

**MINUTES
PLANNING COMMISSION
ZOOM MEETING
APRIL 27, 2021**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Patrick Doran, Bob Dambman, Aaron Kostyk, Sean Halbom (Assistant Township Manager), Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), and Dave Sander (Township Solicitor's office)

1. CALL TO ORDER: 6:03 PM by Chair Doran

2. ANNOUNCEMENTS & CORRESPONDENCE (None)

- Chair Doran gave a brief report of the first Zoning Update Steering Committee meeting – he stated it was an organizational meeting where they were able to discuss some priorities, focus on rezoning issues; they will have the assistance of the same consulting firm that assisted with the comprehensive plan process (Bergmann Associates). It was more of a what are our priorities type of meeting, there is not a final list, but hopefully by the next meeting he will be able to present the Planning Commission with a list of what items are to be addressed.
- Chair Doran announced the applicant for the Conditional Use application (CU #01-21) and the Subdivision/Land Development application (SLD #02-20) for Federal Realty Investment Trust (Flourtown Shopping Center) that was scheduled for this evening has chosen to be removed from the agenda.

3. APPROVAL OF MINUTES

- On a motion by Mr. Shula seconded by Mr. Dambman, the Planning Commission moved to approve the February 23, 2021 meeting minutes. Vote 5-0

4. ZONING HEARING BOARD APPEALS:

- Review ZHB#2021-18 Creeks Edge Project, LLC/548 Bethlehem Pike/Bethlehem Pike (adjacent lot) Variances for proposed live/work unit, Floodplain & Riparian Corridor Conservation Relief

Attendees: Bob Careless, Esquire, Cozen O'Connor, on behalf of the applicant; Chris Kircher, AIA, NCARB from Metcalfe Architecture & Design; Evan Pellegrino, P.E. from InLand Design, LLC; and Tim Huenke and Jon Shoulberg, on behalf of the ownership (partners in the LLC).

This application involves two adjacent lots (totaling just under one acre, 0.955 acre) owned by the Applicant, which are proposed to be merged; the address of the main lot is 548 Bethlehem Pike. The Applicant proposes to raze a pre-1940 house which is in dilapidated condition with a failing foundation; the garage is also proposed to be razed. The Applicant then proposes to build a live/work unit for artisan woodworkers making commissioned furniture and guitar repairs. The relief requested is the following:

1. **Variance from Sections 116-165.A and B.** to permit the construction of the proposed structure and to permit the proposed use of the Property within the Floodplain. The entirety of the Property is situated within the Floodplain.
2. **Special Exception under Sections 116-166.B.(2) & (3)** to the extent required, to permit the installation of any accessory structures and/or utilities, public facilities, and improvements in connection with the redevelopment in the floodway fringe.
3. **Variance from Section 116-259.A.** to allow the redevelopment to encroach into the required setback from the boundary of the Riparian Corridor Conservation District.
4. **Variance from Section 116-290.A.(9)** to allow the office and workshop area of the proposed live/work unit to be 131% of the gross floor area of the dwelling unit, exceeding the 50% maximum stipulated in this section.
5. **Variance from Section 116-291.A.(1)** to allow the use on an on-site sewer system since no public sewer is available, as required for all new uses in the VC District.

6. **Variance from Section 116-293.A.(1)** to allow the applicant to raze the pre-1940 house (built in 1939) due to its dilapidated condition and failing foundation, and to also raze the garage.
7. **Variance from Section 116-295.** to allow the proposed building to encroach into the front yard setback as defined in this section for lots less than 2 acres.

The applicant's attorney and team described the site including its current conditions and improvements, and what the proposed development would be. It was explained that the special exception in relief #2 may not be needed if relief in #1 is determined to cover this issue but it is requested in case the ZHB feels it is needed. In explaining the zoning relief requested in #6, excerpts from a building inspections report (prepared in 2018 when the property was purchased) were shared with the Planning Commission to provide justification for the razing of the existing dwelling (indicating significant 'material defects', pictures of the building inside and out, were shared). Location of the proposed on-site sewer system was shown on what is now the adjacent lot and needed because no public sewer (required in the VC district) is available in the area (necessitating relief #5). The location of the floodplain boundary was shown, indicating that the entire site is within the floodplain. The Planning Commission members raised questions about: the historic significance, if any, of the house to be razed (built in 1939), including if HARB had any jurisdiction or comment concerning this issue (HARB has no jurisdiction here; applicant explained that the Fort Washington Historical Society was consulted and supported the demolition; the house is just old, not historic); the characteristics of the floodplain and floodway fringe on this property, how the proposed development would address the floodplain, and what relief was necessary to allow the use in the floodway fringe (Ms. Heinrich explained the distinction between floodway and floodway fringe with the proposed construction in the fringe; edge of floodplain adjacent to edge of Bethlehem Pike; new building will be raised above the 100-year floodplain level; only a dwelling is allowed and therefore this mixed use and other improvements proposed, require relief); the surrounding land uses and how the proposed use fit into the area (determination that the area is one with mixed uses; the use seems appropriate); explanation of how the non-residential portion of the building is 131% of the dwelling's square footage (ordinance restricts work portion to be no more than 50% of dwelling's square footage and in this case the work component is larger, being 131% of the size of the dwelling component, as measured in square feet); and concern over removal of all of the existing vegetation along the Bethlehem Pike frontage, which is what appears to be reflected on the applicant's plan.

Mr. Careless explained that with relation to relief item #7, there is some confusion as to how this is measured due to the design of the building. Ordinance requires between 50 and 90% of building façade being 10' back from ultimate right-of-way with the rest setback further. Confusion results from whether roof overhangs and breezeways are computed and how; this will be further clarified prior to appearing at the ZHB hearing.

Mr. Careless also explained that if the Zoning Hearing Board grants the relief, this would then be back in front of the Planning Commission as a land development and some of the issues raised tonight would be more fully addressed at that time.

Sydelle Zove, Harts Ridge Road, commented HARB's role is limited to the Historic District; there is only one Historic District identified in the Township – centered at Butler Pike and Germantown Pike (Plymouth Meeting Historic District); the term demo by neglect is limited to the Historic District only; and wanted to clarify that it wasn't that HARB never took a position in the application, they don't have a role here.

Motion: Mr. Kotsyk made a motion to recommend that the Zoning Hearing Board grant the relief requested in items 1 through 6, and recommended that there be a condition imposed with the granting of the relief, as follows: That the applicant make every effort to retain as much of the existing vegetation along Bethlehem Pike as possible, as long as safe sight distance (from the driveway), can be provided; seconded by Mr. Shula. Vote 5-0

The Commission took no action with relief item #7, feeling that that is a matter for interpretation by the Zoning Hearing Board as to whether to approve the variance.

5. CONDITIONAL USE APPLICATIONS: (None)

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS: (None)

7. OLD BUSINESS: None

8. NEW BUSINESS:

- Chair Doran gave a brief update on the meeting of advisory board/commission chairs with Board of Supervisors Chair. He stated it was a very informative low key discussion. Each Board spoke about what their priorities are for the year. Mr. Doran expressed that the three main priorities were to focus on zoning amendments through the Steering Committee and through the Planning Commission; work on the short term and near term elements of the Comprehensive Plan Update; and focus on protecting the Riverfront as various proposals come through.

9. PLANNING COMMISSION MEMBERS COMMENTS: None

10. PUBLIC COMMENT FOR NON AGENDA ITEMS:

Sydelle Zove, Harts Ridge Road, asked if there was a reason why Federal Realty Investment Trust asked to be removed from the agenda (possibly needed more time); was it indeed the case that the Conditional Use approval was for the drive thru window only (not sure); they are asking for a preliminary/final review rolled all into one (it is permitted under SALDO to get a recommendation for both); the application is still on the Board of Supervisors agenda (that is correct, the Conditional Use application was advertised and mailings went out to residents within a 500' radius. In that case the BOS will open the application and it will be continued until the next scheduled meeting, no testimony will be taken). Under anticipated agenda items, Longfield Farm received preliminary approval from the BOS but there was an outstanding issue regarding the negotiations over the fee in lieu, have the negotiations been completed (plans were resubmitted and review letters will be issued). And lastly, 27 E. Germantown Pike is contiguous to the historic Corson homestead/Abolition Hall in which the Township has an equitable interest, they share a property line, curious on what the impact of the Township's equitable interest in context of the Planning Commission being asked to review plans and then action by the Board of Supervisors (there is nothing different than any other land development proposal).

11. ADJOURNMENT

- Chair Doran made a motion to adjourn; seconded by Mr. Dambman. The meeting was adjourned at 7:34PM.

Respectfully submitted,

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

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