

**LOWER PROVIDENCE TOWNSHIP  
PLANNING COMMISSION MEETING  
AUGUST 23, 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, Mr. Mark Kuberski, Mr. David Atkins, Mr. William Brooke, Mr. Harold Baird, Ms. Susan LaPenta, Ms. Naomi Satterwhite and Ms. Ginny Kricun.

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

**3) Meeting Minutes:**

A) Approval of Planning Commission Meeting Minutes of July 26, 2017.

i) **MOTION:** Mr. Kuberski made a motion to move the amended minutes of June 28, 2017 into the record. Mr. Brooke seconded the motion. The motion *passed* 7-0-1. With one abstention.

**4) Old Business**

A) S-17-05 – 305 Level Road – Seven Lot Subdivision – Single Family detached homes – preliminary subdivision plan.

i) Ed Hughes, attorney for the applicant introduced the project engineer Anthony Hibbeln who reviewed the project.

ii) Mr. Hibbeln stated that they have been working through the issues in the August 8 letter from Woodrow & Associates. He said the applicant will comply with the comments with the exception of the stated waiver requests. Discussion was held regarding the cross culvert located across the intersection and the length which would need to be replaced per the request of the Public Works Department. Mr. Woodrow stated that they will waive the upper pipe if the applicant replaces the pipe under the street and that they will work with the applicant to determine the best material for that replacement pipe.

(1) Mr. Brooke asked who would be responsible for maintaining the pipe behind the houses. Mr. Hibbeln said that it would be placed in a 20-foot wide easement and while they would prefer it if the Township takes dedication of the property, they would work something out with the homeowners if necessary. Mr. Brooke and Mr. Woodrow both said they would prefer the responsibility be placed on the homeowners. Discussion was held regarding who will retain obligation of the basin and the pipe.

iii) Mr. Hibbeln said that they did not see any items on the McMahan review letter. He said the applicant will address the items and there is not any issues that will change the layout of the project. Mr. Moore addressed the potential site line issues based on the tree line.

Mr. Hibbeln reviewed the Montgomery County Planning Commission letter, stating they did not continue the sidewalk in order to preserve a large oak tree on the lot. He also stated that the existing neighbors house is very close to edge of street with no room for a sidewalk. Mr. Woodrow concurred, saying that after walking the site they determined, even with road widening, there was no way to safely put in a sidewalk. He discussed the various options for walkways. Mr. Moore said there was some merit to the project but it is not practical at this time and the Township should pursue it as a capital project in the future. He said that they did

ask the applicant to grade the area. The applicant said that they will install the 70-foot of sidewalk to make the connection between Lot 7 and the adjacent property owner's lot. Mr. Hibbeln said that the consensus was to not put a planting island in the middle of the cul-de-sac island as it would make it more difficult for emergency vehicles to make the turn. Mr. Hibbeln said that they are working with a landscape architect to work on the installation of rain gardens.

(1) Chairman Comroe asked if there were any emergency egress to the development. Mr. Hibbeln said there are no plans to create additional egress. Mr. Woodrow said they were on the lot and did not see a way for that work but since it is a short cul-de-sac he feels that emergency vehicles can still get in. Mr. Mrozinski said that this plan was reviewed by the Fire Marshal who recommended installing a fire hydrant, but had no issues with access.

iv) Mr. Hibbeln reviewed the Thomas Comitta Associates letter saying that all items have been resolved with the exception of buffer planters. He said that none are required by code but they were able to put a buffer in rear yards of homes with short back yards due to variances granted. He said this will increase the buffer area and that Mr. Comitta was satisfied with that solution. Mr. Hibbeln said they have also moved some trees due to the electrical pole line.

(1) Mr. Brooke asked about the residents of Woodstock and their opinions on this resolution. Mr. Hibbeln said that they have not appeared at any planning meetings to express concerns, but feels the additional plantings satisfy the TCA letter.

v) Mr. Hibbeln said there are no issues with the Parks and Recreation review letter or the Police and Fire Marshal's review.

vi) In reviewing the Suburban Lighting Consultants letter, Mr. Hibbeln stated that they feel one light is sufficient at the intersection on Lot 1 and they will provide escrow for all improvements.

vii) Mr. Woodrow said that they have worked with the applicant throughout the process and has no problem with the waiver requested.

(1) Dave Cokesly, Shawnee Circle, said that he sent a letter with neighbors concerns. One issue was sidewalk, which seems to be remedied in the short term with a plan for the long term. He expressed concern about the driveway and potential drainage issues. He asked the applicant to confirm that these issues would be dealt with. The applicant said that they had.

viii) **WAIVER REQUESTS:**

(1) Section 123-31.D: Partial Waiver requiring widening for the area of Level Road north of Avenue A.

(a) **MOTION:** Mr. Brooke made a motion to grant a waiver from Section 123-31.D: Partial Waiver requiring widening for the area of Level Road north of Avenue A. Mr. Kuberski seconded the motion. The motion *passed* 8-0.

(2) Section 123-32: Partial Waiver requiring curbs and storm sewers to be constructed for the area of Level Rd. north of Avenue A.

(a) **MOTION:** Mr. Brooke made a motion to grant a waiver from Section 123-32: Partial Waiver requiring curbs and storm sewers to be constructed for the area of Level Rd. north of Avenue A. Ms. Satterwhite seconded the motion. The motion *passed* 8-0.

(3) Section 123-33: Partial waiver requiring sidewalks to be constructed for the area of Level Rd north of Avenue A.

- (a) **MOTION:** Mr. Kuberski made a motion to grant a waiver from Section 123-33: Partial waiver requiring sidewalks to be constructed for the area of Level Rd north of Avenue A. Ms. LaPenta seconded the motion. The motion *passed* 8-0.
- (4) Section 123-35.A: Partial waiver requiring that 500 feet of sight distance be provided along the centerline of the roadway
  - (a) **MOTION:** Mr. Brooke made a motion to grant a waiver from Section 123-35.A: Partial waiver requiring that 500 feet of sight distance be provided along the centerline of the roadway. Ms. Satterwhite seconded the motion. The motion *passed* 8-0.
- (5) Section 123-35.C.1(c): Partial waiver requiring that the length of vertical curvature for each change of 1% should be 25%. The applicant is proposing a curve length of 20.75'.
  - (a) **MOTION:** Mr. Atkins made a motion granting a waiver to Section 123-35.C.1(c): Partial waiver requiring that the length of vertical curvature for each change of 1% should be 25%. The applicant is proposing a curve length of 20.75'. Mr. Brooke seconded the motion. The motion *passed* 8-0.
- (6) Section 123-35.D.6: Partial waiver requiring that street grades must be less than 3% for a distance of 50 feet at intersection approaches. The applicant proposed 2% for 40 feet and 4% for 20 feet.
  - (a) **MOTION:** Mr. Brooke made a motion to grant a waiver from Section 123-35.D.6: Partial waiver requiring that street grades must be less than 3% for a distance of 50 feet at intersection approaches. The applicant proposed 2% for 40 feet and 4% for 20 feet. Ms. Satterwhite seconded the motion. The motion *passed* 8-0.
- (7) Section 123-104.D1(a): Partial waiver requiring that stormwater basins be designed to transport the fifty year post development rate while releasing the inflow at a ten year pre-development rate. The applicant is proposing to meet this standard for Basin A and for the site as a whole but not specifically for Basin B.
  - (a) **MOTION:** Mr. Brooke made a motion to grant a waiver from Section 123-104.D1(a): Partial waiver requiring that stormwater basins be designed to transport the fifty year post development rate while releasing the inflow at a ten year pre-development rate. Mr. Atkins seconded the motion. The motion *passed* 8-0.
  - (b) Mr. Brooke said he would still like to know who will be maintaining the pipes.
- ix) **MOTION:** Mr. Kuberski made a motion to grant Preliminary/Final approval for S-17-05 – 306 Level Road – 306 Level Road LLC, subject to the determination of who will maintaining the pipe throughout the five lots. Mr. Brooke seconded the motion. The motion *passed* 8-0.

## 5) New Business

- A) S-17-12 – Steve Parris – Proposed construction of driveway and rebuilding of single family detached home in steep slope zone – Level Rd. (across from 306 Level Road)
  - i) Mr. Andrew Miller, on behalf of the applicant, reviewed the project and showed where the property was located.
  - ii) Chairman Comroe said that that Zoning Hearing Board is asking for their opinion before making a decision. Chairman Comroe said this is a similar situation to a property on Lower Pine Town Road, which was granted a variance.
  - iii) Mr. Mrozinski showed the Planning Commission the site plan. Mr. Miller explained where the driveway, stormwater run-off and the house would be located.
  - iv) Ms. LaPenta asked what was the typical slope of a driveway. Mr. Miller reviewed the driveway slope. He said the driveway is only impacted in order to widen it. He said they are

filling in the right hand side while cutting into the left-hand side of the slope. Chairman Comroe asked if this would be a single-family dwelling. Mr. Miller said that it is.

- v) Mr. Woodrow said that this property is pretty steeply sloped and that the question they need to determine is whether or not the owner has the ability to use his land without an aggressive impact. He said that what the Planning Commission should ask is whether this is a reasonable use and disturbance for this property
  - (1) Betty Jane Green, Shawnee Circle, said she has lived in the area for 18 years and knows the area well. She expressed concern about the width of the driveway and would they be able to turn around or would homeowner have to back out onto Level Road. Ms. LaPenta said there is enough room to turn around. Mr. Miller agreed, stating there was a turn-around area and a large entrance. They discussed the slope percentage of the driveway at various intervals. Mr. Miller described the apron area of the garage. Mr. Moore asked about truck deliveries or guests. Mr. Miller described the widths of the driveway and turnarounds. Mr. Brooke asked if a fire truck would be able to turn around. Mr. Miller said it would not
- vi) Mr. Baird stated that he did not feel this would work. Mr. Miller said that there is already a driveway and he is actually making the driveway safer and building it to code.
- vii) Mr. Mrozinski noted that the Planning Commission not being asked to approve the plan, they have only been asked to comment on the steep slope disturbance so the Zoning Hearing Board can have their thoughts before making a decision.
- viii) Mr. Kricun confirmed that this is an existing driveway which will be improved, that they are adding retaining walls to prevent erosion and building a house where there is a flat area.
  - (1) Ed Green, Shawnee Circle, expressed concerns about the installation of the sewer line and how it will impact the area, adding to water issues. He feels this needs to be addressed before any approvals are made. Mr. Green said he loves the property but does not feel this is a feasible project.
- ix) Board Comments:
  - (1) Mr. Baird stated he does not feel this is a viable project.
  - (2) Chairman Comroe said he does not feel a single family home will have significant impact on the property but they will need to see plans before any building approvals, but that was not the issue before them. Mr. Miller said that the impact is actually only about 15 feet of the steep slopes and that the applicant wants to keep the property as natural as possible. He said the house is under 2,000 square feet.
  - (3) In response to Chairman Comroe, Mr. Woodrow said he would have to see architectural drawings before approving but stated that they have worked hard to make this as natural a building as possible and it is designed with the lot in mind. He said that more work will need to be done before they approve a building plan, but the question tonight is the disturbance of steep slopes warranted. He asked if the Commission if they have seen enough of the design plan and the impact to make sure the Township is not causing an unsafe situation.
  - (4) Ms. LaPenta said the applicant has designed the driveway to make sure it is safe and has minimal impact on the slopes. She feels they have thought about it.
- x) **MOTION:** Mr. Brooke made a motion to accept this project as a reasonable use for this parcel. Mr. Kuberski seconded the motion. The motion *passed* 7-1 with Mr. Baird in opposition.

xi) Mr. Atkins said this approval brings up a larger issue of setting precedence. The concerns expressed by the Commission are based on all mitigations in place with regard to impact. They want to make sure that a project like this is well thought out and well-engineered to not set a bad precedent.

**6) Motion to Adjourn:**

A) **MOTION:** Mr. Brooke made a motion to adjourn. Ms. Kricun seconded the motion. The motion passed 8-0. The meeting adjourned at 8:20 p.m.

**Next Meeting:** September 27, 2017