

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS & PLANNING COMMISSION WORK SESSION
JUNE 20, 2006 MEETING MINUTES**

1. Call to Order:

A. Supervisor Altieri called the meeting to order at 7:17 p.m.

2. Pledge of Allegiance

3. Roll Call:

A. The following supervisors and planning commission members were present: Mrs. Altieri, Mr. Endlich, Mr. Vibbert, Mrs. Satterwhite, Mr. Bodek, Mr. Stemple, Mr. Kuberski and Mrs. Zimmerman.

B. Mr. Dininny, Mr. Brown and Mr. DiPaolo arrived late.

C. Mr. Sassu and Mr. Schlack were excused.

D. Mr. Rutledge was absent.

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

4. Approval of Joint Meeting Minutes from April and May 2006:

A. **MOTION** – Mr. Stemple made a motion to approve the April 18, 2006 meeting minutes. Mr. Endlich seconded the motion. The motion *passed* 7-0-1. Mrs. Zimmerman abstained from the vote because she did not attend that meeting.

B. **MOTION** – Mrs. Satterwhite made a motion to approve the May 17, 2006 meeting minutes. Mr. Stemple seconded the motion. The motion *passed* 6-0-2. Mr. Endlich and Mr. Kuberski abstained from the vote because they did not attend that meeting.

5. Topics for Discussion for this meeting:

A. “Clean-Up” Zoning and Subdivision and Land Development Ordinance Amendments:

1. Mr. Siegel requested that members from the PC sign up to indicate if they can attend a TIF Advisory Meeting on July 12, 2006.
2. Mr. Siegel explained that the clean-up ordinance was divided into the zoning section (ZO) and the subdivision and land development section (SLDO). Only those items that are changing are listed in the document. Items with a strike-thru are being removed; items that are underlined are being inserted. Mr. Siegel has primarily focused on issues brought up since July 2003 when he began his tenure with Lower Providence Township. Last year the first step toward clean up was taken with re-adopting the definitions, which will also include two corrections this evening.
3. During the beginning of this discussion, Supervisors Dininny, Brown and DiPaolo arrived.
4. Mr. Siegel reviewed changes listed in the clean-up ordinance, and they were discussed as follows:
 - a) Section 143-7 – Definitions – Mr. Onorato noted that the section number should be changed to 143-6. Mr. Siegel identified duplications with Agriculture and Lot Line.
 - b) Section 143-7 – Districts enumerated – Mr. Siegel noted that they no longer have R-2A which is being eliminated, and he has added RPBD (Ridge Pike Business District.)
 - c) Section 143-12 – Mr. Siegel noted that he has added “Legislative Intent” to each zoning district. This was done throughout the document.
 - d) Section 143-13 – Mr. Siegel explained that “more than one principal use on a lot” was added because this is not defined elsewhere.

- e) Section 143-15 – This is being changed to provide stronger language, which should help with cases before the Zoning Hearing Board.
- f) Section 143-17 – Mr. Siegel noted that the Township does not have any issues with triangular lots, but this is mentioned elsewhere so he has defined triangular lots.
- g) Section 143-18 – These changes were made for clarity.
- h) Section 143-19 – Mr. Siegel noted that there has been a lot of trouble with accessory uses in the past few years.
 - (1) 143-19.A.2.a – “shelters” for pets was added to cover items such as a doghouse. Mr. Dunbar and Mr. Vibbert questioned how this would relate to a kennel, which is a use that is not desired. Mr. Onorato noted that the current ordinance has the term “shelter” listed and it was just made plural. Mr. Siegel explained that a resident is permitted to have six cats and four dogs, and beyond that number is considered a kennel, which is not a permitted use in this section.
 - (2) 143-19.A.2.b – “children’s playground equipment” has been added.
 - (3) 143-19.A.2.c – Mr. Vibbert commented that this should be moved down on the list near items “e & f” for consistency, moving item “d” above it.
 - (4) 143-19.A.2.d – There was significant discussion surrounding this item, listing professional in-home offices as “no-impact.”
 - (a) Supervisor Brown was uncomfortable excluding uses such as doctors, dentists and lawyers that have stood for years. He noted that the current language for this ordinance was not listed on the document being reviewed, and should be listed as struck out for clarity, which Mr. Siegel will add.
 - (b) Mr. Vibbert commented that there should be more oversight of in-home offices.
 - (c) Supervisor Dininny concurred that if this is not addressed in some way in the ordinance it leaves it open to interpretation. He suggested that they concentrate on the more intrusive uses.
 - (d) Mr. Onorato noted that businesses such as moving vans, limousines, and landscapers would be considered intrusive. If there is any outside appearance of a business then it is not considered “no-impact.” There should be no parking of commercial vehicles on a property to be considered “no-impact.”
 - (e) Mr. Dunbar brought up the issue of clients parking on a street when going to an in-home office for a dentist or lawyer. Mr. Onorato explained that if they are parking legally on a public street it is permitted. He asked if this was considered acceptable or not by this joint board? Mr. Onorato commented that it is difficult to eliminate uses by the type of use.
 - (f) Mr. Brown commented that people object to regular commercial traffic on their street. He noted that a home-based business could be someone selling items on the Internet.
 - (g) Mr. Dininny asked if they could separate types of professional services that are low impact versus commercial services? Mr. Onorato stated that you could look at the uses versus the activity they generate. They could say you cannot have customers come to a home. Mr. Dininny remarked that there is a difference between businesses where there is a sales representative working out of his home compared to a paving contractor. Mr. Onorato noted that you could have customers come for either use, but the problem is when you bring business vehicles onto the property.

- (h) Mr. Dunbar brought up the issue of having to comply with UCC code if a sales presentation is made inside a home office? Mr. Onorato noted that those types of uses are currently allowed.
- (i) Mr. Brown commented that a low-impact use such as piano instruction is not permitted with the proposed language, and that is not an objectionable business.
- (j) Supervisor DiPaolo questioned if the Township legally has the right to inspect a private residence? He noted that there are five specific tests that must be met prior to entering a private residence. Mr. Dunbar noted that they need an opinion from Mr. Onorato on this issue. He explained that the Commonwealth of PA requires the Township to enforce the UCC code, but do they have the jurisdiction to deviate from this? These businesses are for profit so this is a blurry issue.
 - (i) Mr. Stemple commented that if they adopt item 2d as written, the Township would never be able to inspect the house.
 - (ii) Mr. Onorato explained that the current ordinance allows professional uses and professional no-impact home based businesses. Professional uses are customarily accepted accessory uses to a residential use and are currently allowed in all residential districts. This could be written to allow the professional no-impact home based business with no customers.
 - (iii) Mr. Dininny asked if activity could be limited by number of employees? Mr. Onorato noted that none of these specifically permit employees.
 - (iv) Mr. Vibbert stated that most objections related to parking.
 - (v) Mr. DiPaolo asked if the Federal SIC Code could be used to identify what businesses fall outside the box? Mr. Onorato is not familiar with this code, but noted that the idea with this is having it as an accessory use. He would not put a number of employees in the ordinance as none are currently listed.
- (k) **ACTION ITEM** – Mr. Dunbar suggested that the group think about this issue and e-mail their thoughts and ideas to him. He will compile the information and see if they can come up with appropriate language.
- (l) Mr. Endlich asked if the purpose was to restrict traffic? He does not think it is fair to permit some businesses and exclude others from have a home-based business. Mr. Dunbar remarked that if there is a business being run they must inspect it.
- (m) Mr. Siegel noted that more intensive uses should have to go to the ZHB.
- (5) Section 143-19.A.2.e – In-law quarters are becoming an issue, as current BOCA codes do not allow them. Mr. Siegel noted that the issue is regulating the use so that it does not become an apartment once the in-law suite is not being used as such.
 - i) Section 143-21 – This section was cleaned-up per the Solicitor’s advice.
 - j) Section 143-23 – The section pertaining to awnings, patios, etc. was moved further into the ordinance to Section 143-30. Section 143-30 pertaining to noise standards was moved to Section 143-23 as advised by Montgomery County Planning Commission (MCPC.)
 - k) Section 143-27 – Mr. Siegel noted that these items could also relate to home based businesses.
 - (1) Supervisor Brown asked what was meant by 143-27.A.2? Mr. Siegel explained that this would not be a personal garden but related to an agricultural activity such as a hog farm
 - (2) Supervisor DiPaolo asked where public schools were moved to? Mr. Siegel explained that they are permitted in PFO. A public facility is an overlay district for R1 and R2.

- (3) Mr. Dunbar asked what a telephone hub station was? Mr. Siegel explained that it is a small switching station in the right-of-way for the telephone company. A permit is required for installation.
- (4) Mr. Brown questioned the elimination of a railway passenger station. Mr. Siegel noted that the PUC would place these where they deem appropriate. Mr. Dunbar noted that the Metro Rail system would probably be coming to the area at some point in the future.
- (5) Mr. Brown asked where telephone central office was moved to? Mr. Siegel noted that it is in PBO.
- (6) Mr. Siegel noted that swimming pools are now listed as permitted uses in R1, R2, R3 and R4 so that they do not have to go to the ZHB.
- (7) Section 143-27.A.9.f – Supervisor DiPaolo questioned how the elimination of this section would effect a situation where a hospice care worker was living with a family? Mr. Onorato explained that this eliminates a separate dwelling unit but does not prevent someone from staying with a family. Mr. Siegel noted that there aren't definitions of these uses in UCC, and Mr. Onorato explained that problems with such uses occur if they are rented and become a multi-family residence. Mr. Siegel noted that if there is a second stove it is considered a separate dwelling.
- l) Section 143-28 – Mr. Siegel noted that he increased insurance liability coverage to be more appropriate, and fees will be set by a schedule so that the ordinance does not have to be amended every time the fees are changed. Other references to fees have been eliminated because the “fee in lieu of” is listed in SLDO, and there is a \$1,776 fee that is collected per lot, not \$300 as previously listed.
- m) Section 143-31 – Mr. Siegel has inserted new language here that was approved by the Solicitor. Let him know if there are any changes.
- n) Section 143-32 – These language changes were made for clarity.
- o) Section 143-33 – Mr. Siegel has defined setbacks and coverage in this section for clarity. The parking reference was eliminated because it is specified in the parking ordinance.
- p) Section 143-35 & 36 – This was done similarly to R1.
- q) Section 143-37 – Mr. Siegel noted that changes were made to define setback requirements.
 - (1) Mr. Vibbert requested clarification on building coverage. Mr. Siegel explained that everything except flood plains and steep slopes is included in the net site area calculation.
 - (2) Supervisor Brown commented that the wording for A2 was confusing. Mr. Onorato showed how the formatting for the column headers did not transfer to the print out, causing the confusion.
- r) Section 143-39 – Mr. Siegel explained that this conflicts with the open space ordinance, and he has eliminated the entire section at the recommendation of the MCPC.
- s) Section 143-48 – Mr. Siegel noted that pools are now listed as an accessory use in R3, so that ZHB approval is not required. The square footage listed would permit a 10' x 12' shed in R3, which is the largest item that would fit within the setbacks.
 - (1) Mr. Dunbar asked if any thought should be given to permitting or restricting multiple sheds? Mr. Onorato noted that it is hard to limit them as long as they are meeting all setback requirements.
 - (2) Mr. Onorato asked if they wanted to limit the number of accessory structures? Mr. Siegel stated that many Townships limit them to three.

- (3) Supervisor Dininny asked if there was a problem with this? Mr. Siegel indicated that there was not. Mr. Dininny suggested that it be left as is if it is not a problem.
- t) Section 143-49 – This section deals with parcels of ten acres or more in R3. There was significant discussion regarding open space provisions for subdivisions with 31+ dwellings, with concern that developers would elect to construct 30 homes to avoid the donation of open space.
- (1) Mr. Onorato presented the suggestion to require 20% open space in R3, R4 & R5 with the elimination of any unit requirement, which provides easier language with less interpretation. The group concurred that this would be a good approach.
 - (2) Supervisor Dininny departed from the meeting during this discussion.
- u) Section 143-53 & 55 – Supervisor Brown noted that he would be interested in changing the minimum lot size for land development of townhouses in R4 back to 10 acres from 5 acres.
- (1) The group discussed the need to revisit this ordinance, with various possibilities for minimum lot requirement and open space.
 - (2) Mr. Dunbar remarked that he thought that when the five-acre minimum was set, the development had to be tied into an existing townhouse community. At the time this was adopted, there were only two areas in the Township identified as possible areas where the five-acre minimum would apply, and they had to be situated near an R4 zoned area. He questioned if language was missing from the text being reviewed by the group.
 - (3) Mr. Siegel pulled for original ordinance #533, and it did include the provision Mr. Dunbar discussed. He noted that the text was missing from the general code and this would be corrected. Mr. Siegel read the ordinance, which stated that proposed townhouse communities must be within 300 feet from an existing R4 development.
 - (4) Mr. Brown commented that he would like to nip this in the bud before it becomes a problem again, and is still in favor of the ten-acre minimum.
 - (5) Supervisor Altieri is not comfortable making a decision on this tonight when all Board members were not in attendance. She would like everyone to provide their opinion, and noted that this is specifically listed as a separate topic item for a future joint meeting of these boards.
 - (6) Mr. Bodek questioned if this would be considered spot zoning since after the ordinance was changed a land development application was submitted and approved, and now they are reconsidering the acreage requirement? Mr. Onorato indicated that it is not spot zoning. Mr. Brown noted that the Board has the right to modify ordinances at their discretion.
 - (7) Mr. Endlich, Mr. Kuberski and Mrs. Satterwhite were all OK with changing the ordinance back to a ten-acre minimum, with a 20% open space requirement.
 - (8) Mrs. Zimmerman, Mr. Stemple, Mr. Bodek and Mr. Vibbert were OK with leaving the five-acre minimum with a 20% open space requirement, however Mr. Vibbert indicated that he would be OK with increasing this requirement.
 - (9) Supervisor DiPaolo would like to see the minimum requirement greater than five acres. He questioned the increased cost to schools and how townhouse communities impact this, and expressed concern with this daisy chaining beyond the anticipated impact areas.
- v) Section 143-59 – Part of this was missing from the document, Mr. Siegel will add it in. Mr. Siegel noted that changes to this section were recommended by the MCPC to strengthen mobile home park standards.

- w) Section 143-62 – Mr. Dunbar questioned the wording of item B, asking if mobile home parks are getting a pass on steep slopes?
 - (1) Mr. Siegel explained that other sections of the ordinance apply here. After discussion of Mr. Dunbar’s question, it was decided that for clarity the entire section would be reworded with the aid of Mr. Onorato.
- x) It was decided that the joint board would complete the review of the clean-up ordinance at their next session.

B. Proposed Mixed Use Overlay District or Mixed Use Zoning Class within the Industrial Zoning District for the Valley Forge Corporate Center:

- 1. This item was not addressed this evening.

C. Other Business:

- 1. Mr. Dunbar requested input from the joint board regarding re-entering the MCPC contract. He noted that all land development applications currently have to go to the county for review, so if the Township re-enters a contract they should list specific items for the MCPC to assist them with. Such items as the Park & Rec. Plan update would be good projects for them to help with.
 - a) **ACTION ITEM** – Mr. Dunbar requested that everyone e-mail him with his or her top items to be folded into the contract, in priority order.
- 2. Mr. Onorato noted that he provided Mr. Dunbar with information on two other Townships that worked on a business park update project, with the corresponding private planners.
 - a) Mr. Onorato noted that private planners come at a cost, but they review the economic and traffic impacts related to such a project, and can bring more resources to the table as well. Typically MCPC provides ongoing review of plans. There are some very good private planners in the market.
 - b) He noted that the group needs to determine how much money they want to spend and how much effort they want put forth on the project.
 - c) Mr. Onorato recommended that the joint board compare a proposal from MCPC to that of the private planners to determine what best meets their needs. He noted that the process would take time to do correctly. They should evaluate the previous experience of anyone being considered to ensure they have worked on similar plans. As part of the process the Board of Supervisors should interview all potential planners in Executive Session to evaluate their abilities.
 - d) Mr. Dunbar noted that he was informed by MCPC that Heather or Tolson would not be available to the Township for this contract.
 - e) Supervisor Brown expressed concern regarding spending more money on the use of a private planner, questioning how much time they will devote to the Township. He noted that the Township has had some good experiences in the past with representatives from the MCPC. Supervisor Altieri questioned how much time the MCPC would commit to the project. It was noted that if the Township needs an extensive time commitment, they might be able to acquire this from MCPC for an additional cost.
 - f) Mr. Dunbar noted that prior to entering into any agreement with MCPC, he would want to know who the assigned planner would be. He again requested that the group submit their priority projects to him as soon as possible.
 - g) Mr. Dunbar noted that they might want to consider the use of an outside planner and a representative from MCPC for specific major projects for best overall results. They would use the MCPC only for routine items such as Park & Rec. Plan updates etc.

D. Topics for discussion in upcoming meetings:

1. Revised Village Commercial Ordinance.
2. Proposed Evansburg Historical District Ordinance.
3. Proposed Stormwater BMP, Erosion Control and Riparian Buffer Ordinance.
4. Updating the Township Comprehensive Plan.
5. Acreage for the R-4 zoning district from 5 acres to 10 acres.
6. Preliminary and Final Plan land development / subdivision approval process.
7. The creation of Private Roads.

E. Advertised Dates for Future Meetings Are:

1. July 18, 2006
2. August 15, 2006
3. September 19, 2006
4. October 17, 2006

6. Adjourn

- A. **MOTION** – Mr. Endlich made a motion to adjourn the meeting. Mr. Stemple seconded the motion. The motion passed 10-0. The meeting ended at 9:35 p.m.

Next Meeting: July 18, 2006 – Work Session with Board of Supervisors & Planning Commission