

**LOWER PROVIDENCE TOWNSHIP  
PLANNING COMMISSION MEETING  
FEBRUARY 22, 2017 MEETING MINUTES**

**1) Call to Order**

A) Chairman Comroe called the meeting to order at 7:00 p.m.

**2) Roll Call:**

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

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

**3) Meeting Minutes:**

A) Approval of Planning Commission Meeting Minutes of January 25, 2017.

i) **MOTION:** Ms. O'Donnell made a motion to move the minutes of January 25, into the record. Ms. Kricun seconded the motion. The motion *passed* 8-0-1 with Mr. Brooke abstaining.

**4) Old Business:**

A) S-16-02 37 Crawford Road Subdivision – Anderko Homes – 8 single-family homes.

i) Loren Szczesny, on behalf of Anderko Homes, clarified they were reviewing the preliminary plan, not the preliminary/final plan, In addition he said that the conditional use for the flood plain will not be required. He reviewed the changes from the original plan. Mr. Szczesny noted the plan is almost identical to the suggestions or alternate plan proposed by the Montgomery County Planning Commission in their April 12, 2016 review letter. He also noted that the waiver requests have been broken down by road at Mr. Woodrow's request.

ii) Kevin Fruck, Cornerstone Consulting Engineers & Architectural, Inc. reviewed the changes in the revised plan and the process for obtaining approvals.

iii) Mr. Szczesny discussed the upcoming improvements on Crawford Road and Park Avenue, stating it didn't make sense to make improvements along these roads only to have them removed by the Township in order to make those improvements. He discussed the placement of a cul-de-sac on site, which they would consider curbing.

iv) Mr. Szczesny said that they have the Township's plans for the intersection and one plan indicated that some land would be needed for widening/easements. As part of proposal with reduction of lots, he said the applicant is willing to convey that land closest to the intersection for the purposes of improvements if the Township is willing to grant the requested waivers. He said it is the applicant's position that there is value to conveying that land.

v) Mr. Fruck reviewed the requested waivers.

(1) Ms. O'Donnell asked if there had been any updated review letters. Mr. Fruck said that, to his knowledge, there had not been any updates. She asked if emergency personnel had commented on the plan. Mr. Fruck said they had not.

(2) Ms. O'Donnell asked if water retention will ultimately become the burden of the homeowner. Mr. Fruck said that it was up to the Township to regulate. Ms. O'Donnell

asked if this is to the best interest of those homeowners who may or may not know what they are getting into and wondered if there was a better solution

- (a) Mr. Szczesny said that they are required to inform the homeowners that they are responsible for this. Discussion was held as to what lot would have the biggest burden as far as stormwater management. It was noted that a homeowners association was not proposed at this time. Ms. LaPenta asked if the individual property would be aware of maintaining a rain garden. Mr. Fruck discussed the NPDES requirements as well as the requirements for deed-restricted wetlands
- (b) Mr. Kuberski asked about the easement requirement recommended in the Woodrow & Associates letter of February 1, 2017. Mr. Fruck said that there would be easements that must be maintained. Discussion was held regarding storm water management systems responsibilities.
- (3) Ms. O'Donnell asked if the county had any comments on the updated plans. Maggie Dobbs said they will probably not review unless it is sent to them by the Township. She thanked the applicant for taking their comments into consideration when updating the plan. Ms. Dobbs did note that the Thomas Comitta review letter referred to a number of invasive species on the property and their recommendation was to remove some of those invasives. Mr. Fruck said that the applicant was receptive to this.
- (4) Mr. Woodrow gave a general overview of the responsibility of the homebuyers when it comes to the environmental requirements and how to minimize the impact on the individual homeowners. He said that the NPDES process is tedious and the bar is set high and, as a result, that level of obligations is reflected in this plan. Discussion was held as to how the enforcement of these regulations is fulfilled.
- (5) Ms. Kricun said that this is an improvement over the initial plans and asked if there was a possibility of a fee in lieu of to, after the road improvements are made, to retroactively install put in some of the items for which the applicant is seeking waivers. Mr. Woodrow said that there is a monetary value to the requested waivers that should be taken into consideration.
- (6) Casey Moore agreed with Mr. Woodrow and said that they will continue to ask for a value to be applied to these waivers. He discussed the future road improvements and the property that applicant was willing to deed to the Township. He said that the lot was a larger than is necessary
- (7) Ms. LaPenta asked if it would be more beneficial to change some of the lot lines and reduce the lot that is along Park Avenue and add more right of way along Crawford to go toward improvement process. Mr. Casey said that Crawford will probably move away from the existing lot lines, which will make the lots larger, and the property owner will get the value of those expanded lots.
- (8) Mike Comroe asked Mr. Nelson if they are required to act on the preliminary plan. Mr. Nelson reviewed the time frame for action, noting that the Planning Commission is a recommending body and is not required to act and that the onus is on the Board of Supervisors. The applicant said they could not move forward until there had been action on the waivers.
- (9) Mr. Baird said he did not find anything positive in the plan and feels that it throws a lot of burden on the homeowners. He stated he does not feel it is a viable project and would not recommend approval.

- (10) Solicitor Nelson reviewed the process for approval of the project and the Planning Commission role in that process.
- vi) Waivers:
- (1) S. Park Avenue
- (a) Section 123-31.D. Collectors – The requirement for a 30-foot cartway, or 15-foot half-width, including a 12 foot travel width and a 3 foot shoulder.
- (i) **MOTION:** Mr. Baird made a motion to deny the waiver request. Ms. O’Donnell seconded the motion was *passed* by a vote of 6-3.
- (ii) **MOTION:** Mr. Atkins made a motion to rescind the approved vote on Section 123-31.D and replace it with a motion to grant all the S. Park Avenue waivers (Section 123-31.D, Section 123-32.A, Section 123-33) conditioned upon the applicant paying a fee in lieu of as calculated by the Township for improvements. Ms. LaPenta seconded the motion. The motion *passed* 8-1 with Mr. Baird in opposition.
- (2) Borton Road
- (a) **MOTION:** Mr. Baird made a motion to deny the waiver request for 123-33 requiring sidewalks. Ms. O’Donnell seconded the motion.
- (i) Ms. LaPenta asked if there were existing sidewalks on Borton Road. It was stated that there were not.
- (ii) Ms. O’Donnell withdrew her second.
- (b) **MOTION:** Ms. O’Donnell made a motion to grant the waiver request for Section 123-33 conditioned upon the applicant paying a fee in lieu of as calculated by the Township. Mr. Brooke seconded the motion. The motion *passed* 8-1 with Mr. Baird in opposition.
- (3) Crawford Road
- (a) Section 123-31 Collectors – The requirement for a 15-foot half-width including a 12-foot travel width and a 3-foot shoulder.
- (i) **MOTION:** Ms. O’Donnell made a motion to grant the waiver request for Section 123-31 conditioned upon the applicant paying a fee in lieu of as calculated by the Township. Mr. Brook seconded the motion. The motion *passed* 9-0
- (b) Section 123-32.A – Curbs and Storm Sewers
- (i) **MOTION:** Ms. O’Donnell made a motion to grant the waiver request for Section 123-32.A conditioned upon the applicant paying a fee in lieu of as calculated by the Township. Mr. Kuberski seconded the motion. The motion *passed* 9-0
- (c) Section 123-33 Sidewalks
- (i) **MOTION:** Mr. Brooke made a motion to deny the waiver request for Section 123-33. Mr. Kuberski seconded the motion.
1. Ms. O’Donnell asked if the sidewalk was subject to change once the new road is put in. She said that a fee in lieu of should be requested for 100 percent of the cost of the sidewalk when the project is completed.
  2. Mr. Brooke **modified** his motion grant the waiver request, conditioned upon the applicant paying a fee in lieu of for 100 percent of the cost of the sidewalk.
- The motion *passed* 9-0.
- (d) Section 123-34.F – Site Triangles
- (i) Discussion was held regarding site triangles.

- (ii) **MOTION:** Ms. LaPenta made a motion to grant the waiver for Section 23-34.F conditioned upon the applicant pay a fee in lieu of as calculated by the Township. Ms. Kricun seconded the motion. The motion *passed* 9-0.
- (e) Section 123-146.B.6.a – Tree replacement
  - (i) **MOTION:** Mr. Brooke made a motion to grant the waiver request conditioned upon the applicant paying a fee in lieu of as calculated by the Township. Mr. Kuberski seconded the motion. The motion *passed* 9-0.
  - (f) Ms. O’Donnell noted that while a fee in lieu is a burden on the developer, an individual homeowner seeking to improve their property would not be granted such waivers. She noted that this is a for-profit project and she would like to make sure that the fee in lieu of is adequate.
- vii) Mr. Comroe asked for a recommendation from the Planning Commissions for this plan.
  - (1) **MOTION:** Mr. Baird made a motion to deny approving the Preliminary Plan. The motion was not seconded.
    - (a) Discussion was held regarding the approval process.
  - (2) **MOTION:** Mr. Kuberski made a motion to approve the Preliminary Plan subject to the waivers and based on meeting all requirements in the review letters. Mr. Atkins seconded the motion.
    - (a) Mr. Brooke asked if approval can be conditioned upon it being more suitable to the Montgomery County Planning Commission. Ms. Dobbs said that her review letter was based upon their original preliminary plan. She said that the applicant has redesigned the plan and addressed issues in the review letter. She noted that the fee in lieu of also addresses many issues. Ms. Dobbs said that the outstanding issues can be worked out between the applicant and the Township. The motion *passed* 8-1 with Mr. Baird in opposition.
- viii) Comments:
  - (1) Mr. Knerr, Borton Road, expressed concerns about how this property will be affected by water and development. Mr. Fruck explained how the storm water management system will alleviate water concerns.
  - (2) Glenn Boyle, Borton Road asked if there would be consideration of the 10 feet of property which he had been maintaining for over 50 years. Mr. Nelson said he will have to meet with an attorney to discuss adverse possession.
  - (3) Sam Zippelo, Crawford Road, expressed concern about public safety and accidents on Crawford Road. He stated that sidewalks are very important for safety reasons. Ms. O’Donnell recommended that he attend the Board of Supervisor meeting to reiterate that an appropriate fee in lieu of be established.
  - (4) Brad Macy, Audubon Land Development, asked if the right of way will be available to make the widening improvements. Solicitor Nelson said that the waivers did not apply to the dedication of the additional right of way to the Township along these roads. He said that will be provided as part of the project.
  - (5) Chris Vicek, S. Park Ave., asked if any environment impact studies been conducted on the watershed. Mr. Fruck said they had and explained the various studies that had been completed. Mr. Vicek questioned the value of the development and its impact on the neighborhood.
- B) LD-16-07 – Providence Place Senior Living – 4000 Ridge Pike – (Collegeville Inn)
  - i) Tom Keenan, representing Providence Place reviewed the project.

- ii) David Leider, president of Providence Place, explained the structure of the company, which includes two entities: Country Meadows and Providence Place. He said that Providence Place tends to be smaller facilities with an average age of 86-87 who have a need for assistance. He described the details of the amenities of the facility and described services provided.
- iii) Adam Brower, project engineer with E.B. Walsh & Associates, Inc., described some of the challenges of the site with both flooding and access. He noted that this plan is a refined version of the plan presented late summer.
- iv) Frank Tavani, Traffic Engineer, discussed the access to Pechins Mill Road as only being an access road for delivery trucks. He noted that he had discussions with PennDOT and Township to discuss the flow of traffic.
  - (1) Mr. Kuberski asked for clarification of potential bridge sites.
  - (2) Ms. Kricun asked for clarification as to the location of existing sewer and utility lines. Mr. Keenan said he has been in touch with sewer authority in regards to access.
- v) Mr. Leider reviewed the restoration and usage of the original inn facility. He said they are seeking to restore and maintain the structure. He said the large deck overlooking the Perkiomen will be restored. The lower level very little will be done and be used for storage and a gym as if there is any flooding those areas will be affected.
  - (1) Ms. Kricun said that she assumed the traffic generated will be low due and mainly due to staff changes and visitors. Mr. Brower agreed stating that residents will not be generating a lot of traffic. Mr. Tavani discussed peak hour activity.
  - (2) Mr. Comroe stated that around 6 p.m. traffic into Collegeville to Lower Providence Township onto Ridge Pike is considerable. Mr. Brower said that this project is one of the least intensive trip generators that could be used for this site.
  - (3) Ms. LaPenta asked if a fence would be installed along the retaining wall. Mr. Brower said that there will be a fence. He explained the configuration of the wall.
  - (4) Ms. O'Donnell asked if most residents would be eating meals in their rooms or in the dining room. Mr. Lieder said that, unless they are ill, residents would eat in the dining room.
- vi) Mr. Comroe asked what the applicant was hoping to see happen that at this meeting. The applicant said that their goal was to update the Planning Commission to review the project and the review letters.
- vii) Mr. Bower discussed landscaping and outdoor recreation plans as well as sidewalks on the property.
- viii) Mr. Comroe said he is in favor of the project as it is the gateway to the Township. He asked when construction would begin. The applicant said they hope to begin this year.
- ix) Ms. O'Donnell asked about ambulance trips to and from the facility. Mr. Lieder said that there could be ambulance trips several times a week but that the ambulances come in quiet. –
- x) Public Comment
  - (1) Doner Gatini, Pechins Mill Road, expressed concerns about flooding and traffic. He said that Pechins Mill Road was supposed to have been addressed during the next big traffic impact study. He said he would like to see a wider road. Mr. Woodrow said that the plan is evolving over time and discussed potential road widening and sidewalks/curbing along Pechins Mill Road. Mr. Moore said the PennDOT is beginning a TCDI study to look at a connector between Germantown Road and Ridge Pike and discussed how this would affect the light and residents on Pechins Mill Road. Discussion was held as to the impact to Pechins Mill Road.

- (2) Katherine Hunt, Pechins Mill Road, hoped that everyone is taking thoughtful consideration on how this project is impacting the community, stating it will be profound. She asked how attaching the floodwall to bridge will affect the integrity of the bridge; how dredging will impact the bridge and who is making the decision about the floodwall. Mr. Woodrow discussed the historic protections to the bridge and how the wall could not be attached to the bridge. He discussed the dredging requirements and stated that in order for this project to be approved it will need to be reviewed by his office, DEP and FEMA.
  - (a) Mr. Comroe said they are not going to push this plan through but would like to see the property developed. Ms. Hunt said she would like to see it turned into green space. Mr. Brower said that the current zoning allows for 60% impervious and that their current plan calls for 20% so they will be preserving a lot of open space.
- (3) John Costanza, Pechins Mill Road expressed concerns about traffic issues and flooding. Mr. Woodrow discussed a project he had worked on in the past and how he has addressed many of these issues. He said he felt confident that these issues can be worked through. Mr. Costanza stated that he would like to see funds in escrow for dredging and a storm water management. Mr. Woodrow said the Township would be the first line of defense regarding storm water management issues. Mr. Costanza asked if the EPA or DEP would be involved in reviewing disturbing the streambed. Mr. Woodrow said the DEP would be involved. Discussion was held as to wetlands on the property.
- (4) Lori Costanza, Pechins Mill discussed the dip in Petchins Mill Road, which causes a site line issues. Discussion was held regarding road improvements. She expressed concerns about flooding issues.
- (5) Michael [no last name given], Pechins Mill Road, discussed his concerns regarding building in the floodplain.
- (6) John Organtini, Pechins Mill Road, discussed issues with the flood basin and expressed concerns about backfilling the basin. Mr. Bower noted that there is a 40-foot high wall in existence currently in the form of the Inn itself. He discussed the current configuration of the Collegeville Inn and how it affects the flooding on the Perkiomen. Mr. Lieder said that the only reason the wall is there is in an effort to save the Collegeville Inn in a way that will not hurt anyone else. If they can't do that in a way that is cost-effective they will not complete the project.
  - (a) Ms. O'Donnell said that when looking at a project, they have to look whether or not this is the best project but what could potentially go in there based on zoning regulations. She said that she feels this is the best option that has been presented.
  - (b) Mr. Costanza said he is not opposed to the project but wants it to be safe and to not damage property.
- (7) Shaun DiPalt, Pechins Mill Road, said that the Board of Supervisors, at the conditional use hearing on January 19, asked residents to attend this meeting to discuss details. He asked Mr. Lieder to address the planned Alzheimer's unit. Mr. Lieder said that the area would be secured by a code and would include a courtyard and walking path that is fenced in. He also stated, in response to Mr. DiPalt, that scooters would be discouraged although there probably will be a few. Mr. DiPalt expressed concerns about Pechins Mill Road being a dead end road. He also asked if there was any guarantee that this will stay an assisted living facility and not be sold off for housing. Mr. Brower stated that if the use changed they would have to come back to the Township for land development and a new stormwater management plan would need to be submitted.

- xi) Lori Costanzo expressed concerns about the size of the signs on Pechins Mill Road.
- xii) Mr. Mrozinski said that the applicant will be before the Zoning Hearing Board the next evening to discuss zoning ordinance waivers.
- xiii) Mr. Keenan thanked the Commission and outlined the next steps they will be taking to proceed with the project.

**5) New Business**

A) ZT-17-01 – Medical Marijuana

- i) Mr. Mrozinski described the ordinance, which is in place per state regulations. He said this ordinance was drafted by Mr. Nelson’s office and that by advertising under the MPC, it allows the Township to control any inquiries. He said that state applications are due sometime next month and this allows them to get ahead of the applications. Mr. Mrozinski said that this prevents challenges to put these facilities in anywhere in the Township. He discussed the process and information that they have gathered regarding this legislation.

(1) Mr. Brooke questioned the hours of operation. Ms. Dobbs said that the County has had a lot of conversations regarding this and they do not recommend putting an hour of operation for dispensaries in a zoning ordinance. She said it will be operated and regulated like retail pharmacy in regards to hours of operation. She said this information will be in her review letter. Ms. Dobbs described the dispensing and uses of medical marijuana. Mr. Mrozinski and Solicitor Nelson described the process of dispensing.

(2) Ms. Kricun asked if this was a big revenue producer for the Township and if they knew of any townships that were actively seeking a business of this type. Solicitor Nelson said the Township would not receive any additional revenue other than what would normally be provided by any business. He described the process of this type of business opening.

- B) Ms. Kricun asked for an update on the shopping center. Mr. Mrozinski said that it had been purchased by Westover Development Company. He said they have been in discussion and they are looking to improve the property. Mr. Mrozinski said the Commission should be seeing some plans shortly.

- 6) **Motion to Adjourn:** Ms. Kricun made a motion to adjourn. Ms. O’Donnell seconded the motion. The motion *passed* 9-0. The meeting adjourned at 10:20 p.m.

**Next Meeting:** March 22, 2017