

The monthly meeting of the Lower Moreland Township Planning Commission was held on the above date in the meeting room of the Township Municipal Building. Present were Messrs. Krebs, Chapman, Lombardi, Hamburger, Costello, Potok, Mrs. Souder, Ms. Linda Friedrich Fogel, Planner Driscoll, Engineer Woodrow, Commissioners Devinney, Assistant Manager Elton and Clerk Matyas. Mr. Pollock was unable to attend.

Vice Chairman Chapman called the meeting to order at 7:35 P.M. The Pledge of Allegiance was recited.

The minutes of the March 26, 2009 Planning Commission meeting, were approved as submitted.

**Philmont Corridor Re-Zoning** Mr. Driscoll, Township Planner, re-capped the past two meetings where the re-zoning was discussed. Mr. Driscoll noted that tonight he is presenting a list of issues that need to be discussed.

Mr. Driscoll reviewed his letter explaining item one was the idea of creating a new zoning district not an optional overlay and giving more detailed about the restrictions of the new zoning district.

Ms. Friedrich Fogel questioned what an overlay district was and Mr. Driscoll explained that developers in this area would have the option to develop under new zoning rules or old zoning rules, what the property is currently zoned. Mr. Driscoll noted that the Board of Commissioners and the Planning Commission both felt that creating a new zoning district would be better than creating an optional overlay district. Mr. Driscoll explained that all future development will have to conform to the new zoning district and current properties will exist as a non-conforming use or can be re-developed with the new zoning district. Mrs. Elton, Assistant Township Manager, explained further that the non-conforming properties will have to comply with use and all other requirements, set-backs, parking, etc.

Mr. Krebs questioned the rebuilding of a property within one year after fire or other disaster and Mr. Driscoll noted that rule would stay the same. Mr. Chapman explained that the property will be able to be re-built to the non-conformance prior to the fire or disaster and Mr. Driscoll agreed and added that the property must be re-built within one year to keep the non-conformance.

Mr. Krebs questioned what happens if the property is not re-built within one year and Mr. Woodrow, Township Engineer, explained that the property owner would have to go to the Zoning Hearing Board to ask for an extension of the non-conformance.

Mr. Driscoll talked about item two on his review letter; boundaries of the new zoning district, extending east beyond Tomlinson Road to Jade/World Business Campus, former Toll Brothers Building. Mr. Costello noted that areas on Red Lion Road should be included in the zoning district up to the railroad tracks. Mr. Driscoll explained he felt extending the area on Red Lion Road southward towards the railroad tracks makes sense but not so sure about extending northward. Mr. Costello noted that at a minimum that area needs sidewalks. Mr. Driscoll showed Mr. Costello a zoning map to clarify the area. Mr. Driscoll questioned if

Red Lion Road north of Philmont Avenue should stay the zoning district it is, DR Restricted Commercial, or be included in this new zoning district.

Mr. Driscoll noted that if the Planning Commission is interested in including Red Lion Road from Philmont Avenue to Huntingdon Pike let the Township Staff review and discuss the suggestion.

Mrs. Elton noted that most of the area in question is zoned DR, Restricted Commercial, which allows a limited use of commercial which is appropriate for that area. Mr. Costello commented, no apartment buildings there. Mrs. Elton explained most properties have small lots in that area.

Mr. Hamburger questioned how far east and west would you go? Mr. Costello explained the property next to ball field, the property next to TD Bank and noted most of the area is commercial.

Mrs. Friedrich Fogel questioned if this area should be messed with at all and Mrs. Souder noted that even though this area is not technically considered historical many of the properties are historic to this area.

Mr. Chapman questioned if there were any sidewalks from the firehouse down to Philmont Avenue. Mr. Woodrow stated not on that side of Red Lion Road but on the School side, there is sidewalk. Mr. Chapman did not know how to obtain sidewalks on Red Lion Road but thinks they are needed from Huntingdon Pike to Philmont Avenue.

Mrs. Elton noted that this area and Huntingdon Pike have the same zoning district which limits the commercial uses. Mrs. Elton questioned if the new zoning district which would allow mixed uses is right for this section of Red Lion Road. Mr. Driscoll noted that Mr. Costello wanted no apartments but with the new zoning district apartments are allowed.

Mr. Chapman noted DR zoning is appropriate for Red Lion Road, north of Philmont Avenue and should stay that way but he would still like to see sidewalks. Mrs. Elton noted this area is a part of the Greenway trail study, which would connect the sidewalks.

Mr. Costello questioned if offices can be built in DR zoning and Mr. Driscoll replied yes offices can be built.

Mr. Chapman questioned the size of Mr. Pastore's property on Red Lion Road. Mr. Woodrow said he was not sure but it is probably around ½ an acre.

Mrs. Friedrich Fogel agreed that Red Lion Road north of Philmont Avenue should not be touched.

Mr. Driscoll explained that further extending the boundary westward past Huntingdon Pike to Lieberman Road. Mr. Costello questioned if the properties behind the post office would be included and Mr. Woodrow replied no they would not. Mrs. Friedrich Fogel questioned if part of the swampy area back there is owned by the Township and Mr. Chapman replied it is not.

Mr. Driscoll noted the next time the Planning Commission sees the draft ordinance a property map would be attached to show all property boundaries and areas included in this new zoning district. Commissioner Devinney questioned if that was done by parcel numbers, Mr. Driscoll replied yes, and the lines would be drawn on a Township map.

Mr. Driscoll questioned if both sides of Philmont Avenue should be included. Mrs. Friedrich Fogel noted that both sides of Philmont Avenue should be included.

Mrs. Friedrich Fogel explained she would like to see as many open space areas stay open and then build around that. Mr. Woodrow noted that many of those places could be built upon right now with the current zoning. Mr. Woodrow explained that all other issues of the property like floodplain and wetlands would still need to be addressed regardless of the zoning.

Mr. Woodrow said the Township received another sketch plan for 2637 Philmont Avenue, the old dinner theater and noted the property has a lot of floodplain issues. Mr. Woodrow explained that the property should be left open and possible re-graded to help with stormwater management but how does the Township pay for that, the property owner has the right to develop the property.

Mr. Driscoll explained that a property owner's ability or inability to deal with environmental restrictions will not be affected one way or another by this proposed rezoning.

Mr. Costello asked if the property next to TD Bank should be included in this new zoning district. Mrs. Elton noted that one property could not be excluded from a zoning change with all the properties around it being included.

Mr. Costello questioned the residential properties along Philmont Avenue and Mr. Driscoll noted that non-conforming rights would be used here by not limiting current homeowners to resell as a home under this new ordinance.

Mrs. Elton noted that the original draft ordinance included the south side of Philmont Avenue up to the old Toll Building and the north side of Philmont which would include Philmont Country Club.

Mr. Driscoll noted that the intent of the new zoning was to include Industrial zoned areas not residential so the north side of Philmont Avenue to Pine would be the end of the affected area. Mr. Driscoll explained Philmont Avenue south side from the old Toll Brothers building, Mr. Potok interjected, adding Huntingdon Pike and Welsh down to Red Lion Road should be added. Mrs. Elton noted that the whole intersection of Huntingdon Pike, Welsh Road and Philmont Avenue are a part of the area affected by the new zoning district.

Mr. Driscoll asked what the Planning Commission included, and Mr. Potok replied Chuck's service station up to the bank.

Mr. Woodrow asked what the Planning Commission wants to do about Fredrick's Company? Mr. Costello noted that the existing building is not up to the codes of today. Mr. Woodrow

asked if this property should be included in the new zoning? Mr. Chapman questioned if we include the Fredrick's company, which he feels is appropriate, do we include the properties west up to Dr. Panis's property? Mrs. Elton asked if the Planning Commission would like to see the north side of Philmont Avenue from Red Lion Road to Route 63 included? Mr. Costello stated he is concerned about including all of that because the piece of property next to TD Bank would be included and is that a good idea. Mr. Woodrow reiterated that any environmental issues will not be elevated depending on what zoning district it falls into.

Mr. Driscoll questioned the inclusion of Tomlinson Road from Philmont Avenue to the railroad tracks on both sides of the street, and Mr. Costello noted that the other side of the tracks where the makeshift parking lot is, and an entrance to the SEPTA station should also be included. He added that the cinderblock building on the right side should be included too. Mr. Driscoll questioned if the affected area should go up to the Philadelphia City Line. Mrs. Elton stated that slowly all the industrial areas of the Township are being eliminated. Mr. Costello said he did not say to go up to the City Line but go to the parking lot right after the railroad tracks.

A brief discussion ensues.

Mr. Driscoll explained that the Township Staff will review and discuss expanding the new zoning area and come back with a recommendation.

Mr. Potok questioned how many Industrial zoned properties need to remain? Mrs. Elton noted that there is no percentage; the Township must provide all uses.

Mr. Costello noted that there are other industrial areas of the Township that are starting to look like Philmont Avenue, with property owners not putting money into their properties.

Mr. Driscoll stated that at the next meeting maps of the areas could be provided to help get a full view of the proposed zoning district and show the recommended areas to be included.

Mr. Driscoll explained that initially parking in the front of buildings was not what the Planning Commission wanted. After the last meeting recommendations were made regarding strengthening the landscaping requirements with a short knee wall or stronger buffering, essentially hiding the cars and separating the parking lot from the road. Mrs. Friedrich Fogel questioned why the recommendation to move the parking to the front again? Mr. Driscoll explained that in a retail situation it is more convenient for customers to park in front therefore, the recommendation to allow was made with certain requirements.

Mr. Potok commented that another option would be to have the building close to the road and parking in the back so you don't see the cars. Mr. Chapman questioned the use of the buildings and Mr. Potok said, all commercial. Mrs. Souder noted that with buildings close to the road, the look is much more urban and not what this area is, and the biggest criticism about Huntingdon Place is it's too close to the road for a building that size. Mr. Chapman is concerned if six (6) story buildings were allowed right up on the road the appearance is not what the township wants to see. Mr. Potok noted he does not like this idea either but was just throwing it out there. Mr. Driscoll does not feel this style is appropriate for this area.

Mr. Woodrow noted that one issue with having the stores so close to the road is the need for two front doors, which is very hard for retailers to deal with, so most retailers would prefer a more traditional set up. Mr. Potok noted that it appears the best option is to strengthen the landscaping requirements. Mrs. Elton noted that she envisioned the building setback closer than current setbacks but not right at the road.

Mrs. Souder stated that she does not like limited parking or parking in the front and would prefer parking on the side or in the back and we should think about what is appropriate for the Township and how we want this area to look. Mrs. Elton noted there is a balance with making the ordinance buildable so properties are developed and buildings occupied. Mrs. Souder said she understood this process and that it is a big undertaking with all the planning that goes along with it. Mr. Driscoll explained that one issue everyone agrees with is no parking where the parking bumper comes right up to the sidewalk. The Planning Commission agreed. Mr. Driscoll noted there needs to be a compromise between disallowing it entirely and having the bumpers at the sidewalk. Mr. Potok noted that retailers need to be seen to make a profit and taking their visibility away will not work. Mr. Costello explained that TD Bank did a great job with setting up their parking lot. Mrs. Souder noted TD Bank is all proportionate, from the building to the parking lot to the landscaping.

Mr. Driscoll explained that the street tree ordinance needs to be reviewed to supply more trees that are appropriate and that they are looking into this. Mr. Costello noted that no pin oak trees should be on the list.

Mr. Driscoll commented that in his review letter he highlighted some provisions of the current sign ordinance. Mrs. Friedrich Fogel questioned why the Township could not specify certain types of signs like colonial wooden style signs? Mrs. Souder noted more uniformed signs. Mr. Driscoll agreed that the sign regulations for this new zoning district can be better than what currently exists. Mr. Driscoll explained that making a certain type of sign a requirement cannot be done but prohibiting items so only tasteful options are left can be done. Mr. Lombardi asked what the process is for getting a sign. Mrs. Elton replied that a permit is required for signs. Mrs. Elton clarified the only Boards that would review and approve the application would be the Historical Board, if the property was in the Historical District, and the Board of Commissioners. Mrs. Elton also noted if an applicant did not want to comply with the sign ordinance, they would have to apply for zoning relief with the Zoning Hearing Board.

Mr. Krebs asked where signs would be allowed and Mr. Driscoll noted that signs could be affixed to the front of the building.

Mr. Hamburger commented on walking up Huntingdon Pike from Philmont Avenue. The signs all along there are horrible, and maybe changing the sign ordinance will affect the whole Township.

Mr. Costello noted that it will be left up to Mr. Driscoll to clarify the sign requirements but he requested that an attempt be made to clean up what is currently on Philmont Avenue between Red Lion Road and Pine Road. Mr. Costello stated most properties have homemade signs erected and did not get permits. Mrs. Elton noted that Code Enforcement

will take a look. Mrs. Elton explained that any legal existing signs would be grandfathered in and only new development would be affected by any new sign ordinance requirements.

Mr. Driscoll explained the next item in his review letter is outdoor lighting fixtures and noted that continuing the lights from TD Bank is the desired look. Mr. Costello noted that lights in front of the State Farm Insurance building are very nice but need stronger wattage.

Mr. Potok noted a standard type of concrete should be created so there is a uniformed look. Mr. Chapman asked if a sidewalk is what he meant by concrete and Mr. Potok said yes.

Conversation on building height began. Mr. Chapman stated that six (6) story buildings are high especially if the buildings are close to the road and asked is it necessary to have buildings that high. Mr. Chapman noted the only six (6) story buildings in Lower Moreland Township are Gloria Dei Manor and The Towers but they are back off the road. Huntingdon Place is close to the road but only four (4) stories high plus a garage. Mr. Driscoll explained that some of the Board of Commissioners felt the same way. Mr. Potok noted that some properties would warrant higher buildings and others not.

Mr. Costello explained that the problem with development on Philmont Avenue is the cost of the land and noted that because the Township is in a valley six (6) stories might not look as high in certain areas.

Mr. Driscoll explained that there are several arguments for the 70 feet, six (6) story buildings, one being the land cost, secondly, the fact that a lot of these properties have floodplain issues and thirdly, envisioning more mixed uses where retail is on the first floor and residential above that. Mr. Driscoll said the question is whether six (6) stories are necessary. Mrs. Souder expressed that six (6) stories is too high for this Township, it does not fit the feel of this Township. Mr. Chapman noted that Philmont Plaza is four (4) stories and very manageable.

Mr. Costello explained the Township lacking commercial development, which puts the burden on residents with high taxes, and he likes the idea of four (4) stories with parking on the first floor so stormwater runs through it. Mr. Potok noted that keeping in mind how a developer is going to make money off the property will depend on how the corridor will look, staying industrial or going to this new mixed use. Mr. Costello stated that because the railroad runs behind these properties there would be a lot of environmental problems. Mr. Potok concurred.

Mr. Costello explained if the setback is far enough from the road and there are limits to the building area that would be good.

Mr. Driscoll stated an alternative being five (5) stories if first floor parking or four (4) stories if not. The Planning Commission agreed this was a good idea.

Mr. Driscoll explained that parking commercial vehicles should be 100 feet or so away from the road and none should be permitted to park in front of buildings for longer than a day or so. Mr. Costello commented that no storage of vehicles should be allowed either. Mr. Potok noted that decals on vans as advertisements for businesses, Mr. Driscoll noted that would

be considered a commercial vehicle. Mrs. Elton explained it would not be because commercial vehicles are classified under the motor vehicle code and by weight limit. Mr. Driscoll commented the Township staff would look into wording to incorporate the decal van idea into the ordinance.

Mr. Driscoll questioned if a twenty (20) foot front yard setback would be enough. Mr. Potok commented it would depend on the location of the railroad track behind that property and making the setback too far back would not leave a lot of land. Mr. Costello commented that owners could come in for a variance.

Mr. Chapman noted that room needs to be left for sidewalks and buffers. Mr. Woodrow explained that sidewalks are in the right of way. Mr. Driscoll commented the twenty (20) foot setback would be measured from the ultimate right of way. Mrs. Elton noted the buffering would be in the setback area. Mr. Driscoll stated it appears the consensus is to make the front yard setback larger. The Planning Commission agreed.

Mr. Costello noted that a shoulder is needed on Philmont Avenue and Mr. Potok commented that there will need to be consideration for a turning lane for the stores being developed.

Mr. Potok questioned what the Township envisions for the road itself and Mr. Woodrow noted that highway improvements will have to go hand in hand with the a new zoning ordinance. Mr. Driscoll explained sidewalk improvements will also happen which will help.

Mr. Costello questioned how the sidewalks will connected over by the self-storage facility. Mr. Woodrow stated the culvert would be widened to the extent sidewalks will be put in. Mr. Hamburger commented that something needs to get done about the culvert to make the rest of this proposal work.

Mr. Krebs asked if there is any uniformity to the lot sizes on Philmont Avenue. Mrs. Elton replied no. Mrs. Elton did note that there are lots in the back that cannot be seen from Philmont Avenue and to remember this when creating setbacks in a new ordinance. Mr. Krebs questioned if each lot must provide entrance to the creek. Mr. Driscoll's reply was yes, provided the lot is adjacent to the creek.

Mr. Costello questioned if it should be encouraged that commercial be in the front and residential in the back because of the lots and depth of the properties. Mr. Costello stated he did not think anyone would put commercial on a back lot where it cannot be seen. Mr. Driscoll explained that he does not think any property should be restricted to how it can be developed.

Mrs. Souder noted that she has never been to any of the back lots on Philmont Avenue and asked if there was any way to go and view the properties. Mr. Driscoll replied that the group cannot go and view the properties due to quorum/public meeting regulations but individually can view the properties.

Mr. Driscoll explained the issue of who is responsible for maintaining street trees. Mrs. Elton noted this is a code enforcement issue and will be looked into.

Mr. Driscoll added as a last note the consideration of prohibiting outdoor storage in the front yard setback. Mrs. Elton commented that outdoor storage should be prohibited all together not just front yard. Mr. Driscoll then added that more refining of this ordinance is required but now we have more direction to follow.

Mrs. Elton explained that the public needs to be involved, residents and property owners, before a draft ordinance is done and presented. Mrs. Elton further explained that a mailing would be sent to properties in the area of Philmont Avenue and a posting on the Lower Moreland Township website. Mr. Driscoll commented this is beyond the requirements of the planning code to hold a public meeting.

Mr. Costello noted that he would like to see more fairs and car shows in Lower Moreland Township on Philmont Avenue to get the community involved.

Mr. Chapman questioned who would be responsible for the road widening that will take place with this new zoning ordinance? Mr. Woodrow replied, the property owners, Lower Moreland Township and PennDot would be responsible, noting that in the past, in a better economy, it was entirely on the developer. Mr. Woodrow stated that a traffic improvement scheme for the area is needed so there is a complete vision of what needs to be done.

### **Legislative Review**

Commissioner Devinney noted no new subdivision/land development approvals only a couple of extensions.

Mr. Hamburger asked what happened to the proposed 55+ community on Byberry Road? Mr. Woodrow noted that Gigliotti builders are just moving slowly with the process. Commissioner Devinney commented that there are sewer issues to deal with at that property.

Mr. Costello asked what happened with the Lower Moreland Township building department and outsourcing? Mrs. Elton explained the Township hired a third party inspection company that started mid April. Mr. Costello questioned the process and Mrs. Elton replied that the details are being worked out and as soon as they are it will be posted on the website.

### **New/Old Business**

Mrs. Friedrich Fogel inquired if the open space at Red Lion Road and Philmont Avenue has been purchased by the Township yet and Commissioner Devinney replied that applications are in and it is being worked on to gather the appropriate funds. Mrs. Friedrich Fogel asked if there was anything they could do to help with the process, making phone calls to people that might be able to help, would that hurt the process? Commissioner Devinney said he was not sure, that he would be going to the County to talk to open space people but all paperwork was filed on time.

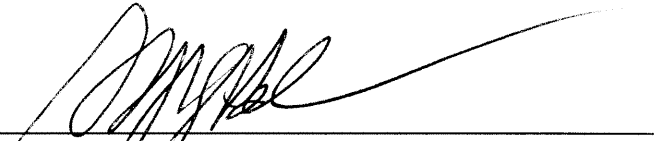
Mr. Costello stated how good the website looks. The next meeting will be held May 28, 2009.



April 23, 2009

**Adjournment**

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 9:03 P.M



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Stephen G. Pollock, Commission Chairman