

March 28, 2013

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. Hamburger, Chapman, Krebs, Rubin, Mrs. Friedrich Fogel, Mrs. Souder, Planner Gabriel, Engineer Woodrow, Assistant Manager Hoffman, Commissioner Kuritz and Clerk Matyas.

Chair Friedrich Fogel called the meeting to order at 7:00 P.M. The Pledge of Allegiance was recited.

The minutes of the February 28, 2012 Planning Commission meeting were approved.

**SD 12-06 Lord's New Church/Creek Rd & Pennypack Ln-Final Revision** presented by Mr. Brian Horner, Protract Engineering Inc., on behalf of the applicant. Mr. Horner gave a brief background on the project and noted that neighbors have purchased the two new parcels that are being created which will be consolidated into their current properties.

Mr. Stephen Gabriel, Township Planner, talked about his review letter and noted that the consolidation of one of the properties would create two dwellings on it so one home would need to be removed and showed on the recorded plan. Mr. Gabriel noted some details that should be added to the recorded plan. Mr. Horner replied they will comply with issues in Mr. Gabriel's review letter and the property with the two dwelling units, the owner wants to make the one dwelling a barn or other accessory structure.

Mr. Tim Woodrow, Township Engineer, discussed his review letter noting he was ok with the waiver requests and the driveway easement between the Church and the neighbor's property should be memorialized on this plan.

Mrs. Friedrich Fogel was pleased to see this new proposal so the land will stay open and with the neighbors.

Mr. Hamburger made a motion for recommendation that the Board of Commissioners approve the plan as submitted. The motion was seconded by Mr. Krebs and Mr. Rubin, Mr. Chapman, Mrs. Friedrich Fogel and Mrs. Souder voted aye. The motion was carried as stated.

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**LD 13-01 LMTSD Modular Classroom/Parking Lot-Preliminary-Final** presented by Mr. Mark Buchvalt, T&M Associates, on behalf of the Lower Moreland Township School District(LMTSD). Mr. Buchvalt noted this project is at the High School on Red Lion Road. Mr. Christopher Hoffman, Township Manager, noted there was a revision to the plan but the Planning Commission does not have that revision. A copy of the revision will be placed on the projector. Mr. Buchvalt noted the only changes made were the driveway was arched, and speed tables were added to help with speeding issues.

Mr. Buchvalt explained the plan showing the streets and the proposed modular classrooms noting each can hold 20-30 students and are needed due to increased enrollment. Mr. Buchvalt talked about the interior renovations that would be done including enlarging the cafeteria and modifying existing classrooms. Mr. Gil Lappano, Project Manager for LMTSD, noted that life skills classrooms will be added to help accommodate special educational needs and allow the High School to have lunch during 2 periods instead of 3 so students would not have to eat lunch so early. Mrs. Friedrich Fogel asked what life skills classes are and Mr. Lappano replied that it teaches basic life skills to special education students.

Mr. Buchvalt talked about the largest amount of work is the High School parking lot reconfiguration. Mr. Buchvalt explained that a new bus pickup area is being created so after school students have one safe spot they can load the school buses. Mr. Buchvalt noted that stormwater management will be done with this project as well.

Mr. Chapman asked if the new parking lot will meet code requirements for enough spaces and Mr. Buchvalt replied yes. Mr. Chapman asked about speed table verse a speed bump. Mr. Buchvalt said they are low and wide, similar to what the Academy of the New Church has on Buck Road.

Mrs. Souder asked about the loss of parking spaces from the placement of the modular classrooms and Mr. Buchvalt replied even with the loss of those spaces there are still more than enough parking spaces. Mrs. Friedrich Fogel asked if students and teachers use the same parking area and Mr. Buchvalt replied he believed yes. Mr. Buchvalt noted that overflow parking for events will be in the bus loading zone. Mr. Lappano explained that there is a spot for teachers only to park and that the modular classrooms will eliminate 35 parking spaces.

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Mrs. Souder asked if there is a sidewalk to the tennis courts and Mr. Buchvalt replied yes.

Mr. Woodrow discussed his review letter noting the High School is a nonconforming use existing within the "L" Residential zoning district. Mr. Woodrow talked about a zoning amendment for this property so they would not be a nonconforming use. Mr. Woodrow discussed stormwater management, pedestrian connectivity and creating a formal crosswalk on Red Lion Road from the High School to the Murray Avenue School. Mr. Buchvalt noted that the School District has discussed this and is looking into it.

There was a brief discussion on crosswalks, location and signage.

Mr. Gabriel talked about the zoning amendment the School District would be submitting. Mr. Gabriel noted for nonconforming use there is an allowable percentage of expansion and the High School has reached that percentage.

Mr. Gabriel discussed some design details including extending parking islands and breaking up parking spaces with plantings strips.

Mr. Lappano noted that school buses will drop off students in the front of the school at the beginning of the day and will use the loading parking area in the afternoon.

Mr. Chapman asked the type of construction the modular classrooms were and Mr. Buchvalt replied they are pre-manufactured.

Mr. Rubin asked if the bubble in enrollment was from the incoming students from Murray Avenue and Mr. Lappano replied yes and the modular classrooms will allow the High School to meet enrollment to the year 2021 when enrollment will go back to down. Mrs. Souder asked about emergency exits and Mr. Lappano said there are multiple emergency exits.

Mr. Rubin asked how full the large parking lot gets and Mr. Lappano replied that currently it gets about 50-60% full.

Mr. Hamburger made a motion for recommendation that the Board of Commissioners approve the plan as submitted. The motion was seconded by Mr.

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Chapman and Mr. Rubin, Mr. Krebs, Mrs. Friedrich Fogel and Mrs. Souder voted aye. The motion was carried as stated.

**Zoning Code Update** presented by Mr. Gabriel who talked about the proposed mixed use and non-residential uses. Mr. Gabriel discussed the 3 mixed use zoning districts which are Residential Office, Village and Revitalization. Mr. Gabriel noted that the North American Industry Classification System (NAICS) definitions are being used for definitions for the zoning update.

Mr. Gabriel talked about uses allowed within the mixed use zoning district including group homes, apartments, attached single family dwellings and detached single family dwellings.

Mr. Gabriel discussed the non-residential uses in the mixed use zoning district including agricultural, forestry, fishing and hunting, which Mr. Gabriel noted would not be as possible in Lower Moreland Township since there is not a lot of areas to do those things. Mr. Gabriel talked about utilities uses, specialty trade contractors and small scale manufacturing uses.

Mr. Gabriel reviewed the retail trade uses noting it is similar to the general business district.

There was a brief discussion about liquor and beer stores, wineries and food and alcohol stores.

Mr. Gabriel explained the differences between permitted use, Special Exception and Conditional Use. Mr. Gabriel talked about telecommunication/antenna use it has permitted use/Special Exception and that permitted would be for antennas on already existing structures. If a new structure is requested then a Special Exception would be needed.

Mr. Gabriel talked about finance and insurance uses which include banks, insurance companies, and investment companies.

Mr. Gabriel discussed office type uses allowed in the mixed use district which does not have a lot of customer traffic like a professional office or management company. He discussed school, healthcare and outpatient services uses.

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Mr. Krebs asked if Schools are bound to any rules or regulations and Mr. Gabriel replied there is ambiguity in State Law verses Case Law on whether schools can be limited in what portions of your Township you allow. Mr. Gabriel noted that Lower Moreland Township basically allows schools everywhere. Mr. Gabriel noted impervious coverage, lot coverage and setbacks must be met by schools.

Mr. Gabriel talked about art, entertainment and recreational uses noting a lot are found in the Revitalization district.

Mr. Gabriel discussed the accommodation and food service uses which include hotels, bed and breakfast but will exclude motels.

Mr. Gabriel talked about other services except Public Administration uses which includes personal services such as nail salons, tanning salons and day spas. Mr. Rubin asked if dry cleaning and laundry services includes laundromats and Mr. Gabriel replied no coin operated laundry services are not permitted.

There is a discussion about costume jewelry and crafts and where they would be allowed within the zoning districts.

Mr. Hoffman asked about parking lots not being allowed in the Village district when the goal is to make the area walkable yet there needs to be places for them to park. Mr. Gabriel replied that a parking lot as a primary use is not allowed in the Village district. Mr. Hoffman asked, if a business in the Village district wanted to buy a piece of property to make a parking lot for their business, would they be allowed. Mr. Gabriel replied that issues would have to be discussed and guidelines in place so structures were not taken down because parking lots were easy money. Mr. Gabriel noted there would be some criteria to ensure that parking lots would serve that business.

Commissioner Kuritz talked about making a use for a general trade or craft business so if someone had a unique trade or craft they would be allowed to have a shop. Mr. Gabriel noted under retail uses there is miscellaneous retailer which is permitted in the Village and Revitalization districts.

Mrs. Friedrich Fogel asked why the Residential Office district was so limited with permitted uses. Mr. Gabriel replied that it was intended to give residential properties on a busy street more use options besides single family detached dwelling.

Mr. Gabriel noted the end of the mixed district uses are public administration uses which are government agencies.

Mr. Gabriel talked about specific accessory uses for the mixed use district which include accessory apartments, outside café/dining, home occupation and no-impact home occupation. Mrs. Friedrich Fogel asked what no-impact home occupation was and Mr. Gabriel replied that the amount of space it can take up in the home is limited, no employees and no client visitation.

Mr. Gabriel spoke about in-law suites, noting the Township allows them as long as the people using it meet the definition of family. It is required to have a common area connecting the in-law suite and existing home. Mrs. Souder asked what makes a space an in-law suite. Mr. Gabriel replied it is a portion of the home for a second dwelling unit for people who are family by definition. It can have its own exterior entrance but cannot have separate utilities and must have an interior opening connecting the two dwellings.

Mr. Gabriel talked about non-residential Business Zoning Districts which are B-OI Office institutional, B-GB General Business and B-IND Business Industrial. Mr. Gabriel asked the Planning Commission to look at the current zoning code and compare it to the proposed Business zoning districts for the next meeting. Mr. Gabriel noted that the Zoning Committee thought about eliminating the B-GB district because most of the uses are already allowed in the Revitalization District.

Mr. Gabriel spoke about the uses within the Business Zoning Districts including agriculture, forestry, fishing and hunting. There is mining, quarrying, oil and gas extraction and utilities. Mr. Gabriel talked about construction uses and manufacturing uses. Mrs. Friedrich Fogel noted that she did not think the Township would want paper manufacturing because it smells awful. Mr. Gabriel said it seemed unlikely this use would fit in Lower Moreland Township.

There was a brief discussion about plastic and rubber manufacturing.

Mr. Gabriel talked about wholesale trade uses. Mrs. Friedrich Fogel asked about livestock merchant wholesaler and Mr. Gabriel replied it's when farmers bring their animals to the property for selling.

There is a brief discussion about livestock merchant wholesaler.

Mr. Gabriel discussed retail uses noting that they are not permitted in the Industrial zoning district because other zones have been set aside to allow for them.

Mr. Gabriel explained how and why NAICS exists and why it is so valuable. He also discussed the transportation and warehousing uses, information uses and finance and insurance uses.

Mr. Gabriel continued to speak about real estate uses and healthcare and social assistance uses and noted that outpatient substance abuse center is allowed in the B-IND through a Special Exception.

There is a brief discussion about nursing and residential care facilities.

Mr. Gabriel talked about arts, entertainment and recreation uses, accommodation and food service uses and other services except Public Administration uses and noted Public Administration uses allows correctional institution in the B-IND zone. Mrs. Friedrich Fogel asked about outdoor storage and stockpiling use and Mr. Gabriel stated those uses will be dealt with in Article 8 in specific regulations as to where outdoor storage and stockpiling might be contemplated. There will be setbacks, permitted yard use, quantity restrictions and type of screening.

Mr. Rubin asked the difference between Special Exception and Conditional Use and why some uses were made a Special Exception presented to the Zoning Hearing Board and others were made Conditional Use presented to the Board of Commissioners and are there guidelines to determine this? Mr. Gabriel replied that they are similar and different. Mr. Rubin stated the Board of Commissioners is elected and the Zoning Hearing Board is not and certain things should appear in front of the Elected Officials. Mr. Gabriel explained that every Municipality is different; some do not want the hard issues presented to the elected officials so they are pushed off onto the Zoning Hearing Board. Mr. Gabriel noted that he always felt that a Special Exception was easier to approve because of criteria that must be met, if not meet then it cannot be approved. Mr. Krebs stated that when a Conditional Use application is reviewed the best interest of the community is considered but the Zoning Hearing Board is interpretation of law, the rules are already enacted. Mr. Rubin noted that undesired uses should be a Conditional Use and presented to the Commissioners who have a little bit more control. Mr. Rubin asked why the outpatient substance abuse center was made a Special

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Exception. Mr. Gabriel replied that the NAICS has a very specific definition for this use and there are conditions which are either met or not.

Mr. Krebs told Mr. Gabriel that this proposal looked good. Mr. Gabriel thanked him and noted that a lot of hard work was put forth from a lot of people.

### **Legislative Review**

Mr. Hoffman stated that the Gloria Dei Cove-Calvin Road application has been withdrawn.


Mr. Woodrow noted that an application for the former Island Green property has been submitted and will be presented at the next month. Mr. Hoffman stated the proposal is comprised of 55 single family homes. Mr. Hamburger stated a lot of that property was questionable and Mr. Hoffman replied that 40-50 of the homes already had the DEP approval for residential construction and they are taking care of the remaining homes. He also noted there is open space with trails that has DEP approval for recreational.

### **New/Old Business**

The next meeting is scheduled for April 25, 2013. Mr. Hoffman told the Planning Commission that he has accepted the position of Township Manager.

### **Adjournment**

There being no further business to come before the Planning Commission, a unanimous vote for adjournment was in order at 9:30 P.M.

  
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Linda Friedrich Fogel, Chair