

JUNE 13, 2016

The June 13, 2016 Planning Commission Meeting was called to order at 7:31 pm. Those present were:

Samuel Miller	Chairman
John Lancaster	Vice-Chairman
John Klein	Secretary
Robert Walker	Member
Ken Weirman	Member
Christopher Carroll	Member
Gilbert Silverman	Member
John Tierney	Member
E. Van Rieker	Zoning Officer & Planning Coordinator
Ken Amey	Assistant Zoning Officer
Jim Santi	Township Commissioner

1. Approval of Minutes of April 20, 2016

Mr. Miller asked for any additions or corrections relative to the Minutes of April 20, 2016 which had been circulated by e-mail. Upon hearing no additions or corrections, Mr. Weirman made a motion to approve the Minutes. Mr. Walker seconded the motion and it was unanimously passed to approve the Minutes of April 20, 2016.

2. Report of Commissioners Meetings

Mr. Santi reported on the Commissioners Meetings since April 2016.

The Board of Commissioners approved an Ordinance to install a stop sign at Sumneytown Pike and Swedesford Road.

Mr. Santi acknowledged the passing of Commissioner Eugene Ziemba.

Mr. Santi stated that Kathleen Dooley was appointed to the Park and Recreation Advisory Board with her term ending in 2019.

Mr. Santi reported Merck received approval to do internal work on Sundays. He noted cranes would be used. Mr. Santi stated that roof work was also scheduled to be performed at Merck.

Mr. Santi reported that a Special Meeting was held to appoint Steve Sands to Commissioner, replacing Mr. Ziemba. Mr. Santi noted that Mr. Sands had previously served on Upper Gwynedd-Towamencin Municipal Authority, representing Upper Gwynedd Township.

Mr. Santi reported that a grant for Going Green was received by the Township. He noted that this would be used for three basins in the Township to retain water and help decrease flooding issues. Mr. Santi stated this project was currently out to bid.

Mr. Santi explained that Assistant Zoning Officer, Ken Amey and Attorney Jim Garrity were in attendance for the Hartford Properties located at Church Road and Sumneytown Pike. Mr. Santi stated there was a conflict with the Zoning Officer and Township Solicitor and Hartford Properties so Mr. Amey and Mr. Garrity would be assisting on behalf of the Township.

3. New Business

**A. Hartford Properties
Church Road and Sumneytown Pike**

Ed Mullin was in attendance along with Mike Jeitner, from Bohler Engineering. Mr. Mullin reported that the proposal was for the property at the corner of Church Road and Sumneytown Pike where the former Genuardi's and Giant grocery stores were once located. Mr. Mullin advised that the proposal was for a three lot subdivision and there was no land development being submitted at this time. He stated he was in receipt of the review letters from the Township Engineer, T & M Associates, and Montgomery County Planning Commission. Mr. Mullin noted that the applicant would comply with any comments from T & M Associates and the Montgomery County Planning Commission.

Mr. Jeitner reminded that this proposal was for the Northeast corner of Sumneytown Pike and Church Road which was diagonal from the Sumney Tavern. He noted that a prior plan from 2012 was approved for the Giant and gasoline service. Mr. Jeitner advised that the lot conforms to the necessary square feet required to develop a C-Commercial property.

Mr. Jeitner advised that there were a few issues that the applicant will comply. He noted the applicant would also work with Montgomery County should any widening of roads be necessary. Mr. Jeitner stated Montgomery County Planning Commission accepted the proposed plan.

On behalf of the Site Review Committee, Mr. Silverman noted there were a lot of trees on the property and questioned if they would remain. Mr. Jeitner explained the trees at the back of the property would remain and there would be a nice visual buffer or plantings during the land development phase.

Mr. Silverman asked if the chain link fence belongs to the applicant and whether it would remain if it does. Mr. Jeitner advised that the fence appeared to be on the property line and slightly on the applicant's property. He stated that it would be maintained with a tree buffer included.

In response to Mr. Silverman's question relative to the entrances and exits being new, Mr. Jeitner explained it was being investigated as there may be a slight relocation on Sumneytown Pike.

Mr. Silverman questioned if sidewalks would be added and Mr. Jeitner confirmed they would. Mr. Weirman asked if that would be proposed in the next phase and Mr. Jeitner said "yes".

Mr. Silverman stated the drainage goes into the Wissahickon Creek and questioned if that was acceptable. Mr. Jeitner explained there was no true water quality features. He advised that the applicant would comply with the Township Storm Water specifications along with the addition of water features such as rain gardens.

Mr. Silverman expressed concern should gasoline be spilled and the affect it would have on the property. He also noted that the concrete wall by the pedestrian bridge was missing a railing. Mr. Mullin advised that Giant would be contacted as they were still the current owners.

Mr. Silverman noted that there was dumping taking place on the Peco right-of-way access road behind the existing building. Mr. Mullin stated Giant would be contacted.

There was discussion relative to traffic concerns with entering and exiting the property.

Mr. Silverman advised that there was a steep drop at the back of the property and that should be addressed. Mr. Jeitner made note of it.

Mr. Silverman reported that there were no marshy or wet areas on the property. Mr. Jeitner advised the floodplain was adjusted, approved and recorded in March 2012.

Mr. Tierney stated that the new Preserve and Green Ribbon Trail were located north of this property. He suggested that consideration be given to extending a trail through this property where there was currently a dirt trail.

Mr. Weirman questioned if any remediation had been done with the gas station. Mr. Jeitner stated there were monitoring wells reporting back to DEP and confirmed it was an on-going remediation.

On behalf of Upper Gwynedd Township, Attorney Jim Garrity was appointed as "Conflict Council". He expressed concerns relative to this proposed plan. Mr. Garrity advised that it was known what buildings would be constructed and that the applicant had been to the Zoning Hearing Board. He stated that at the end of the process this could look like nothing initially proposed. Mr. Garrity expressed concern that the lot lines cannot be seen on the plan meaning there would need to be many cross easements and buffers that do not exist which would require many subdivision waivers. Mr. Garrity explained that by approving this proposed plan it would be approving the lot lines as submitted. Mr. Jeitner stated that was not the intention of the application. Mr. Garrity advised the concern of the Board of Commissioners in order to have this type of use would be the access easements, cross easements, and buffer requirements that would have to be ignored. He explained it was a concern that it would essentially be a commercial condominium as opposed to a real subdivision due to not knowing where the property lines were and would impact green area requirements, landscaping and buffers which were normally along lot lines would be erased or provide grounds for a hardship for a future plan. Mr. Garrity stated there were many traffic concerns as well and felt they were somewhat unavoidable due to the way the plan was being proposed such as right in/right out, and pedestrian provisions. He also pointed out that there would be shared storm water provisions. Mr. Garrity stated that this does not mean the Board of Commissioners were opposed to this configuration but were concerned with the current configuration. Mr. Garrity stated that the applicant was in front of the Zoning Hearing Board and two proposed uses have not been permitted yet and need to be by Special Exception. Mr. Garrity expressed concern over approving the plan since it was only lot lines and the uses should be established first. He acknowledged that the answers may come at land development time. Mr. Weirman questioned that if there had been a proposal of seventeen lots all meeting the requirements would they be approved due to being within their rights? Mr. Garrity stated that Mr. Mullin had the right to submit the plans and it was up to the Township to ensure there was compliance with both the Subdivision and Land Development Ordinances and that's where the challenge may be for this application. Mr. Garrity reminded the Zoning Hearing Board had not approved two of the uses yet and another application in front of the Zoning Hearing Board to remove one use on one lot completely which in turn may make the lot lines disappear. He also reminded by approving this plan, it may cause hardship on a future application.

In response to Mr. Garrity, Mr. Mullin advised that this application was only for subdivision and not land development. He advised that he does not know what will be constructed yet. Mr. Mullin noted that the property cannot be marketed without knowing what it can be used for. Mr. Mullin explained if a 4400 square foot building were constructed then two uses would be desired and not one.

Mr. Tierney asked if the maximum flexibility was offered with the submitted application. Mr. Mullin advised that the property on the corner was good for a convenience store and if a hotel was not approved then maybe a large commercial building could be built but then only one large commercial user could occupy that

building. He stated that this proposed plan was the way the applicant could use this property by right per the Township Ordinance.

Mr. Miller asked for any further questions or concerns. Mr. Walker made a motion to wait for the decisions of the Zoning Hearing Board per the Township's legal counsel. Mr. Silverman seconded the motion and it passed with one opposition.

Mr. Miller stated this would be put on the agenda for July.

4. Old Business

A. Comprehensive Plan Discussion

Mr. Rieker reminded that the Comprehensive Plan has been an on-going discussion and had some items that should be focused on. He presented a hand out and reminded the previous discussions had suggested teams to focus on individual items. Mr. Rieker stated there was a comparison by topic between 1971 plan and the 2004 plan which had additional chapters and topics. He noted not all of the plan needs to be updated and the 2004 plan not be repeated.

Mr. Rieker suggested making committees and gather new data. Mr. Miller stated that it could be coordinated by email and divide into two or three person teams. Mr. Rieker advised study areas be defined for new items and what would each member be interested in.

It was agreed to begin making the teams and define the topics to be addressed.

5. Public Comments

There were no Public Comments

6. Adjournment

Mr. Miller asked for any further questions or comments. Upon hearing none, a motion was made to adjourn. The motion was seconded and it passed unanimously.

Respectfully submitted,

John Klein
Secretary