

**MINUTES  
PLANNING COMMISSION  
AUGUST 10, 2021**

**Attendees/Participants:** Bob Dambman, Patrick Doran, Aaron Kostyk, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), Dave Sander (Township Solicitor's office)

**1. CALL TO ORDER:** 7:00 PM by Chair Doran

**2. ANNOUNCEMENTS & CORRESPONDENCE:**

- Mr. Doran announced that he and some other members of the Commission are choosing to wear masks. He is fully vaccinated as he assumes many are. If someone is not fully vaccinated, he invited them to wear a mask. They are optional if you are fully vaccinated. If you are talking with a mask, please step closer to the microphone so that you can be heard.
- The August 24, 2021 Planning Commission meeting will be cancelled.

**3. APPROVAL OF MINUTES**

- On a motion by Mr. Kostyk seconded by Ms. Shaw-Fink, the Planning Commission moved to approve the July 27, 2021 meeting minutes with the proposed changes noted. Vote 4-0-1 (Mr. Dambman 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# 03-21 PA Historical & Museum Commission; The Highlands/7001 Sheaff Lane, Ft Washington, PA  
Preliminary/Final Minor Subdivision Plan

Mr. Guttenplan gave a very brief introduction. This is a two-lot subdivision required by the state legislature which authorized the sale of the Highlands property from the current ownership by the Commonwealth to the Highlands Historical Society. The Township is purchasing a conservation easement over the larger portion of the property (proposed Lot 2, approximately 27.8 acres); the funds from the conservation easement will be used by the Historical Society for improvements to the buildings and other features on proposed Lot 1 (approximately 11.7 acres). The Commonwealth will have a Preservation Covenant on Lot 1 to assure the future protection of the historical assets on that lot. The Zoning Hearing Board granted a variance on August 4<sup>th</sup> for lot size for Lot 1, being less than the 20-acre minimum required by the Recreational Overlay District, which governs this property.

Gerard Leone, Assistant Counsel for the Historical & Museum Commission, summarized the 19 requested waivers. The first request is a waiver for the Subdivision and Land Development Escrow and the Zoning Hearing Board fees; as a Commonwealth Agency it should not be charged fees according to 53 P.S. § 7018. The additional 18 requests are because no development is being proposed; no change to the lots, this is a simple lot line change.

Motion: Mr. Dambman made a motion to recommend approval of the requested 19 waivers; seconded by Mr. Kostyk. Vote 5-0

Chair Doran asked the Planning Commission if they had any comments or concerns regarding the lot line change. Mr. Dambman asked if there was an easement needed over one lot to get to the other lot because the driveway runs across both lots; in response both lots are still owned by the same entity so an easement is not necessary at this time. If the property was to revert an easement would be required. After a brief discussion regarding the easement, it was decided that the easement should be created now, noted on the plan and that it should be a condition of approval.

Public Comment:

Bill Thompson, 7126 Sheaff Lane, stated he doesn't understand the necessity of an easement; in response, Chair Doran explained the easement would come into play in the event if one of the properties was in different ownership than the other because now you have two property owners and the rights of one may be affected by the other, so in order to get from one parcel to the other you need special permission to do that. Mr. Thompson stated there are two accesses to the property so why would an easement be necessary; Ms. Heinrich explained the proposed lot line goes through the parking lot and through one of the parking spaces, so the issue is how do you get to and from certain points that are shared. Mr. Guttenplan explained it basically gives someone the right to enter on the one parcel and travel over the lot line to park or exit on the other parcel. Mr. Sander explained they are not creating any new access points, this wouldn't affect any neighboring property owners in any way, this is just legal rights of one property owner to go onto the other property; this is just a technical legal and engineering issue.

Edmond Shinn, 7032 Lafayette Avenue, stated he is a member of the Highlands Historical Society and a neighbor to the property. He supports the application and thanked the Planning Commission for their consideration. He continued to state it is a wonderful property, his children enjoy it and he thinks the community as a whole will enjoy it more as it becomes more familiar to the community and it is a wonderful asset for Whitemarsh Township.

Motion: Mr. Dambman made a motion to recommend approval of the preliminary/final subdivision plan contingent upon an easement being established to allow for full access over the properties; seconded by Mr. Kostyk. Vote 5-0

- Review SLD #04-21 Jeffrey Cowley/3 Evergreen Lane, Lafayette Hill, PA  
Preliminary/Final Plan; Lot Line Change

Mr. Guttenplan briefly explained the application. The applicant is proposing to enlarge his current lot (Lot 1) with Parcel A, a 15,165-square foot portion from an adjacent property, 634 Ridge Pike (Lot 2). Lot 2 will continue to contain more than adequate lot area; the proposed subdivision presents no significant zoning compliance issues. Because this is a simple subdivision/lot line change, they tend to have more waivers than major subdivisions because nothing is changing, so a lot of the Subdivision and Land Development Ordinance standards that you would typically apply to a subdivision where you are building new homes or new developments don't apply.

Mr. Cowley commented that Sandra Skloff is the owner of 634 Ridge Pike; they are just looking for a lot line change. They have a pending agreement of sale pending the approval from the Township. There is no planned construction; their lot is very small and they are looking for the extra privacy of the existing wooded area.

Chair Doran asked if there were any comments from the commission (no); Ms. Heinrich, Mr. Guttenplan and Mr. Sander have no issues or concerns with the 11 waivers being sought. Mr. Sander asked what the minimum lot size is in that zoning district and is this ripe for a condition and note on the plan of no future subdivision of the new resulting parcel if the applicant will agree. Mr. Guttenplan responded this property is in the B-Residential District so that lot exceeds the minimum lot size which would be 10,000 sq.ft. with public water and sewer which is available on Evergreen Lane, though it would be extremely difficult because it has no frontage. He could see where it could

be extra precaution to put the note on; the applicant agreed. Also discussed was deed of consolidation and that a note be added that the lot line between Mr. Cowley's existing lot and Lot 2 be extinguished.

Motion: Mr. Kostyk made a motion to recommend approval of the requested waivers and the subdivision subject to the following conditions: 1) there be a note indicating no further subdivision; 2) Deed of consolidation be filed and recorded contemporaneously with the deed conveying lot A; and 3) a plan note being included that upon recording of that deed there be a note saying that the lot line between 3 Evergreen Lane and Lot A is to be extinguished; seconded by Ms. Shaw-Fink. Vote 5-0

**7. OLD BUSINESS:** None

**8. NEW BUSINESS:**

- Component 4A Planning Module for 901 Washington Street, "RIVERplace"

Mr. Guttenplan explained a module is a series of forms that the PA Department of Environmental Protection requires to document and plan for adding sewers to a proposed development. There are various components that various agencies have to fill out to show consistencies with the sewage facilities plan; the Whitemarsh Township Authority gets involved in a big way, and eventually when all of the components of the module are compiled, the Township approves the module allowing for a sewer system to be put in place to serve whatever the capacity need is of a particular development. Component 4A is a component that talks mostly about the comprehensive plan and land use regulations and asks questions about whether the proposal is consistent with the comprehensive plan, the zoning ordinance, the subdivision &/or land development ordinance. The Planning Commission is asked to confirm the responses and then that confirmation gets passed to the applicant to compile with the other components of the module and then eventually gets submitted for approval by the Township and goes to DEP. Mr. Guttenplan stated he put the responses together on the form in consultation with Ms. Heinrich and Allen Mason from Carroll Engineering who is the engineer for Whitemarsh Township Authority. Mr. Mason was supportive of the responses and felt they were appropriate.

Mr. Quitel doesn't feel this development is consistent with the comprehensive plan so he doesn't feel the sewage plan is consistent with the comprehensive plan. Mr. Guttenplan stated he looked at the comprehensive plan and it talks about the Riverfront Character Area and that talks about what they talked about earlier in the 2016 Riverfront Plan; it does include recommendations for a variety of uses and for access to the river, for the trail along the river and does include residential development as an optional use along the river, so from that standpoint it is consistent. Mr. Quitel commented it is not a wetland but a riparian zone that floods regularly; riparian habitat is as valuable as wetlands but it doesn't ask about limited riparian zone that is there. There is absolutely a riparian zone they just don't have hydric soils in it. He finds it hard to believe that being on the Schuylkill River that endangered species and migratory birds don't pass by that area. They are going to put their sewer in; it seems they are forcing a lot into an area that floods. Mr. Sander commented they should look to see if there is an ordinance requirement for a Planning Commission recommendation on this or is there a DEP regulation that requires a Planning Commission recommendation before the Board of Supervisors acts to approve the module. Mr. Guttenplan stated it is the latter but they don't even phrase it as a recommendation; Mr. Mason had corrected him and said they are not asking for the Planning Commission to approve it, they are asking that for a confirmation that the responses are accurate. Mr. Sander stated this does not sound like a substantive review of the sewer planning module itself; it sounds like DEP is affirming that Mr. Guttenplan's responses are correct. Mr. Kostyk asked if this was the Authority's final review; Ms. Heinrich commented the actual planning module document is very thick and contains a lot of technical aspects, this is only one of the components; others go to different agencies, which will have technical components in it that the authority will review.

Ms. Heinrich suggested annotations to add to some of the responses based on the Commission's concerns:

#2: While the proposed use is consistent with the comprehensive plan, the environmental impacts do not appear to be consistent with the environmental underpinning of the comprehensive plan

# 3: Riparian Corridor – There are known riparian corridors across the site which may impact water resources.

# 5: Riparian Corridor – There are no known wetlands on the site, however the site is within the riparian corridor.

# 7: Riparian Corridor –While the agencies indicate no impact, the site is within the riparian corridor which may be home to threatened and/or endangered species especially migratory fish and birds.

Mr. Quitel made a motion to approve the responses set forth on component 4a of the planning module for 901 Washington subject to the addition of annotations as discussed by the Planning Commission and as relayed by the Township Engineer; seconded by Mr. Dambman. Vote 5-0

#### **9. PLANNING COMMISSION MEMBERS COMMENTS:**

- Mr. Dambman commented that the website has himself listed as Chair of the Planning Commission and Mr. Doran as Vice-Chair; this needs to be updated. Staff will address this.

#### **10. PUBLIC COMMENT FOR NON AGENDA ITEMS: None**

#### **11. ADJOURNMENT**

- On a motion made by Ms. Shaw-Fink; seconded by Mr. Kostyk, the meeting was adjourned at 8:20 PM.

Respectfully submitted,

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

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

