

**LOWER PROVIDENCE TOWNSHIP
PLANNING COMMISSION
JULY 22, 2009 MEETING MINUTES**

1. Call to Order:

A. Chairman Schlack 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. Bodek, Mr. Brooke, Mr. Endlich, Mr. Kuberski, Mr. Rutledge, Mr. Schlack, Mr. Stemple, and Ms. Zimmerman.

B. Mrs. Satterwhite was excused.

C. Additional attendees included: Ms. Jean Holland, Montgomery County Planning Commission, Mrs. Marie Altieri, Board of Supervisors Liaison, and Mr. Nathaniel Dysard, Project Analyst.

4. Approval of Planning Commission Previous Meeting Minutes:

A. Planning Commission Meeting Minutes for May 27, 2009:

1. **MOTION** – Mr. Stemple made a motion to approve the May 27, 2009 meeting minutes. Mr. Endlich seconded the motion.

a) Mr. Rutledge noted that for items 9, 11 and 12 he should be listed and not Mr. Kuberski.

b) **MOTION VOTE** – The motion *passed* 7-0-1. Mr. Bodek abstained from the vote because he did not attend that meeting.

5. Subdivision and Land Development Reviews:

A. S-09-02 – 1414 Wetherill Road (Barry) Minor Subdivision for Preliminary and Final Plan Approval:

1. Mr. Michael Furey, Esq., was present to represent the applicants Brad and Janet Barry, also present. Mr. Glen Gilcheski, the project engineer, was also in attendance.

2. Mr. Furey explained that this was a request to subdivide an existing “L” shaped lot into two lots, with one fronting on Catherine Road and the other on Wetherill Road. They attended a Township staff meeting at the beginning of the process to discuss the project, and have received review letters from Chambers Associates, resolving most of those matters.

3. Mr. Furey noted that they would request waivers from the installation of curbs, sidewalks and storm sewers.

4. Mr. Bodek asked if the Chambers request to move the rain tank had been addressed? Mr. Gilcheski indicated that it had been moved on the plans.

5. Mr. Stemple commented that requesting a waiver from sidewalks just because there are no others in the area is not a good reason, and asked why a waiver should be granted?

a) Mr. Furey noted there is nothing for a sidewalk to connect to.

b) Ms. Zimmerman asked if this was an established neighborhood? Mr. Furey indicated that it was.

c) Mr. Stemple commented that he has a problem with everyone wanting a waiver from sidewalk installation. The Board of Supervisors passed an ordinance requiring them, and just because they do not currently exist in a neighborhood does not make that right.

d) Mr. Schlack commented on his home, where the builder was made to install the sidewalks, but no one else has them.

e) Ms. Zimmerman indicated that in this type of situation, she is OK with this waiver because it is an established neighborhood.

- f) Mr. Bodek questioned how many other lots in the area could be divided?
 - g) Mr. Brad Barry, the owner, indicated there were no other large lots in this area. He reviewed the traffic flow, layout of the streets, and noted most people go to Pawlings Circle to walk.
 - h) Ms. Zimmerman noted that the Chambers letter also calls for storm sewers and curbing to be installed, and if a waiver is requested it should be subject to construction in the future if requested by the Township and noted as such on the plans.
 - i) Mrs. Altieri indicated she would also like sidewalks to be required in that plan note. Mr. Stemple indicated he would be OK with that.
6. Mr. Kuberski asked if there was enough build-able area on the lot? Mr. Gilcheski indicated that there was, with about 24,000 sq. ft. for lot two.
 7. Mr. Stemple asked about having a new address created for the new lot. Mr. Gilcheski commented that he would have to contact the post office about that, or the Township would assign one.
 8. Ms. Holland asked if the landscaping comments were addressed?
 - a) Mr. Gilcheski never received a review letter from CMX. Ms. Holland state that they need to provide a tree replacement calculation and identify what materials will be selected as replacements.
 - b) Mr. Gilcheski has prepared a natural resources plan as required by Ordinance 576. They will get a credit for the remaining trees, so even with removing 20 trees no replacement trees are required.
 - c) Mr. Barry noted that he still intends to plant trees.
 - d) Ms. Holland reiterated that they would have to identify the tree replacement number.
 - e) Mrs. Altieri stated that before this comes to the BOS, they will need a clean review letter from CMX and provide up to date plans.
 - f) Ms. Holland noted that per the ordinance, they are required to obtain a signoff on the landscaping plan from CMX.
 9. Mrs. Altieri asked if they would comply with the remaining items on the Chambers review letter? After some discussion it became known that a subsequent review letter from Chambers was not distributed to the PC. Mr. Furey distributed this June 26, 2009 letter, which indicated that all comments have been addressed.
 10. **MOTION** – Ms. Zimmerman made a motion to recommend the following approvals and conditions for this plan:
 - a) Approval of the waiver from Section 123-32, curbs and storm sewers on Catherine Road and Wetherill Road;
 - b) Approval of the waiver from Section 123-33, sidewalks along Catherine Road and Wetherill Road, both of these waivers are contingent upon a note being placed on the plan requiring the property owner to install curbs, storm sewers and sidewalks in the future if required by the Township;
 - c) Requirement of a clean review letter from CMX landscaping;
 - d) Approval for the preliminary and final plan.
 - e) **MOTION SECOND & VOTE** – Mr. Endlich seconded the motion. The motion *passed* 8-0.
 11. There were no public comments on this application.
- B. S-09-03 – 25 Featherbed Lane (Shrawder) Major Subdivision for Preliminary Plan Approval:

1. Mr. Christopher Martincic, P.E., Project Manager with Yerkes Associates, Inc., was present to discuss this application for Mr. and Mrs. Shrawder.
2. Mr. Martincic reviewed existing features of the site, including a single-family dwelling, a barn and various outbuildings. The parcel is zoned R2 Residential, allowing construction of single-family homes on 25,000 sq. ft. lots. The applicant proposes subdividing the parcel into five lots, all of which meet area and bulk requirements, and are a by right subdivision and use. A 275' cul-de-sac will be constructed to provide access to the lots.
3. Mr. Martincic indicated that all but three items will be complied with from the Chambers Associates June 15, 2009 review letter. They will also address concerns in the review from the Sewer Authority. The plan proposes the construction of three below ground and one above ground storm water basin.
4. Ms. Zimmerman requested that the request for a waiver from sidewalk installation be explained, as it is important to install sidewalks where they are appropriate.
 - a) Mr. Martincic commented that this cul-de-sac only serves a few lots and noted there was an issue with cost.
 - b) Mr. Endlich replied that the next development up the street has sidewalks, and that cost is not a valid argument for a waiver with a five-lot subdivision.
 - c) Chairman Schlack concurred; noting a subdivision of this size requires sidewalks.
 - d) Mr. Bodek suggested installation of partial sidewalks, up one side of the street.
 - e) Ms. Zimmerman remarked that she would like to see sidewalks installed around the entire development on both sides, which was echoed among most PC members.
5. Ms. Zimmerman questioned the waiver from basin depth. The applicant proposes a 6' basin with no fencing, where the depth of no greater than 4' is permitted.
 - a) Mr. Martincic indicated that the stormwater improvements create an extreme hardship.
 - b) Mr. Endlich questioned what that hardship was? Mr. Martincic stated they were having difficulty fitting the stormwater requirements on the parcel.
 - c) Chairman Schlack noted that three underground basins were proposed, and asked why they don't use four? Mr. Martincic stated that he was not sure they could make the volume, and that this was an economic hardship. Mr. Endlich commented that stormwater management is not a hardship.
 - d) Mr. Brooke commented that if a basin were to be 6' deep, a fence would be required. Mr. Endlich stated a fence was necessary with a 4' basin, from a safety perspective.
 - e) Mr. Schlack asked who was responsible for the retention basin? Mr. Martincic indicated that the homeowner of lot five was responsible for the basin.
 - f) There was a discussion of possibly reconfiguring the lots, moving the basin or including the fourth underground basin. Mr. Martincic indicated that grading would impact the ability to install the basin.
6. Ms. Zimmerman noted that there were a lot of comments on the Chambers review letter. She asked if the applicant would be able to comply with them?
 - a) Mr. Martincic noted that he could comply with most of them, but indicated that the only one he has problems with is the basin depth.
 - b) Mr. Kuberski suggested sliding the cul-de-sac circle back toward lot three, which could free up some space for the basin.
 - c) Mr. Martincic was not sure how this would work with the reverse curve. He looked at many different layouts. He can review this again, but had problem with pinching the building envelopes in past variations of the plan.

- d) There was a discussion regarding how runoff from the houses would get to the underground basins. Mr. Martincic indicated they would comply with DEP regulations. He will contact Mr. Manai to confirm that the intent was to pipe the water underground.
 - e) There appeared to be a consensus that the water should go into the ground, into seepage beds, and be piped underground. Mr. Martincic noted that Chambers asked that it be tied into existing storm sewer on Featherbed Lane, which they will do.
 - f) A lengthy discussion regarding stormwater occurred. Mr. Martincic explained what is being proposed, and will work with the Township Engineer to address any issues.
7. Ms. Holland noted that they do not have tree replacement calculations. A lot of trees are being removed on sheet 2 of the plan, and they need to be identified prior to going to the BOS. Mr. Martincic will comply with this request; he did not receive a copy of CMX's letter.
8. Waiver Requests:
- a) Section 123-33 – Installation of sidewalks:
 - (1) **MOTION** – Ms. Zimmerman made a motion to deny this waiver request. Mr. Brooke seconded the motion. The motion *passed* 8-0.
 - (2) Mr. Paul Hofgesang, 1004 Skyline Circle, requested that a burm be installed to address issues relating to stormwater runoff, particularly from lot three. Mr. Hofgesang used sheet seven of the plans to show how water flows in relation to the grading that is proposed and negatively impact the houses on Skyline. He requested a burm be installed along the property line to direct the water into the swale.
 - (3) Mr. Martincic asked if he had permission to go onto Mr. Hofgesang's property to survey this area so they could get it correct? Mr. Hofgesang indicated that he could.
 - (4) Mr. Hofgesang identified trees that would be removed when the burm was installed and indicated that they should be noted as being removed on the plan.
 - (5) Mr. Hofgesang noted that Mr. Bacon at 1006 Skyline was also present this evening, and that the Roses at 1008 Skyline could not attend the meeting this evening, but all share this concern. He explained that they came out for the meeting in June, however that meeting must have been cancelled.
 - (6) Mr. Hofgesang expressed his concerns in a letter to Mr. Siegel back in May, prior to his leave. Chairman Schlack requested that Mr. Dysard forward a copy of this letter to the PC.
 - (7) Mr. Endlich suggested that the burm run the length of the property.
 - b) Section 123-104.D.3 – Maximum basin depth of 4', the applicant proposes 6':
 - (1) **MOTION** – Mr. Brooke made a motion to deny this waiver request. Mr. Endlich seconded the motion. The motion *passed* 8-0.
 - c) Section 123-104.D.15.A – Requirement for fencing around a basin:
 - (1) **MOTION** – Mr. Brooke made a motion to deny this waiver request. Ms. Zimmerman seconded the motion. The motion *passed* 8-0.
9. Mr. Endlich remarked that this plan should be tabled to provide time for the applicant to address the issues discussed this evening, including installation of the burm to create a swale behind lots 2 & 3, and place trees on top of the burm. The Chambers review letter should be clean the next time this plan is discussed with the PC.
10. Ms. Holland noted that the 90-day clock would expire on August 25, 2009, so the applicant would need to request an extension. Mr. Martincic indicated he would request the extension.
11. **MOTION** – Mr. Endlich made a motion to table this application, and have the applicant request a 90-day extension. Mr. Stemple seconded the motion. The motion *passed* 8-0.

6. Other Business:

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

7. Adjourn

- A. **MOTION** – Mr. Stemple made a motion to adjourn the meeting. Mr. Bodek seconded the motion. The motion *passed* 8-0. The meeting ended at 8:42 p.m.

Next Meeting: August 26, 2009 – Regular Meeting