

**MINUTES
PLANNING COMMISSION
SEPTEMBER 27, 2022**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Patrick Doran, Aaron Kostyk, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning, Jim Hersh (Township Engineer), Fran McCusker (BOS Liaison), Dave Sander (Township Solicitor's office).

1. CALL TO ORDER: 7:00 PM by Chair Kostyk

2. ANNOUNCEMENTS & CORRESPONDENCE

- A request was made to speak as close to the microphone as possible so that we can hear the recording for the meeting minutes.
- The agenda has changed: SLD#08-22 Dan Lepore & Sons Realty Assoc, LP/501 Washington Street – Sketch Plan; the applicant asked to be removed from the agenda tonight and will come to a future meeting.

3. APPROVAL OF MINUTES:

- On a motion by Mr. Doran, seconded by Mr. Shula, the Planning Commission moved to approve the August 9, 2022 meeting minutes as amended by Ms. Glantz Patchen. Vote 5-0-1 (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 #04-22 Ashford Consulting LLC & Ashford Wealth Advisors, LLC/5 & 15 Germantown Pike; Revised Preliminary/Final Plan Review for Renovation of an Existing Parking Lot & an Addition to the Existing Building

Attendees: James Bannon, P.E., Civil Department Manager at Nave Newell, Inc.; Rosie Soto, Business Manager at Ashford Wealth; John McDonald, Principal at KSM Architects

Mr. Guttenplan gave a brief background: The Commission last reviewed this plan at its April 12th meeting, at which time it was requested that the applicant obtain input from HARB and the Shade Tree Commission (STC). You will recall that the plan is for expansion and renovation of the existing historic building at 15 E. Germantown Pike for office use, and for the expansion and renovation of the parking lot on 5 E. Germantown Pike to serve the buildings on both 5 and 15 E. Germantown Pike. The plan has been revised since the applicant appeared before HARB and STC. The Planning Commission is asked to review the revised plan and make a recommendation on the waivers requested and a recommendation on the preliminary/final plan.

Mr. Bannon: presented a PowerPoint showing the changes made to the plan. 5 E. Germantown Pike is an existing business which will remain; the only thing they are proposing on this property is parking improvements and associated landscaping. 15 E. Germantown Pike had a previous building addition that was deemed hazardous and was removed; the only physical building development will be on this property. They received relief from the Zoning Hearing Board (ZHB) to add 7 parking spaces. They are also adding one accessible parking space which will be located on an accessible route to both buildings and 2 EV charging stations. Currently there is no stormwater management on site, they are proposing an underground system that is extensive; it is designed to hold all storms up to and including the 100-year storm. The proposed landscaping plan shows some trees that are going to be removed. They worked with

the STC and the Township Arborist and they came up with a plan that everyone agreed on. They wanted a layered look along the rear (tall trees with under plantings) and screening along Germantown Pike.

Mr. Bannon highlighted the different and new requested waivers. Many of the waivers are the same as were discussed in April.

Additional Design Standards for VC-1 and VC-2 Village Commercial District

NEW - This waiver was a result of the Township Engineer's review letter.

12. 105-81 – all electric, telephone and communication service facilities, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility and other companies providing such services. We are requesting a waiver from this requirement to allow the existing overhead electric, communication service facilities to remain.

Resolution 2004-8: Grading, Erosion Control, Stormwater Management, and Best Management Practices

Corrected - This waiver was requested before but the Township Engineer' review letter noted that they were citing the wrong code section number. This was corrected.

13. I(B)(4)(k)– the top of any slope shall be located a minimum of five (5) feet from property line:
We request a waiver from this requirement because we received zoning relief that permits parking less than five feet away from the property line. The existing building on the east of the property is also less than five feet away from the property line.

Mr. Kostyk: was there discussion between the applicant and the STC regarding some of the relief for planting street plantings between the property and the street. (Mr. Bannon responded: The STC reviewed all of that. There is existing vegetation that is going to remain behind the stormwater basin and then they are filling in the areas where they thought they needed more screening, including plantings behind the fence along Germantown Pike).

Mr. Guttenplan stated they were happy with the compensatory plantings both in terms of type and the site being landscaped to the maximum extent it can be. He also knows that there was concern raised about not disturbing the old hairpin fence in the front, the STC commented it is not in their prevue, they are proposing landscaping whose roots and plantings aren't going to affect that fence. That fence is remaining, and this was discussed with HARB as well.

Mr. Hersh: the only comment they have is related to stormwater and the stormwater waiver. Since there were sinkholes along Butler Pike and the adjacent Abolition Hall property, they would recommend that any waivers related to stormwater be conditioned on them doing sufficient exploration on the property to confirm there is no karst geology beneath the parking lot that would have the potential to create a sinkhole in the future. (Mr. Bannon responded: he spoke to Ms. Heinrich to see if she had any issues and she said they will need to make sure they focus on the limestone karst issue. They did geotechnical testing for infiltration rates, but they didn't specifically do a karst hazards study, so they will get with the geotechnical engineer to make sure he is comfortable with the Township requirement).

Mr. Quitel mentioned they wanted to see images of what this was going to look like. Mr. Bannon shared some architectural renderings that were presented at the HARB meeting. The two things that are missing are the sidewalk and the landscaping behind the fence.

Public Comment

Sydelle Zove, Harts Ridge Road: stated she is pleased that the applicant is finally addressing this

building; it has been an eyesore in the center of the Historic District for some time. She is also pleased, as a result of discussions at HARB, there have been design modifications including the hip roof design of the porch roof and the design feature in the columns at the porch which include chamfered edges.

She has five concerns:

- The table and aerial view of the 500' region and lists in that table the addresses and homeowners of the relevant properties, it doesn't identify the historic resources which she believes is a requirement of Chapter 105-21.B.(13). **In response, they will revise the plan to show those properties on the national historic register.**
- There are two sections of the hairpin fencing (longer piece at 5 E. Germantown and a shorter piece at 15 E. Germantown Pike), the views and renderings do not show the section closest to 15 E. Germantown Pike; the applicant does intend to retain the hairpin fencing. She is requesting that a provision be included that the hairpin fencing be retained on both properties. **In response, they intend to retain all hairpin fencing on the property. Ms. Soto stated that when they took down some dead trees the fence was in the tree trunk (at 15 E Germantown). They intend to recreate the fence where it can't be salvaged.**
- In Mr. Guttenplan's review letter (#10) referencing HARB's approval of the design, he comments that HARB has reviewed compliance with Section 116-291 of the zoning code – HARB does not weigh in with the compliance of the code. She asks that Mr. Guttenplan consider addressing that comment in the review letter because HARB has never and does not have the jurisdiction to weigh in on zoning matters. This code section prohibits blank walls and the two side walls proposed are blank. **Mr. McDonald responded, the building that is in the front (5 E Germantown) in those two elevations that are perpendicular to the thoroughfare are currently flat, they never had any articulation, and their intent was never to change them, just to restore the building back to its original condition with regards to the two facades. If they were to put anything on them it would be fake, the result would not be historic.**

Mr. Quitel asked why they wouldn't want windows **(Mr. McDonald responded: having a solid wall without the windows it would provide a wall for presentation. Otherwise, every wall would have windows and it would be non-functional).**

- There has been very little detail provided on the Stormwater Management Plan. Her concern is regarding the outflow. Where is it and what impact will it have on Abolition Hall? She is requesting that they ask for more details on this stormwater management system. **In response the intent is it is basically oversized. Everything now goes down Germantown Pike and into the parking lot. The proposed parking lot is curbed, and they are continuing gutter down Germantown Pike. So hopefully everything will stay on Germantown Pike instead of going into the parking lot and going through Abolition Hall. The proposed parking lot will have 6-inch standard curb around the whole thing so any runoff that gets onto the property will flow into the inlet and will go into the isolated row that lets any solids or trash filter out. The system is designed to hold the 100-year storm. There is nowhere to discharge water on this site, the only option would be to discharge directly to the Abolition Hall property. So, they oversized the system to hold the 100-year storm with no excess runoff. It is also designed to infiltrate within 7 days. If we get back-to-back 100-year storms, there will be overflow onto the property.**
- Highway Occupancy Permit – because it is a historic district and on the historic register and the curb cut opens on a PennDot road, the State Historic Preservation Office (SHPO) needs to weigh in with a review. It is the applicant's responsibility to advise that this project is happening. Wants to know if they reached out and was a review done? **In response, they have not been in contact with SHPO they are willing to look into the requirements and see what if any approval they may need or any guidance they can provide prior to going back to HARB**

Planning Commission Comments:

Mr. Doran commented he supports this design; he thinks it makes a lot of sense. He would support any waiver if necessary to keep the walls the way they are because that was the prior condition.

Motions (In considering what motions would be appropriate, Mr. Sander suggested that #1 pertaining to doing preliminary and final together) could be handled in the same motion as recommendation for approval and the others could be handled in a separate motion.)

Ms. Glantz Patchen made a motion to recommend approval of waivers #2-16 with the condition that the applicant obtain a karst study to be reviewed and approved by the Township Engineer; seconded by Mr. Doran. Vote: 6-0

Mr. Shula made a motion to recommend approval of waiver #1 and of the preliminary/final plan; seconded by Ms. Glantz Patchen. Vote 6-0

7. OLD BUSINESS: None

8. NEW BUSINESS: None

9. PLANNING COMMISSION MEMBERS COMMENTS: None

10. PUBLIC COMMENT FOR NON-AGENDA ITEMS: None

11. ADJOURNMENT

- On a motion made by Mr. Doran; seconded by Ms. Glantz Patchen, the meeting was adjourned at 8:01 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 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.