings. Depending on the progress of the groups, they may or may not be placed on the June 28th agenda. Mr. Shula stated to move forward putting together the groups for discussion with a 2-3 maximum for each side.

3. Approval of minutes:

- April 12th and April 26, 2011 meeting minutes. Mr. Parsons motioned to approve the April 12th meeting minutes. Mr. Leonard seconded the motion. Vote unanimous. Mr. Cornog motioned to approve the April 26th meeting minutes. Mr. Parsons seconded the motion. Vote unanimous.

4. ZHB Appeals: None

5. SLD Applications:

- SLD#02-11 (P) The Courts at Spring Mill Station, 1101 E. Hector Street, Major Land Development (385 dwelling units & 2,500 S.F. commercial in Riverfront Development District); Review/Approval Planning Module Component 4A. Mr. Guttenplan advised that there was no representation tonight for the applicant. Mr. Guttenplan received a questionnaire that is part of the planning modules for sewer facilities that is required by DEP. The Planning Commission is asked to review and provide answers regarding the plans and the ordinance. The form has been filled out with recommended answers from Mr. Guttenplan and Carroll Engineering. If the Planning Commission concurs with the answers, Mr. Guttenplan is asking for a motion to authorize signature on the Module. Mr. Quitel would like confirmation that there are no wetlands, etc.

across the way. Brief discussion ensued concerned possible Phase I archeological study; no impact anticipated. Mr. Parsons made a motion to approve Component 4A and authorize Mr. Guttenplan to sign it. Mr. Quitel seconded the motion. Vote unanimous.

6. Conditional Use Applications:

- CU#04-11, Brian Sirhal and Tim Spinner (Proprietors of Cantina Feliz); Addition of Outdoor Dining Area to existing restaurant in Village Commercial District (sub-district 1). Mr. John Eichenlaub, landowner, presented. Also present was Brian Sirhal, owner of the Cantina Feliz Restaurant. They are seeking conditional use approval to install a 356 square foot patio for outdoor dining. There is a parking agreement between the restaurant and the Church for 8 additional spaces since February. As per Jim Sullivan's review letter, the parking complies; there are 30 Arborvitae in that self contained area and will add more if necessary along with a fence; there is lighting on the building and it will be increased if needed; and options were discussed regarding the storm water which will worked out. Mr. Quitel mentioned a rain garden and per Jim Sullivan there is not enough room to put in a rain garden. Mr. Sullivan is requesting that as a condition an Earth Disturbance Permit be submitted to get an idea of what kind of system was put in. Mr. Guttenplan also stated that they do not have to go in front of the Zoning Hearing Board because they are non-conforming and they will be taking out the same amount of impervious ground coverage elsewhere to put in the patio so the percentage will stay the same. Phil Rogers, owner of a building just south of the restaurant, had concerns with the parking at Rich's Deli; he was assured this project would not interfere with their parking. Main concern was making sure parking was accommodated which it was. Move to recommend granting conditional use approval with the condition to obtain an Earth Disturbance Permit was motioned by Mr. Quitel. Motion was seconded by Mr. Parsons. Vote unanimous.

7. Old Business:

- "Sustainable Revitalization of the Fort Washington Office Park"; updated presentation/request for recommendation to Board of Supervisors, Christopher Lankenau and Jim Hartling of Urban Partners presented. They summarized the purpose and results of the study and they described the Transfer Development Rights (TDR) recommendations in the study. They are looking for the Board of Supervisors to accept the report which will hopefully be moved to a subsequent stage, to accept the report as a valid concept to consider for TDR. Sydelle Zove, resident of Harts Ridge Road, had a couple of concerns. She wanted to know who was commissioning the report? In response, the report is being commissioned by the 2 Townships but predominantly Upper Dublin and the funding was through the Delaware Valley Regional Planning Commission. She also wanted to know when will the environmental issues that are lurking down below be looked at? In response, flood is the biggest environmental issue being addressed. All usual environmental studies will be done with any development proposals. Any remediation could have impact on value, but at anytime a developer can be opted not to participate in

TDR if there are any environmental problems; it would be a voluntary program. No Action from the Planning Commission.

8. New Business:

- “Riverfront Open Space Plan”; This portion of meeting considered the Public Meeting required by Section 302(a) of PA Municipalities Planning Code for amendment to Township’s comprehensive plan. Purpose of public meeting is for consideration for making a recommendation to the Board of Supervisors on the Riverfront Open Space Plan. Mr. Guttenplan gave a brief background and power point presentation, including summary of reviews received. Mr. Cornog motioned to make a recommendation to the Board of Supervisors to adopt the plan as presented with editorial changes that have been requested. Mr. Parsons and Mr. Leonard make a joint second motion. Vote unanimous.

9. Public Comment: None

10. Adjournment:

- There being no further business, a motion to adjourn was made by Mr. Cornog at 9:45 P.M.

Respectfully submitted,



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

**WHITEMARSH TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES**

December 17, 2009

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, December 17, 2009, at 7:00 PM in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, Pennsylvania.

Supervisors Present: Sara J. Erlbaum, Chair; David E. Brooke, Vice-Chair; Leslie S. Richards; Robert R. Hart; Kelly C. Wall

Also Present: Christopher R. van de Velde, Township Manager; Bruce G. Horrocks, Assistant Township Manager; Sean P. Kilkenny, Esquire, Township Solicitor; and James C. Sullivan, PE, Township Engineer

Meeting was called to order by Chair Erlbaum.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE FOR ARMED FORCES

AMEND AGENDA

On a Motion by Supervisor Brooke, seconded by Supervisor Hart (Vote 5-0,) the Board of Supervisors amended the agenda to complete Police action items, in order to accommodate their shift change.

RESOLUTIONS

1. Establishing the Amount of Police Pension Plan Contribution for 2010 - TABLED
 - Supervisor Erlbaum explained that the Pension Fund is in negotiations, as a piece of the Police Contract. She stated that the Contract ends on December 31, 2009, and it will be negotiated with the Police Department as soon as possible.
 - On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors **TABLED** this Resolution, which would have established 5% as the amount Police Officers will be contributing to their pension fund during 2010.

2. Resolution #2009-57 – Advertise Ordinance for Transfer of Supplemental Police Pension Fund
 - Supervisor Erlbaum stated that the Police have created a new Association to which to transfer the funds.
 - Mr. Kilkenny explained that because this is an unusual request, the Solicitor's Office is requesting the approval of a Judge from the Court of Common Pleas to approve the transfer. He added that this will occur before the end of the year.
 - On a Motion by Supervisor Hart, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors adopted **Resolution #2009-57**, which authorized the proposed Ordinance to amend the Township Code, relieve the Township of all responsibilities for the Supplemental Police Pension Fund, and transfer the assets of the Fund to the Whitemarsh Police Officer's Benevolent Association.

ANNOUNCEMENT

- Supervisor Wall was acknowledged for her last meeting as a Board Supervisor, which she served for four years. She will become a Judge for Montgomery County. Supervisor Wall expressed her appreciation to her fellow Board members, Township Staff, and the residents of Whitmarsh Township for all of their support.

BOARD PUBLIC DISCUSSION ITEMS

1. Reception for Volunteer Boards and Commissions

- Supervisor Erlbaum, on behalf of the Board of Supervisors, acknowledged and thanked all of the volunteers involved in the Boards and Commissions of Whitmarsh Township.
- The Board of Supervisors acknowledged Robert Bacine and John Loughridge for their outstanding number of years of volunteer service to the Township.
- The following individuals explained and provided background and highlights of their respective boards: Chair Brian Rosenthal of the Parks and Recreation Board; John Loughridge of the Historical Architectural Review Board; Vice-Chair Celine Childs of the Shade Tree Commission; Chair Bob Bisbing of the Environmental Advisory Board; Deidra Lyngard of the Open Space Committee; James McGlinchey of the Emergency Services Board; Chair Ken Parsons of the Planning Commission; Vice-President Stan Finegold of the Library Board; Civilian Chair Richard Cutler of the Volunteers in Police Service; and Chair Jon Riesberg of the Township Authority.

2. Report on Riverfront Park Planning Progress

- Charles Guttenplan provided an update for the Open Space Plan for the Riverfront Park. He reviewed goals of the plan, a summary of stakeholder meetings, tour observations, preliminary recommendations, and a schematic diagram of public gathering space.
- Supervisor Erlbaum expressed the need to connect to the river.
- Mr. van de Velde inquired about the next steps in the process. Mr. Guttenplan explained that the next steps are to finalize the proposal, go back the Planning Commission, hold a Public Meeting, and provide a final report in the 1st quarter of 2010.

ORDINANCES

1. Ordinance #885 – Amending Certain Provisions Regarding Waiver of Fees

- Mr. van de Velde explained that this Ordinance was designed to waive fees for homeowners who are attempting to rebuild existing parts of their houses destroyed by natural disasters.
- On a Motion by Supervisor Richards, seconded by Supervisor Wall (Vote 5-0,) the Board of Supervisors adopted **Ordinance #885**, which amended the current fee waiver regulations, and permitted the Board of Supervisors to waive fees to repair damage caused by natural disasters.

2. Ordinance #886 – Establishing New Residential Rental Property Licensing and Inspection Regulations

- Mr. van de Velde explained that revisions have been made to the original write-up of this Ordinance. He added that the purpose of this Ordinance is to make sure that residential rental properties are properly maintained.
- Jeff Bryan (Hollyhock Drive) expressed concern about the privacy and security of tenants' and landlords' personal information and the overcharging of fees. Mr. van de Velde stated that only contact information will be obtained and the fees will remain revenue neutral. Mr. Kilkenny explained that Township Staff will

review the fees each year, and there is no further contact information, except name and phone number, needed from tenants and landlords.

- Robert Franz (Wildflower Drive) expressed several concerns about the Ordinance: the Township should not be able to obtain personal contact information for tenants and landlords, frequent tenants may cause more work for Township Staff, inspections should be done after tenants leave and before new tenants arrive, inspections of appliances should only include landlord-installed appliances, and "rodent resistant" should be used instead of "rodent-proof." Mr. Kilkenny stated that the Ordinance is not concrete in time, which means it can be changed, as necessary. He added that tenants use Township facilities, so the Township should be able to make sure the correct taxes are collected, and it will be helpful for the Census in 2010, which effects Federal and State Funding.
- Supervisor Brooke concurred with Mr. Kilkenny's comments. He stated that this Ordinance was designed to protect both the landlords and the tenants, as well as the property itself. He added that inspections done between tenants will not be useful in cases when the Township is seeking to enforce safety regulations at the property.
- On a Motion by Supervisor Hart, seconded by Supervisor Brooke (Vote 5-0,) the Board of Supervisors adopted **Ordinance #886**, which established a Residential Rental Property Licensing and Inspection Program.

3. Ordinance #887 – Ratifying and Approval Various Leases

- Mr. van de Velde explained that the Solicitor's Office believed that the leases for Township-owned properties need to be executed in the form of an Ordinance.
- On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors adopted **Ordinance #887**, which approved pro forma leases pertaining to public use of Township owned or leased properties, and ratified the amendment to the lease with Sovereign Bank for use of a portion of the Township Building.

RESOLUTIONS

3. Resolution #2009-58 – Giant Food Store – Land Development Waiver Request

- Mr. Sullivan stated that he had no objection at this time.
- Supervisor Richards explained that this request was reviewed by the Planning Commission. Mr. Horrocks stated that the Planning Commission approved the request.
- On a Motion by Supervisor Richards, seconded by Supervisor Brooke (Vote 5-0,) the Board of Supervisors adopted **Resolution #2009-58**, which grants a waiver of land development to Giant Food Store for the proposed construction of an ADA compliant elevator conditioned upon the issuance of an Earth Disturbance Permit.

4. Resolution #2009-59 – Establishing 2010 Fee Schedule

- Mr. van de Velde explained that annually, Township departments review fees to make sure they do not need to be adjusted. The following departments experienced changes: Police, Parks and Recreation, Planning/Zoning, Codes, and Finance.
- On a Motion by Supervisor Brooke, seconded by Supervisor Wall (Vote 5-0,) the Board of Supervisors adopted **Resolution #2009-59**, which set the Township's Schedule of Fees for 2010.

5. Resolution #2009-60 – Amendment of Minimum Municipal Obligation

- Mr. van de Velde stated that the original resolution for this topic was subject to change by the end of the year.
- On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors adopted **Resolution #2009-60**, which set the Minimum Municipal Obligation for 2010.

MOTIONS

1. Authorize Execution of Lease with William Jeanes Memorial Library at Koontz Park
 - Mr. van de Velde explained that the Library will begin occupying the building at Koontz Park in January or early February for approximately 10-12 months.
 - Supervisor Erlbaum thanked Public Works personnel for their hard work on this project.
 - Supervisor Richards added that the outside of the building, landscapes, etc. also look good.
 - On a Motion by Supervisor Richards, seconded by Supervisor Hart (Vote 5-0,) the Board of Supervisors authorized the Township Manager to execute a lease for the Koontz Park building with the William Jeanes Memorial Library.
2. Approval of Additional Cost for Koontz Park Building Renovation
 - Supervisor Erlbaum thanked the Public Works Department and Doug Knauss for their efforts on this project.
 - On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors acknowledged and approved the staff's work to renovate and make the white building in Koontz Park useable as a multi-purpose Township building for an amount of \$46,000.
3. Authorize Execution of Blue Mountain Recycling Agreement for 2010, 2011, and 2012
 - Mr. Horrocks stated that this was the last option to complete the contract for the recycling and trash.
 - On a Motion by Supervisor Hart, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors authorized execution of an agreement with FCR Recycling doing business as Blue Mountain Recycling to process recyclables for 2010, 2011, and 2012 with the option of a ceiling of \$25 per ton set for an adjusted tipping fee, which would limit revenue share to only 40% over threshold provisions regarding variable commodity value and tipping fee.
4. Authorize Letters to State for Faster Processing and Release of Recycling Grants
 - Mr. van de Velde explained that the State is behind in its schedule for grants.
 - Supervisor Erlbaum stated that she called Senator Hughes, and the State is still working out the details of their budget for 2010, which may further delay the grant money.
 - On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors approved the Chair sending the attached letter to the Township's State legislative representatives, regarding recycling grants.
5. Approval of Additional TV Channel Establishment Costs
 - Mr. van de Velde explained that additional pieces of equipment and Staff are needed.
 - On a Motion by Supervisor Brooke, seconded by Supervisor Hart (Vote 5-0,) the Board of Supervisors ratified the Township's expenditure of \$11,000 more than the previously approved \$90,000 for equipment and work to make the Township's cable TV channel operational.

6. Authorize Study of Township Communication Activity

- Mr. van de Velde explained that a baseline study of residents will be conducted now and again in 2 years, in order to judge and gauge its communications.
- Supervisor Richards stated that the correct amount of effort is being utilized.
- On a Motion by Supervisor Richards, seconded by Supervisor Hart (Vote 5-0,) the Board of Supervisors approved the Township Manager entering into a professional services contract with the Bellevue Communications Group to conduct a communications assessment for Whitmarsh Township for an amount not to exceed \$9,500.

7. 107 Black Walnut Lane – Certificate of Appropriateness

- Mr. Horrocks stated that this motion is appropriate.
- On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors approved the issuance of a Certificate of Appropriateness for the proposed construction of a covered porch at 107 Black Walnut Lane as delineated on a plan entitled Schematic Design Elevations Sheet A-1, prepared by Majewski/Jones Architects and dated November 19, 2009.

8. Authorize Advertise Advertisement of Various Amendments

- On a Motion by Supervisor Wall, seconded by Supervisor Hart (Vote 5-0,) the Board of Supervisors authorized advertisement of the following amendments and established January 28, 2010 as the public hearing date for (1) establishing solar energy systems (2) reducing parking space size and amending standards (3) amending certain Village Commercial provisions and established February 11, 2010 as the public hearing date for (4) rezoning certain Butler Pike properties to Village Commercial and (5) rezoning certain Bethlehem Pike properties to Village Commercial.

9. Authorize Execution of First Amendment to Open Space Steward Agreement

- On a Motion by Supervisor Hart, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors authorized the Chair's execution of the First Amendment to the Independent Contractor Agreement with Conservation Development, Inc. as Open Space Steward.

10. Authorize Advertisement of an Ordinance to Amend Township Membership and Contributions Code

- Mr. Horrocks explained that this section needed to be moved to a different location in the Township Code.
- On a Motion by Supervisor Richards, seconded by Supervisor Hart (Vote 5-0,) the Board of Supervisors authorized advertisement of and established January 14, 2010 as the public hearing date for a memberships and contributions amendment.

11. Pennsylvania State Association of Township Supervisors – 2010 Membership

- Mr. Horrocks stated that PSATS is a great organization with many opportunities, and the fee has been budgeted.
- Mr. van de Velde stated that dues are based on population.
- On a Motion by Supervisor Brooke, seconded by Supervisor Wall (Vote 5-0,) the Board of Supervisors approved 2010 membership dues for the Pennsylvania State Association of Township Supervisors in the amount of \$2,310.00.

12. Contribution to Whitemarsh Foundation for Erdenheim Farm "Thank You" Celebration - DENIED

- Supervisor Erlbaum expressed concern about this contribution.
- Mr. Kilkenny explained that this Motion is a judgment call for the Board of Supervisors.
- Supervisor Richards expressed support for Whitemarsh Foundation, but not for the contribution, since the party was planned and completed without Township input.
- Supervisor Wall spoke against giving the contribution.
- On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 0-5, All Opposed,) the Board of Supervisors did not authorize the Township Manager to contribute \$1,000 to the Whitemarsh Foundation to help defray a portion of the cost for the event held to thank the various individuals, non-profit organizations and government entities that helped make the preservation of the Erdenheim Farm possible.

13. Approval of November Expenditures and Payroll

- On a Motion by Supervisor Wall, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors approved the November, 2009 Expenditures and Payroll, with total expenditures in the amount of \$789,099.66, and total payroll in the amount of \$540,109.60.

14. SLD 06-07 Bank of America Land Development Affirm May 28, 2009 Approval and Authorize Record Plan Execution

- On a Motion by Supervisor Richards, seconded by Supervisor Brooke (Vote 5-0,) the Board of Supervisors affirmed conditional preliminary/final land development approval granted on May 28, 2009 by Resolution #2009-22 for SLD 06-07 Bank of America effective December 17, 2009 and authorized the execution of record plans for Montgomery County Recorder of Deeds recordation.

AMEND AGENDA

On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors amended the agenda to add two more motions and one more Resolution.

MOTIONS

15. Authorize to Settle Tax

- Mr. Kilkenny explained that the Solicitor's Office must sign off on the appeals, since it affects the Township receiving or paying money.
- On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors authorized the Solicitor to execute stipulations to settle tax assessment appeals concerning 6216 Sheaff Lane, which will require a refund to the land owner in the amount of \$287 and to 1100 East Hector Street, which will result in an additional payment to the Township in the amount of \$19,362.

16. HMI Litigation

- Mr. Kilkenny explained that the HMI Litigation entered a new phase, and another lawsuit was filed. He stated that the Township is covered by the Delaware Valley Insurance Trust (DVIT,) but he has suggested the appointment special counsel due to the nature of the claim.

- On a Motion by Supervisor Brooke, seconded by Supervisor Hart (Vote 5-0,) the Board of Supervisors authorized the Solicitor to appoint special counsel in the HMI Litigation Case.

RESOLUTION

6. Resolution #2009-61 – Library Waivers

- Mr. Horrocks explained that the Board of Supervisors needs to adopt a new Resolution to revise one matter in Resolution #2009-34: there was no waiver of financial securities.
- On a Motion by Supervisor Brooke, seconded by Supervisor Richards (Vote 5-0,) the Board of Supervisors adopted **Resolution #2009-61**, which reaffirmed the William Jeanes Memorial Library's approval with the revisions as made by the Solicitor's Office.

PUBLIC COMMENTS

- Mr. Franz cautioned the Township once again about how the Township should not be enforcing rental property issues. He also inquired about Whitmarsh Township Police Officers using tasers and complying with the initial discussion as to when to use them. Supervisor Erlbaum stated that she will ask the Chief to produce the requested information. Supervisor Brooke explained that the Police Department has recently been accredited, and the taser has been approved as a use of force, depending on the situation, and Whitmarsh Township Police Officers follow the use of force continuum. He also cautioned Mr. Franz about wording his inquiry as to make sure it does not sound like he was labeling it as police misconduct.
- Mr. Cutler acknowledged Supervisor Wall's accomplishments and wished her the best of luck.

BOARD OF SUPERVISORS COMMENTS

There was no Board of Supervisors Comments.

EXECUTIVE SESSION

Chair Erlbaum announced that an Executive Session was held on December 16, 2009 to discuss personnel matters, and prior to the Public Meeting to discuss personnel and litigation matters.

ADJOURNMENT

On a Motion by Supervisor Brooke, the meeting was adjourned at 9:40 PM.

Respectfully Submitted,


Bruce G. Horrocks
Assistant Township Manager