

## **WHITPAIN TOWNSHIP PLANNING COMMISSION JULY 2021**

The sixth meeting of the Whitpain Township Planning Commission for the year 2021 was held on Tuesday, July 13, 2021, using a hybrid meeting format (i.e., in person and as a video conference using *Zoom* video technology). Chair Kenneth Corti presided with Planning Commission members Vice Chair Richard Shorin, Secretary Cathy McGowan, John O’Hara, Kurt Zintner and Alternate members John Miller, Marie Golson, and Peter Kreher, Township Planning Consultant E. Van Rieker, Rick Collier, and Dave Cavanaugh, Township Engineer James E. Blanch, P.E., Zoning Officer Michael McAndrew, IT Director Nicole Leininger and Recording Secretary Jennifer L. Gallagher were also present. Planning Commission members Joe Habboush and Joseph Fay were absent.

Chair Corti called the meeting to order at 7:00 PM. Chair Corti introduced the members of the Planning Commission and Township Staff introduced themselves to the public that were present.

### 1. Approval of Minutes

Chairman Corti call for any comments or questions on the June 8, 2021 meeting minutes from the Planning Commission Township Staff or the audience. There being none, Vice Chair Shorin made a motion, seconded by Mr. O’Hara to approve the minutes for the June 8, 2021 meeting of the Planning Commission. The motion passed 6-0.

### 2. Review of Ordinance #4-258 -- An ordinance amending the Zoning Ordinance by adding provisions for open or enclosed porches, decks, or patios and fences within the setback from property lines to Article VIII, Section 160-42.H [Development requirements/accessory buildings or structures]

Mr. Rieker commented this ordinance was initiated by the township zoning office to recommend relief in the R-3 district. Township staff members recognizes over the years the R-3 district included seven communities which did not require relief, but some relief may be required at this time by the residents.

Vice Chair Shorin commented the HOA is micromanaging each of these projects.

Mr. Rieker mentioned the management consultants assist the HOA in this process and should be advising all advocates for HOA approval from the township.

Mr. McAndrew stated that the Township does not get involved until there is a recommendation of approval from the homeowner’s association. This is a courtesy the code enforcement department extends.

Mr. Corti questioned how did we arrive at 20 feet? Mr. McAndrew responded this is what was provided to Blue Bell Country Club property owners for the same issue in the R-6 zoning district.

Mr. Miller questioned are there ongoing projects in the township today that would qualify? Van replied, these are existing R-3 communities. Currently there is no R-3 communities under construction. If there was a new R-3 community approval they would be provided the same relief. This is a text amendment that applies to R-3 districts only.

Chair Corti asked if any residents have come in since the 20 ft. has been granted and asked for more. Mr. McAndrew replied, no and that it is a reasonable distance.

Mrs. Golson questioned, what happens if their property is within 100 feet? Would there be an exception to this ordinance? Mr. Rieker responded if it's nonconforming relief that argument would be handled by the Zoning Hearing Board.

Mr. McAndrew explained, there is no nonconforming relief that has been granted in the past and it would be considered illegal. We are now making these situations legal.

A motion was made by Vice Chair Shorin and second by Mrs. McGowan to recommend that the Board of Supervisors approve the Ordinance 4-258 as per our discussion. The motion passed 7-0.

3. Review of a subdivision plan for 1533 Skippack Pike (S-2-21). This application involves a 2-lot subdivision of approximately 2.27 acres located at 1533 Skippack Pike. The property is located in the R-1 and R-2 Residential Zoning Districts.

Present for Applicant: Paul Hughes, Applicant

Mr. Hughes commented from the work session that the existing commercial building will be partially demolished as part of the subdivision. The subdivision was presented to the zoning hearing board for relief from a prior zoning decision requiring a landscape berm along Whitney Drive. This subdivision would allow for a single residential driveway at a particular location that has been depicted on the plan subject to certain conditions.

The client has advised Mr. Hughes that the access through the PECO easement is not intended to be maintained. The formal responses related to providing easement documentation can be disregarded and the newly created lot 1 will have no need for access from the easement. The new access will be from Whitney Drive. The commercial nonconforming use will be dissolved as part of the zoning decision.

Vice Chair Shorin questioned the applicant on compliance with the review comments from the Township Engineer's review letter and if he would be able to address all of them. Mr. Hughes intends to comply with all of the review comments. This is a two-lot subdivision plan and the future improvements are not depicted on the current plan. We are willing to comply with the request to depict those items and work through the berm grading and landscaping issues to the satisfaction of the Township Engineer. We have been authorized to by our client to start on grading design, stormwater management, and infiltration testing.

A motion was made by Vice Chair Shorin and second by second by Mr. Zintner to recommend that the board of Supervisors approve the subdivision application for 1533 Skippack Pike (S-2-21) subject to the applicant addressing all concerns to the township engineers' letters and to comply with request of recommendations. The motion passed 7-0.

4. Review of a subdivision plan for 1199 Jolly Road (S-4-21). This application involves a 2-lot subdivision of approximately 1.62 acres located at 1199 Jolly Road. The property is located in the R-1 Residential Zoning District.

Present for Applicant: Anthony Hibbeln

Mr. Hibbeln summarized the 1.68 acres subdivision will create a new parcel line consistent with the right of way line of the turnpike owned by the Pennsylvania Turnpike Commission (PTC). The portion that is not part of the turnpike will be conveyed to the township as lot 1. Lot 1 complies with the R-1 residential zoning district criteria for lot area with a minimum of 30,000 sq. ft. The new lot will be 40,541 sq ft. The minimum width of 150 feet at the building line is met. The side yard and rear yard are in compliance with the zoning code and have not changed. The impervious cover and green area are consistent with zoning requirements. The site is bounded to the south, west, and north by other township parcels as well as Mermaid Lake Park. The site has been re-planted with small young saplings, and it currently hosts the Township wood chip recycling facility. The PTC has installed a fence along the legal right of way that intersects with the bridge on Wentz Road.

Chair Corti questioned, if the township wanted to widen the intersection would the township need to go back to the turnpike to require a right of way?

Mr. Blanch explained that 16 ½ feet of legal right of way exist on both Wentz Road and Jolly Road. The area between the 16 ½ feet and the ultimate right of way is not dedicated and would need to be dedicated. The area adjacent the legal right of way on Jolly Road becomes township property.

Mr. Collier mentioned that the small triangle in the southern part of the plan is the development envelope. However, there are no planning issues and access would be from Jolly Road. There are no plans by the Township to install additional improvements on the subdivided parcel.

A motion was made by Vice Chair Shorin and seconded by Mr. O'Hara. to recommend that the Board of Supervisors approve the subdivision application for 1199 Jolly Road (S-4-21) to the two lots. The motion passed 7-0.

5. Review pertinent planning issues.

There were no pertinent planning issues.

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There being no further business to come before the Commission, a motion was made by Vice Chair Shorin, and seconded by Mr. Miller to adjourn. The motion passed 7-0. The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Cathy McGowan, Secretary