

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. Chapman, Costello, Krebs, Lombardi, Mayer, Mrs. Friedrich Fogel, Mrs. Souder, Engineer Woodrow, Planner Driscoll, Assistant Manager Elton, Commissioner Devinney and Clerk Matyas

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

### **Reorganization**

Mr. Chapman noted that the Planning Commission Chairman, Mr. Steve Pollock was appointed to the Zoning Hearing Board so the Chairman position will need to be filled. Mr. Chapman talked about all the great things Mr. Pollock has done for the Planning Commission and from all the Planning Commission members they wished him the best of luck in his new position.

Mr. Pollock gave a speech talking about his time on the Planning Commission and his new role at the Zoning Hearing Board.

Mr. Pollock noted that in the Lower Moreland Township Zoning Code the Zoning Hearing Board can request testimony from the Planning Commission but that code is not used. Mr. Pollock explained there is a role that Planning Commission can plan in helping the Zoning Hearing Board. Mr. Pollock noted that other Townships make all applications go to the Planning Commission first before going to the Zoning Hearing Board and if an ordinance or regulation is created that would be possible in Lower Moreland Township. Mr. Pollock would like to see the Planning Commission involved more with the happenings of the Township.

Mr. Chapman introduced the new member to the Planning Commission, Mr. Kurt Mayer from Ward 4 who will replace Mr. Pollock.

Mr. Chapman explained that the Planning Commission By-Laws call for an immediate filling of officer vacancies, though it doesn't define what immediate is, the Chairman position and other officer positions must be filled tonight. Mr. Chapman noted that the By-Laws call for the reorganization to occur in March, so this will occur again, in March as a formality.

Mr. Chapman asked the members for nominations for the officer position of Chairman. Mr. Chapman made it known that he is not looking to take over the Chairman position but he is willing to stay on as the Vice Chairman.

Mr. Krebs made a motion for Mr. Costello to be Chairman and Mr. Chapman as Vice Chairman and Mrs. Friedrich Fogel as Secretary.

Mrs. Souder made a motion for Mrs. Friedrich Fogel to be Chairman and Mr. Chapman as Vice Chairman and Mr. Costello as Secretary.

Mr. Chapman asked Mr. Costello about the motion and Mr. Costello explained that due to personal reasons he would not be able to accept the motion for Chairman this year and he

agreed with Mrs. Souder's motion. Mr. Chapman asked Mr. Costello if he was willing to serve as Secretary and Mr. Costello agreed.

Mr. Chapman questioned Mrs. Friedrich Fogel about the motion for her to be Chair and Mrs. Friedrich Fogel said she is willing to serve as Chair.

Mr. Lombardi made a motion for Mrs. Friedrich Fogel to be Chair, Mr. Chapman to be Vice Chairman and Mr. Costello to be Secretary. Mrs. Souder seconded the motion and Mr. Costello, Mr. Krebs, Mr. Chapman, Mrs. Friedrich Fogel and Mr. Mayer voted aye.

Chair Friedrich Fogel takes over the meeting.

The minutes of the November 16, 2009 Planning Commission meeting, were approved as submitted.

### **Philmont Avenue Corridor Rezoning & Text Amendment Recommendation**

Mr. Paul Driscoll, Township Planner, noted there was a minor change to the amendment as recommended by the Montgomery County Planning Commission (MCPC). Mr. Driscoll explained that Mrs. Elton, Assistant Township Manager, submitted the revised text amendment to MCPC and a clean review letter was received by the County.

Mr. Chapman asked if the Urban Research & Development January 14, 2010 letter noted the revision in §208-166 A(3) but it was meant to be A(2)? Mr. Driscoll replied that Mr. Chapman was right and the revision was A(2) not A(3).

Mr. Chapman also noted that the MCPC January 22, 2010 letter referred to this text amendment as an overlay district and Mr. Driscoll replied there is no overlay. Mrs. Elton explained that she asked MCPC to produce a letter quickly so they made a mistake. Mrs. Elton noted that she will have MCPC produce a revised review letter.

Mr. Pollock talked about the problems with a business at 2755 Philmont Avenue and how that professional use/clinic use is not addressed in this new zoning text amendment and that should be a concern. Mrs. Friedrich Fogel questioned if the definition of clinic and its use would be discussed by the Planning Commission and Mr. Driscoll noted that it will be discussed by the Planning Commission in the future, it was pulled from tonight's agenda because the Township Solicitor wanted more time to look into legal issues.

Mrs. Elton noted most likely there will be a change of definitions in the zoning ordinance and anything else that needs to be done to address those issues but the Township is not at that point to discuss it yet.

Mr. Costello asked, with the change in the density what would it physically look like? Mr. Driscoll noted at the maximum it would be 15-20 dwelling units per acre. Mr. Costello talked about apartment buildings being around train stations and asked how many multi-story buildings could be put on Philmont Avenue? Mr. Driscoll said he did not know how many could be put along the whole length of the corridor and Mr. Costello questioned how many would be permitted. Mrs. Elton explained it would be based off the existing lot size and Mr. Costello questioned on an acre of land how many multi-story buildings. Mr. Woodrow,

Township Engineer, explained that it is 15 dwelling units per acre and a maximum of 25 dwelling units per acre where the dwelling units are part of a mixed use structure. Mr. Woodrow said he wasn't sure how that converts into actual physical appearance because it depends on architectural design. Mr. Driscoll noted that the Township is trying to encourage consolidation of existing lots. Mr. Woodrow explained that if there were 8 units a floor there could only be 3 stories because that creates the 15 dwelling units so it really depends on the architectural design.

Mr. Costello stated that he doesn't want high density housing all along the corridor but would rather see it in specific areas. Mr. Driscoll noted that the floodplain will restrict use in certain areas as well.

Commissioner Devinney noted that the market will determine the number of residential dwelling units and if there are too many residential then more commercial will be developed to balance it out.

Mrs. Friedrich Fogel explained that a motion is needed to recommend this text amendment as submitted to the Board of Commissioners.

Mrs. Randi Silverman, 27 Coachlight Terrace, asked for a copy of the text amendment and Mrs. Elton explained that until the text amendments are sent to the Board of Commissioners and are authorize as an ordinance for a first reading, copies are not permitted. Mrs. Silverman asked again why she was not able to get a copy of the proposed text amendment. Mrs. Elton explained the draft may still be changed and varying copies of the draft may be confusing.

Mrs. Friedrich Fogel stated that this proposal is not final and that this recommendation is for the Board of Commissioners to authorize advertisement for this ordinance and then the there will be a public meeting discussing this ordinance.

Mrs. Elton noted that copies of the proposal will be available before the public hearing and Mrs. Silverman stated that since there were people in the audience that are interested in this topic that copies of the proposal should be made available to them. Mrs. Elton explained the documents may be viewed, but just not copied.

Mr. Costello stated that this proposal has been worked on for the last two years and there has been very little public participation.

Mrs. Silverman explained that there are many members of the Township who would like to be involved and have a voice when it comes to Township issues.

Mrs. Silverman stated again that she feels as a member of the Township that she should have a right to a copy of the proposal especially since half the people in the room have a copy. Mrs. Elton said she is trying to change that policy because it makes sense to allow the public to view the proposal as soon as possible.

Mrs. Souder questioned if the Planning Commission's meetings are always opened to the public and Mrs. Elton replied yes. Mrs. Souder noted she joined the Planning Commission so she knew what was going on with the Township. Mrs. Souder explained there is a lot of information on the website as well.

Mr. Costello talked about how this process started 3 years ago and it will probably take another 6 months because that is how the political process works.

Mrs. Elton explained that Mrs. Silverman's address can be added to the mailing list for this proposal so any meetings that take place in the future a notice will be sent to her home.

Mr. Costello mentioned that the April 2009 Planning Commission meeting had most of the property owners of Philmont Avenue and they had the opportunity to talk about the proposal and make suggestions and comments.

Mrs. Silverman questioned how the congestion will be handled with this new proposal because the congestion is bad right now. Mr. Woodrow explained there is a design to help with the congestion but money is needed before that can be implemented.

Mr. Driscoll noted that with new development there will be more consolidation of egress and ingress and less driveway cuts going onto Philmont Avenue.

Mrs. Friedrich Fogel explained that Mrs. Silverman's ideas are welcome and to please submit comments to Mrs. Elton and keep attending meetings.

Mr. Chapman made a motion that the Board of Commissioners accepts the revised draft ordinance of Philmont Avenue Revitalization Rezoning District, revised as of January 14, 2010. Mr. Lombardi seconded the motion and Mr. Costello, Mr. Krebs, Mrs. Friedrich Fogel, Mr. Mayer and Mrs. Souder voted aye.

### **Mobile Home Park Zoning Discussion**

Mr. Driscoll explained that with the demise of the Huntingdon Valley Swim Club, that parcel is currently zoned Mobile Home Park District. Mr. Driscoll noted that to comply with the law Lower Moreland Township must provide space for all uses somewhere in the Township. Mr. Driscoll explained that the question was raised if that location was the most suitable for that type of zoning.

Mr. Driscoll stated that Township Staff came up with three (3) options in respect to this parcel:

1. Keep this parcel Mobile Home Park zoning under the current regulations.
2. Rezone this parcel another zoning classification such as a medium density residential development. The challenge would be to relocate the Mobile Home Park zoning to another area of the Township.
3. Keep this parcel zoned Mobile Home Park but add permitted uses to include residential use. This option allows the Township to continue to meet their legal obligation to have all uses allowed in the Township.

Mrs. Friedrich Fogel questioned if there would be a mobile home park along with townhouses and Mr. Driscoll explained that if there were townhouses there would be no mobile home park.

Mrs. Friedrich Fogel asked how many acres the parcel was and Mrs. Elton replied 10.5 acres.

Mr. Chapman questioned if option 3 was used and residential housing was developed would there be a cause for a legal challenge because the Township has excluded Mobile Home Park. Mr. Driscoll explained that the law does not state there must be a mobile home park just that land must be provided to allow for the use.

Mrs. Elton noted that all uses must be provided for but not all uses can be built and zoning districts have multiple permitted uses but they all can't be used.

Mr. Driscoll noted that if the parcel gets developed with all residential housing then the Township Solicitor would have to be contacted to see if it would be wise to find another part of the Township to allow for Mobile Home Park use. Mr. Driscoll noted that this parcel has been used as a swim club for many years with zoning that allowed Mobile Home Park use and they have been legally free of any issues.

Mr. Krebs questioned if the land fill area was considered for Mobile Home Park use and Mr. Woodrow replied that Township Staff decided against it because there were other potential uses for that area.

Mrs. Souder questioned if mobile homes were not built in this area would the Township still be obligated to provide another area and Mr. Woodrow said no as long as a developer was given the option of mobile homes. Mrs. Elton noted that added permitted uses to the Mobile Home Park Zoning District would not take away the mobile home use just add more uses to that zoning district.

Mr. Woodrow commented that if the Township was completely built-out that someone could come to the Township and say there is no land provided for a junk yard so homes need to be torn down so I can build my junk yard.

Mrs. Souder questioned if there could be an over 55 mobile home park, the pre-fabricated homes placed on concrete slabs and Mr. Woodrow stated that modular homes are allowed under the definition of Mobile Home Park. Mrs. Elton explained that nothing would be taken away from the zoning district only added.

Mr. Chapman commented that the Valley Swim Club parcel is the best area in the Township for Mobile Home Park Zoning District.

Mr. Krebs questioned if the Morrissey property by the railroad tracks could be a possible location for Mobile Home Park zoning. Mr. Woodrow noted that we don't want to encourage mobile homes but provide our fair share. Mr. Woodrow explained that if the Valley Swim Club parcel was left with its current zoning and some items were added as permitted uses that would cover the Township's legal obligation. Mr. Krebs commented that the question

was posed as to other locations within the Township that could have this zoning district and Mr. Driscoll explained that question was explored but at the staff level there were no good options for new locations of this zoning district. Mr. Driscoll noted that option 3 seems to be the best choice.

#### Public Comment

Mr. Vlad Tinovsky, Esquire, attorney for a potential buyer of the Valley Swim Club parcel, explained that the Valley Swim Club is in bankruptcy and they were permitted on that parcel by way of Special Exception. Mr. Tinovsky stated that based on his review the zoning relief allows for recreational and educational use. Mr. Tinovsky noted that his client would continue to use the parcel in the spirit of the Special Exception relief. Mr. Tinovsky believed that would satisfy a lot of the desires of the residents of the Township to keep open space.

Mr. Tinovsky noted that the potential buyer is the Congregation Beth Solomon and they are currently in discussions with the bankruptcy trustees to put in a bid. Mr. Tinovsky explained that Congregation Beth Solomon has been in the area for a long time and have provided recreational related activities for the community and hope to obtain the property and keep it in the character it is currently being used as.

Mr. Tinovsky commented that his client, Congregation Beth Solomon, will keep with the educational and recreational use and Mrs. Souder asked what does that mean, educational and recreational use. Mr. Tinovsky explained that some examples would be continuing the swimming pool use; possibly build recreational structures such as tennis court or basketball court or a swing set for children. Mr. Driscoll asked would it be a primary use or accessory use and Mr. Tinovsky replied primary use. Mrs. Souder asked if these recreational uses would be open to the public and Mr. Tinovsky replied some recreational structures would be available to the public assuming the Congregation was not using it. Mrs. Souder questioned if the pool would be open to the public and Mr. Tinovsky said that is tricky due to liability issues but other recreational areas would be open to the public.

Mr. Tinovsky explained this Special Exception goes back to 1953 and the file is absent of an explanation of the Special Exception but the minutes of the meeting explain it as a recreational and educational use including a swim club use. Mr. Tinovsky noted that as the Congregation proceeds with obtaining the Valley Swim Club there would need to be a clarification of the Special Exception since it is not clear.

Mrs. Friedrich Fogel questioned if this is a viable alternative and Mr. Driscoll said yes. Mr. Tinovsky noted that by law a Special Exception would run with the land.

Mr. Driscoll explained that when this is discussed at the Staff level it can be brought up that this use be added as a permitted use in the Mobile Home Park zoning district.

Mrs. Souder questioned if the pool would be open to the public because she was a member of the Valley Swim Club for many years and a lot of the members are upset that it is closing because it was a great family place. Mr. Tinovsky noted this use would be more open than a club setting but the logistics of the pool use has not been worked out.

Mr. Costello questioned if a recommendation needed to be made and Mrs. Elton noted this was just a discussion and there is no motion or ordinance on the floor. Mrs. Elton explained that she spoke to the Rabbi of the Congregation Beth Solomon and told him he should come tonight and also come to the Board of Commissioners meeting to express their idea for this parcel of land.

Mr. Costello recommended that the zoning stays the same for this parcel of land and that potential buyers present their ideas to the Township.

Mr. Woodrow explained that Planning Commission can be against the zoning change, prohibiting an educational and recreational use, stay neutral keep the zoning the same and let applicants go to the Zoning Hearing Board or be proactive which would be to redraft the ordinance and allow educational and recreational use as a permitted use.

Mrs. Silverman stated that she has two little kids and there are no open fields for them to play in and she goes to Bryn Athyn for them to play. Mrs. Silverman noted that the use the Rabbi is suggesting will keep open space in Lower Moreland Township instead of putting up apartment buildings.

Mr. Woodrow explained that it depends on the builder, if a big developer came in and offered 42 million dollars for the property to build mobile homes it would be hard for the bankruptcy court to turn that money down. If in the alternative there is a viable offer by the Rabbi and the bankruptcy court says this is the best deal we have seen they will take it.

Mrs. Silverman questioned why the Township doesn't buy open space to preserve it for our children and Mr. Costello noted that taxes would have to be raised in order to purchase open spaces.

Mrs. Elton explained that the Township does not have the money to purchase this open space and this offer came up after this Mobile Home Park zoning was put onto the agenda. Mrs. Elton noted the Township was trying to be proactive with having this discussion in case a big developer came in the Township wanted to allow additional permitted uses. x

Mrs. Friedrich Fogel stated that option 3 would be the best choice for the Township and possibly adding this educational and recreational use as an added permitted use.

Mr. Woodrow commented that the Township did not know this option existed, they did not realize a private entity could afford to purchase the Valley Swim Club and this is the best option because it would keep the land open.

Mrs. Souder talked about how beautiful the pool area is and keeping that would be great because it has a lot of memories for many people.

Mr. Woodrow noted that the problem with open space in Lower Moreland Township is that real estate is very valuable and it is hard to outbid a developer for ground that you want to keep open.

Mr. Chapman explained that Lower Moreland Township has more open space than most Townships. the problem is it is passive open space. Mr. Chapman state that what is needed is open space like soccer fields and if the development proposed tonight could include a soccer field that would be great.

Rabbi Issaacson, 2700 Primrose Lane, thanked the Planning Commission for the opportunity to speak tonight. Rabbi Issaacson noted that he grew up in Philadelphia and has been in this area for 40 years.

Rabbi Issaacson explained this is a great opportunity to create a place where families and community can come together and opportunities like this do not come around all the time. Rabbi Issaacson noted that this property already has a swimming pool which would be great because his congregation runs a summer camp. Rabbi Issaacson commented that he would like to see this property be open and available all year long not just open a couple months of the year. Rabbi Issaacson noted the only thing in that area is the park on Philmont Avenue and this will create a safe setting for children and families.

Rabbi Issaacson would like to make this for the whole community not just the Jewish community and sees this proposal as a win/win situation. Rabbi Issaacson wants to use this as a tool to encourage people to come to Lower Moreland Township.

The Planning Commission recommended that the land where the Huntingdon Valley Swim Club is located continue to be Mobile Home Park zoned but have the Township amend the zoning to include additional uses. One such additional use would include the proposal presented by Rabbi Issaacson and his attorney at the Planning Commission Meeting.

### **Meeting Dates for 2010**

November meeting date will be November 18<sup>th</sup> and the December meeting date will be December 16<sup>th</sup>.

### **Legislative Review**

Mr. Woodrow noted that all is quiet.

Mr. Costello noted that there is a new Commissioner, Jill Blumhardt and Mrs. Friedrich Fogel explained she was at their last meeting and introduced herself to the Planning Commission. Mr. Costello explained that Commissioner Blumhardt is becoming very active in the changes along Philmont Avenue and she has a desire to make it better. Mrs. Elton agreed and noted that this was the consensus of all of the Commissioners.

### **New/Old Business**

Mr. Costello asked how the Planning Commission felt about what Mr. Pollock said about the Zoning Hearing Board.

Mrs. Elton noted that the Township staff would discuss this option with the Board of Commissioners and explained that some Planning Commissions make recommendations to the Zoning Hearing Board on non-residential applications. Mrs. Elton noted that she would have to read the Planning Commission By-Laws to see what they say.



Mrs. Friedrich Fogel felt it would be good for the Planning Commission to be more closely involved in what the Zoning Hearing Board is doing. Mrs. Friedrich Fogel noted that if the Zoning Hearing Board is dealing with something the Planning Commission has interest in that a member could go and speak at the Zoning Hearing Board. Mrs. Elton explained that what Mr. Pollock was saying is that Planning Commissions can be called by the Zoning Hearing Board to testify but she has never seen that happen. Mrs. Elton noted that it would be more a recommendation from the Planning Commission to the Zoning Hearing Board after an application appeared in front of the Planning Commission.

Mr. Costello stated that the Planning Commission started going to the Zoning Hearing Board to stop the Zoning Hearing Board from giving away so much relief and for a while it worked.

Mrs. Elton suggested that the Township Staff look at the By-Laws first and then can make a recommendation to the Board of Commissioners.

Mrs. Friedrich Fogel stated that Planning Commission is in favor of getting more involved and noted that the Planning Commission would like to actually plan.

Mrs. Silverman questioned how the residents get more involved in terms of planning and Mr. Costello noted they can go to the Township Board of Commissioners Meetings and Planning Commission meetings.

Mrs. Elton also noted if she has any questions, she may go to the Township first and talk to her or the manager, and she can be directed from there.

Mrs. Silverman stated she would like to be informed about a situation like the clinic on Philmont Avenue so that it could be avoided in the future.

Mrs. Friedrich Fogel noted that the public has been lethargic as well; we are always begging people to come to the Planning Commission meeting. Mrs. Friedrich Fogel commented that there is a change in the residents and more people are showing concern and coming out to speak their mind.

Mr. Costello stated that the clinic was bad but it was also good because it got people involved in their community.

Mr. Costello questioned interpretation of types of buildings that can be built in the corridor, specifically townhouses. Mr. Driscoll stated it was a use provided by right.

The next meeting is scheduled for February 25, 2010.

### **Adjournment**

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 9:00 P.M



Linda Friedrich Fogel, Chair