

**WHITPAIN TOWNSHIP PLANNING COMMISSION
SEPTEMBER 2021**

A hybrid work session of the Whitpain Township Planning Commission was held on Tuesday, September 14, 2021 at 6:30 PM as a video conference using *Zoom* video technology for the purpose of reviewing the agenda of the public meeting to be held that evening. Chair Kenneth Corti presided in person with Planning Commission members attending virtually included Vice Chair Richard Shorin, Joe Habboush, Joseph Fay, John O'Hara, Kurt Zintner, and Alternate members Marie Golson and Peter Kreher. Township Engineer James E. Blanch, P.E., Code Enforcement Officer Michael McAndrew, Township Planning Consultant Rick Collier, IT Director Nicole Leininger (in person) and Recording Secretary Jennifer L. Gallagher were also present virtually. Planning Commission members Secretary Cathy McGowan and John Miller were absent.

1. Approval of the minutes

There were no comments or questions on the July meeting minutes.

2. Review of a subdivision plan for 209 Stenton Avenue (S-5-21). This application involves a 2-lot subdivision of approximately 7.99 acres located at 209 Stenton Avenue, which is located on the northern side of Stenton Avenue between Norristown Road and Butler Pike. Access to the land development is proposed from a new driveway located off of Stenton Avenue. The property is zoned R-5 Residential Zoning District.

Vice Chairman Shorin questioned if a sidewalk is needed and if the applicant will be developing the property or only subdividing it. Mr. Blanch explained the applicant requested a deferral which allows the township to request the construction of the sidewalk at anytime. The property will be subdivided and then the new parcel will be sold to build another home on the parcel. Vice Chairman Shorin asked if they've identified the location of the home in order to comply with the tree canopy regulations. Mr. Blanch explained that the review letter requires that the woodland canopy, driveway access to Stenton Avenue, utility access, and sanitary sewer service be identified on the final plans in order for it to be recorded.

Chairman Corti questioned if the driveway location meets the sight distance requirements. It was explained that PennDOT would approve access onto a state highway and this includes a review of the sight distance requirements.

3. Review of a subdivision plan for 651 Cathcart Road (S-7-21). This application involves a 2-lot subdivision of approximately 2.60 acres located at 651 Cathcart Road, which is located on the western side of Cathcart Road between Morris Road and Skippack Pike. Access to the land development is proposed from a new common driveway located off Cathcart Road. The property is zoned R-1 Residential Zoning District.

Chairman Corti noted the revised plans have been revised to a stack lot configuration based on what the County Planning Commission observed regarding the flag lot layout. The shared driveway will need to be 16 ft. wide and not 12 ft. wide as explained by Mr. Blanch. due to the

Zoning Code requirements for shared driveways. Where there is no shared driveway, the driveway may be 12 feet wide. Chairman Corti mentioned stormwater requirements for the larger driveway. They are required to control any additional impervious from the common driveway.

Vice Chairman Shorin commented that Cathcart Road is very flat and a concern about the water runoff to the neighbors behind the home.

Chairman Corti commented this property may not be further subdivided. Mr. Blanch explained that the new lot size must be 1 ½ times the lot area for the zoning district and there is not enough additional lot area to create a third lot.

4. Review of a Land Development Plan for 1451 Township Line Road (LD-1-21). This application involves the construction of a 3,182 square ft. dental office building (2,570 SF complete renovation of existing building and a 612 SF building addition) on a lot of approximately 0.71 acres of property located at 1451 Township Line Road, which is located on the northern side of Township Line Road between Swede Road and DeKalb Pike. Access to the land development is proposed from a new driveway located off Township Line Road. The property is zoned C - Commercial Zoning District.

Vice Chairman Shorin mentioned this project has been to the planning committee twice seeking advice. A few adjustments have been noted to improve the project including parking, location of the building, and demolition of the existing building.

Chairman Corti questioned the 57 comments in the Township Engineer's review. Mr. Blanch mentioned many of the comments were standard comments contained in most review letters. This site is constricted with impacts from the SR0202 widening project along two of its property lines along Township Line Road and Swede Road.

Chairman Corti questioned the requirements for sidewalks for this project. Mr. Blanch commented they will be building sidewalks that connect into the SR0202 sidewalks that are being constructed by PennDOT along the CVS frontage. Chairman Corti confirmed with Mr. Blanch that the applicant must go through the PennDOT HOP process. Mr. Blanch recommended that the Planning Commission ask if the applicant is requesting a recommendation for Preliminary and/or Final Land Development approval.

Vice Chairman Shorin questioned if any soil testing is required to determine if soil remediation would be required for the project. Mr. Blanch stated that would be a requirement from PADEP. Mr. McAndrew stated that commercial building permit applications for the demolition of commercial structures include directions from PA DEP for remediation. Mr. McAndrew has issued a demolition permit with the intent to develop.

Chairman Corti questioned if there is contaminated soil, then PA DEP would require an Individual NPDES permit for earth disturbance over an acre for construction activities. Mr. Blanch answered that yes they would. Vice Chairman Shorin questioned the existing underground oil tank. Mr. Blanch explained that there is an underground tank that would need to be removed in compliance with PADEP regulations and the Township Fire Marshal's requirements.

5. Review current Zoning Hearing Board cases:

1. NO. 2290-21 – JAMES MORRISSEY request variances from Article XII, Section 160-61.E related to Area Regulations and Article XXVIII, Section 160-204 related to Rear Yard Intrusions with respect to his property located at 8 Stenton Ave., Blue Bell, PA in the Township's R-5 Agricultural/Rural Residential District. Applicant's requested relief, if granted, will allow Applicant to construct a 20' by 30', one story addition to the side of his residence which will project into the rear yard when the Ordinance prohibits same and will reduce the rear yard to 52 feet when the Ordinance requires a minimum of 75 feet.

Chairman Cori questioned if the applicant would be proposing a one-story addition or a two-story addition. Mr. McAndrew stated that he will clarify this with the applicant.

Mr. Collier mentioned in his review letter the surrounding usage, the size of the surrounding lots, and landscaping to buffer the adjacent properties. Mr. Collier mentioned that the only impact would be to the rear of the parcel and suggested that some landscaping would be appropriate to lessen its impacts.

6. Review pertinent planning issues.

There were no pertinent planning issues.

The work session adjourned at 7:00 PM.

Respectfully submitted,

Jennifer L. Gallagher, Recording Secretary

**WHITPAIN TOWNSHIP PLANNING COMMISSION
SEPTEMBER 2021**

The seventh hybrid meeting of the Whitpain Township Planning Commission for the year 2021 was held on Tuesday, September 14, 2021 as a video conference using *Zoom* video technology. Chair Kenneth Corti presided in person with Planning Commission members attending virtually included Vice Chair Richard Shorin, Secretary Cathy McGowan, Joe Habboush, Joseph Fay, John O'Hara, Kurt Zintner, and Alternate members Marie Golson and Peter Kreher, Township Planning Consultant Rick Collier. Township Engineer James E. Blanch, P.E., Michael McAndrew, Code Enforcement Officer, IT Director Nicole Leininger (in person) and Recording Secretary Jennifer L. Gallagher were also present virtually. Planning Commission member John Miller was 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.

IT Director, Nicole Leininger, explained how to use the *Zoom* technology for the meeting.

1. Approval of Minutes

Chairman Corti called for any comments or questions on the July 13, 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 of the July 13, 2021 meeting of the Planning Commission. Chair Corti made a formal roll call vote Vice Chairman Shorin, aye; Secretary McGowan, aye; Mr. Habboush aye; Mr. Fay, aye; Mr. O'Hara, aye; Mr. Zintner; aye; Marie Golson, aye; and Chair Corti also voted to pass this motion. The motion passed 7-0.

2. Review of a subdivision plan for 209 Stenton Avenue (S-5-21). This application involves a 2-lot subdivision of approximately 7.99 acres located at 209 Stenton Avenue, which is located on the northern side of Stenton Avenue between Norristown Road and Butler Pike. Access to the land development is proposed from a new driveway located off of Stenton Avenue. The property is zoned R-5 Residential Zoning District.

Present for the Applicant: Brian Madsen, Engineer, Apex Engineering Group

Mr. Madsen provided a brief history on the site. The property previously consisted of three separate parcels. In 2018, the parcels were consolidated into one lot with a new home constructed on the new parcel located at 209 Stenton Avenue. As part of the land development plans there was a design plan to build a new tennis court in the northern corner of the site requiring the 3 lots be consolidated into one. The construction of the home is finished and the new owners no longer wish to build the previously approved tennis courts. At this time, they would like to subdivide the property back into two separate lots. They have no intent to develop

on the second lot at this time. The improvements shown on the lot are for feasibility purposes only. Mr. Madsen stated that the applicant intends to comply with the majority of the comments in the Township Engineer's review letter.

Vice Chair Shorin questioned if there are any review comments within all the review letters that you would not be able to comply with. Mr. Madsen responded they would be able to comply with all the items. Vice Chairman Shorin stated that a sidewalk deferral is required. Vice Chair Shorin mentioned to be aware of the tree canopy requirements. Mr. Madsen stated that the developer would be able to comply with those requirements.

Mr. Collier commented that the house proposed on the lot is only a prototype and it doesn't reflect the actual specific house footprint to be built by the future owner.

A motion was made by Vice Chair Storin and seconded by Mr. Zintner to recommend that the Board of Supervisors approve the subdivision application for 209 Stenton Avenue (S-5-21) subject to compliance with all review letters of Township Staff, Consultants, and Montgomery County Planning Commission. Chair Corti made a formal roll call vote: Vice Chair Shorin, aye; Secretary McGowan, aye; Mr. Fay, aye; Mr. Habboush, aye; Mr. O'Hara, aye, Mr. Zintner, aye, and Chair Corti also voted to pass this motion. The motion passed 7-0.

3. Review of a subdivision plan for 651 Cathcart Road (S-7-21). This application involves a 2-lot subdivision of approximately 2.60 acres located at 651 Cathcart Road, which is located on the western side of Cathcart Road between Morris Road and Skippack Pike. Access to the land development is proposed from a new common driveway located off of Cathcart Road. The property is zoned R-1 Residential Zoning District.

Present for Applicant: Steven Kline, Regan Kline Cross Architects

Mr. Kline explained that the applicant is proposing to subdivide to create a single building lot in the rear portion of the property. We revised the plans and submitted to conform with the stack lot provision as opposed to a flag lot layout. We have altered the square footage for lot one to show two different square footages which meets all the requirements of being 1½ times the lot area as required by the Zoning Code. Chairman Corti questioned if the driveway be widened the whole length or if it will only be reduced once it is no longer a shared driveway. Mr. Kline explained that the driveway will be reduced in width once it is no longer shared. Mr. Blanch confirmed this statement.

Chairman Corti questioned if they are confident that they will be able to preserve 60 percent of the woodland canopy that's on the lot. Mr. Kline explained that they will be able to comply with the woodland canopy requirements.

Chairman Corti questioned how the current and future property owners are going to know not to remove trees, unless the trees are dying, diseased, or in danger of falling. How is it deed restricted on the property? Mr. Kline questioned how the township requires it to be marked on the site.

Chairman Corti questioned Mr. Blanch about a physical demarcation of the preserved woodland canopy area. Mr. Blanch explained that there is no requirement for physical demarcation. However, the preservation easement is recorded on the deed. The Township can recommend stakes in the rear yard where the woodland canopy must be preserved. Usually, when removing trees in the canopy areas, the township will be notified and then someone from the township will visit the site. In addition, there is a penalty provision if canopy trees are removed without Township approval.

Mr. Kline, Mr. Blanch and Mr. Collier agreed that the preserved canopy area will be listed on the deed and it will be identified upon a title search.

Mr. Collier explained that if the trees are unhealthy then they should be excluded from the canopy protection area.

Vice Chair Shorin mentioned the water issue due to the flat area for the applicant to be aware there is no runoff to the adjoining properties. Mr. Kline stated the preliminary stormwater management plan will address stormwater runoff from the rear lot.

Mr. Collier stated there is a 31-inch diameter oak tree in the backyard of the rear lot. This tree should be assessed and suggested making every effort to try to retain this tree. Mr. Collier mentioned staying out of the root zone and putting tree protection fence up around it prior to construction. Trees are so important for taking up water on the site we need to preserve as many as possible. Mr. Kline explained that they will try to save the 31-inch tree assuming it's in good shape.

A motion was made by Vice Chair Storin and seconded by Mr. Fay to recommend that the Board of Supervisors approve the subdivision application for 651 Cathcart Road (S-7-21) subject to compliance with all review letters of Township Staff, Consultants, and Montgomery County Planning Commission. Chair Corti made a formal roll call vote: Vice Chair Shorin, aye; Secretary McGowan, aye; Mr. Fay, aye; Mr. Habboush, aye; Mr. O'Hara, aye, Mr. Zintner, aye; and Chair Corti also voted to pass this motion. The motion passed 7-0.

4. Review of a Land Development Plan for 1451 Township Line Road (LD-1-21). This application involves the construction of a 3,182 square ft. dental office building (2,570 SF complete renovation of existing building and a 612 SF building addition) on a lot of approximately 0.71 acres of property located at 1451 Township Line Road, which is located on the northern side of Township Line Road between Swede Road and DeKalb Pike. Access to the land development is proposed from a new driveway located off Township Line Road. The property is zoned C - Commercial Zoning District.

Present for Applicant: Nick McGonagle, ProTract Engineering
George Ozoriski, Attorney
In Kook Park, Property Owner

Mr. Ozoriski mentioned that for most items in the review letters from Mr. Blanch they will comply. Mr. Ozoriski had concerns on the woodland canopy preservation area when there are only three trees on the lot (by Swede Road). Mr. Blanch explained that the canopy comment is a standard comment and it's intended to make you aware of the regulations. If there is no canopy over 5,000 sq. ft. there is no requirement to preserve the canopy.

Mr. Ozoriski explained the triangle in the parking lot is a landscaped island. This is a striped area designed for the fire trucks to turn around. Mr. McGonagle expressed the turning template for the island interferes with the fire truck to turn around and would block their exit.

Mr. McGonagle inquired for a deferral on the sidewalk along Township Line Road due to the work being done by PennDot in 2024. Mr. Corti agreed as long as an agreement on the roadway improvements are completed. Mr. McGonagle agreed and mentioned could the shade trees also be done with the sidewalk. Mr. Corti questioned could the trees be installed to start growing or would they be damaged by construction. Mr. McGonagle stated the frontage part is a temporary construction easement. We are unsure over the next couple of years as far as PennDot putting in the storm sewer system and how the area will be used. Mr. Corti, Mr. McGonagle and Mr. Ozoriski agreed once PennDot has completed the trees will be installed.

Mr. Corti questioned if there was any thought of connecting to Swede Road from Township Line Road. Mr. Ozoriski mentioned that there is a root cellar that we didn't want to disturb. Mr. Shorin expressed during a previous planning committee work session concerns about the location of the driveway. The main entrance is on the back of the building. Vice Chairman Shorin questioned if there were any coordination issues with the SR0202 widening project in terms of the detention basin and connecting into it. Mr. McGonagle expressed that they are coordinating with PennDOT; however, the basin project isn't scheduled to be constructed until 2024. They will most likely have to connect into the existing stormwater system and then reconnect into the new PennDOT stormwater system later.

Mr. Shorin questioned the signage. Mr. Ozoriski replied no decision has been made at this time. Mr. Shorin reminded them to comply with the ordinances.

Mr. McAndrew stated the requirement for the landscaped parking space at the end of the parking row. This is a zoning requirement so you either will need to obtain relief from the Zoning Hearing Board or reconfigure the parking spaces to comply. Mr. Ozoriski expressed that if it's an open zoning issue that they will comply.

Mr. Blanch mentioned because they are not installing sidewalks, a deferral would be required. In addition, a deferral would be required for street trees. Both would need to be noted in the plan.

Mr. Collier commented the importance of the island to be worked in, and if it can't relief would be needed. It would be nice to add shade trees on the plan since shade in parking lots reduces the heat sink. Mr. Collier expressed a native shrub would be preferred over nonnative. Mr. McGonagle agreed to update the landscaping to reflect these suggestions.

Mr. Ozoriski requested a recommendation on our deferral and waiver requests. The two deferred items would be for the sidewalk and street trees. The waiver requests are for widening of

Township Line Road and existing features within 400 feet of the site. Mr. Blanch explained the waivers and deferrals are handled by the Board of Supervisors.

Chairman Corti expressed he would like to see them redesign the parking lot with the island, so Zoning Hearing Board relief is not needed. Mr. McGonagle believes he can make something work whether they need to move the island around. Mr. Ozoriski asked if they addressed the parking spaces would they need to come back to the Planning Commission. Chairman Corti agreed that they do not.

A motion was made by Vice Chair Storin and seconded by Mr. O'Hara to recommend that the Board of Supervisors approve the land development application for 1451 Township Line Road (LD-1-21) subject to compliance with all review letters of Township Staff, Consultants, and Montgomery County Planning Commission, recommendation of a deferral on street trees and sidewalk, and installation of a landscape island at the end of the parking spaces to comply with the Zoning Code. Chair Corti made a formal roll call vote: Vice Chair Shorin, aye; Secretary McGowan, aye; Mr. Fay, aye; Mr. Habboush, aye; Mr. O'Hara, aye, Mr. Zintner, aye,; and Chair Corti also voted to pass this motion. The motion passed 7-0.

5. Review current Zoning Hearing Board cases:

NO. 2290-21 – JAMES MORRISSEY request variances from Article XII, Section 160-61.E related to Area Regulations and Article XXVIII, Section 160-204 related to Rear Yard Intrusions with respect to his property located at 8 Stenton Ave., Blue Bell, PA in the Township's R-5 Agricultural/Rural Residential District. Applicant's requested relief, if granted, will allow Applicant to construct a 20' by 30', one story addition to the side of his residence which will project into the rear yard when the Ordinance prohibits same and will reduce the rear yard to 52 feet when the Ordinance requires a minimum of 75 feet. Chair Corti noted that the Applicant was not present for the meeting.

Chairman Corti noted that the Applicant was not present for the meeting.

Chairman Corti recommended that the Zoning Hearing Board clarify if this application is proposing a one-story or two-story addition. Rick Collier suggested additional plantings to screen the addition. Mr. Blanch commented that stormwater management will be required because they exceed the impervious coverage exemption amount allowed for the Wissahickon Watershed. With the pool and the addition, they exceed the exception amount so they will be required to install stormwater management system for the addition they are proposing.

Mr. Collier noted his prepared review memo for the Zoning Hearing Board with reviews of the planning issues and the desirability for an additional buffer.

Chairman Corti mentioned that typically the Planning Commission remains neutral on Zoning Hearing Board applications. The Planning Commission chose to remain neutral on the subject application.

6. Review pertinent planning issues.

There were no pertinent planning issues.

There being no further business to come before the Commission, a motion was made by Vice Chair Shorin, and seconded by Secretary McGowan to adjourn. Chair Corti made a formal roll call vote: Vice Chair Shorin, aye; Secretary McGowan aye; Mr. Habboush, aye; Mr. Fay, aye; Mr. O'Hara, aye; Mr. Zintner, aye, and Chair Corti also voted to pass this motion. The motion passed 7-0. The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Cathy McGowan, Secretary