

**EAST NORRITON TOWNSHIP
PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 16, 2008**

Acting in the capacity as the temporary Chairman, Keith Tornetta called the reorganization meeting to order. Mr. Young made a motion that the members holding the positions of Chairman, Vice-Chairman and Secretary in 2007 be reelected to those positions for 2008. The motion was seconded by Mr. Griffin. The motion passed 7-0.

Chairman Tornetta then called the regular meeting of the Planning Commission to order. Attending were Township Planning Commission members Tornetta, Gavanus, Henderson, Griffin, Schmidt, Young, and Morello. Bryan Bortnichak, Zoning Officer and Van Rieker, Township Planner were also in attendance.

1. **Approve the Revised Minutes of November 14, 2007 Planning Commission Meeting and the Minutes of the December 19, 2007 Planning Commission Meeting**

A motion to approve the revised minutes of the November 14, 2007 Planning Commission meeting and the minutes of the December 19, 2007 Planning Commission meeting was made by Joan Morello and seconded by Mr. Gavanus. The motion passed 7-0.

2. **Review of ZHB Case # 2008-1, Williamstadt L.P. for 196 West Johnson Highway**

Present: Marc Salamone, Applicant
 Alan Flenner, Applicant's Attorney
 Victor DePalma, Applicant's Planner

Mr. Tornetta recited the requested variances and called on the applicant to present to the Planning Commission. Mr. Flenner introduced himself, described the Williamstadt property and noted that the request is to lift the age restriction to allow anyone of any age to live in the proposed development. Mr. DePalma described the location of the Williamstadt development and reviewed the current Retirement Residential zoning classification pointing out that the development as approved provides for 66 units. Mr. DePalma noted that the property would have a right in, right out access onto DeKalb Pike and an in and out access on Johnson Highway. Mr. DePalma described the development as a mix of townhouses and first and second floor condominium units.

Mr. DePalma noted that 165 parking spaces are required and that the proposed development exceeds the requirement of the zoning ordinance by providing 169 parking spaces. Mr. DePalma further noted that the Williamstadt development is an approved residential development.

In response to a question posed by Mr. Griffin about the garages contributing to the overall number of parking spaces provided in the development, Mr. DePalma confirmed that the garages are counted as parking spaces.

Mr. Young inquired about the berm that exists along the DeKalb and Johnson Highway frontages. Mr. DePalma displayed a graphic representation of the development depicting the berm along both street frontages.

Mr. Tornetta noted that in the RR zoning district a garage counts as a parking space, but that in other residential districts the garage is not allowed to be considered a parking spaces. In response to Mr. Tornetta's comment, Mr. DePalma noted that they could require that residents not convert the garages to living space.

Mr. Griffin voiced a concern that the lifting of the age restriction could be problematic if overflow parking spills into the surrounding neighborhood.

Mr. Tornetta noted that the dead end streets might not be a problem in an age-restricted development, but that it could be problem in a development that was not age-restricted due to the increased traffic volume.

Mr. Flenner explained that the proposed duplex units would not be desirable for a four person family, but that the units would be more desirable to young professionals.

Mr. Tornetta noted that he likes the plan but does not feel that it is appropriate to lift the age restriction without providing additional parking.

Ms. Morello opined that inadequate parking could pose a safety problem if emergency vehicles are unable to negotiate the streets and dead ends because of vehicles parked in the street. In response to Ms. Henderson's inquiry about on-street parking, Mr. DePalma pointed out that the plan does not allow for on-street parking, but that each unit has a garage and driveway for parking. Mr. DePalma continued, noting that designated parking spaces have been provided for on the plan.

Mr. Tornetta asked if there were any other comments from the Planning Commission members.

Mr. Gavanus asked if visitors would have to park in the designated overflow parking spaces if the driveway were obstructed. Mr. DePalma confirmed that they would.

Mr. Rieker noted that he had not heard any argument about how the Township could defend a similar request for a use variance from other age-restricted developments that currently exist or are planned in the Township, for example, how would the Township defend against the granting of a use variance to lift the age-restricted designation from Del Markward's recently approved land development plan at the corner of Germantown Pike and Potshop Road. Mr. Flenner noted that age-restricting this corner "gateway" property was not the best approach, but that permitting the density adjacent to the Municipality of Norristown is a good use of the property. Mr. Rieker noted that the Township should not have to deal with these issues and again made reference to the Township's ability to defend against similar variances should the variances in question be granted.

Mr. Tornetta asked if any residents of East Norriton Township wished to comment on the case. Mr. Tornetta asked if any non-residents of East Norriton Township wished to comment on the case. There being none, Mr. Tornetta called for a motion.

Mr. Young made a motion to recommend that the Zoning Hearing Board grant the requested variances. There was no second to the motion.

Mr. Griffin made a motion to recommend that the Zoning Hearing Board deny the requested variances. Mr. Schmidt seconded Mr. Griffin's motion to recommend against the variances. The motion passed 6-1 with Mr. Young opposed.

3. **Review of the Applications of Albert Einstein Healthcare Network Proposing an Amendment to the Institutional Zoning District and Proposing a Change of Zoning for Properties owned by Penn Wood on Germantown Pike and North Whitehall Road.**

Present: Richard Montalbano, Applicant
Joseph Kuhls, Applicant's attorney
Ken Amey, Applicant's Planner

Mr. Kuhls introduced himself, Mr. Montalbano and Mr. Amey to the Planning Commission and showed an aerial photograph portraying the Wood's Golf Center. Mr. Kuhls described the site noting that it consists of approximately 83 acres, approximately 63 of which are now zoned Institutional, approximately 20 of which are now zoned Commercial and approximately 1/2 of an acre which is now zoned Residential. The proposed zoning change would rezone all Commercial and Residential property to the Institutional district.

Mr. Kuhls continued noting that the text and map changes are linked together. He explained that this is not a land development proposal, but what is proposed does not result in greater developability of the site. This proposal would essentially close the door on the future development of the Commercial portion of the property which has been zoned as such since 1955. The proposal would require 35% open space and greatly enhanced setback requirements. Mr. Kuhls noted that the development could go forward on the site as it exists today.

Mr. Kuhls introduced Ken Amey who summarized his professional background and distributed his resume to the Planning Commission members. Mr. Kuhls noted that Mr. Amey has testified as an expert witness before many Zoning Hearing Boards and the Pennsylvania Court of Common Pleas.

Mr. Amey described the site noting that the residentially zoned property is currently vacant and undeveloped. Mr. Amey noted that about 1500 feet of the property along Germantown Pike is zoned Commercial and that it has been zoned as Commercial since 1955. The Institutional portion of the site has been zoned as Institutional since at least 1970.

Mr. Amey stated that the intent of the Institutional amendment is to mitigate issues raised in discussions with residents of Marion Avenue, Barbara Drive and North Whitehall Road. Many of these residents are concerned with setbacks. Mr. Amey noted that a hospital could be built today on the Institutional portion of the property to within 50 feet of the residential properties. The rezoning of the Commercial property to Institutional would allow the hospital to be sited 500 to 600 feet further away from these properties. The rezoning of the Commercial property would also allow for access to Germantown Pike and eliminate the need to provide regular access from North Whitehall Road. As it is zoned today, the Commercial portion of the property would allow for the development of approximately 100,000 to 120,000 square feet of retail space. The rezoning of the Commercial property would eliminate approximately 1,600 trips per day that could result from the development of this commercially zoned land.

Mr. Kuhls asked Mr. Amey to describe the benefit to the Township of rezoning the Residential property to Institutional. Mr. Amey responded noting that the rezoning would prohibit the development of the property.

Mr. Kuhls described the proposed text amendments noting that they can be considered in two sections – some of which apply to all institutionally zoned properties in the Township and some of which apply only to institutionally zoned properties in excess of 50 acres.

Mr. Kuhls reviewed the accessory uses that are proposed under §205-56.J which include medical office buildings, fitness and rehabilitation facilities, cafeteria, gift

shop and helipad, among others, which are all an integral part of any modern hospital.

Mr. Kuhls then described the portion of the amendment that would apply only to sites having 50 or more acres, which includes the subject site. Mr. Kuhls noted that residents had expressed concerns about open space and setbacks and pointed out that the proposed amendment would impose a 35% green space requirement, a building height limit of 85 feet and a building setback of at least 100 feet but not less than twice the height of the building. Mr. Kuhls noted that these changes would more than triple the existing setback to the residential properties and added that the green space requirement would result in the more than 30 acres of the site being left as green space.

Mr. Tornetta inquired if there is a conceptual plan that would help the Planning Commission better visualize these requirements. Mr. Kuhls displayed a conceptual plan, and in response to a question from Ms. Henderson, explained that the location of a proposed heliport has not yet been determined.

Mr. Tornetta asked why the proposed ordinance would eliminate all conditional uses that are now required under the current version of the Institutional district.

In response, Mr. Kuhls noted that this is an effort to clarify what uses are allowed and the criteria that apply to those uses. Mr. Rieker added that conditional uses can only be limited by items discussed in testimony, the Supervisors could not, for example, make up limitations and apply them as conditions of a conditional use approval. The Institutional amendment clarifies these uses and the conditions applicable to each, and enables a developer to more clearly see what conditions apply. Mr. Rieker continued noting that the accessory uses outlined in subsection J fall under the hospital use and therefore must be accessory to a hospital use. Mr. Kuhls clarified this point further noting that the definition of "accessory use" as defined in the Township's zoning ordinance requires that such a use be incidental or subordinate to and customarily in connection with the principle use, which in this instance is a hospital use. Mr. Rieker opined that he is comfortable with the language in the amendment and that he does not feel it is necessary to place further limitations on the accessory uses.

Mr. Tornetta asked what the accessory use "temporary living quarters" would permit. Mr. Montalbano explained that this would afford the hospital the ability to support the family members of critically ill patients in a facility similar to a Ronald McDonald house. In response to a question from Ms. Henderson regarding the number of occupants the temporary living quarters would support, Mr. Montalbano noted that the temporary living quarters would provide a facility for approximately fifteen people.

Mr. Tornetta asked about the heliport and specifically about §205-56.J.8(c) through §205-56.J.8(e).

Mr. Montalbano then formally introduced himself and asked to make a prepared statement. Mr. Montalbano summarized Einstein's history on North Broad Street in Philadelphia dating back to just after the Civil War, noting that the facility's charter tasked it with providing care to the disenfranchised citizens of Philadelphia. Recognizing the fact that 60% of the residents in central Montgomery County live in the immediate area to seek medical care, Einstein declared a partnership with Montgomery Hospital in January of 2006 with the intent of building a first class hospital in central Montgomery County. Mr. Montalbano noted that they hope to achieve status as a trauma center in the future but that is a lengthy process during which the hospital must prove itself and its abilities. One criteria of being certified as a trauma center is the presence of a heliport on the hospital property – not across the street or down the road, but on the hospital's property.

Ms. Henderson asked what else is required of a trauma center. Mr. Montalbano stated that there must be a resuscitation area within the emergency department and that an operating room must always be available. He noted that all of the other requirements of a trauma center are located inside the hospital as opposed to the heliport which is also a requirement but would be located outside the hospital.

Mr. Tornetta asked about critically ill patients and flight paths over residential neighborhoods. In response, Mr. Montalbano noted that when life or limb are at risk, they want a critically ill patient to arrive at the hospital as quickly as possible regardless of the direction from which the helicopter may be arriving. Mr. Montalbano also pointed out that all outbound flights would be required to avoid residential areas and that the heliport would not be used for the transportation of executives or dignitaries, it will only be used for patients. In summary, Mr. Montalbano noted that for incoming patients, any route would be permitted, however, for outbound patient flights, specific routes would be observed.

Mr. Tornetta asked if there were any other institutionally zoned properties in the Township that would come under the criteria proposed in the amendment for properties having 50 acres or more. Mr. Rieker replied that there are not. Mr. Amey noted that the Farm Park would, but that land is owned by the state and held as open space.

Mr. Tornetta asked if there were any residents of East Norriton Township who wished to comment.

Ms. Terry Harbaugh of North Whitehall Road stated that without the option of preserving Woody's she would like the Township to require that as much of the site as possible remain as open space, and noted specifically that she supports the rezoning of the property. Ms. Harbaugh asked why the parking areas were not set back 170 feet as the buildings are on the conceptual plan and also asked what the intention is concerning access to North Whitehall Road. Mr. Kuhls noted that the

parking setback currently in force today would allow parking 20 feet from a residential property, the amendment would require a 50 foot separation, and clarified the difference between the parking and building setback requirement. Concerning access to North Whitehall Road, Mr. Montalbano noted that the hospital has no desire to regularly use an entrance or exit on North Whitehall Road. He pointed out, however, that the Fire Department and Einstein's traffic engineers have noted that access to North Whitehall Road may be necessary in the event of the milling and repaving or other similar rare event that would render access to the hospital from Germantown Pike unusable. Mr. Montalbano continued noting that while an access to North Whitehall Road may be needed, it would only be used under extraordinary circumstances and that it would normally be chained a locked.

Mr. Schmidt questioned the use of Richfield Road. Mr. Montalbano stated that there is still some uncertainty as the private nature of Richfield Road, and the current conceptual plan does not propose an access from that location.

Mr. Don Tornetta of Faith Drive noted that he has been a resident of the Township for 30 years and that he has concerns about traffic, lighting and the heliport. He continued noting that he appreciates the ability to walk to a hospital, but cautioned the Planning Commission members that developments change over time and that the Planning Commission should place additional restrictions on the accessory uses. Mr. Don Tornetta noted that the development could become a shopping center in the future. Mr. Don Tornetta then recognized members of the Wood's family in the audience and thanked them publically for bringing in a first class facility.

Mr. Don Tornetta then questioned why the proposal does not include the rezoning of the residential properties along North Whitehall Road. Mr. Kuhls responded noting that it would be improper to impose a non-conforming status upon the residential homes and to subject them to the requirements of the Institutional district.

Mr. Tornetta then called on any other residents of East Norriton Township to make comments.

Mr. Young asked how many years until the hospital is complete – before it is in operation. Mr. Montalbano stated that they would likely file a land development application this summer, and that three years would be needed to build the facility. The hospital could open in 2012.

Mr. Gavanus noted that the lights from Woody's driving range are likely more intense than any parking lot lighting that the hospital may install.

Mr. Papiernik of North Wales Road asked if the zoning change would be permanent, and further clarified his question to ask if the hospital is not built

would, the zoning change back to Commercial. Mr. Bortnichak responded that if approved, the zoning change would remain in place until such time that another application to change the zoning was submitted and approved. The zoning district would not revert back to Commercial if the hospital is not built

Ms. Henderson asked about the number of people that would be employed by the hospital. Mr. Montalbano noted that the hospital would employ about 1,000 people.

Mr. Tornetta asked if anyone else in the audience has questions or comments. Hearing none, Mr. Tornetta called for a motion.

Mr. Griffin made a motion to recommend approval of the proposed amendments to the Institutional zoning district. The motion was seconded by Ms. Morello. The motion passed 7-0.

Mr. Gavanus made a motion to recommend approval of the proposed rezoning of the properties specified in Resolution 2388. The motion was seconded by Mr. Schmidt. The motion passed 7-0.

4. **Review of Draft Copy of the Township's Comprehensive Plan.**

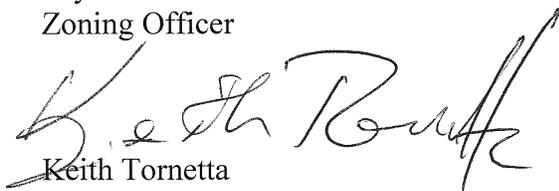
Mr. Tornetta announced that the members had received a copy of the Township's Comprehensive Plan in their packets. Mr. Bortnichak noted that this is a draft copy for the Planning Commission's review. Mr. Rieker noted that the intent is to produce a plan in a format that could be mailed to all Township residents.

The meeting was adjourned at 9:20P.M. on a motion made by Mr. Griffin that was seconded by Mr. Gavanus. The next meeting of the Planning Commission will be held on **Wednesday, February 20, 2008 at 7:00 PM.**

Respectfully submitted,



Bryan Bortnichak
Zoning Officer



Keith Tornetta
Chairman