

**LOWER PROVIDENCE TOWNSHIP  
PLANNING COMMISSION MEETING  
NOVEMBER 28, 2018 MEETING MINUTES**

**1) Call to Order**

A) Chairman Kuberski called the meeting to order at 7:00 p.m.

**2) Roll Call:**

A) The following board members were in attendance: Mr. David Akers, Mr. David Atkins, Mr. William Brooke, Mr. Mark Kuberski, Ms. Susan LaPenta and Ms. O' Donnell.

B) Also in attendance: Mr. Mike Mrozinski, Director of Community Development; Tim Woodrow, Township Engineer; Mr. Peter Nelson, Solicitor; and Maggie Dobbs, Montgomery County Planning Commission.

**3) Approval of Planning Commission Minutes of October 24, 2018**

A) **MOTION:** Ms. O'Donnell made a motion to move the minutes of October 24, 2018 into the record. Mr. Atkins seconded the motion. The motion *passed* 4-0 with Mr. Brooke and Mr. Akers abstaining.

**4) New Business**

A) Consideration of S-18-03 – 3829 Yerkes Road – ASB Home Improvements

i) Rolph Graf of Graf Engineering, on behalf of the applicant, presented the preliminary/final plan. He reviewed the waiver requests.

(1) Discussion was held regarding the feasibility of the Tree Replacement Ordinance and how it can or should be applied to this project.

(2) Discussion was held regarding the driveway length, site distances and impact.

(3) Discussion was held regarding the improvements of the pond. Mr. Nelson suggested that lot 1 be solely responsible for the pond's maintenance with appropriate easements in place.

ii) Waiver Requests:

(1) Section 123-18A(3)(p): Applicant requests a waiver from submitting a landscape architect's planting plan.

(a) **MOTION:** Mr. Akers made a motion to grant a waiver from Section 123-18A(3)(p). Mr. Atkins seconded the motion. The motion *passed* 6-0.

(2) Section 123-31.E: Applicant requests a waiver from creating a minimum cartway width for a feeder street of 30-feet, including two 12-foot travel lanes plus two 3-foot paved shoulders.

(a) **MOTION:** Mr. Brooke made a motion to grant a partial waiver request from section 123-31.E, requiring only one 3-foot shoulder. Ms. LaPenta seconded the motion. The motion *passed* 6-0.

(3) Section 123-32.A: Applicant requests a waiver from the installation of sidewalks, curbs and storm sewers.

(a) **MOTION:** Mr. Brooke made a motion to grant a partial waiver request from Section 123-32.A, granting a waiver from installing curbs and storm sewers. Mr. Atkins seconded the motion. The motion *passed* 6-0.

(4) Section 123-33: Applicant requests a waiver from installing sidewalks along all existing or proposed public or private streets and common parking areas.

(a) **MOTION:** Mr. Brooke made a motion to deny the waiver request from Section 123-33. Mr. Atkins seconded the motion. The motion *passed* 6-0.

- (5) Section 123-39.I(3)(g): Applicant requests a waiver from permitting no more than one rear lot per subdivision.
  - (a) **MOTION:** Mr. Brooke made a motion to grant the waiver request from Section 123-30.I(3)(g). Ms. LaPenta seconded the motion. The motion passed 4-2 with Ms. O'Donnell and Mr. Akers in opposition.
- (6) Section 123-39.I(3)(h): Applicant requests a waiver from requiring a 20-foot driveway.
  - (a) Discussion was held regarding emergency vehicle access.
  - (b) **MOTION:** Mr. Brooke made a motion to grant a motion the waiver request for 123-39.I(3)(h) with the condition that the driveway be 20 foot up to the existing house and applicant will create additional pull-offs. Ms. LaPenta seconded the motion. The motion *passed* 6-0.
- (7) Section 123-39.I(3)(k): Applicant requests a waiver from requiring a building envelope setback from all front, side and rear property lines equal to the front setback dimensions required by the individual zoning district for the rear lot.
  - (a) **MOTION:** Mr. Brooke made a motion to grant the waiver request from Section 123-39.I(3)(k) with the provision that 25 feet be added to Lot 2. Mr. Akers seconded the motion. The motion *passed* 6-0.
- (8) Section 129-19.G(4): Applicant requested a waiver request from Section 123-19.G(4) requiring no excavation be made with a cut face steeper in slope than four horizontal to one vertical (4:1).
  - (a) **MOTION:** Mr. Brooke made a motion to grant the waiver request from Section 123-19.G(4). Mr. Akers seconded the motion. The motion *passed* 6-0.
- (9) Section 129-19.(G)(5): Applicant requests a waiver from requiring no fill shall be made which creates any exposes surface steeper in slope than four horizontal to one vertical (4:1).
  - (a) **MOTION:** Mr. Brooke made a motion to grant a waiver request from Section 123-19.G(4). Mr. Akers seconded the motion. The motion *passed* 6-0.
- (10) Section 129-19.G(6): Applicant requests a waiver from requiring that the top or bottom edge of slopes shall be a minimum of 5 feet from the property or right-of-way lines of streets or alleys in order to permit the normal rounding edge without encroaching on the abutting property.
  - (a) **MOTION:** Mr. Brooke made a motion to grant the waiver request conditioned upon applicant providing orange fencing one foot off the property line to use as the delineation for construction purposes. Mr. Akers seconded the motion. The motion *passed* 6-0.
- iii) Ms. O'Donnell stated that, in her opinion, the plan does not fit the parcel and should not be approved. Discussion was held on how to proceed with the process and if the waivers should be approved regardless of their opinion on the final approval.
  - (1) **MOTION:** Mr. Brooke made a motion to approve preliminary/final approval of S-18-03 – 3829 Yerkes Road conditioned upon compliance with all review letters and that lot 1 be responsible for maintenance and care of the pond and appropriate easements be in place. Ms. LaPenta seconded the motion. The motion *passed* 5-1 with Ms. O'Donnell in opposition.

## 5) Motion to Adjourn:

- A) **MOTION:** Ms. O'Donnell made a motion to adjourn. Mr. Atkins seconded the motion. The motion passed 4-0. The meeting adjourned at 8:15 p.m.

**6) ADDITIONAL COMMENTS**

- A) Maggie Dobbs, Montgomery County, discussed the possibility of creating an ordinance that creates natural resource protections post-development.

**Next Meeting:** December 19, 2018 – 7 p.m.