

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, Potok, Mrs. Friedrich Fogel, Mrs. Souder, Engineer Woodrow, Planner Driscoll, Assistant Manager Elton, Commissioners Devinney, Kuritz and Blumhardt and Clerk Matyas

Chair Friedrich Fogel called the meeting to order at 7:30 P.M. The Pledge of Allegiance was recited.

The minutes of the January 28, 2010 Planning Commission meeting, were approved with a minor correction to add a comment by Mr. Costello.

Philmont Avenue Corridor Rezoning & Text Amendment Recommendation- Mrs. Randee Elton, Assistant Township Manager talked about the amendment going to the Board of Commissioners for discussion. Mrs. Elton noted a comment from the Board of Commissioners to prohibit the use of tattoo parlors was added to the amendment as well as two (2) map changes, removing the Mignatti land fill property and Huntingdon Self Storage property.

Mr. Costello questioned the vacant lot next to T.D Bank with all the water and tree issues on the property. Mr. Costello felt that by-right a developer should not be able to build on it due to all the issues with the property.

Mrs. Friedrich Fogel commented that she didn't think a developer could just go build on the land without Township input. Mr. Costello noted that if the zoning changed a developer would be allowed to as a by-right use and does the Township want that or do they want the developer to have to go to the Zoning Hearing Board.

Mr. Tim Woodrow, Township Engineer, explained there are hurdles to overcome on that property with floodplain, environmental restrictions and wetland issues. Mr. Woodrow stated that any developer would have to deal with all that plus any restrictions with a new zoning ordinance.

Mr. Costello commented that if the zoning changes it will be a by-right use to develop that land and Mr. Woodrow explained that the use would be by-right but any floodplain, wetland or properties issues would still need to be dealt with. Mr. Costello stated that if the developer complied with all the regulations they could legally build on this property and Mr. Paul Driscoll, Township Planner, replied yes. Mrs. Elton noted that a developer could also legally build on the property today.

Mrs. Friedrich Fogel does not feel that this property being apart of the revitalization amendment makes it any simpler to develop because of all the other issues facing the property.

Mr. Chapman stated that if this property was included in the revitalization corridor it would give the Township the opportunity to enhanced sidewalks or trails that might not otherwise happen. Mrs. Friedrich Fogel noted that the Township would also have a little bit more control with the property if it was included in the corridor.

Mr. Costello talked about being more specific about other uses such as gun stores, crematories, above ground oil tanks and boarding and group homes and how could those be prohibited or how do those uses stand with the current code? Mr. Driscoll explained that crematories are a not permitted use and there is nothing in the list of permitted uses that could be interpreted as that same use that is the same for fuel storage. Mr. Driscoll stated that in regard to boarding and group homes that use is still under review by the Township Solicitor and gun stores could be considered retail use and it is not specifically being excluded an argument could be made that a gun store is allowed as a retail use.

Mrs. Friedrich Fogel questioned if these items should be considered for the proposed ordinance and Mr. Driscoll noted that the fuel tanks and crematories are not allowed and the boarding and group homes are under review by the Township Solicitor. Mr. Costello questioned what under review meant and will this issue come back to the Planning Commission. Mr. Driscoll explained that if there are any changes from the review done by the Township Solicitor those would come back to the Planning Commission. Mr. Costello questioned if the boarding and group home issue will be for the whole Township or just this proposal and Mr. Driscoll replied it would depend on the Township Solicitor's recommendation. Mrs. Elton noted that excluding group homes is against the law. Mr. Chapman commented that there are group homes currently in residential areas in Lower Moreland Township and there have been no problems.

Mrs. Elton questioned if there were anymore issues on the ordinance or if this was ready for a recommendation to the Board of Commissioners.

Mr. Costello stated he had more issues and talked about elevation issues that were brought up at the Board of Commissioners meeting including fill being brought onto a property. Mr. Woodrow explained that this proposed ordinance would have no affect on the floodplain conservation district ordinance but anyone has the ability to bring a variance or special exception request to the Township. Mr. Woodrow noted the Township's standard has been no net fill on properties. Mr. Costello reiterated the point that no net fill is allowed on properties and Mr. Woodrow replied yes that has been the practice. Mr. Costello asked if net fill could be bad and Mr. Woodrow replied there is the potential to adversely affect other properties.

Mrs. Friedrich Fogel wanted to clarify what Mr. Woodrow was saying and restated that no net fill is allowed and redirection of streams is allowed and Mr. Woodrow replied that neither is allowed and a Zoning Hearing Board application is required.

Mr. Costello questioned if there will be anything to limit potential residential construction because there could be a residential use next to an industrial use and that is normally not seen. Mr. Woodrow stated that a possible developer said the viability of industrial uses on Philmont Avenue is not what it once was and that possible re-development of industrial buildings could be done. Mr. Driscoll noted that in the proposed ordinance it states that residential use can not be in the same building as a manufacturing use.

Mr. Costello noted that when the density for the proposed ordinance was discussed the basins that will be needed on the properties were not taken into consideration. Mr. Costello noted that the development that was presented at the Board of Commissioners meeting

showed a possible 154 residential units and is that viable with the basins being on the property as well. Mr. Woodrow explained that the ordinance in theory may allow for 154 units but the physical constraints of the property will be the guiding factor for the actual number of units for the property. Mr. Driscoll noted that any developer would have to follow the stormwater management regulations and Mrs. Elton explained that would be true for any property in the Township.

Public Comment

Mr. Dan Rhoads, Rhoads Industries, 2375 Philmont Avenue, explained that he found out recently that what he thought was happening with the proposed ordinance is not actually happening. Mr. Rhoads thought this was going to be an overlay district and from talking to professionals has found out it is not an overlay and he has been advised to take a strong stance against this proposal. Mr. Rhoads explained that he was told his property will lose significant value if the proposed ordinance goes through. Mr. Rhoads stated he was under the impression that this proposal was an overlay district and now he is hearing it is not and with the new zoning ordinance only residential and commercial will be allowed. Mr. Rhoads concern is that this new ordinance will affect the value of his property drastically and wanted to know if the Board of Commissioners were aware of that.

Mrs. Elton explained that after the feasibility study was adopted, Lower Moreland Township reached out to four Philmont Avenue property owners concerning easements for the trail ways and wanted to make the property owners aware of the discussions that were going to begin along the Philmont Avenue Corridor and revitalization. Mrs. Elton noted that all the property owners were invited to the May 28, 2009 Planning Commission meeting and it was discussed at the meeting that there would not be an overlay district but a new district created. Mrs. Elton stated that the proposal being a new district verse an overlay does not take away any of the property's rights. Mr. Rhoads questioned if he sold the property to another industrial user they can use it as an industrial property without getting permission from the Township. Mr. Woodrow said as long as it is the same industrial use no permission is needed.

Mr. Rhoads noted that he talked to a realtor and a real estate attorney who both said this proposed ordinance would be bad for his property. Mr. Rhoads would like the opportunity to clarify the ordinance and what it means for his property.

Mr. Woodrow stated that this ordinance would actually enhance the value of his property because there would be more options for the property than with previous zoning.

Mr. Driscoll noted that the range of uses with the proposed ordinance is much greater than the range of uses under the current zoning.

Mr. Rhoads explained that he was told different information and questioned the excluded properties talked about earlier in the meeting and Mr. Driscoll stated that they were just finalizing the boundaries of the proposed ordinance.

Mr. Woodrow suggested that Mr. Rhoads have his attorney draft a letter to the Township as to explain his properties rights concerns in terms of this proposed ordinance.

Mr. Rhoads talked about possibly moving his business from the Philmont Avenue location so he would like to know how he would be able to sell his property.

Mr. Costello noted that Mr. Rhoads has a good property due to its location with the rail road tracks there should be no problem having development on that property.

Mr. Rhoads explained that he was told his property is more valuable with the industrial building on the property than if it was knocked down and Mr. Woodrow explained that he still has the right to use the property for industrial and will also be able to have residential and commercial uses for the property. Mr. Rhoads stated that he was told that a variance would be needed to put another industrial use on the property. Mrs. Elton explained that if a different industrial use wanted to use the property that may need to appear before the Zoning Hearing Board, the existing industrial use is a lawful nonconforming use. Mr. Rhoads noted that the property is the most valuable as heavier industrial use which would require zoning relief.

Mr. Rhoads would like the Township to work with him so he feels more comfortable with the new proposed ordinance and knows he will not be hurt by it.

Mrs. Friedrich Fogel stated that the recommendation of Mr. Woodrow to write a letter to the Township is a good idea and that Mr. Rhoads should attend the public hearing on the proposed ordinance on March 17, 2010. Mr. Rhoads said he would send the Township a letter expressing his concerns and issues and he would also attend the public meeting on March 17th.

Commissioner Devinney questioned why Montgomery County Planning Commission (MCPC) is still referring to the proposed ordinance as an overlay district and Mrs. Elton explained that MCPC knows the proposed ordinance is not an overlay and it is was placed on the letter in error.

Mr. Rhoads questioned why the proposed ordinance was not going to be an overlay district and Mrs. Elton explained that it was discussed by the Planning Commission, Board of Commissioners, property owners and the public that the creation of a new district will realize the long term goal of the corridor. Mr. Driscoll noted that the Board of Commissioners felt that a revitalization ordinance was more appropriate than an overlay district in trying to help the Philmont Avenue Corridor.

Mr. Rhoads commented that he got the feeling that the Township does not want his business or any industrial uses in the Township.

Commissioner Kuritz explained that it is not the Township's intent to kick out any businesses and wants to see them all stay for a long time.

Mr. Rhoads talked about the huge impact this proposed ordinance will have on his property and how it will affect his property in the future with selling or development.

There is a brief discussion with Township staff and the audience about property value and how the proposed ordinance will affect that.

Mr. Rhoads stated that he thought it would increase the value of his property but there are a lot of issues with the property and the building. Mr. Rhoads noted that he will draft a letter to the Township stating his concerns and wait for a response from them to provide more clarification.

Mr. Costello talked about Mr. Rhoads property not having any issues like many other properties on Philmont Avenue have.

Mrs. Friedrich Fogel commented that she felt that if another light industrial use wanted to take over on the property that the Township would not have a problem with that and not require any kind of zoning relief. Mr. Rhoads replied that heavier industrial uses are a better fit for his property so that would require zoning relief which is his concern. Mr. Rhoads understood from the comments he heard tonight that the Townships intention is not to hurt him or his property but he would still like a letter of clarification from the Township.

Mr. Driscoll talked about the Township not wanting to get rid of Mr. Rhoads business but that the overall long term goal of the proposed ordinance is to encourage a certain direction of development and discourage others. Mr. Rhoads stated he knows that Philmont Avenue is in bad shape and wants to see if get better but does not want any negative impact to his property.

Mr. David Reibstein, a realtor who represents some of the owners on Philmont Avenue, would like parcel numbers added to the proposed ordinance map. Mrs. Elton said that can be added.

Mr. Rhoads asked if one of his other properties off of Tracy Road could be added to the revitalization district and was told to put it into his letter to the Township for clarification.

Mrs. Friedrich Fogel explained that with the addition of the tax parcel numbers added to the map and the changes that Mrs. Elton talked about, prohibiting tattoo parlors, Mignatti and Self Storage properties are removed from the proposed ordinance and the issues from Mr. Costello the proposed ordinance is ready for recommendation to the Board of Commissions.

Mr. Krebs made a motion for recommendation that the Board of Commissioners discuss the proposed revitalization ordinance at the March 17, 2010 meeting. The motion was seconded by Mrs. Souder and Mr. Chapman, Mr. Costello, Mr. Lombardi, Mr. Potok and Mrs. Friedrich Fogel voted aye. The motion was carried as stated.

Planning Commission By-law Discussion- Mrs. Friedrich Fogel talked about the Planning Commission by-laws and how there hasn't been any changes since 1994 and they need to be updated. Mrs. Friedrich Fogel commented that she went through and made changes to the by-laws to make them more current.

Mrs. Friedrich Fogel noted that the changes can be emailed to the all the members so they can review the changes or she can go through it now and discuss her changes.

Mrs. Friedrich Fogel explained that she felt a purpose article should be added so the members know what the exact function of this commission is. Mrs. Friedrich Fogel went on to talk about the roles of the officers and possibly changing the secretary's duties since the Township Clerk performs all those duties. Mrs. Friedrich Fogel questioned why the reorganization happens in March rather than January and should it be changed.

Mrs. Friedrich Fogel talked about nominations, changing the meeting date from Monday to Thursday and talked about the methods of voting for a motion. Mrs. Friedrich Fogel continued to talk about the order of business, hearings and meetings. Mrs. Friedrich Fogel questioned if hearings are only done by the Board of Commissioners so the term hearings should come out of the Planning Commissioner By-Laws.

Mr. Costello noted that the by-laws give the Planning Commission by-right the ability to have a hearing so it should stay in just incase it is ever needed. Mr. Krebs explained that in the past there has been special meeting when the members of the Planning Commission were confused about an application or an issue. Mrs. Friedrich Fogel asked if it was public and Mr. Krebs replied no.

Mr. Driscoll explained that under the Pennsylvania Municipality Planning Code, the Planning Commission holds public meetings and the governing body, the Board of Commissioners, holds public hearings.

Mrs. Friedrich Fogel commented that any input from the members is welcomed and just email her or Mrs. Elton with them so they can be added and ready for next month.

Mrs. Elton talked about other ordinances to review for the Planning Commission by-laws and noted that a packet about the role of the Planning Commission was given to all the Planning Commission members. Mr. Driscoll noted that the packet is very informative for clarification of the role of the Planning Commission.

Mr. Chapman asked if it could be researched why the organization meeting was changed to March.

Planning Commission representative for Fetters Mill Road Bridge Committee

Mrs. Friedrich Fogel noted that Mr. Chapman is the representative for the Planning Commission and wondered if he would say a few words about the committee but a motion was needed.

Mr. Krebs made a motion for recommendation to have Mr. John Chapman be the representative for the Fetters Mill Road Bridge Committee. The motion was seconded by Mrs. Souder and Mr. Lombardi, Mr. Costello, Mr. Potok, Mr. Chapman and Mrs. Friedrich Fogel all vote aye, the motion passed.

Mr. Chapman explained that the bridge that goes over the Pennypack creek on Fetters Mill Road is over 100 years old and is historic. Mr. Chapman stated that PennDot has said that the bridge must be upgraded to current codes or the bridge must be closed. Mr. Chapman noted that the bridge can not accommodate emergency vehicles so that is one concern. Mr. Chapman talked about all the options that have come up during the committee meetings but

one common theme is to keep as much of the historic integrity as possible. Mr. Chapman noted that PennDot has been somewhat open to the idea of keeping the historic features of the bridge but it is still a work in progress. Mrs. Elton stated it is a County Bridge in Lower Moreland Township.

Mr. Costello told Mr. Chapman to do what he could to keep the as much of the historic integrity as possible.

Mr. Potok questioned if it was possible to just repair the bridge and Mr. Chapman replied that the bridge needs a lot of work beyond just repairs.

Mr. Costello questioned if the road would be closed and Mr. Chapman said yes and Mr. Costello commented that it took 20 years for the traffic light at Feters Mill and Terwood Road and now the road will be closed. Mr. Chapman noted this project is still in the planning stage and will take a while to actually happen.

Legislative Review

Mr. Woodrow noted that all is quiet and that a couple Land Development applications got extensions.

Commissioner Devinney noted there was a proposal for Townhouses on the Philmont Avenue Corridor by County Builders at the Board of Commissioners meeting.

Mrs. Friedrich Fogel commented that the Board of Commissioner's agenda are posted on the website prior to the meeting so the Planning Commission can check that out.

New/Old Business

Commissioner Devinney talked about the sketch plan proposed by County Builders for the old Orleans property for 54 townhouses. Commissioner Devinney noted that the property has a lot of issues including environmental but the developer is aware of the constraints of the property. Commissioner Devinney stated that the developer is doing a similar project in Lower Southampton. Commissioner Devinney explained the proposal would comply with the proposed ordinance for the Philmont Avenue Corridor.

Mr. Krebs asked if there was anything new going on with the Philmont Country Club application and Mrs. Elton replied that the Philmont Country Club and Mermelstein should both be on the agenda for the March 25th meeting. Mrs. Elton explained that the Philmont Country Club might have a conflict so she is not positive they will be on March 25th agenda. Mrs. Elton noted that the public hearing for the Philmont Country Club has been set for April. Mrs. Elton explained that Philmont Country Club is looking to change their zoning from parks/recreations to residential zoning.

Mrs. Elton stated that all residents will be notified for the Mermelstein and Philmont Country Club applications and for the public meeting on March 17th for the Philmont Avenue Corridor.

Mr. Krebs asked why Pine Road was being closed and Mrs. Elton noted that Aqua was doing some work. Mr. Costello asked what part of Pine Road and Commissioner Devinney replied between Byberry Road and Tomlinson Road.

Mrs. Friedrich Fogel questioned if there was still a moratorium due to the Poquessing Interceptor and Mrs. Elton replied yes.

Mr. Costello questioned if Philmont Country Club was using Mr. Mermelstein as a developer and Mrs. Elton replied no both applications are on the agenda for the March 25th meeting.

Mr. Costello questioned if Philmont Country Club was proposing a carriage house development and Mrs. Elton said yes for 150 homes.

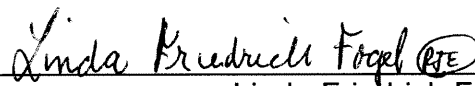
Mrs. Elton noted that at the next Board of Commissioners meeting another developer will be proposing a development for Philmont Avenue Corridor, WaWa convenient store, next to the T.D. Bank property.

Mr. Costello noted that was his concern with putting fuel storage on a property with water and tree issues when there are other properties that are better fits for development.

The next meeting is scheduled for March 25, 2010.

Adjournment

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 8:45 P.M



Linda Friedrich Fogel, Chair