

September 24, 2009

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. Pollock, Chapman, Hamburger, Costello, Potok, Krebs, Mrs. Friedrich Fogel, Mrs. Souder, Planner Driscoll, Engineer Woodrow, Assistant Manager Elton, Commissioner Devinney, Commissioner Kuritz and Clerk Matyas.

Vice Chairman Chapman called the meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

The minutes of the June 25, 2009 Planning Commission meeting, were approved as submitted.

**SD 09-03 3636 Pine Road/David Mermelstein-Final Plan** presented by Mr. Edward Chadrow, engineer for applicant and Mr. David Mermelstein, applicant. Mr. Chadrow explained that the site is roughly a 1.2-acre site located at 3636 Pine Road; lot one with existing house, and lot two with existing garage and proposed dwelling. Mr. Chadrow explained that the site would use a shared driveway for access to both lots.

Mr. Chadrow wanted to go through Mr. Tim Woodrow, Township Engineer's review letter but Mr. Stephen Pollock, Planning Commission Chairman, explained that he would like the applicant to go through any waivers being requested first and the Township Engineer and Planner will review their letters. Mr. Chadrow noted the most substantial waiver would be for road improvements. The property is currently unimproved with just curbs and it does stick out into Pine Road but Mr. Mermelstein would like it to remain that way. Mr. Chadrow explained the house is located close to the road and is surrounded by large trees which seclude the property. Mr. Mermelstein talked about living in this area for 30 years and noted that the road improvements waiver is being asked to preserve the natural features of the property. Mr. Mermelstein explained that he will make every effort to keep all the trees on the property intact with exclusion of any trees being removed for the construction of the new house.

Mr. Woodrow discussed his review letter noting that the applicant filed the application as a final but due to the requirement of road improvements this application needs to go through the process possibly as a preliminary stage. Mr. Woodrow noted that one of the questions at hand is road improvements, the west side of Pine Road has sidewalks and curbs minus this property. Mr. Woodrow acknowledged that there are huge trees in the right of way which might have to be considered so the dilemma would be do we keep the trees or put in road improvements to complete the west side of Pine Road.

Mr. Woodrow noted the second issue would deal with storm drainage noting that surrounding properties could be adversely affected by the adding of impervious coverage to this property. Mr. Woodrow explained the current plans shows very minimal disturbance but if the lot is sold in the future there is no guarantee the proposed building will be constructed as shown. Mr. Woodrow noted that if the proposed building is larger or trees are removed for a backyard there could be some serious stormwater issues and once the applicant completes the subdivision process, the Township has very little control.

Mr. Woodrow felt those two issues need to be addressed with this application.

Mr. Chadrow noted that a plan is required for a building permit application and questioned if Mr. Woodrow reviews those plans. Mr. Woodrow replied he does not.

Mr. Chadrow asked Mr. Mermelstein if he would like to have Mr. Woodrow review the plan. Mr. Mermelstein stated his proposal will create the least amount of disturbance and Mr. Woodrow confirmed that in his review. Mr. Mermelstein explained that he has no control over what future buyers do to the property and it is the Township's responsibility to approve or not approve any future development.

Mr. Chadrow questioned if that could be a condition placed on a building permit that plans must be reviewed by Township engineer for approval.

Mr. Pollock questioned if Mr. Mermelstein was actually going to build the proposed dwelling. Mr. Mermelstein replied it was a conceptual dwelling but the model he is looking to build. Mr. Mermelstein noted this dwelling has a floor print of about 1500-1600 square feet. Mr. Chadrow stated the plan shows a 1900 square foot dwelling. Mr. Mermelstein explained the point is that he is not proposing a 10,000 square foot dwelling.

Mr. Woodrow questioned if Mr. Mermelstein will be building the houses and he replied yes.

Mr. Woodrow reiterated that his concern is about future buyers and what they would change about the property. Mr. Woodrow stated at that point the Township has no control over that future buyer's plans which could adversely affect the neighbors. Mr. Woodrow stated that it is the Planning Commission's and Township staff's job to protect the neighbors from the stormwater runoff.

Mr. Pollock stated that since there is no ordinance regulating trees to stay, the property owner can do what they want on their property with their trees.

Mr. Mermelstein suggested making this property historical so any work done would have to be proposed to the Township first.

Mr. Woodrow stated he is not concerned with the trees but provisions for handling stormwater runoff off to protect the neighbors. The trees are not an issue with him. Mr. Pollock noted that in the future if the trees were knocked down it would change the grading and water flow but the Township is out of the picture and if there were no provisions made during the subdivision process the Township can not help. Mr. Woodrow explained that the plan presented today is not in compliance with the stormwater ordinances.

Mr. Pollock questioned the applicant with how the stormwater issue is being handled. Mr. Chadrow replied there is a proposed drywell located in the rear yard. Mr. Pollock asked Mr. Woodrow's opinion on the drywell and he replied it is not sufficient.

Mr. Woodrow noted he was currently dealing with a 15 year stormwater dispute between 2 neighbors and the Township needs to be careful with how this application is handled to avoid future problems.

Mr. Chadrow stated the applicant is willing to address the stormwater code on the plan to the satisfaction of Mr. Woodrow.

Mr. Mermelstein wanted to remind Mr. Woodrow as far as driveway or the cul-de-sac; no more impervious surfaces are being added. He is trying to minimize the impervious surfaces. Mr. Mermelstein also wanted to remind Mr. Woodrow that the lot is level, there is no ponding and the property percolates well. Mr. Mermelstein invited Mr. Woodrow to the property to see for himself. Mr. Woodrow stated he has been to the property and would not agree with Mr. Mermelstein's statement.

Mr. Woodrow noted that he would not want to find himself in the neighbor's backyard a year from now dealing with stormwater issues.

Mr. Chadrow noted that if the Township wanted to make a condition of the approval that the plan's stormwater management must have the approval of the Township Engineer, the applicant is ok with that.

Mr. Pollock stated that the Township Engineer and Planner will review their letters and then there will be a chance for public comment.

Mr. Woodrow explained his review letter had a couple miscellaneous items but the major issues are stormwater management and road improvements.

Mr. Paul Driscoll, Township Planner, questioned which scenario in his review letter the applicant was intending to carry out, A or B? Mr. Mermelstein replied that scenario A was his intent and the garage will get an overhang that allows the owners of the proposed dwelling to get to the garage without actually creating an enclosure.

Mr. Driscoll noted a potential conflict in the future with the shared driveway and proposed a maintenance agreement be created so each property owner is aware of his or her responsibility for the shared driveway in accordance with Subdivision Land Development Ordinance (SALDO).

Mr. Driscoll explained his review letter, talking about the width of the shared driveway, questioning if it was considered a two-way driveway onto Pine Road, and if so the width would need to be 25 feet.

Mr. Driscoll questioned the unenclosed paved area which will accommodate the parking for Lot 1 noting it appears to be encroaching into the 50 foot front yard setback where no off street parking is allowed.

Mr. Chadrow explained that the driveway would be one way. Mr. Pollock questioned if the current driveway would just be maintained and Mr. Chadrow replied yes. Mr. Mermelstein noted this is a minor subdivision with one other house not a lot of traffic. Mr. Mermelstein also noted that a concern about impervious surfaces was just discussed and now the Township wants to widen the driveway, add more impervious surfaces and possibly cut down more trees.

Mrs. Friedrich Fogel noted the driveway appears very large on the plan. Mr. Chadrow stated it is large. Mr. Pollock questioned if it was existing and Mr. Chadrow replied yes. Mrs. Friedrich Fogel questioned if the middle was grass and Mr. Mermelstein stated it was a huge tree.

Mr. Chadrow explained that Mr. Mermelstein can have his counsel draft a maintenance agreement that will be acceptable to the Township Solicitor.

Mr. Chapman asked if the existing house would not have a garage and Mr. Chadrow replied that is correct.

Mr. Pollock questioned if by separating the garage from the existing house would it create a violation in not providing off-street parking. Mr. Woodrow noted the plan shows off-street parking spaces and Mr. Pollock stated the plans say proposed paving not parking. Mr. Mermelstein noted that parking was the point for that area. Mr. Pollock talked about more detail in regards to the parking spaces.

Mr. Potok questioned why another garage was not being built and Mr. Mermelstein replied that could be a possibility.

Mr. Chadrow asked Mr. Driscoll what the third issue was and Mr. Driscoll noted that on the plan it appears the proposed paved area is closer than the 50 foot ultimate right of way. Mr. Chadrow noted it is a little close and Mr. Driscoll stated that more than ½ of the proposed paved area encroaches the 50 foot front yard setback. Mr. Chadrow questioned if that was a SALDO requirement. Mr. Driscoll replied it is a Zoning Ordinance requirement. Mr. Chadrow stated the proposed paving would be changed to conform to the comments of Mr. Driscoll's review letter.

Mrs. Friedrich Fogel questioned why the property is being split the way it is, she felt it would make more sense creating a flag lot. Mr. Mermelstein noted this design would require the least number of trees to be removed. Mr. Mermelstein also noted that the Township does not like flag lots and it has become difficult to create them.

Mr. Hamburger questioned why this plan is at the final stage because if the plan started at preliminary stage these issues would have been discussed and then the plan could have been put into a final format. Mr. Mermelstein replied that he was advised that due to the few issues with this proposal, final stage was appropriate.

Mrs. Souder questioned if a house and garage could be split up and Mr. Woodrow replied there is no ordinance requiring a garage. Mr. Pollock noted that off-street parking is required though. Mr. Pollock stated he would like to see a plan that shows the proposed parking spaces with dimensions. Mr. Chadrow stated that dimensions can be added to the plan.

Mrs. Friedrich Fogel noted she is a tree hugger but is not sure about the road improvement situation knowing that this area is talked about in regards to traffic, turn lanes and it being in close proximity to Pine Road School. Mrs. Friedrich Fogel questioned if this side of Pine Road is really the issue and Mr. Potok noted that due to the existing condition children are walking in the street which is a safety issue.

Mr. Mermelstein commented that vehicles fly down Pine Road at 45 miles per hour when the posted speed limit is 35 miles per hour but this bump out in front of the property helps slow down traffic a little because the road is not wide.

Mr. Costello questioned if the proposal is approved tonight and then the property was sold and the new owners wanted to change what was existing does the Planning Commission see that? Mr. Pollock explained that the Planning Commission would not see anything; it would be a building permit with zoning review. Mr. Costello noted that this property is very large and Mr. Pollock questioned if it meets the flag lot requirements. Mr. Woodrow said Lot 1 does not. Mr. Costello asked if a new owner could tear down the existing dwelling and rebuild without the Planning Commission seeing anything and Mr. Pollock replied yes.

### **Public Comment**

Mrs. Audrey Wister, 256 Pheasant Drive, talked about the trees being cut down and the slope from this property to her property would have to be graded or there will be a big water problem. Mrs. Wister noted she has lived here for 44 years and she loves her backyard and all the trees and was surprised someone would buy the new proposed lot and dwelling when there are so many trees with little open space. Mrs. Wister stated when she purchased her home the former owner of 3636 Pine Road rented her land to a tree nursery until that stopped and the trees remained. Mrs. Wister was concerned if another buyer purchases the property and cuts down the trees it would create a water run-off situation for her property. Mrs. Wister noted that currently she does not have an issue with water run-off on her property but she attributes that to all the trees absorbing the water however, if the trees were removed, she is not sure what would happen. Mrs. Wister commented that she notices her neighbor's property, the Killion's, is greatly affected by water run-off. Mrs. Wister questioned if the proposed dwelling would look out onto the garage. Mr. Mermelstein said it would look out onto the driveway. Mrs. Wister questioned if the garage would be the closest part of the proposed dwelling to her property and Mr. Mermelstein replied yes. Mrs. Wister noted there is a lot of foliage between the properties, which creates privacy for her, and she would like that to stay. Mr. Mermelstein explained that the vegetation that borders her property would remain.

Mr. Chris Killion, 272 Pheasant Drive, noted his property is the one Mrs. Wister talked about being underwater when it rains. Mr. Killion explained that he installed a drainage system on his property a couple of years ago to help with the water problem. Mr. Killion noted if he gets a lot of water now what will happen when more surfaces are added, what is the limit his system can take? Mr. Killion commented that a couple of years ago he was at this Commission about a property across the street from him and was shown a picture of the proposed dwelling that looked like his but the actual dwelling is completely different. Mr. Killion considers it an eyesore with little trees, and during construction trees were removed just to have a place for construction equipment. Mr. Killion noted that water run-off is his biggest concern but that widening the street and removing trees he would not like to see, he likes the trees in the front. Mr. Killion explained that any stormwater run-off provisions that are created he would like to see them made permanent.

Mr. Potok noted that Mr. Mermelstein has agreed to meet with Mr. Woodrow and work out a plan that is satisfactory for the Township.

Mr. Mermelstein explained that Mr. Chadrow is a licensed engineer, would draw up a plan in accordance with the stormwater ordinance, and send it to Mr. Woodrow for approval.

Mr. Pollock questioned if the stormwater provisions are based off the issues now or for potential tree removal issues in the future? Mr. Mermelstein reiterated that he will work with Mr. Woodrow to create a stormwater system.

Mr. Potok stated he believed that stormwater management looks like the worse case scenario regardless of trees or not. Mr. Woodrow explained trees are looked at for stormwater management and he believes there is a solution to this problem but all parties must be involved.

Mr. Mermelstein noted he is willing to defer this issue as a condition of approval and Mr. Pollock explained they are only an advisory board that the Board of Commissioners actually votes on whether there is approval or not on this proposed application.

Mr. Bernard Kueny, 267 Cranberry Drive, explained his property borders 3636 Pine Road property. Mr. Kueny stated his concerns are similar to the ones already expressed tonight including road improvements with the dilemma of mature trees verse safety. Mr. Kueny noted there is a canopy of trees on Pine Road which makes it hard to turn off of Pine Road. Mr. Kueny talked about elevation levels and the number of trees, which absorb a lot of water that helps with the problem. Mr. Kueny commented the concern is not what Mr. Mermelstein will do with the trees but what will happen with future owners. Mr. Kueny noted if a garage were built on Lot 1, dozens of trees would be destroyed. Mr. Kueny noted that there is a proposed dry well on Lot 2 only nothing proposed for Lot 1 so there is no help with water issues on Lot 1.

Mr. Kueny stated the issue with water in the future is a great concern and it sounds like this Board does not have any control over future owners. Mr. Kueny explained that future owners can do whatever they want to the property without the Township having much control over it. Mr. Kueny stated the water problem is an issue now and much of it drains through the edge of our property and then moves over to neighbor's properties.

Mr. Kueny questioned the conformance of the driveway and the safety issues with access for emergency vehicles. Mr. Kueny noted that with the big tree in the middle of the driveway there is no way a fire vehicle would get onto the property, it would have to stay on Pine Road.

Mr. Kueny commented that the proposed house seems to have a footprint that does not have a garage attached to it and Mr. Mermelstein noted the existing garage is being used. Mr. Kueny questioned if the right of way is not expanded now will it be if the garage is torn down? Mr. Pollock explained that the garage is behind the ultimate right of way and the garage has existed for many years. Mr. Pollock stated if the garage was torn down the only requirement would be to provide 2 off-street parking spaces and Mr. Kueny questioned that it wouldn't affect anything else? Mr. Pollock noted there could be some drainage affect and impact but if there is an existing concrete base under the garage, and it was left there, no new or different surfaces would be created.

Mr. Kueny questioned if the minutes of this meeting are available and Mr. Pollock replied they are but the minutes are not verbatim but a summary of the meeting. Mr. Pollock reminded Mr. Kueny that the Planning Commission is an advisory Board and they will have to go in front of the Board of Commissioners with their concerns as well.

Mr. Kueny questioned why a drywell has not been proposed for Lot 1 and Mr. Chadrow replied because Lot 1 has an existing structure it was not added. Mr. Woodrow explained that the ordinance only obligates a landowner to deal with additional run-off created by new impervious coverage. Mr. Woodrow felt a solution could be to design a stormwater system that would account for the maximum coverage of both lots to try to alleviate any future problems.

Mr. Kueny asked if there would be additional square feet of impervious surfaces added to the proposed project. Mr. Mermelstein explained that there would be added impervious surfaces for both lots. Mr. Chadrow noted it would be 300 square feet and Mr. Kueny argued that it is more like 600 square feet. Mr. Pollock stated that between the two lots it is about 1000 square feet.

Mrs. Friedrich Fogel questioned the state of the garage against a new home and Mr. Chadrow noted the garage will be rehabbed.

Mr. Pollock questioned the proposed plan being in final plan stage. He felt there were issues to be dealt with including storm water management and road improvements. Mr. Pollock noted that if he were to vote now he would be against this application.

Mrs. Eileen Gibson, 3600 Pine Road, noted she has lived here for 35 years and one of the biggest attractions for her was all the trees but even with them, she still gets a lot of water in the back of her property. Mrs. Gibson stated that she does not know what will happen to her property if the trees are taken down, it would create a tremendous water problem.

Mr. Chadrow explained that Mrs. Gibson's property is very flat and level with 3636 Pine Road.

Mr. Pollock questioned if any trees will be removed from Lot 1 and Mr. Mermelstein said no. Mr. Kueny noted that on the plan it shows 6 trees to be removed, 4 trees from Lot 2, 1 tree from the front of the property and 1 tree near the Gibson property. Mr. Mermelstein stated those trees are being removed for the sewer connection. Mr. Pollock questioned if both properties will use one lateral and share a system. Mr. Chadrow replied the proposed dwelling will get a new connection and the existing home has an existing connection. Mr. Mermelstein commented there is a letter from the Township Sewer Authority.

Mr. Chadrow showed the existing and proposed laterals on the plan.

Mrs. Gibson stated that her property receives water that runs down 3636 Pine Road towards the street which creates safety issues in the summer and winter times.

Mr. Woodrow noted that Mr. Steve Woerner, Director of Public Works, has mentioned this problem to him. Mr. Mermelstein stated he talked to his engineer about this problem and a swale was proposed to catch that water. Mr. Pollock questioned where the swale would go and Mr. Mermelstein replied it would be in the front from Mrs. Gibson's property to his property.

Mrs. Gibson noted that she was shocked that this was her first notice about this application and it is in the final process stage.

Mr. Pollock explained the stages of the Subdivision Land Development process.

Mr. Mermelstein noted the biggest concern discussed tonight was the stormwater management.

Mr. Pollock stated that part of him feels this might be the only opportunity to get Pine Road widened so that issue needs to be resolved as well.

Mr. Mermelstein suggested that Mr. Pollock take a look at the front of this property to see how many trees would be affected by road improvements.

Mr. Mermelstein requested a 30 day continuance on this application so his engineer and the Township engineer can work out the stormwater issues.

Mrs. Randee Elton noted a written request is needed for a continuance.

The Planning Commission did not vote due to issues that arose during the meeting. The applicant asked for a 30 day continuance to the October Planning Commission meeting to look into the issues. The Planning Commission's issues were road improvements and stormwater management. Neighbors came to the meeting and were also concerned with stormwater issues.

**SD 09-04 3429 Paper Mill Road & 1192 Spur Road/ Brotsky & Herman-Preliminary Plan** presented by Mr. Edward Chadrow, engineer for the applicant, questioned if this plan could be changed to final plan rather than preliminary plan and Mrs. Elton noted that if the applicant pays the final plan fees than it can be changed to final plan.

Mr. Chadrow explained this application is a land transfer between Mr. Brotsky's property, 3429 Paper Mill Road and Mr. Herman's property, 1192 Spur Road. Mr. Chadrow showed the piece of land being purchased by Mr. Brotsky from Mr. Herman and the new proposed lot line.

Mr. Chadrow noted that no construction is proposed at this time, this proposal is only for a land transfer.

Mr. Chapman questioned if the proposal would be one continuous lot from Paper Mill Road to Colonial Circle and Mr. Chadrow replied yes.



Mr. Pollock noted the property would have a flag stem from Colonial Circle and Mr. Chadrow replied yes it would but the frontage would be on Paper Mill Road. Mr. Pollock questioned if the required street frontage already exists and Mr. Woodrow replied yes on Paper Mill Road. Mr. Pollock questioned the required frontage on Colonial Circle and Mr. Driscoll replied it does not meet the required frontage now but if the property was re-subdivided the frontage on Colonial Circle would conform to the flag lot ordinance.

Mr. Driscoll questioned the purpose of this application and the applicant replied to increase his property size.

Mr. Driscoll explained his review letter noting some SALDO issues and that no zoning relief is needed.

Mr. Chadrow stated the applicant would like waivers from Mr. Driscoll's review, items one and two of his SALDO comments.

Mr. Woodrow explained his review letter noting that floodplain should be shown on the plan and there may be a need for waivers of the requirements to show additional features surrounding the property within 100/500 feet. Mr. Woodrow noted those requirements are not needed since no construction is proposed.

Mr. Woodrow stated that the Herman property is not offering the ultimate right of way width, it is shown on the plan but the offer does not appear. Mr. Woodrow is not sure if the Township would need the right of way though.

Mr. Woodrow noted that some buffering could be needed on the Herman and Brotsky property but the existing trees would have to be shown to figure out any additional buffer needs.

Mr. Chadrow stated the applicant would like to request a waiver from the requirement to show additional features within 100/500 feet.

Mr. Chapman questioned the proposed lot line design and Mr. Chadrow replied the line is drawn that way just because that is the agreed upon property between Mr. Brotsky and Mr. Herman. Mr. Chapman questioned if this proposal would become one lot and Mr. Chadrow replied yes.

Mr. Pollock questioned if the proposed lot would have one tax parcel number and Mr. Chadrow replied yes.

Mr. Pollock questioned the setback dimensions on the plan and Mrs. Elton noted those are the extended setback requirements from the Paper Mill Road dwelling. Mr. Brotsky explained that he wants to purchase the land to preserve it because he heard that Mr. Herman was talking to a builder.

Mr. Pollock questioned if there were any tree issues and Mr. Driscoll replied no. Mr. Brotsky noted that he is planning on adding more trees to the land.

Mr. Hamburger questioned if there was any connection from Paper Mill Road to Colonial Circle and Mr. Woodrow explained that there is floodplain on Colonial Circle, which would require zoning relief before making a connection onto Colonial Circle. Mr. Pollock noted that relief is possible to obtain though.

Mr. Pollock commented that looking into the future another owner could possibly want to subdivide the property and it would be possible since Mr. Driscoll noted that the property meets the flag lot ordinance.

Mr. Brotsky explained that was not his intention at this time, he wants to keep it one big property.

### **Public Comment**

Mr. Patterson, 3415 Paper Mill Road, noted he likes the proposed plan and has no objections.

Mrs. Friedrich Fogel made a motion for recommendation with the following conditions:

- Compliance with Mr. Tim Woodrow's letter dated September 14, 2009 & Mr. Paul Driscoll's letter dated September 17, 2009.
- Waivers from the Subdivision Land Development Ordinance, section:
  - 180-23.D(2)(n)
  - 180-44.C
  - 180-44.E

The motion was seconded by Mr. Potok. Mr. Chapman, Mr. Pollock, Mr. Krebs, Mr. Costello, Mr. Hamburger and Ms. Souder voted aye. The motion was carried with the conditions as stated.

### **Philmont Avenue Corridor re-zoning discussion**

Mr. Driscoll explained that 2 draft ordinances were prepared, one draft took into account the comments of the Planning Commission and the second draft was revised to respond to the comments of Montgomery County Planning Commission (MCPC). Mr. Driscoll noted there was an informal meeting between the MCPC and the Township. Mr. Driscoll explained that 99% of their issues were worked out. Mr. Driscoll commented the Township should have a review letter from MCPC by next meeting.

Mrs. Elton noted by the next meeting the Planning Commission should have the MCPC review letter and the text amendment that was sent to County for their review.

Mr. Pollock questioned if they could have the revised draft ordinance now and Mrs. Elton replied that she can send that to the Planning Commission.

### **November & December Meeting dates**

Mrs. Elton noted that the November meeting is schedule for Thanksgiving Day and the December meeting is scheduled for Christmas Eve so we will need to change those dates.

Mrs. Elton commented that the Zoning Hearing Board planned ahead as well and chose November 19<sup>th</sup> for their November meeting date. Mrs. Elton suggested that meeting dates should be reviewed in January of each year so everyone would know of date changes ahead of time. Mr. Pollock agreed.

Mr. Pollock noted the next meeting will be on October 22<sup>nd</sup> so November 12<sup>th</sup> would only be two weeks later. Mr. Woodrow suggested combining the November and December meeting into one meeting. Mr. Pollock suggested December 10<sup>th</sup> and if a November meeting is needed it would be on November 23<sup>rd</sup>.

A member of the public questioned if there could be more of a discussion on the Philmont Avenue Corridor Re-zoning and Mr. Pollock replied that he would be getting back to that in a moment.

### **Legislative Review**

Mr. Woodrow noted a stop sign was put up and Mrs. Elton explained the traffic light at Fettersmill and Terwood Road would be placed on flash next week.

### **New/Old Business**

Mr. Hamburger would like the Planning Commission to extend their thanks to Mr. Robert Costello for the tour of Philmont Avenue and the report he wrote.

Mr. Pollock talked about the Planning Commission's informal site visit of Philmont Avenue Corridor. Mr. Pollock noted there is a consideration of a new draft ordinance for that area which would revitalize the district and encourage the development of mixed commercial and residential uses. Mr. Pollock stated the definition of Philmont Avenue Corridor is still not finalized but it has been discussed as being from the Old Toll Brothers Property, across from Ridgeway Park, and as far west as the Huntingdon Valley post office.

Mr. Pollock noted the hope was to create zoning opportunities to encourage development that would create a town center feel which would produce an area where the community could come together. Mr. Pollock stated the need to change the area from an Industrial District which has become somewhat obsolete to an area that better fits today's needs.

Mr. Pollock explained that while on the visual tour of the area, issues were found on the properties which generated a letter sent to the Township. Mrs. Elton responded to that letter and noted many issues are non-conforming matters. Mr. Pollock noted this process was healthy for everyone involved to take a look at the area and realize the need for revitalization.

Mr. Pollock talked about the different items they are trying to incorporate into the draft ordinance, including restaurants and walkability throughout the area.

Mr. Pollock noted that Mr. Costello's letter highlighted many concerns in the area including the creek that runs through a lot of the properties, and storm water issues.

Mr. Pollock stated that the letter helped show what needs to be changed about the Philmont Avenue Corridor and these issues can be communicated through the draft ordinance.

Mr. Pollock commented that the recent redevelopment of the former Pistol property is a great example of the desired look for the Philmont Avenue Corridor.

Mr. Pollock noted current uses would become non-conforming and still be allowed under the proposed ordinance and that maybe items can be added to the proposed ordinance to help address the issues of outside storage and temporary structures.

Mrs. Elton explained the proposed ordinance restricts the use of trailers to the side and rear yard because it is not wanted in a front yard. Mr. Pollock noted that maybe no trailers could be added to the proposed ordinance.

Mr. Costello talked about the dumping that takes place on Philmont Avenue especially the area that abuts Dale Road, noting that it has gone on for years and continues today. Mr. Costello also that regardless of the zoning on Philmont Avenue the dumping will continue until it is shut down.

Mr. Costello noted that most of corridor is ok but some parts are in deplorable condition and these concerns need to be dealt with in the interim of now and the revitalization. Mr. Costello stated the issue is with code enforcement and the dumping that occurs.

Mr. Tom McKenna, 2394 Dale Road, explained that his property backs up to the railroad tracks which backs up to the dumping that Mr. Costello discussed. Mr. McKenna noted he is not sure what the zoning is in that area but they have open trailers and bins. Mr. Pollock questioned the property address behind Mr. McKenna's property and Mr. Costello replied it was 2381 Philmont Avenue. Mr. McKenna stated that no matter the time or day of the week that property is running equipment and dumping. He also asked if the property is supposed to be storage, what kind of storage is it. Mr. McKenna suggested the residents of Dale Road be notified when this topic is discussed. Mrs. Elton noted that Dale Road was included in the mailing list for the public meeting on the Philmont Avenue Corridor.

Mr. Charles McDade, 2472 Dale Road, commented that Philmont Avenue has a lot of night time activity especially where the old Orleans building use to be which is now an open lot. Mr. McDade noted there are vehicles there all night long. Mr. Pollock questioned if he calls the police and Mr. McDade replied by the time the police would get there the vehicles would be gone. Mr. McDade stated that a homeless person was living behind his house and they didn't know where he came from but they did get him removed. Mr. McDade said he was told that he could have come from the lot on Philmont Avenue because the fence was down.

Mr. Pollock commented that the hope of the new ordinance is to get builders interested in redeveloping the area. Mr. McDade noted this area is in the flood zone. What can be built there? Mr. Woodrow explained the challenge would be to find a development that is sensitive to the floodplain and create an emergency access.

Mr. Potok suggested adding underground storage tanks for the stormwater management system. Mr. Woodrow replied that the amount of water that comes through the area is too much for a system like that. Mr. Woodrow noted that other projects in the area had stormwater basins put in and it all helps, but there is a lot of work that is needed.

Mr. Krebs questioned what type of dumping occurs and Mr. Costello replied that it is landscaping debris and construction material. Mr. Costello noted that the fences are left wide open allowing complete access.

Mr. Pollock explained the Township is going to react to the letter and do what they can to help fix some of the issues.

Mr. Krebs suggested contacting the property owners where the dumping occurs. Mr. Costello noted that is being done. The problem is what happens after that with code enforcement.

Mr. Pollock talked about getting the proposed ordinance passed so the redevelopment can begin, attracting more appropriate commercial uses on Philmont Avenue which will help cut down on the problems that exist now.

Mr. Pollock recommended a copy of the Visual Assessment of Philmont Corridor, prepared by Mr. Robert Costello, be submitted to the Board of Commissioners, adopted by the Planning Commission of their assessment and feelings towards the need for increased enforcement along Philmont Avenue. All voted aye.

Mrs. Jill Blumhardt, 2483 Dale Road, questioned what type of residential zoning was being considered with the proposed ordinance. Mr. Pollock replied townhouses/condominiums were being considered. Mr. Pollock noted that residential would be on the top floor and commercial would be on the bottom.

Mrs. Kathleen McDade, 2472 Dale Road, commented that she use to work for Toll Brothers Inc., and the project on Welsh Road is a disaster. Mrs. McDade noted they were selling the condominiums but now they have to lease them. Mrs. McDade explained Toll Brothers Inc. was trying to use the access to local commercial business as a way to get doctors and other professionals in but it has been a disaster. Mrs. McDade questioned what guarantee does she have that the Toll Brothers Inc. situation does not happen in her area. Toll Brothers Inc. fixed the floodplain issues on that property in order to build. Mr. Chapman questioned if she thought the problem with selling the condominiums is related to the state of the economy and Mrs. McDade replied no, she felt it was due to the location and pricing. Mrs. McDade noted that with Toll Brothers Inc. now leasing those tenants are not paying taxes. Mr. Pollock replied that the units are having their taxes paid. Mr. Pollock explained that the area was blighted and Toll Brothers Inc. came and wanted to re-develop it. Mr. Pollock noted that one purpose for the proposed re-zoning is to create more commercial business and make this area appealing.

Mrs. Friedrich Fogel stated the Township can make no guarantees but the best they can do is change the zoning and the planning to try and attract developers to the area.

Mr. Potok noted that at the very least they will the area cleaned up and looking better which is a big improvement to how it looks now.

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Mrs. McDade questioned how the Township can affect privately owned properties and Mr. Pollock noted that if the zoning changes which allows property owners to sell to a more wide variety of developers. Mr. Costello noted that tax abatements placed into the proposed ordinance will also help.

Mr. McDade commented that he would like the area cleaned up because that is what they see as being the big problem now on Philmont Avenue.

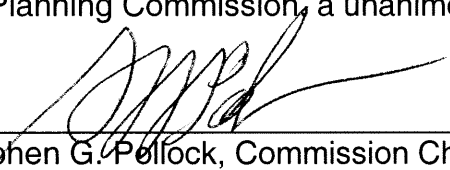
Mr. Potok noted the value of the land will increase when the proposed ordinance is passed which will attract more developers to the land and with more commercial business it will help take the burden of taxes off the residents of the Township.

Mrs. Elton explained the Board of Commissioners have a say in the zoning maps and ordinances so that is how the Township can help with changing this area.

A representative of the Sears Property on Philmont Avenue questioned if a copy of the proposed ordinance is available to the public and Mrs. Elton replied that once the comments from the MCPC were incorporated into the draft a copy would be available to the public and she can be contacted directly for that.

**Adjournment**

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 10:00 P.M

  
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Stephen G. Pollock, Commission Chairman