

**MINUTES
PLANNING COMMISSION
ZOOM MEETING
MAY 11, 2021**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Patrick Doran, Bob Dambman, Aaron Kostyk, Elizabeth Shaw-Fink, Scott Quitel, Sean Halbom (Assistant Township Manager), Charlie Guttenplan, AICP, Director of Planning & Zoning, 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)

3. APPROVAL OF MINUTES

- On a motion by Mr. Dambman seconded by Ms. Patchen, the Planning Commission moved to approve the April 27, 2021 meeting minutes. Vote 6-0-1 (Mr. Quitel abstained; not present at that meeting)

4. ZONING HEARING BOARD APPEALS: None

5. CONDITIONAL USE APPLICATIONS: None

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:

- Review SLD #01-21 Robbins Gulph Holdings, LLC/27 E. Germantown Pike
Preliminary/Final Plan - Building Expansion; Parking Improvements

Attendees: Ed Hughes, Esquire, applicant's attorney; Tom Robbins, applicant and property owner; and Joshua Castillo, P.E. with Wilkinson & Associates, Inc.

The applicant's attorney gave a brief update of the application. The Commission last saw this project at its January 12, 2021 meeting when they reviewed a Zoning Hearing Board application for this project; the Zoning Hearing Board granted the requested relief, with conditions. The applicant is seeking a recommendation for preliminary/final plan approval. They received a series of review letters from the Township Engineer, Township Zoning Officer, Fire Marshal and Montgomery County Planning Commission; will comply with all the comments in the letters except for the following waiver requests they are seeking to get a recommendation for.

1. Section 105-38.(B)(2) & (3): off street parking requirements pertaining to driveway width – received Fire Marshal approval
2. Section 105-21.(B)(1)(n): show existing features within 500 feet of property
3. Section 105-30 (Section 105-48.(E)): to provide a tree zone of 5 feet between the curb and the sidewalk along the frontage
4. Section 105-39.: to provide a minimum of 10% of any parking facility over 2,000 sf in gross area shall be devoted to landscaping, inclusive of trees
5. Section 105-48: to provide street trees along all streets where suitable trees do not exist
6. Section 105-52: to provide buffer yard and plantings in the front yard between the existing building and Germantown Pike
7. Section 105-83: to provide street trees and other required plantings be in accordance with Section 105-39, 105-48 and 105-52
8. Section 55-4.(B)(6)(c): to replace existing trees greater than 6" DBH which are to be removed with an equivalent DBH of new proposed trees using trees with at least 3" caliper

Landscaping and buffers will be reviewed by the Shade Tree Commission; they are scheduled for the June 1, 2021 STC meeting.

The applicant's attorney and team put the waiver list together based on the Township Engineer's review letter. It was explained why they are not able to meet the requirements of tree replacements (the ordinance requires them to put 7 trees in for parking spaces at 1 tree for every 2 spaces, if they cover that they will not have enough room on the site to plant trees in lieu of removed trees (required by Chapter 55) and have no room in the front for street trees due to sight distance requirements for their driveway and the adjacent driveway (to the west), utility laterals in that area, shallow distance to the porch, need to accommodate the sidewalk, existence of walkway to the front door, and a monument sign (left of the walkway) for which prior approval has been granted. In explaining their landscape plan, the applicant feels that it shows the maximum amount of trees they can provide on the site keeping them 11-12 feet apart and avoiding slopes in the back corner of the site. Even with the addition of one street tree they will be short of what the ordinance requires. The Planning Commission members raised questions about: the County review letter strongly supports street trees and based on what they saw, there is enough room for street trees (based on factors mentioned, applicant does not believe there is room); wanting the applicant to be more proactive in demonstrating what the site is going to look like in terms of sidewalks, any plantings behind it, location of the vegetation they plan to put in, since it would be easier for them to comment on; what is their vision from a street level of what the front would look like (the hedges need to be removed to put in a 5' wide sidewalk; setbacks limit them from putting anything in the first 12 feet to the front porch; and PennDOT doesn't want anything planted on the east side because that would obstruct view from the driveway); clarification of Waiver #3 was requested to understand the tree zone waiver (5' is required, 1.8' shown between back of curb and sidewalk). The applicant is willing to comply with the specific types of species and natives suggested in the County review letter. Sidewalk location and dimensions were discussed (PennDot requires 5' sidewalks on Germantown Pike, 4' is not acceptable and not ADA compliant; cannot be moved further in on the property because of the utility laterals and the applicant would like to keep in line with the existing sidewalk on neighboring properties); the applicant's intentions are to comply with the stormwater management requirements (Ms. Heinrich commented there are some technical comments that can be addressed).

Sydelle Zove, Harts Ridge Road, appreciates the fact the owner is renovating this historic property; looks forward to the owner bringing his plans to HARB and suggests the applicant go sooner rather than later and encourages them not to wait too long. The code requires the applicant to make a bona fide effort to seek shared parking, what effort was made to negotiate with the owner one property over with the substantial parking lot that wraps around the adjacent property. Agrees with Mr. Quitel on attempting to be creative especially with the use of native species; if they are not going to hire a landscape planner, she hopes they take the advice of the Shade Tree Commission. Concerned about the Stormwater outflow on 2 adjacent properties. Was there any consideration on shrinking the footprint of the addition so there could be a serious effort in meeting the landscape and tree planting requirements.

Roy Wilson, representing Ann Wilson, 4006 Butler Pike (Abolition Hall property), concerned about stormwater runoff onto his property from the paving. He was told that the water will go to the underground tank and that the discharge pipe on the property was to handle extreme rainfall conditions such as the 50 year rainfall event. After further investigation he found that the underground tank collects the water and it will slowly discharge onto his land; run-off rates are not volume, just slows down how much water is discharged. He feels the plan that shows the rip rap scales smaller than proposed and this is a dishonest rendering. He quoted Ms. Heinrich's letter regarding off-site improvements and would like to know what off site means, his property?

Responses to public comment: Ms. Heinrich will have to look at Township files to see what currently drains onto Mr. Wilson's property; Mr. Castillo explained the nature of the stormwater management system, that it was put together to reduce the rates and better the existing conditions, and that the Township ordinance requires that a meadow be used as the existing condition resulting in conservative calculations; the facility itself is a stone and pipe chamber and will be lined due to limestone, so there will be no infiltration; it is designed for 100 yr. storm not for 500 yr. storm or other catastrophic events; in the event of such a storm, the parking lot will fill to a 1'-2' pool and then spill out in the back. Mr. Robbins commented the plan for the sign was reviewed by HARB and at the same time they showed the preliminary plan for the building; they received a preliminary initial favorable comment with the instructions to come back with the exact design details. Shared parking

was discussed in January (Ms. Heinrich responded the zoning section says if they can't provide parking entirely in the rear and they are forced to do so in the front then they would have to make a bona fide effort to seek shared parking). Mr. Robbins commented on reducing the size of the addition to accommodate the landscaping; they are adding a stairwell, bathroom and 375 sq.ft. per floor to bring this to an actual usable space.

Mr. Quitel commented he feels there is not enough sound information to make a recommendation on the waivers; feels it warrants going back one more time and getting a landscape designer involved and then getting input from the Shade Tree Commission and then the Planning Commission can see the plan as a whole with recommendations.

Motion: Ms. Patchen made a motion to recommend approval of waivers #1, #2 & #3 as listed on the May 11, 2021 Wilkinson & Associates, Inc. letter; seconded by Mr. Dambman. Vote 7-0

Mr. Doran commented in regards to #4, 5, 6, 7 & 8 that he does not want to push this to a further meeting and at the same time he acknowledges and understands Mr. Quitel's concerns about a more sophisticated plan. The applicant stated at the beginning of the meeting that a lot of these waivers are overlapping issues and Mr. Doran doesn't think the Planning Commission wants to have a possible recommendation used against it at the Shade Tree because he feels the Shade Tree Commission needs to look at this with fresh eyes.

Motion: Mr. Quitel made a motion to not recommend approval of waivers #4, #5, #6, #7 & #8; seconded by Mr. Shula

Ms. Patchen's thoughts are to take no position as for the reasons Mr. Quitel addressed, but does not want to send the message that it is a definite no. Mr. Doran disagrees with Mr. Quitel on the parking issue, he believes the parking issues have been addressed and it is not going to change and prefers taking no position. Mr. Dambman asked if they take no position, does that mean that Shade Tree makes the decision for them? Mr. Shula commented that this is a preliminary/final application and if they recommend approval and it gets approved, it is not coming back to them; he would therefore rather the applicant meet with the Shade Tree and come back with a revised landscape plan for a recommendation when they have all the information in front of them.

Mr. Doran asked advice on what should be done with Mr. Quitel's motion. Mr. Sander advised that a motion could be made to table it, a vote could be taken.

Mr. Quitel instead withdrew his motion with the expectation to see the landscape plan for discussion next time after Shade Tree Commission reviews it; Mr. Shula withdrew his second.

Mr. Robbins commented he wants to be clear with what he is expected to come back with. If there are certain requirements that need to be met on the amount of trees planted, location of trees, spacing between each tree and sight distance from the driveway, is the Planning Commission asking them to come back with a planting plan of shrubs and what else; he is not sure what else he can provide them with beyond what has been shown. In response, Mr. Doran explain that Shade Tree will discuss the equivalents from Chapter 55 when he meets with them in June. The Planning Commission is asking that they creatively find ways to increase the vegetation and show them what it is going to look like so they feel more comfortable that they did their best to maximize the vegetation on site. Mr. Quitel agreed that this is not a site for large trees but he would like to see a holistic approach to the landscape plan.

- Review SLD#02-19 Argos Associates/Adelphia Land Associates/Polergodom Group, Ltd., "Longfield Farm", Butler Pike
Final Plan; 58 Townhomes

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

The second agenda item is SLD #02-19, Final Land Development Plans for Longfield Farm. The Commission last saw this project as a Preliminary Plan at your August 11, 2020 meeting, at which time the Commission recommended approval; the Board of Supervisors conditionally approved the Preliminary Plan on October 8, 2020. The Final Land Development Plan is consistent with the approved Preliminary Plan. In addition to the plans, there are a number of supporting documents including a Declaration and Bylaws, since this development will be governed by a Homeowners' Association. There were also reviews from the Township Engineer (which included zoning comments) and the Fire Marshal. In introducing it, Mr. Guttenplan explained that as a final plan, we are not looking at design or layout issues; these were decided at the preliminary plan stage. The emphasis on the final plan is cleaning up details and making sure it complies with the conditions of the preliminary plan approval and the original conditional use approval (to allow the townhomes).

Mr. Collier gave a short presentation and shared a very brief PowerPoint covering where they are with regards to completing and satisfying the conditions in their review with the Township Engineer and the outside agencies. The site plan is the same plan that was reviewed by the Planning Commission before they went to conditional use, before they went to preliminary, it went to the Shade Tree Commission and has been reviewed. It is quite similar if not exactly the same in layout as presented to them before. There are 58 townhomes, 1 existing building which will be incorporated, 2 entrances and exits – 1 on Butler Pike and the other on Skippack Pike, the stormwater was redesigned to redirect all stormwater to Skippack Pike, the amount of open space that was presented previously is the same over 45% of total open space. Skippack Pike was previously a right turn in right out which was reviewed by PennDOT; in going through a more detailed analysis for the Highway Occupancy permit, PennDot changed their mind and suggested there ought to be a left turn into the site going west towards Butler Pike. That is the only change to the plan other than refinements to stormwater. The landscape plan met all the requirements in terms of compliance with the ordinances, got the Shade Tree's endorsement, and also requested 20 additional shade trees to be added to the plan. Final refinements include: left turn in from Skippack Pike westbound which will result in fewer left turns at the Butler/Skipack intersection reducing new traffic on Butler Pike; technical revisions to stormwater management with the Township Engineer, with PADOT, and with Montgomery County; they received the formal "will serve" letters from Whitmarsh Sewer Authority, Ambler Water Department, Ambler Treatment Plant; and they accounted for space for (10'x12') patios in their stormwater management calculations. All permits are in technical review with no issues identified to prevent permit issuance. The Township Engineer review letter including zoning was received; it came back with 39 comments – in summary 34 of those comments are 'will comply', no unresolvable issues in regards to traffic and stormwater, 2 comments are deferrals until the building permit stage (comments 4 and 5), 3 statements are acknowledgements with no actions required (comments 8, 9 and 13); they also received the approval of the Township Fire Marshal with no comments.

The Planning Commission raised questions about: the 2 deferrals until the permit process stage (Ms. Heinrich explained these pertain to signage and architectural design which is not unusual to defer to the building permit stage); there were no concerns from Mr. Sander in regards to the legal documents that were provided; is this designed to be built in 2 different phases (their hope is to build in a single phase); what is the status of the 10% fee in lieu of open space/recreation land (they submitted an appraisal to the Township which would suggest a fee in lieu in the amount of \$493,000). Mr. Quitel reiterated that he voted against this project at the preliminary plan stage because it was not clustered and did not respect the public open space on the other side of Skippack Pike.

Pat Sheinman, 909 Butler Pike (Whitpain Township), wants to know what the so-called resolvable issues are with the County and how will this left turn lane be delineated, will there be markings on the road or obstructions to prevent people from using the turning lane as a passing lane. The current iteration of the turn lane is a safety hazard for making lefts in or out of her driveway. Mr. Keaveney commented this was previously a short left turn lane, since then the County has asked for consideration to extend the left turn lane to a two way left turn lane to benefit other driveways and roadways on Butler Pike; will be paved only. Stacking is not anticipated since the left turns into the site from Skippack Pike will reduce the number of lefts into the site on Butler from 10 or 11 to 5 or 6 in the PM peak hour. Overall center left turn lanes have shown to improve the safety on any given roadway by reducing the potential of rear end crashes.

Pat Sheinman also commented that in conversations with the folks at McCormick Taylor, for the County, they stated that when this type of roadway change affects a neighboring property they are to be contacted for review of said plan prior to approval. She has not received that request. She sees this as a nonresolvable issue. Mr. Keaveney explained McCormick Taylor acts as the County professional reviewer for the HOP, they are addressing their review letter that was sent to them, and the notification issue was not raised in the letter.

Linda Doll, Fairway Road, commented that she agrees with Ms. Sheinman, left turns out are going to be dangerous.

Motion: Ms. Patchen made a motion to recommend final plan approval; seconded by Mr. Kostyk. Vote 6-1

7. OLD BUSINESS: None

8. NEW BUSINESS: None

9. PLANNING COMMISSION MEMBERS COMMENTS:

- Mr. Dambman gave an update on the Ridge Pike project. They are moving along as planned. They are doing some site excavation work and getting approvals for certain historic sites along Ridge Pike. Mr. Doran asked if there were any kind of bike lane or bike friendliness (Mr. Guttenplan replied that he believes there is not any room for a bike lane but they are putting a continuance 10' wide sidewalk on the southside and that would serve pedestrians as well as bicycles); were there any discussions about crossover or traffic calming aside from where the current lights are (Mr. Dambman replied that a big part of the project is at the Senior Village across from the Whitemarsh Shopping Center where traffic lights, crosswalks and sidewalks put in on the shopping center side. There will be additional signals at Crescent and Ridge and Barren Hill Road (relocated) and Ridge; as result of these new lights, left turns at Church Road/Harts Lane and Ridge, will not be allowed. There are plenty of crosswalks and pedestrian accommodations planned throughout the corridor.
- Mr. Quitel asked for an update on the Chubb property (golf course). Mr. Doran commented the Union League of Philadelphia bought the property and is now run by Liberty Hill Golf Course and Conference Center.
- Ms. Patchen asked if the anonymous donor for the Abolition Hall open space purchase will ever go public. Mr. Manuele commented that the donor is not willing to be identified and may never want to be identified.

10. PUBLIC COMMENT FOR NON AGENDA ITEMS: None

11. ADJOURNMENT

- Mr. Shula made a motion to adjourn; seconded by Ms. Patchen. The meeting was adjourned at 8:35 PM.

Respectfully submitted,

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

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

