

**EAST NORRITON TOWNSHIP
PLANNING COMMISSION MEETING
WEDNESDAY, MARCH 19, 2008**

A meeting of the East Norriton Township Planning Commission was held at the East Norriton Township Building, 2501 Stanbridge Street in East Norriton, Pennsylvania on Wednesday, March 19, 2008. Chairman Tornetta called the meeting to order. Attending were Township Planning Commission members Tornetta, Gavanus, Henderson, Griffin, Schmidt, Stinson, Morello and Bell. Bryan Bortnichak, Zoning Officer was also in attendance.

1. **Approve the Minutes of February 20, 2008 Planning Commission Meeting**

A motion to approve the revised minutes of the February 20, 2008 Planning Commission meeting minutes was made by Ms. Henderson and seconded by Mr. Griffin. The motion passed 8-0.

2. **Review of ZHB Case # 2008-3, Andrew Grisafi, 834 West Germantown Pike**

Present: Andrew Grisafi, Applicant

Mr. Grisafi noted that the old house that is located on the property is currently being demolished and that his intent is to build a new single family dwelling that will be one foot wider than the former 37' wide house. Mr. Grisafi distributed an elevation plan showing the front of the proposed dwelling to members of the Planning Commission.

In response to a question from Mr. Tornetta regarding the need for reduced side yard setbacks and if the new home will have the same footprint as the old, Mr. Grisafi noted that while he plans a house that will be one foot wider, he intends to center the house on the lot whereas the former house was shifted closer to one side property line than the other. Mr. Grisafi also noted that the former house had been gutted, boarded up and that is now being completely demolished.

In response to a question from Mr. Tornetta, concerning whether or not Mr. Grisafi intends to reside in the new house, Mr. Grisafi noted that it will be an investment property.

Ms. Henderson asked if the new house would face Germantown Pike, Mr. Grisafi noted that it would.

Following a question from Mr. Schmidt as to whether or not the neighbors were in agreement with the requested variances, Mr. Grisafi explained that he had spoken with the neighbors and that they are agreeable.

Mr. Tornetta recommended that Mr. Grisafi have the neighbors sign a form letter or appear at the Zoning Hearing Board meeting to confirm their support for the requested relief.

There being no further question, Mr. Gavanus made a motion to recommend that the zoning hearing board grant the requested variances. The motion was seconded by Ms. Morello. The motion passed 8-0.

3. **Review of ZHB Case # 2008-4, 3229 Kennedy Road, Rebecca & Rob Kostenbader**

Mr. Tornetta called on the applicant or the applicant's representative to present their case to the Planning Commission. Neither the applicant nor their representative was in attendance.

4. **Review of ZHB Case # 2008-5, Altemose Tract, Gambone Development Co.**

Present: Richard Burke, Gambone Development Co.
Frank Bartle, Applicant's attorney
Matt Chartrand, Bohler Engineering

Mr. Bartle introduced the application by describing the site as being located at Germantown and Foundry Roads on what is commonly known as the Altemose property. Mr. Bartle explained that the applicant is requesting variances and special exceptions from the zoning ordinance and noted specifically that their application is not for land development.

Mr. Bartle explained that the first variance being requested would allow buildings in the Industrial district to be located within 200 feet of the adjacent Institutional district. The applicant proposes buildings that would be within 175 feet of the Institutional district, and noted that the buildings meet all other dimensional requirements of the ordinance.

Mr. Bartle noted that the ordinance prohibits freestanding structures in the Flood Plain Conservation District, and continued pointing out that actual flooding that occurs on the property does not occur within the delineated flood plain. The actual flooding situation follows an alternate path. Mr. Bartle advised that Gambone will request a map revision from FEMA through a HEC-2 or HEC-RAZ study.

Mr. Tornetta inquired why the Gambones are seeking zoning relief if the plan is to revise the location of the Flood Plain Conservation District through a FEMA flood plain map revision. In response, Mr. Bartle noted the revision process is lengthy and expensive and that it could cost between \$20,000 and \$40,000 to affect the map revision.

Mr. Bell asked if the plan would take into account heavy rainfall such as a severe storm event. Mr. Bartle responded noting that the plan will account for the 100 year rainfall event which has a one percent change of occurring in a given year.

Mr. Bartle continued reviewing the variances for which the applicant is seeking relief including a variance from the requirement prohibiting the construction of structures within the Flood Plain Conservation District, the relocation of a water course within the Flood Plain Conservation District. Mr. Bartle noted that the variance requested for paving with impervious materials within the flood plan would only require a small crossing of the Flood Plain Conservation District.

Mr. Chartrand noted that a revision of the map would show a greatly reduced flood plain area and that the flood plain following the revision would be contained within the existing channel.

Mr. Tornetta asked why the applicant was before the Planning Commission requesting variances when the need for such variances could be eliminated by requesting a map revision from FEMA. In response Mr. Chartrand noted that the revision process takes a long time and that the applicant wants to move forward with the zoning request.

Mr. Bartle continued with the list of requested variances noting that the applicant is requesting a variance from the requirement to provide loading or unloading areas for the storage buildings. Though it is not specified, ample space has been provided for the loading or unloading of vehicles around the perimeter of the storage buildings.

Mr. Bartle next explained that the applicant is seeking a variance to allow parking within 10 feet of the building instead of the required 20 feet. Mr. Bartle clarified his request noting that only the split-level storage building and the heavy commercial buildings in the front of the site will have parking within 10 feet of the building.

Ms. Stinson inquired about the size of the property and specifically asked why there is a need to allow parking with 10 feet of the buildings when so much land is available. Mr. Bartle explained that the site is unusually shaped adding that if it were more rectangular in shape there would not be as many problems associated with the property

Mr. Chartrand explained that while about 350 parking spaces are required by the ordinance, approximately 450 spaces are provided on the plan. Mr. Chartrand continued noting that the parking for the front uses is pushed closer and concentrated to the front because the storage area will be gated and sheared parking will not be possible.

Ms. Henderson inquired about possible tenants for the proposed heavy commercial buildings. Mr. Bartle noted that the users have not been identified yet, but that the plan probably shows more parking than would be required. Ms. Henderson inquired about the required parking counts. Mr. Chartrand explained that 110 spaces are required and have been provided for one of the heavy commercial buildings and that 92 spaces are required but that 134 spaces have been provided.

Mr. Bartle then listed the special exceptions that the applicant is requesting including a special exception to allow the construction of storm sewer facilities within the Flood Plain Conservation District. This would be to allow inlets and piping within the Flood Plain Conservation District. The second special exception is to permit grading within the Flood Plain Conservation District and noted that the approvals from the appropriate state and county agencies would have to be obtained. Mr. Bartle also explained the need for a variances to permit the storage of chemicals within the Flood Plain Conservation District. Mr. Burke noted that the storage of such chemicals would be prohibited through the leases and that periodic inspections of the units could be performed.

Mr. Griffin opined that he has a problem with the variances begin granted prior to the FEMA flood plain map being redrawn. In response, Mr. Bartle noted that he would anticipate that the Zoning Hearing Board would likely place a condition on any relief granted requiring such a map revision.

Mr. Griffin noted that the applicant is only requesting three variances that are not related to the flood plain.

Ms. Stinson noted that the applicant may not need some of the variances if the FEMA map is redrawn to reflect the changed flood plain.

Mr. Schmidt noted that the development of the property has been under consideration for two years and asked why the applicant hasn't dealt with FEMA before coming to the Township.

Mr. Bartle responded that it is quite expensive to do a FEMA revision. Mr. Bartle continued noting that a former plan has been held in abeyance for a long time because the Township is opposed to retail uses on the site.

Ms. Stinson asked if commercial vehicles would be parked within 10 feet of the buildings. In response Mr. Chartrand stated that the parking within 10 feet of the buildings would primarily be for cars, loading areas have been provided at the heavy commercial buildings for commercial vehicles. Mr. Burke noted that the parking along Germantown Pike would be for cars and trucks.

Mr. Schmidt asked what types of heavy commercial uses may occupy the front buildings. Mr. Bartle noted that wholesale business establishments, distribution stations, household and office equipment repair, monument yards, printing establishments and storage or warehouses would be permitted.

Ms. Henderson asked how the plan would be affected if the map revision is not approved. Mr. Bartle explained that the plan would have to be significantly reconfigured.

Mr. Griffin expressed concern about the zoning request preceding the map revision and asked if FEMA changes the map would the variance request become irrelevant. Mr.

Griffin also noted that if FEMA doesn't change the map the variance requests seem inappropriate.

Mr. Bartle noted that the applicant will have to deal with FEMA either way and that the applicant only wants to go to the Zoning Hearing Board one time.

Mr. Tornetta asked if the Township staff had any comments. Mr. Bortnichak responded that it seems inappropriate for the applicant to ask the Planning Commission to offer a recommendation or for the Zoning Hearing Board to make a decision before the FEMA map is updated because of the fact that the degree to which the requested variances will be necessary are not clearly defined and will not be clearly defined until the map is updated.

Mr. Chartrand explained that they are not proposing to relocate the stream or the drainage ditch. Mr. Burke noted that the ditch was relocated over 10 years ago via a joint 105 permit.

Mr. Bartle explained that the applicant needs zoning approvals to relocate the water course before going to FEMA and that they only want to go to the Zoning Hearing Board once.

Mr. Gavanus expressed his concern with making a recommendation on a hypothetical plan asking what would happen if FEMA doesn't approve the map change.

Mr. Tornetta noted that a solution may be to recommend approval of the variance to allow the relocation of a water course and to allow the Zoning Hearing Board to decide on the rest of the variances.

Mr. Bortnichak noted that a neutral recommendation is not desirable and that the Planning Commission's role is to make a recommendation either in favor of or in opposition to the applications and requests that come before it. Mr. Bortnichak noted that a variance to allow for the construction of a structure within the Flood Plain Conservation District and a variance to allow for the storage of chemicals within the Flood Plain Conservation District would not be necessary if the Flood Plain Conservation District were redrawn showing the flood plain wholly within the ditch as described by Mr. Bartle.

Mr. Bartle noted that he would withdraw the request for variances to allow both the construction of structures within the Flood Plain Conservation District and the storage of chemicals within the Flood Plain Conservation District.

Mr. Tornetta opined that it seems that this is being done backwards. The FEMA map revision should be completed before the applicant seeks zoning relief from the Township.

Mr. Bartle then recited the list of variances being requested.

Mr. Tornetta asked why the applicant could not use pervious paving materials to cross the ditch where the applicant noted the flood plain should be delineated. Mr. Chartrand noted that pervious pavement would not function if it were placed over a pipe that crosses the ditch – there would be nowhere for the water to percolate into.

Mr. Tornetta asked how wide the flood plain would be when the FEMA map is redrawn. Mr. Chartrand explained that the flood plain will likely be eliminated or reduced to the width of the channel.

Mr. Schmidt asked why there is a need to relocate the channel. Mr. Chartrand noted that the variance is only needed for the installation of a 50 foot culvert that will allow a driveway to access the split-level storage building.

Ms. Stinson noted that the worst case scenario for the applicant would be for the applicant to seek a map change from FEMA and then come back to the Planning Commission and Zoning Hearing Board. In response, Mr. Bartle noted that the applicant only wants to appear one time before the Zoning Hearing Board.

Ms. Morello noted that the applicant intends to develop the property and the issue with the FEMA map change keeps coming up. Ms. Morello asked why the applicant has not gone to FEMA to get the map change so that they can come back to the Township to present a clear plan. What is proposed seems out of sequence. Ms. Morello continued, noting that she would prefer to see the studies done and the map revised before recommending approval of the applicant's request.

Mr. Bartle noted that this is not a land development application and that the Township must apply for a FEMA map change. This will be handled in the land development process.

Mr. Tornetta noted that he would like to see the map change before recommending approval. This is the cost of doing business and developing a property. He explained that he would be more comfortable having seen a revised map. Mr. Bartle suggested that the Planning Commission not show dissatisfaction with the plan.

Ms. Stinson opined that the Planning Commission probably wouldn't have a problem with recommending for approval if the members could see the revised flood plain.

After confirming that he will withdraw his requests to construct structures and store chemicals within the Flood Plain Conservation District, Mr. Bartle asked that the Planning Commission consider each variance and special exception request individually.

Mr. Tornetta asked if any members of the audience had any questions. Mr. Nick Viglianese asked who altered the water course 10 years ago and if they obtained zoning approval at that time. In response, Mr. Burke explained again that the relocation was performed under a joint 105 encroachment permit.

Ms. Deborah Knawby asked why the Planning Commission would *consider each request* individually instead of making one recommendation for the application. Mr. Tornetta explained that the Planning Commission frequently does this when an applicant requests relief from multiple sections of the zoning ordinance.

Mr. Tornetta made a motion to **recommend approval** of the variance requested from §205-95.B to allow the relocation of a watercourse within the Flood Plain Conservation District. The motion was seconded by Mr. Bell and the motion passed 8-0.

Mr. Tornetta made a motion to **recommend against approval** of the variance requested from §205-96.F requiring that any driveways or parking lots constructed within the Flood Plain Conservation District be constructed of pervious paving materials. The motion was seconded by Ms. Henderson and the motion passed 8-0.

Mr. Tornetta made a motion to **recommend approval** of the variance requested from §205-102 B.1(d) concerning the provisions for unloading areas. The motion was seconded by Ms. Stinson and the motion passed 7-1 with Mr. Griffin opposed.

Mr. Tornetta made a motion to **recommend approval** of the variance requested from §205-102 B.1(e) requiring that parking spaces be located not less than 20 feet from any building. The motion was seconded by Mr. Griffin, to bring the motion to a vote, and the motion was denied 1-7 with Mr. Tornetta voting in favor of the motion. Mr. Griffin then made a motion to **recommend against approval** of the variance requested from §205-102 B.1(e) requiring that parking spaces be located not less than 20 feet from any building. The motion was seconded by Ms. Henderson. The motion passed 7-1 with Mr. Tornetta opposed.

Mr. Griffin made a motion to **recommend approval** of the variance requested from §205-84.F prohibiting the construction of buildings within 200 feet of an Institutional or Residential district. The motion was seconded by Ms. Stinson and the motion passed 8-0.

Mr. Griffin made a motion to **recommend against approval** of the special exception requested from §205-96.C to allow the construction of storm water facilities within the Flood Plain Conservation District. The motion was seconded by Mr. Tornetta and the motion passed 8-0.

Mr. Griffin made a motion to **recommend against approval** of the special exception requested from §205-96.G to allow grading within a delineated Flood Plain Conservation District. The motion was seconded by Mr. Tornetta and the motion passed 8-0.

Mr. Tornetta asked that the record reflect the fact that the Planning Commission's recommendation against granting the variances and special exceptions requested is a direct result of the applicant not having presented a revised FEMA flood plain map. Mr. Tornetta encouraged the applicant to return to the Planning Commission with a revised FEMA flood plain map.

Mr. Bortnichak then reviewed current construction and land development activity noting that PENNDOT had demolished the former Hess and Stanton Cleaners at the corner of Germantown Pike and Route 202.

Mr. Tornetta then called on members of the audience. Mr. Viglianese made reference to Einstein's recent appearance before the Planning Commission and noted that he is not opposed to the zoning change granted by the Supervisors, but that he is concerned with the text changes to the Institutional district. In particular, Mr. Viglianese expressed his concern with the 85 foot height limit that was set and inquired about what went on when Einstein appeared before the Planning Commission. Mr. Tornetta responded that only two or three residents appeared at the Planning Commission's meeting. Mr. Viglianese thanked the Planning Commission and noted that he was impressed in how they handled themselves and by the questions they posed to the applicant in the Gambone case that was heard this evening.

Concerning Einstein's appearance before the Planning Commission, Ms. Susan McLaughlin identified herself and stated that when she met with Mr. Montalbano he basically told them where they were building and how tall they were going to build. Mr. Schmidt opined that if the Planning Commission had heard from more neighbors who were opposed to the application, they may have reached a different conclusion.

The meeting was adjourned at 9:20 P.M. on a motion made by Mr. Griffin that was seconded by Ms. Henderson. The next meeting of the Planning Commission will be held on **Wednesday, April 16, 2008 at 7:00 PM.**

Respectfully submitted,



Bryan Bortnichak
Zoning Officer



Keith Tornetta
Chairman