

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS & PLANNING COMMISSION WORK SESSION
APRIL 18, 2006 MEETING MINUTES**

1. Call to Order:

A. Chairman Dininny called the meeting to order at 7:10 p.m.

2. Pledge of Allegiance

3. Roll Call:

A. The following supervisors and planning commission members were present: Mr. Dininny, Mr. Brown, Mr. DiPaolo, Mrs. Altieri, Mr. Vibbert, Mrs. Satterwhite, Mr. Bodek, Mr. Stemple, Mr. Kuberski, and Mr. Rutledge.

B. Mr. Endlich arrived after the meeting began.

C. Mr. Sassu, Mr. Schlack, and Ms. Zimmerman were absent.

D. Additional attendees included: Mr. John Chambers, Township Engineer, Mr. David Onorato, Township Solicitor, Mr. Joseph Dunbar, Township Manager, and Mr. Michael Siegel, Director of Community Development.

4. Topics for Discussion for this meeting:

A. Current Rear Lot and Public Street Frontage Ordinance (see attachments):

1. Mr. Onorato explained that these proposed changes to ZO and SALDO stem from a lawsuit filed several years ago, with the proposed language bringing the two ordinances into compliance with each other and attempting to reduce the number of rear lots permitted. Mr. Dunbar noted that the PC has already acted upon these ordinances.
2. Review of the zoning ordinance for section 143-20, access to public street:
 - a) Mr. Onorato explained that under Section 1.C) a sentence was added to clarify the equal meaning between references for "interior lot" and "rear lot" within the ordinance.
 - b) Mr. Chambers explained that Section 2 resolves the significant difference between ZO and SALDO for the width of the pole at the access point to the street. In the existing ordinances, ZO called for a 20 ft. width and SALDO called for a 50 ft. width. The proposed language calls for a 25 ft. width at the access to the street, and running the entire length of the pole.
3. Review of the subdivision and land development ordinance for Section 123-39I, rear lots:
 - a) Mr. Onorato explained that all of the information in Section 1 of this ordinance defines the requirements for a rear lot. Section 1)I)3) is a new section defining the design standards for a rear lot, including the 25 ft. pole width. Additionally the specific limit of no more than two rear lots is defined.
 - b) Mr. Vibbert thinks that this portion of the current ordinance sets a limit of no more than one rear lot. He expressed his dissatisfaction with the Highley Acres development. Mr. Onorato noted that Highley Acres complies with the old ordinance, and represents what they are trying to prevent from reoccurring.
 - c) Mr. Brown noted that he is also not in favor of rear lots and questioned the need for developing every square inch of the Township. Mr. Endlich expressed understanding for this position, however is hesitant to limit a property owner's ability to sell their land. He questioned the number of parcels in the Township affected by the proposed ordinance? Mr. Siegel commented that there are not that many parcels out there, he is working on an inventory of the parcels.

- d) Mr. Chambers reviewed two possible configurations for the proposed rear lot ordinance, one with two poles on the side of the main lot running back to two stacked rear lots; and the second with a pole on either side of the main lot running back to two rear lots that both abut the main lot.
 - e) Mr. Vibbert questioned if two additional rear lots could be constructed behind the proposed ones on Mr. Chamber's plan? Mr. Chamber indicated that they could not. Mr. Dunbar asked what the limit is for flag lots under the current ordinance? Mr. Chambers explained how there is no real limit in the ordinance today, so as many rear lots as the land permits can be constructed. Mr. Chambers also noted that section 1)I)3)j) requires the rear lots to be 150% of the minimum lot area for their district.
 - f) Mr. Onorato noted that the old items e & f were removed, and the old item "g" is now "f," and the old item "i" is now "g." He does not think that item "g" regarding 15% of total lots in a major subdivision being rear lots would apply since there are no large parcels left for development.
 - (1) Mr. Brown questioned the need for such a feature at all. He noted that rear lots cause problems for the Township and the residents down the road with neighbor disputes.
 - (2) Mr. Chambers explained that the potential use of rear lots off of a cul-de-sac bulb limits the amount of roads the Township would have to maintain.
 - (3) Mr. Endlich questioned safety specifics of such a layout.
 - g) Mr. Onorato noted that 1)I)3)I) is new language requiring public water and sewer. He believes that the changes to the two ordinances will help limit the number of rear lots as compared to the current ordinance, with the net effect moving toward their limitation.
4. Mr. Chambers suggested that the group answer three primary questions to resolve the flag lot issue:
- a) Do you want to allow flag lots?
 - b) If you have flag lots, how many are allowed in a row?
 - c) What is the lot area of the flag lot?
5. Each member provided their opinion on the matter:
- a) Mr. Vibbert noted that other Township's only permit one or two flag lots, and he favors only permitting one.
 - b) Mrs. Satterwhite noted that on Mt. Kirk Avenue there are many deep lots. If the lots were sold off as flag lots, there could be six flag lots in a row, and she questioned if that is what everyone wants for the Township?
 - c) Mr. Stemple asked if they could deprive the property owner of their right to sell their land? Mr. Onorato noted that they could limit what is permitted by requiring a certain minimum width at the street. Mr. Dunbar noted that there is also concern with the use of common driveways having enough room for two cars to pass. Mr. Chamber noted that section 1)I)3)h) requires a driveway width of 20 ft. which is wide enough for two cars.
 - d) Mr. Endlich is torn between not wanting excessive development in the Township and not wanting to limit what people can get for their land.
 - e) Mrs. Altieri concurs with Mr. Endlich. She asked if there were other legal ramifications if the Township would move to not permitting any rear lots? Mr. Onorato stated that there are no ramifications; they would just say that all lots must abut a public street.
 - f) Mr. Dunbar noted that while the Board must determine what philosophy they want to apply to the final solution for the matter, there are two outstanding pieces of legislation going before the Board this week. He would like to see these limits approved to prevent additional rear lots from being submitted for approval prior to the ultimate resolution of the

matter. The discussion to determine the final number of rear lots can be addressed again at the next work session. He requested that Mr. Siegel have the inventory ready for the next joint meeting in May.

- g) Mr. Kuberski commented that he likes open space and would like to see the number of rear lots reduced.
 - h) Mr. Rutledge would also like to limit the amount of rear lots, and limit their use in major subdivisions.
 - i) Mr. Brown is opposed to rear lots. He commented that new houses just place a greater tax burden on residents to fund schools. He discussed the complicated issues surrounding neighbors in your back yard, and preserving open space. Mr. Brown noted that they should also change the five-acre minimum for townhouses back to a ten-acre minimum.
 - j) Mr. Siegel noted that he has seen many types of problems in other municipalities with permitted rear from 0 to 3. He would also like to see these proposed ordinances approved as a temporary stopgap measure, noting that further reductions in the permissible rear lots could be included in the clean-up ordinance.
 - k) Mr. DiPaolo originally thought that one rear lot would be acceptable, however he now thinks that 0 is better. Once the land has been subdivided and purchased that is the land and house that the owner bought and should stay that way. Open land is a different matter. He sees no public benefit with rear lots. He would like any conditionals to be applied in the zoning code so that no one can come to the Board for waivers.
 - l) Mr. Dininny expressed the need to clarify this matter between all members of the joint committee and not just the Board of Supervisors. He expressed concern over any subjective language in the ordinance, which he would like tightened up. If relief were required he would like it to go to the Zoning Hearing Board. He is also torn between not wanting to devalue someone's property and increasing school taxes. He questioned whether the use of a separate committee such as was done with the Ridge Pike Overlay Committee might be a better way to deal with this issue?
6. Mr. Onorato noted that no action was necessary on this tonight. This is an item on the next Board of Supervisor agenda, and staff has strongly suggested that it be considered. If the Board approves it, the matter should be on another joint meeting agenda for further consideration.
 7. Mr. Dunbar asked if the Board approves it, could the changes go into a clean-up ordinance? Mr. Onorato noted that anything could go into the clean-up ordinance, but they may want to address this separately so as not to lose any of the changes.
 8. Mr. Siegel agreed to have the inventory complete for the next joint meeting in May. There was a discussion of movie lots being combined to create larger parcels. Mr. Siegel will look into these as well.
 9. Mr. Dunbar asked how many other ordinances would need to be modified in SALDO if the number of rear lots is reduced or eliminated? Mr. Onorato noted that it would be handled in a timely matter.
 10. Mr. Dininny requested that everyone come to the next meeting prepared to discuss their top three ideas pertaining to rear lots, and to be as specific as possible.
 11. Mr. Chambers explained how, if rear lots are eliminated, a cul-de-sac could be used to still get three lots on a parcel. Mr. Brown commented that the road would have to be built to Township specifications.
 - a) Mr. DiPaolo asked if the street frontage ordinance could be specific to the zoning district to help limit such a scenario? Mr. Chambers noted that it could be limited.

- b) Mr. Dininny asked how private roads fit into this? Mr. Chambers noted that while the private roads must be built to Township specifications, he would recommend that private roads not be permitted. They present problems later on when road upgrades, snow removal issues arise.
- c) Mr. Endlich recommended increasing the acreage requirements for rear lots.

B. Curbs & Sidewalks Discussion:

1. Mr. Chambers remarked that developers should install curbs and sidewalks, or they should be required to pay a fee in lieu of to the Township for their future installation.
2. Mr. Onorato commented that if the Township wants curbs and sidewalks there should be a hard and fast rule that they be installed. There are very few places where their installation is inappropriate. He commented that it is a savings to the developer that is not passed on to the homeowner when they are not installed.
3. Mr. Endlich commented that for the most part the PC has required curbs and sidewalks or the fee in lieu of. Some places, such as Level Road, present a problem and they have not required them there.
4. Mr. Dunbar noted that the cost to install curbs and sidewalks has escalated in the last three years, and they should be installed sooner rather than later.
5. Mr. Dininny noted that there are some places where they do not fit, such as older neighborhoods that do not have them. There are also stormwater management issues where it is better to not install the curb with the sidewalk. He brought up the issue of granite vs. concrete. Belgium Block is easier to replace than concrete, and the old concrete does not hold up as well as today's concrete. He would like some absolutes on this matter.
6. Mr. Endlich questioned what the problem was with how this was currently being handled? Mrs. Altieri noted that it was a topic idea sent in for the meeting. The issues of concrete vs. granite, and definite use of curbing needs to be resolved.
7. It was noted that the bid for curbing in the PIB loan bids was \$1.5 million, at a cost of \$35 per foot for concrete curbing. Belgium Block has more concrete in it than concrete curbing contains. Granite curbing would be around \$55 per foot, but lasts forever. Mr. Dunbar noted that the Township does not own the curbs or sidewalks; it is actually the homeowner's responsibility to replace these items.
8. There was much discussion regarding what type of curbing should be used, stormwater and maintenance issues with curbing, the pros and cons of sidewalks etc. It was noted that developers would always ask for waivers from these items. Mr. Chambers noted that developers determine their costs based on what the Township normally requires or waives. If granite is waived 90% of the time they know they do not have to figure that cost into their expenses.
9. Mr. Dunbar noted that several years back, the Township had a sketch plan phase, then a preliminary and then final phases. Somehow the sketch plan is gone and preliminary and final plans are done at the same time. When developers say they will comply with an item, the Planners do have a right to review and comment on those items.
10. Mr. Chambers noted that the tentative sketch plan was previously required, but that started the clock ticking. This does not happen now.
11. Mr. Dininny remarked that if a developer is told one thing in the Solicitor & Staff meeting and the Planners or Board want to change that item, the developer doesn't want to change it because they have paid to have the engineering design done. This does not happen as much with a sketch plan because the comments are made prior to the Engineering expense. He also noted that from a consistency perspective, the thoughts change with each Board, PC or staff change. Mr. Dunbar remarked that is why there are such things as the Comprehensive Plan.

12. Mr. Celbin Carolina, Kriebel Mill Road, questioned if the builder was required to submit digital photos of the site with their plan would that make it easier for the PC to determine if curbing should be installed? Mr. Dunbar noted that the Township already has the technology to bring up aerial photographs of the area on the GIS system, as well as the sidewalk system.
13. Mr. Onorato suggested that while Mr. Siegel already has current sidewalk maps, perhaps a review of the Comprehensive Plan, Park Plan and Trail Plan could identify areas in the Township where sidewalks are definitely beneficial or not. A definitive list of these areas could be compiled. From a practical perspective, the Township would always require a fee in lieu of curbs or sidewalks and never waiver these items.

C. Meeting Review:

1. Mr. Dininny asked if everyone thought that this was a beneficial meeting and if it should be held monthly until they are comfortable with the issues?
2. Mr. Vibbert thinks this should be monthly, and noted that the issue of private roads should also be addressed.
3. Mrs. Satterwhite concurred with Mr. Vibbert. She thinks there is a lot of work to do, and a decision regarding the granite vs. concrete must be made.
4. Mr. Stemple thought this was a good meeting, and commented that the Board needs to provide some direction to the PC.
5. Mr. Endlich hopes these meetings continue. He noted that preliminary and final plan approvals are gone through much too quickly (and knows that Mr. Schlack concurs with this.) They do not have enough time to review a plan and it is here for final approval.
6. Mrs. Altieri noted that everyone should send his or her topics to Mr. Siegel for the next agenda. Items that she currently has for the next meeting are rear lots, private roads, the sketch/preliminary/final plan phases, and 5-acre zoning for townhouses.
7. Mr. Dunbar noted that he would be asking the group to consider mixed use zoning for the business park in the near future.
8. Mr. Kuberski thinks that this is a good meeting and should be held monthly.
9. Mr. Rutledge concurred, and noted that part of the reason he moved to this area was for the sidewalks.
10. Mr. Bodek thinks this is a good idea. He requested that they receive small updates in their packets with other significant items going on within the Township, and not just the problems. He would like to know more about what is being proposed for the future.
11. Mr. Brown thinks they need to prioritize what is on the list. He would like to see them place the Evansburg Historical District as a high priority, as well as the VC ordinance. He would like them to revisit the 5-acre vs. 10-acre requirement for R4 townhouses.
12. Mr. Siegel thanked the PC for all of their help with the ordinances. He has tried to address the issues on the Comprehensive Plan, noting that both Boards would be amazed at what they have accomplished these past few years.
13. Mr. DiPaolo thought this was a terrific meeting, and what is being decided sets a roadmap for the next 50 years in the Township.
14. Mr. Dininny thought that this was a good meeting. He noted that the VC ordinance affects the Evansburg area as well, and he is unsure that they can wait to go through the Comprehensive Plan to address issues with the VC ordinance. He questioned if the VC ordinance should be handled under this forum, or if an ad hoc committee should be formed similar to the Ridge Pike committee to look at the VC ordinance. This will be discussed at the next meeting.
15. Mrs. Leslie Bass was pleased with Mr. Dininny's remarks. The VC ordinance is time sensitive and she favors the use of an ad hoc committee, noting that the Friends of Lower Providence

would like to be a part of that process. She has a letter she wrote to the Board in January regarding the Evansburg situation that was not responded to, and she would like to see this done ASAP since there is a lot of work to do.

16. Mr. Dininny noted that the CVS/Commerce Bank/FLP/Township/ Baldesari & Fury situation has come to a halt. Just FLP and Redwood Holdings are at the table since everyone else has taken a hands-off approach with this process. He still fears that the Audubon Inn is in peril if this does not move forward, and hopes that something will happen soon.
17. Ms. Nina Owens commented that this meeting is a good idea. She is a business owner and is affected by decisions being discussed. Mr. Dunbar will keep her informed of future meeting dates.
18. Mr. Onorato noted that the tentative meeting dates for future meetings should be on the Board of Supervisors agenda for this week to authorize the advertisement. These meetings will be the third Tuesday of each month.

D. Topics for discussion in upcoming meetings:

1. Proposed Mixed Use Overlay District or Mixed Use Zoning Class within the Industrial Zoning District for the Valley Forge Corporate Center.
2. Revised Village Commercial Ordinance.
3. Proposed Evansburg Historical District Ordinance.
4. Proposed Stormwater BMP, Erosion Control and Riparian Buffer Ordinance.
5. Route 422 River Crossing Project.
6. Updating the Township Comprehensive Plan.

E. Tentative Dates for Future Meetings. Proposed Dates are:

1. May 16, 2006 (This was changed to May 17)
2. June 20, 2006
3. July 18, 2006
4. August 15, 2006
5. September 19, 2006
6. October 17, 2006

5. Adjourn

- A. **MOTION** – Mr. Brown made a motion to adjourn the meeting. Mr. Stemple seconded the motion. The motion passed 11-0. The meeting ended at 9:20 p.m.

Next Meeting: May 17, 2006 – Work Session with Board of Supervisors & Planning Commission