

Upper Gwynedd Township

Planning Commission

P. O. BOX #1 ● WEST POINT, PA. 19486

March 6, 2017

The March 6, 2017 Planning Commission Meeting was called to order at 7:30 pm. In attendance were:

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|---------------------|---------------------------------------|
| John Lancaster | Vice Chairman |
| John Klein | Secretary |
| Christopher Carroll | Member |
| Gilbert Silverman | Member |
| John Tierney | Member |
| Scott Bachman | Member |
| Kathryn Carlson | Member |
| E. Van Rieker | Zoning Officer & Planning Coordinator |
| Ken Amey | Assistant Zoning Officer |
| James Santi | Board of Commissioners |
| Colleen Tronoski | Recording Secretary |

1. Call to Order

The February 6, 2017 Planning Commission was called to order by Mr. Lancaster at 7:30 pm.

2. Approval of Corrected Minutes of February 6, 2017

Mr. Lancaster asked for any questions relative to the Minutes of February 6, 2017, which had been circulated by email. Mrs. Carlson made a motion to approve the Minutes. Mr. Silverman seconded the motion and it was unanimously passed to approve the Minutes of February 6, 2017 with corrections.

3. Report of Commissioners Meetings

Commissioner Santi reported on the Commissioner's Meetings.

Mr. Santi reported there was a second public hearing on the codification of the Township's Ordinances. The Planning Commission reviewed it and submitted their approval. The Board of Commissioners approved the new code book. Mr. Santi went on to say, a public hearing has been advertised for Monday, March 27, 2017 regarding the new sewer line for the diversion project in open space. The Board approved a Letter of Map Revision (LOMR) to be submitted to FEMA for their approval, revising the flood plain on a plot of land on Valley Forge Road which will house a pump station for the diversion project.

4. Old Business

A. West Point Parking Study – Update

Mr. Rieker reminded everyone that two (2) months prior, he handed out the summary of the results of the questionnaire from the parking study. He noted that four (4) additional responses were received. Thirty-two (32) properties were contacted; two (2) were returned with insufficient addresses and one (1) was sent out incorrectly which resulted in a net of twenty-nine (29) possible responders. Seventeen (17) responses (59%) were received. 65% of the responders said there was sufficient parking and 53% said additional parking would be beneficial. Mr. Rieker said not all of the questions on the survey were answered. He noted that this is the result of the first phase of the study. Mr. Rieker asked the Planning Commission if they

want him to present these findings with comment to the Board or review it for another thirty (30) days. Mr. Lancaster asked if there were any open issues that were raised by the residents that need follow-up, to which Mr. Rieker responded that some of the residents are not aware of some planned additional parking (at Cottage Avenue) in the Village. Mr. Rieker questioned whether a business list should be created with a separate questionnaire or have a separate meeting. Mr. Tierney asked if the questionnaire would be sent only to the businesses themselves or to the property owners whose property is commercially zoned. After some discussion, the Planning Commission decided they would take some time to review the information from this phase of the study.

Mr. Perrone said the Village was designed to promote small, commercial types of uses. He said, the question should be, how much would parking contribute to the growth of the zoning that was put into place a number of years ago? He asked the Planning Commission to channel the questionnaire in that direction. Mrs. Carlson suggested that business owners be contacted to find out what their needs are now and what their needs may be in the future. Mr. Perrone added, the owners should be asked, what do you think you can do with this piece of property if there was more parking? Mr. Rieker further added that we will continue this discussion at the next meeting.

B. Cardinal Hollow Wines Parking Lot

Chris Boyd, owner of Cardinal Hollow Wines, said he replied to the (parking) survey and said he could use extra parking. He is trying to expand his parking lot and has submitted drawings and received comments from the engineer. Mr. Boyd said he has the review letter from February 22, 2017. Mr. Rieker gave him the more recent review letter from February 28, 2017. Mr. Boyd noted that he is representing himself and added the waivers are for non-conforming uses and is seeking approval. Mr. Lancaster commented that numbers one (1) through eight (8) have been resolved from the letter dated October 8, 2016. Mr. Boyd said that all the necessary changes have been made to the plan that was submitted. Mr. Rieker noted that the plan was resubmitted and T&M responded to the new plan with the letter dated February 28, 2017. Mr. Rieker spoke with the engineer and asked if they had any objections to the waivers that are requested by the applicant to which T&M replied no they had no objections. Mr. Klein asked Mr. Boyd if he was planning to replace the stone with macadam, to which Mr. Boyd replied, yes.

Mr. Lancaster asked for comments, concerns or recommendations. Hearing none, Mr. Klein made a recommendation to approve, provided the waivers are validated. It was seconded by Mr. Carroll and the Cardinal Hollows Winery Parking Lot Plan was unanimously approved.

C. Provco Pinegood Wawa Proposal – (Now, Mr. Amey sat in for Mr. Rieker, who is recused for this proposal).

Julie Von Spreckelsen from the law firm of Eastburn and Gray spoke on behalf of the applicant, Provco Pinegood Sumneytown LLC. She reminded everyone that she was here at the February 6, 2017 meeting to discuss the application which includes the redevelopment of the southwest corner of Sumneytown and West Point Pikes. The development includes the demolition of the existing buildings, the consolidation of the parcels and the construction of a convenience store with fuel dispensing facilities. Since the February meeting, the applicant has since received the consultant review letters from the Township and the County. Ms. Von Spreckelsen said this is essentially a waiverless plan because there are two (2) provisions of the sub-division, land development ordinance that we would seek waivers from. She stated that they are seeking tonight a recommendation for preliminary plan approval.

Joseph Baran of Bohler Engineering, said he is the civil engineer who prepared the land development plan. He showed a presentation and said the site overall is 2.43 acres and there are access points, right in/right out, to the proposed Wawa on Sumneytown Pike in two (2) locations and a full movement driveway on West Point Pike in the same location as the existing driveway to the Sumney (Tavern). The building will be a 5,585-sq. ft. Wawa convenience store that has entrances in the front and the back of the store and eight (8) multi-product dispensers for sixteen (16) fueling positions, under canopy, in between the store and West Point Pike. There is a location for underground storage tanks, an air pump, trash enclosure and fifty-six

(56) parking spaces. They are proposing various trees and landscaping, along the existing sidewalk along West Point and Sumneytown Pikes as well as sidewalk where the Country Bride & Gent driveway will be closed. Storm water management is underground chambers.

1. Review Letter by EEMA, February 10, 2017

Mr. Baran noted eight (8) comments and agreed to comply with all of them.

2. Planning Commission Site Review, January 30, 2017

Mr. Baran addressed the comments contained in the Planning Commission letter individually.

1. Traffic related
2. Traffic related

The traffic related comments will be addressed later by Matt Hammond.

3. Just a comment, there is no action associated with it
4. The pipes are part of an old lighting system and will be removed as part of the development of the site. There is some additional survey that is required as part of the T&M letter.
5. They are reducing both the rate and volume of storm water leaving the site, complying with Township ordinances, so as a result of that, they are certainly not exacerbating any existing flooding conditions in that area.
6. Ultimately, Wawa does not promote oversized vehicles on the site. They don't have set oversized vehicle spaces in their developments at this time. In the past, there were some sites that had spaces for oversized vehicles. They can accommodate those vehicles with the circulation they have with the larger drive aisles around the site. Mr. Baran noted there has been no problem with oversized vehicles on the sites he has worked on or at sites in similar size and nature to the proposed site. Based on the number of current Wawa's that don't have dedicated oversized parking spaces, if there was a problem, we would know about it and they would be looking for some way to make sure it doesn't continue.
7. Just a comment – no action.

3. Montgomery County Review Letter, February 22, 2017

Mr. Baran said the comment about vehicular circulation will be addressed by Matt Hammond.

He added, as far as the building placement goes, the County is suggesting the building and canopy locations be swapped. Mr. Baran said there are a number of reasons why that is not possible. There are operational concerns in just how the interior of the store works and the loading area. He went on to say, from an external stand point, to have a self-service station, you need approval from the Dept. of Labor & Industry, and part of that approval process requires a line of sight from the cashier to the pumps so that someone can push an emergency stop button at the pumps and stop the flow if needed. Mr. Baran noted that this is common practice with convenience stores to have the storefront face the pumps. He has not seen any examples of a canopy behind the building. With regards to streetscape, Mr. Baran said they would prefer to keep the existing sidewalk as is. They are providing a curved wall near the intersection with two (2) sections of fence with a pier at the end. The building is ADA accessible and the façade needs to stay ADA accessible.

4. T&M Letter, March 1, 2017

Mr. Baran addressed the comments individually.

1. Will comply
2. Will comply
3. Will comply. The existing pavement on the PECO property will be left as is and we will revise our plan to show that.
4. Will provide the lot consolidation plan.

- 5. Will comply
- 6. Will comply
- 7. We will edit our plans to make it clear that it is a preliminary plan
- 8. We will get a highway occupancy permit for West Point Pike since it is a County Road
- 9. Will comply
- 10. Will comply
- 11. We will work together with T&M
- 12. Will comply with first comment. Mr. Baran said he had a conversation today with Mr. Benner (T&M) and explained that we are showing an 8" curb around the building consistent with what is required by the Township ordinance. Mr. Baran noted that the 8" curb is not preferred and we would like a waiver for safety reasons (tripping hazard).
- 13. We will submit for an NPDES permit
- 14. We will get approval from the water company
- 15. We will get approval from the fire marshal
- 16. Will comply
- 17. There is a deed from 1960, but no actual easement, but they will talk to the utility company to find out if there needs to be one.
- 18. Will comply
- 19. Mr. Baran will get details from T&M regarding the streetlight
- 20. Will comply
- 21. Will comply
- 22. Will comply
- 23. Will comply

5. Wissahickon Creek Watershed Stormwater Management Ordinance

Mr. Baran addressed the comments individually

- 1. Will check with the Fire Marshal – will comply
- 2. Will go with a blanket easement
- 3. Will comply
- 4. Will comply
- 5. Mr. Baran has met with the Conservation District and talked to Russ Benner regarding infiltration testing. The infiltration rate is not good at the site, so a possible alternative is spray irrigation on the green area at West Point Pike and Sumneytown to achieve the volume of spray that would meet the requirements of the Township and DEP as part of the NPDES permit. The revised plans will likely reflect spray irrigation but we will continue testing.
- 10. Will comply
- 11. Will clarify and indicate what the discrepancy is.
- 12. Will comply
- 13. Will work together with Mr. Benner to find out exactly what he needs there in terms of an analysis
- 14. Will comply
- 15. Will comply

6. Stormwater Conveyance

Mr. Baran addressed the comments individually

- 1. Request a waiver for the proposed 15" pipe but the applicant can comply with the 18" pipe minimum.
- 2. Will comply

7. General Comments

Mr. Baran addressed the comments individually

1. Completed
2. The PECO property is remaining as is.
3. Was previously discussed
4. Agreed to widen the driveway
5. Agreed to provide additional information
6. Will comply
7. Will comply
8. Will comply
9. Will comply
10. More appropriate for final, but will comply
11. Will comply
12. Will comply
13. The monitoring wells are something that is installed as part of the Geotech and environmental testing so they will be picked up
14. We would prefer to not provide decorative crosswalks since it is not required
15. Will comply
16. Typo on the application
17. Signs were already approved as part of the Zoning Hearing Board approval
18. The applicant did not receive the traffic engineer review letter
19. Letter by Ken Amey will be reviewed by Julie Von Spreckelsen

Mr. Klein asked if there will be one (1) or two (2) monument signs. Mr. Baran said there will be two monument signs, one at each entrance. He went on to say they will be typical Wawa signs with gas prices. Mr. Klein further asked about fire hydrants and trash. Mr. Baran said there will be a fire hydrant on Sumneytown Pike and the trash is picked up by a front loader.

The next person to present; Matthew Hammond, Traffic Engineer for this project from Traffic Planning Design. Mr. Hammond reiterated that he does not have a review letter from the Township's Traffic Engineer. He addressed the comments individually.

8. Planning Commission Site Review, January 30, 2017

Mr. Hammond addressed the comments individually that dealt with traffic.

1. Mr. Hammond said this talks about the ingress and egress locations on Sumneytown Pike. There was a traffic study done on February 9, 2017 and it was submitted to Montgomery County Roads & Bridges, UGT and Mr. Heimrich for review. He went on to say that whenever new access points are being proposed, the sight distance is always reviewed. When looking at sight distance, there are two measurements; desirable, which is the sight distance that PennDOT would like you to achieve and, the SSSD (safe sight stopping distance). Mr. Hammond noted that there was a sight distance analysis done on the driveways. The driveway furthest west on Sumneytown Pike meets the desirable sight distance as well as the SSSD. The driveway to the east on Sumneytown Pike also meets the criteria as does the driveway on West Point Pike.

2. Talks about drivers leaving the West Point Pike driveway and the existing left turn lane. Mr. Hammond said there was a gap analysis done as part of the 2/9/17 traffic study and concluded that there are more gaps than what is needed on projected left turns out.

9. Montgomery County Planning Commission Review Letter

Mr. Hammond addressed the comments individually that dealt with traffic.

He noted one (1) comment under vehicular circulation that relates to the Sumneytown Pike access points. The Upper Gwynedd Planning Commission recommends that the driveway closest to the bridge abutment be closed and relocated further away from the bridge abutment, but the Montgomery County Planning Commission suggests the opposite and suggests the driveway closest to West Point Pike should be eliminated and the driveway closest to the bridge abutment be retained. There are conflicting opinions. Mr. Hammond said: " we feel both access points meet the sight distance requirements, can operate at a safe and efficient manner and we are not proposing left turns in or out at either access point."

A discussion ensued regarding the traffic study. Mr. Hammond responded to a question about sight line. He said when you do sight line analysis, you want to make sure everyone approaching the driveway has the appropriate sight distance so you would be able to see a little further on the inside lane because of the horizontal curve in the road. The study does not say whether the sight line distance was taken from the inside or outside lane but Mr. Hammond said when the analysis was done, he used the worst-case scenario. Mr. Silverman said the analysis was done on a posted speed of 35 and asked if it was determined what the average speed is on Sumneytown Pike to which Mr. Hammond replied we have not done what is classified as an 85th percentile speed, but based on the SSSD equation, the speeds can be up to 40 mph. He commented that the further you move the driveway away from the bridge abutment, the less sight distance you have to the left because of the way the curve is. The closer you move the curve to the bridge abutment, the more sight distance you have. We meet the sight distance requirements at the posted speed limit of 35 mph and if the speed limit was 40 mph, we would meet the SSSD limit, but not the desirable. Mr. Silverman said when the site visit was conducted, without the use of a radar detector, they concluded that no one was doing the posted speed of 35 mph (they were going faster) which is why the Planning Commission feels it is a potentially hazardous situation. Mr. Hammond said the Planning Commission observed vehicles speeding on Sumneytown Pike, so in moving forward, we can work with the Township and determine if the speed limit on Sumneytown Pike should be reduced to 30 mph or less or provide some variable speed signage (speed flashing sign). Mr. Hammond recognized that there is a significant amount of traffic during those peak times related to the Merck facility. He also noted that when traffic is traveling down Sumneytown Pike around the horizontal curve at the bridge which sits 14' high, you don't realize there is a traffic signal until you get around the curve. It does technically meet sight distance criteria in terms of sight visibility, but it doesn't hurt to provide something here prior to the bridge abutment to clarify driver's expectations and to make them aware of the area.

A further lengthy discussion continued between Mr. Silverman and Mr. Hammond regarding egress and ingress and general traffic. Mr. Silverman and other members of the Planning Commission expressed concerns about the general traffic in the area, the increased traffic as a result of the Wawa construction, possible accidents and traffic backing up in order to enter the Wawa. Mr. Hammond noted that if things are not working out with regards to these concerns, that Wawa may be willing to make some changes as they did at the Wawa on Rte. 63 and 202. He added that Wawa has been willing to work with municipalities to try to figure out what to do.

Julie Von Spreckelsen went over the Township Zoning Review Letter.

10. Township Zoning Review Letter, February 23, 2017, prepared by Kenneth Amey

Ms. Von Spreckelsen addressed the comments individually.

1. The letter states that gas sales require a special exception, but that is contrary to the Zoning Hearing Board's decision, Hearing No. 16-11. She said this decision was provided with our land development application submission and that she is not sure of the disconnect. She is again including it as part of the record. She went on to say that it is also contrary to

the Zoning Hearing Board's decision in Hartford Properties. Ms. Von Spreckelsen made the Hartford Properties decision part of

the record also. She reiterated, there are two (2) Zoning Hearing Board decisions that state to the contrary, no special exception is required for fuel sales. She further said it is also contrary to established case law in the court of Common Pleas, Montgomery County as well as the Pennsylvania Supreme Court.

2. We will request a variance from the Zoning Hearing Board for the canopy.
3. All signage was already approved by the Zoning Hearing Board.
4. Will comply

Ms. Von Spreckelsen then closed the presentation and requested recommendation for preliminary plan approval along with the two (2) requested waivers that were discussed.

Mr. Lancaster asked for comments.

11. Public Comments

Scott Denlinger, Wisler Pearlstine, said the firm is Special Counsel to the Township. He reiterated his objection to the consideration of the Hartford Properties zoning application letter, as part of the underlying litigation to the zoning approval that was provided to Provco. In addition, he asked that the Planning Commission consider this land development plan as you would any other land development. Provco is permitted to proceed at their own risk and the fact that the Township has appealed the zoning relief granted by the Zoning Hearing Board should not prohibit Provco in any manner. He went on to say the traffic considerations are very important in this land development

Ms. Von Spreckelsen stated that she wasn't sure what Mr. Denlinger's objection is to allowing the Hartford Properties decision to becoming part of this record. She stated that it is relevant to the underlying determination and this matter proceeds forward since there is no stay. With regards to the traffic study, there is no requirement in the ordinance that requires a traffic study and once it is submitted, there is a provision in the SALDO that there must be a review letter done within fifteen (15) days. The applicant provided the traffic study on February 9, 2017 and now there are three (3) weeks past submission.

David Brooman, Esquire, High Swartz law firm, said he is representing Merck. He requested that the Planning Commission not act on this matter tonight for two (2) reasons; traffic and stormwater, both of which are near and dear to Merck. With regard to stormwater, he noted that new testimony was heard today with respect to the fact that the infiltration won't work and the stormwater design won't work and they (Provco) are now looking at alternatives. He (Merck) feels it would be premature to act until that is fully vetted and reviewed by T&M. With respect to traffic, Andy Heimrich's letter has not been received. Merck has also retained a traffic engineer and will be submitting a report.

Ms. Von Spreckelsen said with regards to stormwater management, they are going to comply with all the requirements in the Township ordinances, and with traffic, they have provided a traffic study that they weren't even required to submit. She reiterated that the study was provided three (3) weeks ago, and we were supposed to have a review letter within fifteen (15) days, per the requirements of the Township SALDO. She sees no reason to delay moving forward with this recommendation and we ask that you please do so.

Mrs. Carlson asked to see the traffic study. Mr. Carroll stated that he doesn't think there is sufficient evidence to approve or deny the plan, until they have seen a review of the traffic study. Ms. Von Spreckelsen again stated that the review was due within fifteen (15) days of the submitted traffic study. Mr. Tierney asked to also see the traffic review from the Township and feels the Planning Commission has significant concerns about traffic to justify waiting for the review letter. Mr. Carroll also said that traffic is the most significant issue before this Commission.

Ms. Von Spreckelsen again reiterated her comments from above regarding the traffic study and again asked the Commission for a recommendation.

Mr. Bachman asked if Wawa will maintain the property to which Mr. Bruce Goodman replied that his company, as the land owner is responsible for all the outside maintenance. They are responsible to adhere to the landscaping requirements, cut the grass and make sure everything lives in perpetuity, which is what they have done at the CVS at Sumneytown & Broad for the past twenty (20) years.

The Planning Commission expressed interest in seeing the input from the Township traffic engineer and said they are within the time limit for review. Mr. Tierney made motion to table the decision until next month. It was seconded by Mr. Carroll and unanimously approved by the Commission.

Mr. Lancaster initiated a five (5) minute break.

5. New Business

A. Merger of Lots Ordinance

Mr. Rieker noted that the Commission has a copy of the draft from the Solicitor that provides for a proactive position in the zoning code for adjacent non-conforming lots. This proposal does not regulate or pertain to two (2) lots that are side by side that are compliant/conforming with zoning. This is for the non-conforming or undersized lots. A review from The Montgomery County Planning Commission stated that it was found to meet the goals of the comprehensive plan. Mr. Rieker noted that the Solicitors have advised that if a municipality wishes to have adjacent non-conforming lots, owned by the same entity, to merge for purposes of zoning, that they should say so. Mr. Rieker recommends that it be considered favorably by the Commissioners pursuant to a Public Hearing.

Mr. Silverman asked how many movie lots remain to which Mr. Rieker replied about 400 – 500 remain. He estimates that 200 are owned by one of the Martin brothers.

Mr. Silverman made a motion to approve the recommendation of the Merger of Lots Ordinance which was seconded by Mr. Klein and unanimously approved.

B. Mr. Silverman gave a brief update on the proposed Rec. Center. He noted the Committee had completed its evaluation of the three (3) outstanding bids and a recommendation will be submitted to the Board of Commissioners for approval to proceed with the conceptual design.

6. Adjournment

Mr. Lancaster adjourned the meeting ended at 9:10 PM.

Respectfully submitted



John Klein
Secretary