

**LOWER PROVIDENCE TOWNSHIP  
PLANNING COMMISSION  
SEPTEMBER 27, 2006 MEETING MINUTES**

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**1. Call to Order:**

A. Chairman Schlack called the Planning Commission meeting to order at 7:35 p.m.

**2. Pledge of Allegiance**

**3. Roll Call:**

A. The following planning commission members were present: Mr. Schlack, Mrs. Satterwhite, Mr. Vibbert, Mr. Bodek, Mr. Kuberski, and Ms. Zimmerman.

B. Mr. Endlich and Mr. Stemple were absent. Mr. Rutledge was excused.

C. Additional attendees included: Ms. Jean Holland, Montgomery County Planning Commission, Mrs. Marie Altieri, Board of Supervisors Liaison, and Mr. Michael Siegel, Director of Community Development.

**4. Approval of Planning Commission Previous Meeting Minutes:**

A. Planning Commission Meeting Minutes for August 23, 2006:

1. The August 23, 2006 meeting minutes were not included in the packet, and will be voted on at the next Planning Commission meeting.

**5. Subdivision and Land Development Reviews:**

A. S-06-09 – 3498 Arcola – Tyson Mill Road Minor Subdivision – Preliminary / Final Plan:

1. Mr. John Deimer, an engineer from Wilkinson & Associates, was present to represent the applicant.
2. Mr. Deimer noted that the applicant has already received relief from the Zoning Hearing Board for setbacks relating to an existing garage / barn structure that is to remain on one of the lots with the existing house. The applicant proposes creating three lots from an 8.31-acre parcel with a common driveway off of Arcola road. Two new homes will be constructed on the newly created lots.
3. Discussion of waivers:
  - a) Section 123-32 – waiver from curbing along Arcola Road & Tyson Mill Road and Section 123-33 – waiver from sidewalks along Arcola Road & Tyson Mill Road:
    - (1) Mr. Deimer noted that there currently are no curbs or sidewalks along the roadway or in the vicinity of this parcel.
  - b) Section 123-42 – waiver from on-site storm water management:
    - (1) Mr. Deimer explained that there will be minimal disturbance to the land with this development, and that being located on the river provides a de minimus impact with runoff. He discussed how the property related to the 2001 FEMA map.
  - c) S.O. Section 123-50.B – waiver from planting street trees:
    - (1) Mr. Deimer explained that there will be minimal tree removal on this heavily wooded lot, and that there is no room for the placement of additional trees on the parcel.
4. Discussion of Executive Summary comments:
  - a) All items are will comply, unless otherwise noted.
  - b) Under record plan comments; Mr. Deimer noted that the 100-year floodplain information is on the FEMA map, which shows the existing 99 contours.
  - c) Under grading and utility plan comments, the applicant will seek a waiver for items 1 & 2.

- d) Mr. Deimer noted that the applicant was willing to place all of the land in the floodplain into a conservation easement if the Township is willing to waive the Park & Recreation fee.
- 5. Mr. Vibbert commented that this was a rear lot subdivision because they are not providing access off of Tyson Mill Road. Mr. Deimer explained that they have the lot frontage on a public street, and that they were providing a 20' utility & drainage easement.
- 6. Mr. Vibbert remarked that the basement on lot 3 was only one foot higher than the floodplain, which means the basement would probably flood if the water level rises.
  - a) Mr. Bodek questioned if flooding would cut off access to the two back houses? Mr. Deimer will investigate this.
- 7. Mr. Vibbert questioned the retention system on this parcel. Mr. Deimer indicated that there would be some type of recharge system.
  - a) Mr. Vibbert stated that any restrictions in the floodplain must be shown on the plan.
  - b) Mr. Deimer noted that it would be listed on the plan that recharge beds will be included. Further discussion of this topic indicated the need for perk tests to determine the location of these beds.
  - c) Mr. Deimer explained that their waiver request for 123-43, storm water management, relates to controlling the rate of storm water runoff as per the ordinance. He noted that the waterways bordering the property negate any impact on neighbors, the waterway is the neighbor.
  - d) Mr. Vibbert indicated that the waiver should be granted subject to agreement by the Township Engineer.
- 8. Mrs. Catherine Hoy, the applicant, indicated that she has lived in the existing house for over 40 years, and the water has never come close to her house. She does not understand the objections to lot 3. Mr. Siegel noted that the lots meet Township criteria.
- 9. Mr. Kuberski asked if there would be any issues with the cuts? Mr. Deimer noted that erosion control mats would be used during construction, and they would need approval from the Conservation District.

**10. Waiver Requests:**

- a) Section 123-32 – waiver from curbing along Arcola Road & Tyson Mill Road:
  - (1) **MOTION** – Mrs. Satterwhite made a motion to recommend that the Board of Supervisors grant this waiver request. Mr. Bodek seconded the motion.
    - (a) Mr. Bodek asked if curbing would be installed on the lower portion of the driveway? Mr. Deimer indicated that it would.
    - (b) Ms. Zimmerman recommended that the Board request a fee in lieu of curbs.
    - (c) **MOTION AMENDMENT** – It was decided that the motion should be broken into two motions, with the original motion being voided.
    - (d) **MOTION** – Mrs. Satterwhite made a motion to recommend that the Board of Supervisors grant a waiver for curbs along Tyson Mill Road. Mr. Bodek seconded the motion. The motion *passed* 6-0.
    - (e) **MOTION** – Ms. Zimmerman made a motion to recommend that the Board of Supervisors grant a waiver for curbs along Arcola Road provided the applicant pay a fee in lieu of curbs. Mr. Bodek seconded the motion. The motion *passed* 5-1. Mrs. Satterwhite opposed the motion.
- b) Section 123-33 – waiver from sidewalks along Arcola Road & Tyson Mill Road:

- (1) **MOTION** – Mr. Kuberski made a motion to recommend that the Board of Supervisors grant a waiver for sidewalks along Tyson Mill Road. Mr. Vibbert seconded the motion. The motion *passed* 6-0.
- (2) **MOTION** – Mr. Vibbert made a motion to recommend that the Board of Supervisors grant a waiver for sidewalks along Arcola Road, provided the applicant pay a fee in lieu of this sidewalk. Mr. Kuberski seconded the motion. The motion *passed* 6-0.
- c) Section 123-42 – waiver from on-site storm water management:
  - (1) **MOTION** – Mrs. Satterwhite made a motion to recommend that the Board of Supervisors waiver site storm water management, subject to the approval of the Township Engineer. Mr. Bodek seconded the motion. The motion *passed* 6-0.
- d) S.O. Section 123-50.B – waiver from planting street trees:
  - (1) **MOTION** – Mr. Bodek made a motion to recommend that the Board of Supervisors grant this waiver request. Mr. Kuberski seconded the motion. The motion *passed* 6-0.
11. Mr. Deimer questioned if the Township would waive the Park & Recreation fee if the floodplain land were placed in a conservation easement? This would include approximately four acres of land. Ms. Holland discussed possible uses for the land. It was decided that the Board of Supervisors should decide this matter.
12. **MOTION** – Mrs. Satterwhite made a motion to recommend that the Board of Supervisors grant preliminary and final plan approval, with a note that the Board of Supervisors should consider the applicant’s offer of a conservation easement in lieu of the Park & Recreation fees. Mr. Bodek seconded the motion. The motion *passed* 6-0.

**6. Other Business:**

- A. Old Business –
  1. None
- B. New Business –
  1. None

**7. Adjourn**

- A. **MOTION** – Mr. Bodek made a motion to adjourn the meeting. Mr. Vibbert seconded the motion. The motion passed 6-0. The meeting ended at 8:17 p.m.

**Next Meeting:**   October 17, 2006 – Joint Meeting with Board of Supervisors  
                          October 25, 2006 – Planning Commission Meeting