

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

1. Call to Order:

A. Chairman Comroe 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. Comroe, Mr. Kuberski, Mrs. LaPenta, Mrs. Satterwhite, Mr. Supplee, and Ms. Zimmerman.

B. Mr. Brooke arrived shortly after the meeting began.

C. Additional attendees included: Ms. Maryanne McCarthy, Township Engineer, Mrs. Colleen Eckman, Board of Supervisors Liaison, and Ms. Randee Elton, Director of Planning and Development.

4. Approval of Planning Commission Previous Meeting Minutes:

A. Planning Commission Meeting Minutes for February 23, 2011:

1. **MOTION** – Mr. Kuberski made a motion to approve the meeting minutes from February 23, 2011. Mrs. LaPenta seconded the motion. The motion *passed* 7-0.

5. New Business:

A. Discussion and consideration of preliminary final subdivision plan recommendation – SD 11-01, 2700 Wedgewood Way:

1. Mr. Joseph Estock, project engineer, was present to discuss the application. Mr. Larry Tornetta, the property owner, was also present.
2. Mr. Estock provided an overview of the property located at the corner of Egypt Road and Wedgewood Way. The parcel is zoned R2, is approximately 75,000 sq. ft., and is located across the street from the Giant Supermarket. Mr. Estock explained that they were present this evening for approval of a minor, two-lot subdivision of this property. When the applicant is ready to build on the lots, they will come back with all of the engineering completed for the stormwater, erosion and grading plans, etc.
 - a) Mr. Estock noted that the front lot is the larger of the two, to allow for placement of the future home as far back from Egypt Road as is possible. He noted that because this is a corner lot, there are two front yards. On the plan, he intends to switch the location of the side and rear yards to comply with the ordinance.
 - b) Mr. Estock stated that they will comply with the items in the various review letters, but addressed the following few items:
 - (1) The Lower Providence Police Department review letter recommends against installing shade trees along Wedgewood Way and Egypt Road as is shown on the plan and required by ordinance. The LPPD thinks these could be dangerous and negatively impact site distances. Mr. Estock noted they would install the trees if that is what the PC would like, or would need a waiver if they concur with the LPPD recommendation.
 - (2) Sidewalks are required, however Mr. Estock would like to hold off on their installation or placement on the plan until they are ready to apply for a building permit. At that time, they will install the sidewalk for both properties. A note will be placed on the plan stating this commitment.
 - (3) Mr. Estock noted that the Township Engineer had concerns about the ability to achieve an adequate site distance when both driveways are installed. Mr. Estock indicated that

- they would look into this, perform studies, and confirm that the site distances will work with the driveway installations prior to going to the Board of Supervisors for approval.
- (4) Mr. Brooke arrived during this discussion.
- c) Mrs. Satterwhite questioned who owns the roadway that leads to 2617 Egypt Road (a property owned by Abrams/Stevenson). Mr. Estock noted that they did a title search but found no recorded easements for this roadway to run through the applicant's parcels.
- (1) Mrs. Satterwhite noted that the residents of that property have used the road for approximately 21 years. She asked what the applicant was going to do with regard to this roadway? Mr. Estock noted there were several possible options to address the situation, and agreed that the applicant should work something out with that property owner at this time.
- (2) Chairman Comroe discussed the layout of the property, indicating that the road in questioned connected to a driveway at the last house on Sandown Road. He stated that the applicant needs to put something on the plan indicating that they will grant an easement prior to receiving approval on this plan.
- (3) Mr. Tornetta noted that the residents of 2617 Egypt Road have had permission to use the road but do not actually have the right to use it so there is no adverse possession of this roadway.
- (4) Ms. Zimmerman does not recommend holding up the plan's approval for this matter. She suggested putting a recommendation in the motion that the matter be addressed prior to the Board of Supervisor's approval.
- d) Mr. Comroe stated that he wants to see curbs and sidewalks along the perimeter of the property. Mr. Estock noted that they have already agreed to install sidewalks; the curbs exist.
- (1) Ms. Elton stated that the applicant put a note on the plan that they would defer SALDO requirements until the building permit is pulled.
- e) Mr. Comroe commented that when pulling out onto Egypt Road, the shade trees along the road would create a site distance problem as they mature.
- (1) Ms. Zimmerman noted that if they do not use shade trees along the perimeter of the property, they could be placed elsewhere on the plan.
- (2) Mr. Supplee questioned if they could install the trees along Wedgewood Way? Mr. Estock noted that the parcels will take access off of Wedgewood Way and not Egypt, so there would be site distance concerns on Wedgewood Way.
- (3) Mr. Supplee asked if they would offer a deed restriction or place a note on the plan relating to access? Mr. Estock noted that access would only be taken from Wedgewood Way.
- (4) Mrs. LaPenta asked if they would offer the 2617 Egypt Road property owner a new driveway onto Wedgewood Way? Mr. Estock does not know how this will be handled; they need to talk to the property owner. He noted that both of the applicant's lots would not use that access road to Egypt Road.
- f) Mr. Baird asked if the Township Engineer had any concerns? Ms. McCarthy reiterated her concern on the ability to have clear site distances and installing two driveways along Wedgewood Way. She would also like to see any grading of the property done now so water from one property does not flood out the other.
- (1) Ms. Zimmerman questioned if the driveway needed to be dealt with on this subdivision plan, or if it could be addressed at the building permit stage. Ms. Elton noted that the

applicant wants approval of the current plan and will note things on the plan that will need to be addressed at the building permit stage.

- (2) Mrs. LaPenta questioned if there was enough room for the driveways? Mr. Estock reiterated that he would go out to the property and ensure it contains buildable lots prior to the final approval from the Board of Supervisors.
 - (3) Ms. McCarthy recommends that a 20' wide easement be established around the existing driveway on the back property because they may not be able to get a safe driveway onto Wedgewood Way. Mr. Comroe noted that he drove on the driveway and did not see any problem. It was noted that the driveway connects to Sandown, so restricting access to Egypt Road does not land lock the property.
 - (4) Ms. McCarthy stated that if the Township waives sidewalks, there is a provision in SALDO requiring an escrow for the future installation of sidewalks.
 - (5) Mr. Comroe stated that the Township wanted curbs and sidewalks. Mr. Kuberski pointed out that the applicant has already agreed to install them. Ms. McCarthy stated that they must obtain the escrow money now. Mr. Comroe noted that if the note is on the plan that they will install them, it is a mute point.
 - (6) Ms. McCarthy wants a workable layout for stormwater.
 - (7) Ms. Elton asked if Mr. Estock was opposed to putting these notes on the plan? Mr. Estock is not opposed to this. He noted that he did the same thing for a plan at 201 Rogers Road, where he deferred the SALDO design work until the building permit phase of the project.
 - (8) There was a discussion of how these matters should be addressed. Ms. Elton noted that if they don't put these changes on the plan, the Board of Supervisors might decline approval.
- g) Mr. Estock explained that the Township's ordinance has two processes, one for a minor and one for a major subdivision. A two-lot subdivision is considered a minor subdivision, and has a provision that the applicant need not perform full engineering on the plan for the subdivision phase. If the Planning Commission (PC) is going to require that the grading, stormwater management, sidewalks, erosion control etc. be listed on the plan as is required for a major subdivision, they have just taken away the ability to have a minor subdivision. Mr. Estock respectfully requested that the PC consider this application as a minor subdivision. He explained that basically the engineering costs could be doubled if they are required to do all of the engineering up front. For example, if the stormwater management plan is done, and they decide to relocate the house at the building phase, they must re-engineer the stormwater management at that time.
- (1) Mr. Kuberski questioned showing the sidewalk on the plan, and Mrs. LaPenta noted that the corners must be ADA compliant. Mr. Estock noted that once he shows the sidewalk on the plan he would have to get PennDOT approval because it is along a State road, and that will make the process longer. He further noted that engineering of the ADA corners was a very involved process.
 - (2) Mr. Supplee suggested just drawing a horizontal line to show where the sidewalk will be. Mr. Estock noted he could not show the sidewalks on the plan without doing the full engineering on them. He noted that ADA requirements are constantly changing, so there is a good chance that corners he would design now would not be compliant at a later date.
 - (3) Mr. Brooke asked if they would be willing to put up escrow funds for the sidewalk? Mr. Estock indicated that they would.

- h) Ms. McCarthy stated that if this is a minor subdivision, they grant preliminary and final approval at the same time.
- i) Ms. Zimmerman suggested putting all conditions in the motion. She noted that she does not agree that the applicant must provide an easement on their property, and thinks this matter should be worked out between the two parties.
 - (1) Mrs. LaPenta commented that it was safer to have the driveways access Wedgewood Way rather than turning onto Egypt Road at a non-signalized location.
 - (2) Mr. Supplee commented that if the road is taken away, they are forcing the other property owner to install a driveway. Mr. Estock noted that the property in the rear has an existing driveway.
 - (3) Mrs. LaPenta stated that that property owner should take access from their own property onto Sandown.
- 3. **MOTION** – Ms. Zimmerman made a motion to recommend the Board of Supervisors grant preliminary and final plan approval for SD 11-01, 2700 Wedgewood Way with the following conditions:
 - a) That the developer work out the driveway access issue with the owner of 2617 Egypt Road;
 - b) That escrow be provided for sidewalk installation;
 - c) And, that safe site distances, stormwater and erosion control be shown on the plan if deemed necessary by the Planning Director.
 - d) **MOTION SECOND** – Mrs. Satterwhite seconded the motion.
 - (1) Mr. Supplee is concerned that they have asked for a lot of things and are not going to see the plan again. Mrs. Satterwhite noted that once they work out their issue with the neighbor, they could submit it is writing to the Board of Supervisors.
 - (2) Ms. Elton stated that the applicant has met all of the requirements of the ordinance.
 - (3) **MOTION VOTE** – The motion *failed* 4-4. Mr. Brooke, Mr. Comroe, Mr. Supplee and Mr. Baird opposed the motion.
- 4. Ms. Elton noted that the applicant could also go before the Board of Supervisors with a non-favorable recommendation.
- 5. Mr. Estock stated that they would do everything that the PC asked of them regarding the driveway site distance, resolving the rear roadway issues, posting sidewalk escrow etc. He thanked the PC for their time.
- 6. Public Comment:
 - a) There was no public comment on this matter.
- B. Ordinance adopting the BO Billboard Overlay District and repealing ordinances 478, 490, and 596:
 - 1. Ms. Elton noted that because of a validity challenge to the Billboard Overlay District, they have made changes to the ordinance and the next item, zoning map changes.
 - 2. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors adopt an ordinance amending Chapter 143 of the code of the Township of Lower Providence (also known as the Zoning Ordinance of Lower Providence Township), for the purposes of adopting the BO Billboard Overlay District and repealing ordinances 478, 290, and 596. Mrs. LaPenta seconded the motion. The motion *passed* 8-0.
 - 3. Public Comment:
 - a) There was no public comment on this matter.

C. Zoning map amendment applying the BO Billboard Overlay District to a tract of land and repealing ordinance 491:

1. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors adopt an ordinance amending the zoning map attached to and incorporated in Chapter 143 of the Code of the Township of Lower Providence (also known as the Zoning Ordinance of Lower Providence Township) applying the BO Billboard Overlay District to a tract of land and repealing ordinance 491. Mr. Brooke seconded the motion. The motion *passed* 8-0.
2. Public Comment:
 - a) There was no public comment on this matter.

6. Old Business:

A. Zoning Ordinance amendment to add specific provisions for Outdoor Wood-Fired Boilers –

1. Ms. Elton noted that there were some minor changes to this ordinance since the PC reviewed it last month.
2. **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors adopt an ordinance amending Chapter 143, of the code of the Township of Lower Providence (also known as the Lower Providence Township Zoning Ordinance) 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 143-32.D and amending Article XVIII, I Industrial District, by adding section 143-133.D permitting Phase 2 outdoor wood-fired boilers by conditional use approval of Phase 2 outdoor wood-fired boilers. Mr. Brooke seconded the motion. The motion *passed* 8-0.
3. Public Comment:
 - a) There was no public comment on this matter.

7. Other Business:

- A. Chairman Comroe commented that he received an email from Rick Brown stating that he wants the PC to be pro-active in dealing with electronic and digital billboards. Mr. Comroe stated he was particularly interested in hearing what Mr. Supplee as a community planner, and Mrs. LaPenta, as a PennDOT employee, had to say about this matter. Ms. Elton noted that this matter would be on the Board of Supervisor's April 7, 2011 agenda, and would be forwarded to the PC for discussion along with several other items.
- B. Mr. Richard Dean, 1441 Gertrude Avenue, commented on the excessive government regulation.
- C. Supervisor Eckman noted that they have a vacancy on the PC, and if anyone knows of someone interested in this position they should let a Supervisor know. Mr. Comroe stated that someone was already being interviewed for the position.

8. Adjourn

- A. **MOTION** – Mr. Kuberski made a motion to adjourn the meeting. Ms. Zimmerman seconded the motion. The motion *passed* 8-0. The meeting ended at 8:30 p.m.

Next Meeting: April 27, 2011