

**LOWER PROVIDENCE TOWNSHIP
PLANNING COMMISSION MEETING
APRIL 27, 2016 MEETING MINUTES**

1) Call to Order

A) Chairwoman O'Donnell called the meeting to order at 7:00 p.m.

2) Roll Call:

A) The following board members were in attendance: Ms. Kristina O'Donnell, Mr. David Atkins, Mr. Harold Baird, Mr. William Brooke, Mr. Michael Comroe, Ms. Ginny Kricun, Mr. Mark Kuberski and Ms. Susan LaPenta

B) Also in attendance: Ms. Jill Zimmerman, Board of Supervisors Liaison, Mr. Tim Woodrow, Township Engineer; Mr. Peter Nelson, Township Solicitor; Mr. Michael Mrozinski, Director of Community Development; Mr. Casey Moore, Traffic Engineer; and Maggie Dobbs, MCPC Planner.

3) Meeting Minutes:

A) Approval of Planning Commission Meeting Minutes of March 23, 2016.

- i) **MOTION:** Mr. Brooke made a motion to move the March 23, 2016 minutes into the record. Mr. Comroe seconded the motion. The motion *passed* 8-0.

4) New Business:

A) Consideration of proposed Riparian Buffer Ordinance

i) Solicitor Nelson reviewed the Riparian Buffer proposal.

ii) Discussion was held as to the difference between a lake and a pond. Mr. Nelson said that a pond is smaller than a lake and exists year round. He said that if it is not specifically defined in the ordinance they will default to the dictionary definition. Discussion was held regarding adding definition of ponds to the next zoning ordinance amendment. Mr. Nelson said that permanent and intermittent streams are also included but ephemeral streams are not and all bodies of water would be defined in the ordinance.

iii) Ms. Kricun asked for explanation of the zones in the ordinance. Mr. Nelson said that Zone 1 is more protected, as it is closer to a body of water while Zone 2 is somewhat protected but allows for more activities. Discussion was held as to the nature of the various bodies of water that could be affected and what activities would be permitted. She asked who would be in charge of enforcing the ordinance. Mr. Nelson said that would be the Township Zoning Officer.

iv) **MOTION:** Mr. Comroe made a motion to recommend approval of the proposed Riparian Buffer Ordinance, with a request that the definition of various bodies of water be added to the zoning ordinance. Mr. Baird seconded the motion. The motion *passed* 8-0.

B) Consideration of LD-16-01 Audubon Center at Mill Grove

i) Mr. Comroe made a note that the plans, as submitted, contained a mislabeled road.

ii) Paul Hughes, of Remington Vernick, appeared on behalf of the applicant. He stated he will address all labeling issues. He reviewed the development plans.

iii) Chairwoman O'Donnell asked about widening the entrance road. Casey Moore agreed that it is a narrow road and there were some concerns that it would be wide enough for two-way flow. He said he would like to review the updated plans submitted by the applicant. Mr. Moore noted that when discussing the road widening he was referring to the 2011 Master Plan.

- iv) Jean Bochnowski, Director of the Audubon Center, said this is a national historic landmark and there are regulations as to what can be done to the building and property. She said the tree alley is an important part of the site and needs to be maintained. She discussed the various options they examined to lessen issues with the road. Ms. Bochnowski said they are now working with the Morris Arboretum to back up the alley to create a supported shoulder on both sides of narrower part of the lane. She said that building another road takes away from the alley as well as being out of the budget. She discussed overflow parking solutions and said there are typically no more than 400 people on site during any segment. The site gets over 40,000 visitors annually but is segmented by activity. She said the new lot will double their spaces and provide enough parking for events. She discussed the need for road widening based on bus traffic.
- (1) Mr. Brooke discussed issues he noted with parking and people walking on the roadway during his recent visit. Ms. Bochnowski said their proposed strategy will help accomplish their ability to support activities and rental activity.
 - (2) Ms. Kricun asked for clarification on the cartway, expressing concern that emergency vehicles could navigate the narrow cartway. Ms. Bochnowski said that issue was addressed during the master plan phases and was reviewed by the Fire Chief in 2011 who found no issues with accessibility.
 - (3) Mr. Brooke expressed concerns as to how they could stop people from parking along the roadway. Ms. Bochnowski said the best way is to give them an alternative noting that they will have to use signs and police presence until people get used to the new arrangement. Mr. Brooke said that he feels there should be another access road for safety. Mr. Moore asked if there has ever been any sort of valet service for special events. Ms. Bochnowski said there has not but she could look into that option
 - (4) Ms. LaPenta clarified that the existing parking lot was to be removed. Ms. Bochnowski said that it would be removed and that the facility would go from 25 spots to 70 spots with 30 reserve spots and a potential for 100 reserve spots. She said the old lot would become a grass area with some stormwater collection.
- v) Mr. Atkins asked about the nature of the new building. Ms. Bochnowski said that it would be a museum facility which will increase daytime visitation with school groups and bus tours. This would also help the facility be more year-round. She described the new museum and educational facility. Mr. Kuberski asked if they would be adding new programs. Ms. Bochnowski said they would be enhancing existing programs. Ms. O'Donnell asked for a physical description of the building.
- vi) Mr. Atkins asked how the house was being renovated. Ms. Bochnowski said the house will be restored, replacing lights and plumbing, and will have new exhibits focusing on the house and grounds.
- vii) **MOTION:** Mr. Atkins made a motion to accept all waivers as outlined in the February 29, 2016 letter from Remington & Vernick Engineers (attached). Mr. Comroe seconded the motion.
- (1) Discussion was held regarding waiving sidewalks.
 - (2) Ms. LaPenta asked at what point would grass pavers be installed, stating there should be some real time indicated on the plans. Mr. Hughes said they can add that to the plan and have it be part of the filed plan. Further discussion was held regarding traffic issues.

- (3) Mr. Atkins amended his motion to note that the applicant will work with the Township Engineer and the Township to put in grass pavers/pull-offs for engineer and township to put in grass pavers/pull-offs for the request for a waiver from Section 123-37.M.2.a. The motion *passed* 8-0.
- viii) **MOTION:** Mr. Comroe made a motion to recommend approval of LD-16-01 Audubon Center at Mill Grove, with the correction made to the road name on the plans. Ms. Kricun seconded the motion. The motion *passed* 8-0.
- C) Consideration of S-16-01 3864/3868 Germantown Pike – Radatti
- i) Brad Brawl of OTM Engineers appeared on behalf of the applicant. He reviewed the proposal to subdivide the property.
 - ii) Mr. Woodrow said the Ordinance does allow the Township to require certain road improvements such as sidewalks. Because there is no new construction they are suggesting that the applicant offer the alternate right-of-way of Germantown Pike but waive the obligation to install sidewalks and storm drainage as there is no income being generated that would fund these installations.
 - iii) Discussion was held regarding the ultimate right of way line.
 - iv) **MOTION:** Mr. Comroe made a motion to grant the waiver for road improvements. Mr. Brooke seconded the motion. The motion passed 8-0.
 - v) **MOTION:** Mr. Brooke made a motion to approve the S-16-01 preliminary/final plan for 3864/3868 Germantown Pike. Mr. Comroe seconded the motion. The motion *passed* 8-0.
 - (1) Mr. Nelson asked the applicant provide a letter listing out the exact Saldo for which he is requesting waivers before coming before the Board of Supervisors.
- D) Consideration of S-16-02 37 Crawford – Anderko Custom Homes
- i) This matter was postponed.
- E) Consideration of S-16-03 3837 Landis Mill – HTC
- i) Andrew Miller, of Hopkins and Scott, Inc, appeared on behalf of the applicant. He reviewed the proposed preliminary/final plan and the requested waivers.
 - (1) Chairwoman O'Donnell asked for the size of the lot. Mr. Miller said it was 1.225 acres with .73 acres of disturbance.
 - (2) She clarified that they are seeking the waivers without having to provide the voluntary funds. Discussion was held as to the waiving of funds.
 - ii) Maggie Dobbs said that the Country preferred to see what natural resources would be put on the site to replace removed trees as well as for stormwater management. Mr. Miller said that they were only proposing a recharge bed.
 - iii) Mr. Woodrow asked if they could get a count of the number of trees on property today and how many that will be removed. Mr. Miller said there probably 30 on the site and only 12 or less to be taken down. Ms. Dobbs said since it was only a few trees being removed and no replacement trees being proposed, the applicant should be show the trees to be removed on the plan. Discussion was held as to the tree removal and the existing vegetation on the property. The Planning Commission determined that they would like to see a planting plan before approval and, by requiring this plan, a waiver from Section 123.146 would not be required.
 - iv) Discussion was held regarding the request for a waiver from constructing sidewalk and curing. The solicitor for the applicant offered to put a note on the deed which would require the homeowner to install should the Township deem it appropriate and feasible. Mr. Comroe questioned legality of forcing a future homeowner to incur that expense. Solicitor Nelson

said that, legally, that doesn't offer any benefit as the Township already has an ordinance in place that could require property owners to cover the cost of installing a sidewalk. He said the only thing this would accomplish is putting property owners on notice that this could happen.

- v) Discussion was held as to the Township's ability to require sidewalks
- vi) Ms. Kricun asked for clarification as to how the cartway is not meeting ordinance requirements. Mr. Casey said that statement was based on what the roadway width should be under that classification. He said that daily traffic on that road was examined and it was decided to grant that waiver since the roadway would never be widened to what was the classification of the road required.
- vii) Chairwoman O'Donnell asked if the driveway would be in compliance. Mr. Moore said that it would be in compliance.
- viii) **MOTION:** Mr. Comroe made a motion to table the application and requested the applicant return with the planting plan, tree count, the number of trees to be removed and photos. Mr. Atkins seconded the motion.
 - (1) Discussion was held as to when the applicant would submit plans.Motion *passed* 8-0.

5) Public Comment

- A) Maggie Dobbs of the Montgomery County Planning Commission said that since sidewalks and connectivity are important to the Township they may want to consider adopting an official map noting sidewalks and trails so the Township can prioritize connections. This would assist the Township in seeking grant money to get sidewalks in place. Mr. Moore agreed that there is a lot of merit to creating this plan and that grant money is available for trails and sidewalks. He said an official map would help prioritize those areas where gaps need to be filled. Mr. Atkins agreed noting that without this plan the burden of proof is on the Township.
- B) Discussion was held regarding sidewalk ordinances in the Township.
- C) Discussion was held as to the status of the WB Homes development and other potential projects upcoming in the township.

6) Motion to Adjourn

- A) Mr. Brooke made a motion to adjourn. Mr. Comroe seconded the motion. The motion *passed* 8-0. The meeting adjourned at 8:55 p.m.

Next Meeting: May 25, 2016