

**MINUTES
PLANNING COMMISSION
AUGUST 8, 2023**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Robert Dambman, Aaron Kostyk, Patrick Doran, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning, Krista Heinrich (Township Engineer), Dave Sander (Township Solicitor), Vince Manuele (BOS Liaison)

1. CALL TO ORDER: Meeting was called to order at 7:02 by Chair Kostyk.

2. ANNOUNCEMENTS & CORRESPONDENCE: Mr. Guttenplan announced that the August 22, 2023 Planning Commission meeting is cancelled.

3. APPROVAL OF MINUTES:

- Mr. Kostyk asked if there were any amendments to be made to the July 11, 2023 meeting minutes. Ms. Glantz Patchen responded with several minor amendments, including a word replacement on page four and a typo on pages five and seven. There were no issues with the recommendations for corrections nor additional corrections. Mr. Doran motioned to approve the minutes, Mr. Shula seconded the motion. Motion passes 5-0-2. Members Dambman and Quitel abstained as they were not present during the July 2023 meeting.

4. ZONING HEARING BOARD APPEALS (None)

5. CONDITIONAL USE APPLICATIONS (None)

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS

- Review SLD #10-22 Rebecca Padro & Karen Schrader/ Montgomery Animal Hospital/ 827 Bethlehem Pike, Flourtown, PA 19301 Preliminary/Final Minor Land Development Plan

Attendees/Participants: George Ozorowski, Esq., Brad Grauel, Rebecca Padro

Mr. Guttenplan introduced the application, noting that this is a revised plan from what the Planning Commission reviewed in March 2023. Mr. Guttenplan stated that the applicant followed the requests and instructions given by the Planning Commission during the March meeting-- to go back and make revisions, go to the Shade Tree Commission and receive their recommendation, revise their plans, and return to the Planning Commission. These requests were made due to stormwater and landscape concerns. Mr. Guttenplan then turned the floor over to Mr. George Ostrowski.

Mr. Ozorowski reiterated that they were in front of the Planning Commission in March 2023. Mr. Ozorowski mentioned that their main intent during that meeting was to get feedback to improve the plan and that they were not ready for approval that night. After the meeting in March, the plans were revised and the applicant went in front of the Shade Tree Commission in May 2023. The Shade Tree Commission reviewed and approved the project with the condition of planting an additional tree. Mr. Ozorowski said that they have done everything asked of them by the Township and that all the review letters are, "will comply with." Mr. Ozorowski ended by giving a brief overview of the parcels before turning it to the surveyor, Brad Grauel. Mr. Ozorowski explained that the applicant is seeking to improve Parcel A where the animal hospital, parking lot, and dog area are located. Adjacent to that is Parcel B, which used to be a PECO sub-station, and is mostly unbuildable with a sewer easement and a stream, making it a restricted parcel. Therefore, the applicant does not want to combine the two for liability reasons. They propose to use it for additional parking (most is already gravel parking).

Mr. Grauel began by mentioning the landscaping plan and tree waivers that went before the Shade Tree Commission, where they received a recommendation for approval. Mr. Grauel then asked if there were any questions regarding the plans or waivers.

A number of questions were asked by Commission members. It was asked if there were any additional waivers from the last time they were here. Mr. Grauel believes all the waivers are the same. Mr. Guttenplan said there is another waiver that should be considered from Section 105-12.D. to allow the applicant to go through preliminary and final approval at the same time. Mr. Guttenplan asked the Planning Commission to consider that waiver as well.

A member inquired about the date of the most recent waivers. Mr. Guttenplan responded that the updated waiver is dated August 2, 2023 and the packet includes both original documents and revised documents.

Ms. Heinrich was asked if there was anything in the packet that raised issues or concerns. Ms. Heinrich replied there were no concerns from an engineering standpoint.

The macadam that is already existing and encroaches on the adjacent property was brought up; it was noted that there have been no objections by the property owner and if there were to be an objection in the future, it would be between property owners.

A Commission member stated that he hoped to see a more complete plan since it is a final submission, noting the missing walkway that was discussed during the March meeting. Mr. Grauel responded that the plan depicts crosswalks that will be put in along existing driveways—that was agreed upon during the March meeting.

A question was asked if there is going to be a designated walkway in the front because they requested a waiver for the sidewalk, as was discussed in March. Mr. Grauel said there will be crosswalks across the existing driveways. A member asked if that includes a suggested designated walkway so that people would not park along the curb. Mr. Grauel said he would make note of that even though people are not allowed to park there.

A question was raised about a sidewalk along the street; it is not feasible due to the space needed for the parking in front.

Mr. Guttenplan mentioned a previous question that was unanswered from the last meeting about how to block off the area that potentially floods so that it is not available for parking during a flooding event. Mr. Guttenplan stated there was correspondence from the Fire Marshal saying that simple poles and chain would be appropriate in this instance and that he is willing to go to site to note where they should be placed.

A question was asked if the existing spaces were above the floodplain. Mr. Grauel said it is. The Commission then asked for clarification on which spaces were dedicated as employee only. Mr. Grauel confirmed that the parking in the back and on the former PECO site are currently employee only.

A Commission member asked what improvements were planning on being made for parking and inquired about the eight parking spaces in the front. Mr. Grauel responded that the eight parking spaces in the front of the building are for clientele and a couple of spaces in the PECO area may also be for patrons, but it would be easily walkable because it is all paved, so there is no need for a walkway.

A member inquired if the bolded sections of the waiver were the sections discussed and recommended for approval by the Shade Tree Commission. Mr. Grauel confirmed and noted the recommendation by the Township Arborist to remove a dead tree and plant a new tree.

Ms. Heinrich was asked if she has concerns or issues that should be addressed in the most recent waiver request. Ms. Heinrich requested testimony regarding the narrow drive going to the back. Mr. Grauel explained that the narrow 45-foot long drive along the south side of the building is an existing condition, that it is for employees only, and there is adequate sight distance. Mr. Grauel said there is not much they can do about it without purchasing the adjacent bank property and widening it. Mr. Grauel reiterated that it is an existing condition and they are just improving what is behind the building.

A Commission member mentioned that there have been previous discussions about the parking in the rear. The Commission member asked if the back of the building can be restricted to employees only. Ms. Rebecca Padro, owner and medical director, mentioned that the narrow drive has been there for the forty years her family has owned the property and that there has not been a crash. Ms. Padro added that there is signage saying the back lot is for employees only.

Ms. Heinrich mentioned that her other concern is parking near the creek and requested curb stops along the area to prevent vehicles from driving into the creek. Mr. Grauel said they will install curb stops there. Ms. Heinrich said there are no other engineering concerns.

Mr. Shula motioned to recommend approval of the waivers including one from Section 105-12.D, seconded by Mr. Doran. Motion carried 7-0 subject to submission of final landscaping plan.

Mr. Shula motioned to grant preliminary/final plan approval, seconded by Mr. Doran. Motion carried 7-0.

- Review SLD #06-23 The Highlands Historical Society/7111 Sheaff Lane, Fort Washington, PA 19034/Lot Line Adjustment (Minor Subdivision) Plan

Attendees/Participants: Kate Harper, Esq., Tim Woodrow, PE, Edmond Shinn, Esq.

Mr. Guttenplan briefly introduced the plan by stating its uniqueness in solely proposing lot line changes with no development. Mr. Guttenplan stated that if this plan is approved and all sales and proposed conservation easements go through, there will be no development on a 51-acre tract—which is the purpose of the lot line changes.

Ms. Harper reiterated that this plan shifts lot lines and does not propose any new lots or development. The Highlands Historical Society, owner of the Highlands Mansion and is a 501c organization, is in the process of putting together a deal that would preserve the historic landscape around the mansion by preserving a big swath of land. Ms. Harper explained that a plan is being put together and there is an agreement of sale with Mr. Goodman and Mr. Paone to raise money for this project. Ms. Harper noted that the 19 acres that is located close to the Highlands will be added to the Highlands property and that a portion of the Highlands is already conserved with Whitemarsh Township as the easement holder. The vision is to have a similar easement for the acreage that will be preserved as open space for the public. This open space was arranged so that the public could walk from the Highlands to Willow Lake, an area owned by Wissahickon Trails (formerly the Wissahickon Watershed Association), that is currently open to the public. Another adjacent tract will be preserved as historic with restrictive covenants. To do this, the Alter house had to be divided into its own separate lot so it could be sold separately. Adjacent existing Lots 3 and 5 equate to 22 acres and are proposed to have lot line changes in order to enable them to be over 10 acres each so they can qualify for *Clean and Green*. Ms. Harper mentioned that there is a buyer in attendance that has offered to purchase it with conservation easements on it so at most it could have one more dwelling unit. Ms. Harper mentioned that the Board of Supervisors committed six million dollars towards the purchase price of this easement from the Open Space Fund. Ms. Harper stated again that this plan is just lot line adjustments, but it falls under the Minor Subdivision category for Whitemarsh Township, and therefore, there are a number of waiver requests. Ms. Harper ended by noting that if the waivers

and plan get approved, they will purchase the piece of land from Messrs. Goodman and Paone and preserve “most of it.”

Mr. Edmond Shinn, Board of Highlands Historical Society, mentioned that this was a joint effort of the County, Township, and State via grant funding. Mr. Shinn underscored the importance of this project in creating a key gateway for community members of approximately 170 acres of public open space and preventing development of numerous homes on the property.

Mr. Guttenplan stated that the waivers were included in the application packet. Ms. Heinrich noted that there was one waiver that is not included in the application packet—a waiver that will allow the plans to be drawn at a scale other than 1 inch equals 50 feet or 1 inch equals 100 feet, labeled as waiver number 105-23(A)(1).

Mr. Tim Woodrow, engineer, discussed technical aspects to go forward and fulfill the Subdivision and Land Development Code—including the opportunity to get a preliminary/final approval in one motion, plan scale, scale of location map, and absence of obligation to widen streets, install curbs, sidewalks, and otherwise improve Skippack Pike. Mr. Woodrow mentioned there are some landscape requirements and street tree requirements that the applicant believes is fulfilled, but out of an abundance of caution, are asking the Board to not require additional landscape plantings for this application. The orientation of lot lines were created with consideration of natural resources.

There was then discussion of shaded areas on lot lines representing where land was being swapped between adjacent parcels. Mr. Woodrow pointed out that the parcel with the Alter mansion has some wooded property that is being added to an adjacent parcel in order to be preserved. Mr. Woodrow reiterated that there are six lots today and if all plans are approved, there will still be six lots. There was a question from a Commission member about the lot line between 4 and 6. Mr. Woodrow responded that it will be extinguished.

A Commission member inquired how the public will know the difference between public and private property. Mr. Woodrow responded that there is an obligation to place property markers at certain locations and that fencing would be appropriate. Additionally, an existing driveway could serve as part of the walkway to Willow Lake. Mr. Shinn added that the Highlands is cognizant that there will be someone living in the mansion house and that split rail fence seen in the surrounding area would be used to delineate the property line and used to guide walkers before and up to Willow Lake.

There was discussion amongst the Commission and applicants about Willow Lake. It was described as preserved land fronting along Butler Pike with horse stables and pastures. It is preserved by Wissahickon Trails. Limited parking is an ongoing issue, so the Highlands can ease this burden. It was noted that the County is putting \$500,000 towards this project. It was mentioned that there is a trail through Willow Lake across Butler Pike that goes up and connects to land owned by Whippen Township so this trail connection would be beneficial for that as well.

It was stated that an easement has to be given to the Alter Mansion for the HVAC unit, so part of the open space easement will go back to the property.

The Commission inquired about the maintenance of the open space. Mr. Shinn responded that a condition of the County money is that the Highlands raise an endowment which will spin off enough money annually to care for the 19 acres. Mr. Shinn mentioned that a member of the Highlands board is a landscape architect, and they believe that an endowment of \$250,000 will spin off enough revenue to maintain the 19 acres without the need to come back to the County or Township for funding.

The discussion ended with Mr. Shinn mentioning that the Board of Supervisors, neighbors, and the Township stepped up in a big way, allowing this to succeed. The Commission members mentioned that there are normally questions of waivers regarding preservation and open space, but this project is a benefit to the community.

An unidentified neighbor mentioned that they support the project.

Motion for recommendation of waivers by Mr. Dambman, seconded by Mr. Quitel. Motion carried 7-0.

Mr. Doran motioned for recommendation of approval for preliminary/final plan approval, seconded by Mr. Quitel. Motion carried 7-0.

- Review SLD #05-23 Official Map Amendment – adding extension of Washington Street

Mr. Guttenplan reintroduced this idea to the Planning Commission as it was introduced during the last meeting. Mr. Guttenplan described the proposed Official Map Amendment-- the extension of Washington Street through what is now the David's Bridal property to link up as a public street through to Lee Street to avoid the current dead-end situation that is a concern every time there is a development on Washington Street. Mr. Guttenplan mentioned that the Street has been approved to the edge of the David's Bridal parcel (as part of the 901 Washington St. development)) and when this were implemented, it would take it from there to Lee Street.

Mr. Guttenplan then reminded the Planning Commission that an Official Map is a tool that is authorized in the State Planning Code and the idea is that it shows stakeholders what the Township's wishes are for future lands use and public improvements. If a development proposal would occur on this parcel, there is a year in which the Township can discuss and negotiate with current or potential developers. If no agreement happens within the year, the Township must decide whether to use eminent domain, but the hope for being on the Official Map is that the Township wouldn't have to go through that process.

Mr. Guttenplan described what is required-- that there be a recommendation from the Planning Commission to the Board of Supervisors and then the Board of Supervisors has to hold a public hearing. Mr. Guttenplan said the Board of Supervisors will hold the public hearing at their September 2023 meeting. Afterwards, the Board of Supervisors considers if they wish to adopt the amendment to the Official Map. Mr. Guttenplan noted that with David's Bridal declaring bankruptcy and the future of the parcel up in the air, this amendment is very timely.

Mr. Guttenplan then mentioned that the only other item that came up last meeting regarding the Official Map is if a current or future landowner has standing to appeal the decision to amend the Official Map. Mr. Guttenplan said the Solicitor's office put a memo together describing that process and asked Dave Sander to explain it.

Mr. Sander explained that an appeal of the procedural enactment of an amendment to the Official Map, it has to be filed within 30 days of the second advertisement of the public hearing and it would challenge the advertising notice provisions and the procedure that was undertaken by the Board of Supervisors. If someone wanted to challenge the substantive addition of this portion of Washington Street, they would either have to file a curative amendment or a substantive validity challenge. The curative amendment would be heard by the Board of Supervisors; a substantive validity challenge would be heard by the Zoning Hearing Board and they would challenge that this is unconstitutional or inappropriate designation of this segment of road on the Official Map.

Mr. Guttenplan stated that the required Letter of Review from the Montgomery County Planning Commission is included in the packet. Mr. Guttenplan mentioned that there is also a letter of endorsement from the Conshohocken Borough Manager because the road leads into/ out of the Borough.

Ms. Glantz Patchen motioned that the Board approve the Official Map amendment, seconded by Mr. Dambman. Motion carried 7-0.

7. OLD BUSINESS (None)

8. NEW BUSINESS (None)

9. PLANNING COMMISSION MEMBER COMMENTS:

Mr. Doran commended the Board of Supervisors for passing the plastic bag ordinance. Mr. Doran stated that without these steps we can't make progress towards the greater goal. Mr. Doran encourages the Board to continue to find ways to make the Township a leader in reducing waste and encouraging sustainability through actions like composting and planting meadows instead of lawns.

10. PUBLIC COMMENT FOR NON-AGENDA ITEMS (None)

11. ADJOURNMENT: Mr. Shula motioned to adjourn at 7:59, seconded by Mr. Doran. Motion carried 7-0.

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 Whitmarsh 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.