

**LOWER PROVIDENCE TOWNSHIP
PLANNING COMMISSION
FEBRUARY 23, 2011 MEETING MINUTES**

1. Call to Order:

A. Mr. Endlich called the Planning Commission meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Roll Call:

A. The following planning commission members were present: Mr. Baird, Mr. Brooke, Mr. Comroe, Mr. Endlich, Mr. Kuberski, Mrs. LaPenta, Mrs. Satterwhite, Mr. Supplee and Ms. Zimmerman.

B. Additional attendees included: Board of Supervisors Liaisons Mr. Chris DiPaolo and Mrs. Colleen Eckman, Township Manager Mr. Joe Dunbar, and Director of Planning & Development Ms. Rande Elton.

4. Reorganization of Planning Commission:

A. Ms. Elton was appointed to begin the reorganization for 2011, and requested nominations for Chairman of the Planning Commission.

1. **MOTION** – Mrs. Satterwhite made a motion to nominate Mr. Comroe as Chairman of the Planning Commission (PC).

2. Mr. Brooke stated that on January 24, 2011 he received a phone call from Mr. Comroe stating the Board of Supervisors (BOS) was very unhappy with the PC and its' past decisions. He asked the two BOS liaisons if they were unhappy with the past decisions of this board?

(1) Supervisor Eckman indicated that she was very happy with the current PC and appreciates their work.

(2) Supervisor DiPaolo said he had no issues with what the PC did this past year.

b) Mr. Brooke commented that if the BOS was unhappy with the PC's work, they would send it back to them and was unsure why Mr. Comroe said this to him. Mr. Brooke then asked the BOS liaisons if they wanted Mr. Comroe to take over the PC as Chairman, because that is what Mr. Comroe told him the BOS wanted.

c) Supervisor DiPaolo said he cannot speak for the Board.

d) Supervisor Eckman indicated that it was not the BOS's job to tell the PC who should be their chairperson. Members of the PC should vote freely and unpressured, picking the best person who will do the best job. She would not direct any PC member to vote a specific way.

e) Mr. Brooke stated that Mr. Comroe has asked for his vote as Chairman. He said that Mr. Comroe told him the BOS wanted to take over this Board and straighten it out. Mr. Comroe told Mr. Brooke that if he was happy being on the PC, he would recommend that Mr. Brooke vote for him as Chairman or the BOS would not reappoint him in two years. Mr. Comroe also said that the BOS would be looking to him to recommend people for reappointment when their term comes up so his vote would get him a reappointment. Mr. Brooke does not think this is the case and does not understand why Mr. Comroe reached out this way and tried to muscle him. Mr. Comroe told him at the end of the conversation that he did not need Mr. Brooke's vote anyway.

f) Mr. Brooke questioned if this was someone who should be on the PC? As a resident and PC member he was appalled with Mr. Comroe's phone call. Mr. Brooke stated that Mr. Comroe was the same gentleman who removed campaign signs and took the email identity of "JDunbar," and asked Mr. Comroe to resign.

3. **MOTION** – Mr. Endlich made a motion to nominate Mrs. Zimmerman as Chairman of the Planning Commission. Mr. Brooke seconded the motion.
4. Ms. Elton closed the nominations for Chairman of the PC.
5. **VOTES:**
 - a) Votes for Mr. Comroe: Mr. Baird, Mr. Comroe, Mrs. LaPenta, Mrs. Satterwhite and Mr. Supplee voted for Mr. Comroe; Mr. Brooke, Mr. Endlich, Mr. Kuberski and Mrs. Zimmerman voted against Mr. Comroe.
 - b) Votes for Mrs. Zimmerman: Mr. Brooke, Mr. Endlich, Mr. Kuberski and Mrs. Zimmerman voted for Mrs. Zimmerman; Mr. Baird, Mr. Comroe, Mrs. LaPenta, Mrs. Satterwhite and Mr. Supplee voted against Mrs. Zimmerman.
 - c) Mr. Comroe was elected as Chairman for the 2011 PC.

B. Ms. Elton turned the meeting over to Mr. Comroe. Chairman Comroe requested nominations for Vice Chairman of the PC.

1. **MOTION** – Mrs. Satterwhite made a motion to nominate Mrs. LaPenta as Vice Chairman of the Planning Commission.
2. **MOTION** – Mr. Kuberski made a motion to appoint Mr. Endlich as Vice Chairman of the Planning Commission (PC).
3. Chairman Comroe closed the nominations for Vice Chairman of the PC.
4. **VOTES:**
 - a) Votes for Mrs. LaPenta: Mr. Baird, Mr. Comroe, Mrs. LaPenta, Mrs. Satterwhite and Mr. Supplee voted for Mrs. LaPenta; Mr. Brooke, Mr. Endlich, Mr. Kuberski and Mrs. Zimmerman voted against Mrs. LaPenta.
 - b) Votes for Mr. Endlich: Mr. Brooke, Mr. Endlich, Mr. Kuberski and Mrs. Zimmerman voted for Mr. Endlich; Mr. Baird, Mr. Comroe, Mrs. LaPenta, Mrs. Satterwhite and Mr. Supplee voted against Mr. Endlich.
 - c) Mrs. LaPenta was elected as Vice Chairman for the 2011 PC.
5. Mr. Endlich stated that he would resign at this point from the PC. Mr. Comroe asked him to put that in writing.

C. Mr. Brooke asked Mr. Comroe if he had any comments regarding the telephone call or items read into the record this evening with regard to his actions? Mr. Comroe said he was advised by his attorney not to make any comments.

5. Approval of Planning Commission Previous Meeting Minutes:

A. Planning Commission Meeting Minutes for December 15, 2010:

1. **MOTION** – Mrs. Satterwhite made a motion to move the meeting minutes from December 15, 2010 into the record. Mrs. LaPenta seconded the motion. The motion *passed* 4-0-4. Mr. Baird, Mr. Kuberski, Mr. Supplee and Mrs. Zimmerman abstained from the vote because they were not in attendance at that meeting.

6. New Business:

A. Deleting the Historic Overlay District from the zoning map and amending the zoning ordinance of the Township of Lower Providence by repealing Ordinance No. 561 and Article XXXIV, Living History Overlay District –

1. Mr. Dunbar explained that this overlay applied to several pieces of land in the Township, including a major parcel and project off of Pawling's Road. The Township would like to remove the overlay from the zoning map.
2. **MOTION** – Ms. Zimmerman made a motion to recommend approval of the Ordinance amending the zoning map of the Township of Lower Providence and amending Chapter 143 of

the code of the Township of Lower Providence for the purpose of deleting the Historic Overlay District from the zoning map and for the purpose of repealing Ordinance No. 561 and Article XXXIV, Living History Overlay District. Mr. Brooke seconded the motion. The motion *passed* 8-0.

3. Public Comment:

a) There was no public comment on this matter.

B. Zoning Ordinance Amendment to add specific provisions for Outdoor Wood-Fired Boilers –

1. Ms. Elton explained that amendment to the zoning ordinance adds specific conditional use requirements to the R1 and Industrial zoning districts to permit the use of outdoor wood-fired boilers. There are specific criteria on lot standards, setbacks, stack height, and definitions. She received a letter on this today from the Montgomery County Planning Commission (MCPC). Ms. Elton noted that the DEP has regulations on these boilers; however Townships are allowed to adopt stricter regulations, which is what they are trying to do.
2. Chairman Comroe asked if they were allowed to include the MCPC letter in a motion if they just received it today?
 - a) Ms. Elton noted it is just a housekeeping matter with a wording change.
 - b) Mr. Dunbar noted that any action taken tonight is included in the minutes which go to the BOS along with the amendment and all review letters.
3. Mr. Kuberski asked if they have seen an increased use of these wood-burning boilers in the Township?
 - a) Supervisor DiPaolo noted they are aware of four boilers, but are trying to get ahead of this issue. They are especially concerned with stack height, where an inversion could cause problems with pollutants in the air. These are more prevalent in rural Townships.
4. Mr. Supplee asked if there were ample parcels in the Township where these would fit on the lot? Ms. Elton indicated there were.
5. Mr. Brooke noted that on page 3 of the ordinance, it indicates the boilers cannot be used between the dates of May 1 and September 1 of any year. He suggested this be moved back to April 1, because a lot of people begin to go outside and do things in their yards at that time of year.
 - a) Mr. Dunbar noted that could be a substantive change requiring re-advertisement of the ordinance prior to adoption. He suggested that the PC votes on this ordinance and recommends the date change to the BOS.
6. Mr. Baird noted that this applied to the R1 district, but houses along Pawlings Road that are R1 are all close together.
 - a) Supervisor DiPaolo noted they are R1 but must meet the setback requirements of 150’.
 - b) Supervisor Eckman commented on the lot size in R1 of about 65,000 sq. ft. (1.5 acres) being too small if the setbacks are 150’ all around. She stated the lot would have to be about 2.2 acres or 96,000 sq. ft. to meet the setbacks. Mrs. Eckman does not see how a typical R1 lot can accommodate this setback. She is further concerned with having a buffer between the house and the boiler once the setbacks are met.
 - c) Mr. Dunbar noted that ordinance was crafted with input by Mr. DeFrangesco, Mr. Brown and Mr. Sheridan, however they may have missed this issue. Mr. DiPaolo noted that the DEP ordinance was used as the model for this one.
 - d) Mrs. Eckman noted that the manufacturer of the boilers may have recommendations for buffering between structures. Mrs. Elton will ask Mr. DeFrangesco about that, but noted these are all substantive changes.

- e) Ms. Zimmerman suggested they pass this ordinance and do a clean-up ordinance later. Mr. Dunbar noted that a clean-up is possible with Mr. Brooke's suggestion, however Mrs. Eckman's concerns are a much bigger issue. He suggested they provide a recommendation with a caveat that the Planning Director, Fire Marshall and Solicitor investigate these concerns and make a recommendation as to how to move forward.
- 7. Ms. Elton noted that people using the wood-fired boiler to heat water would need to find an alternative method during May-September. Mr. Dunbar noted this is usually a secondary heater.
- 8. Public Comment:
 - a) There were no public comments on this matter.
- 9. **MOTION** – Ms. Zimmerman made a motion to recommend adopting the ordinance amending Chapter 143 of the code of the Township of Lower Providence for the purposes of amending Section 143-6 adding definitions relating to outdoor wood-fired boilers, amending Article V, R-1 Residential District, by adding Section 143-35 and amending Article XVIII, I Industrial District, be adding Section 143-133D permitting Phase 2 outdoor wood-fired boilers by Conditional Use in the R-1 and I districts, and by adding Article XXXVII setting forth the standards applicable to Conditional Use approval of Phase 2 outdoor wood-fired boilers. Mrs. Satterwhite seconded the motion. The motion *passed* 8-0.

7. Public Comments:

- A. Mr. Warren Schlack, 4070 Eagleville Road, noted that with regard to the comments made at the beginning of the meeting, it was upsetting to see what is happening to the PC Board. He was the Chairman of the PC for a long time and was on the PC for over 18 years, and thought they had a very good Board. He stated it was a shame to see politics playing a role in the PC, because that should have nothing to do with planning and development in this Township. Mr. Schlack stated that all of the members of this Board should be qualified to hold their position, and he does not think they can do their job if it is based on politics. The PC is here to serve the residents of the Township.
 - 1. Mr. Baird said that he does not see where who runs the meeting is political, and thinks Mr. Schlack's comments are out of line. He thinks the members of the PC do not have anything political and their interests are for the best of the Township. He does not understand what the fuss is about.
 - 2. Mr. Schlack noted he was on the Board for a long time and knows about the board. He is allowed to make a comment.
 - 3. Chairman Comroe stated that Mr. Schlack was out of order.

8. Adjourn

- A. **MOTION** – Mrs. Satterwhite made a motion to adjourn the meeting. Mrs. LaPenta seconded the motion. The motion *passed* 8-0. The meeting ended at 8:04 p.m.

Next Meeting: March 23, 2011