

**EAST NORRITON TOWNSHIP
PLANNING COMMISSION MEETING
WEDNESDAY, JULY 20th, 2016**

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, July 20th, 2016. The meeting was called to order at 7:00pm. Attending were Planning Commission members Robert Schottmiller, Keith Tornetta, John Kolb, Jeffrey Moller, Kandy Heckman, and Kevin McDevitt. Director of Planning & Code Enforcement/ Zoning Officer Tiffany M. Loomis and Martin Truscott with T&M Associates the Township Planner was also in attendance.

1. Approve Amended Minutes of the June 15th, 2016 Planning Commission Meeting:

Chairman Schottmiller called for a motion to approve the meeting minutes of the Planning Commission's June 15th, 2016 meeting. Chairman Schottmiller made a motion to approve the minutes. The motion was second by Ms. Heckman and the motion passed 6-0.

2. 2208 Old Arch Road (AKA Clemens Butcher Shop) – Zoning Ordinance Map Amendment & Zoning Ordinance Text Amendment:

*Present: Mr. Brian Halligan, MEH Investments: Applicant & Developer
Mr. Brad McCleary, MEH Investments: Applicant & Developer
Mr. John J. Iannozzi, Esq.; HRMM&L: Applicant's Attorney
Mr. Timothy Woodrow, P.E.; Woodrow & Associates, Incorporated;
Applicant's Engineer
Mr. Connell McConeghy; Applicant's Realtor*

Mr. John Kolb recused himself from the matter(s) due to a conflict of interest.

Mr. John J. Iannozzi presented the Zoning Ordinance Map Amendment and Zoning Ordinance Text Amendment. The property is currently located in the AR Zoning District and the BR-1 Zoning District is being proposed. There are 3 facets to the text amendment proposed including the following:

- Density - In terms of density 6.5 dwelling units are being proposed per gross acre.
- Setbacks - The setback changes request the measurement be taken from the curb line versus the center of the road.
- Parking – The Zoning and Subdivision and Land Development Ordinance(s) both address parking requirements. The amendment is requesting that the parking requirements be removed from the Zoning Ordinance and for parking to be solely addressed under the Subdivision and Land Development Ordinance.

Mr. Timothy Woodrow than presented the plan proposed. Twenty (20) dwelling townhome units are being proposed at this time. The current use of the property is being used as a butcher shop known as Clemens Meat Market. The project proposal has been developed over the past year. Mr. Woodrow recognizes that stormwater run-off needs to be addressed given that it has not been address to date as well as traffic access.

Mr. Iannozzi further addressed that 23 dwelling townhome units were proposed versus the 20 units currently being proposed. He addressed economic reality regarding the cost to develop a well planned development while yielding a return. Given the current shape of the property being extremely narrow it is not possible to build single family homes economically for a builder to be interested.

Mr. Iannozzi clarified the butchers shop creates various smells that permeate throughout the community, as well as the use being commercial. The proposed 20 dwelling units may be denser than the surrounding community would like, however the residential use proposed is a better fit for the residential neighborhoods that are currently in existence.

Additionally, there is a conditional use process required which creates an added line of protection of the community to be involved a second time around in the overall process.

Mr. Tornetta reviewed the amendment changes proposed and inquired if the proposed road to be built is a private street. Mr. Iannozzi confirmed that the proposed road to be build is private and that there is no interest at this point in time of the Township making the street public. He further clarified that this item would be addressed under the land development process.

Mr. Woodrow clarified that there would be a Home Owner's Association created to address maintenance issues of the private road (i.e. repairs, snow removal, etc...) as well as maintaining the stormwater features proposed.

Mr. Tornetta addressed the density proposed and inquired as to what the maximum number of dwellings that are allowed under the 6.5 dwelling units per gross acre. Mr. Iannozzi responded that units can be built with the proposed density and due to economic reality 20 dwelling units are proposed.

Mr. Tornetta inquired as to the number of units allowed under the current density regulations in the BR-1 Zoning District. Mr. Iannozzi responded that 14 dwelling units are allowed at 5.5 dwelling units per acre. The current code does not include right of way in the acreage calculation and the proposed code does which adds to the overall calculation.

Mr. Moller addressed economic reality given that a piece of property is worth what can be done with the property and that the property may have been overpriced given the density proposal before the Planning Commission.

He further addressed that it is not the Planning Commission's function to make the project economically viable for the applicant. The concern of the Planning Commission is to make sure the project fits into the overall goals and livability of the Township.

Mr. Moller expressed that townhomes fit the overall character of the neighborhood extremely well, however zoning relief is a better fit for the relief being requested versus the amendment application before the Planning Commission. He inquired as to why this approach has been taken.

Mr. Woodrow explained that it is not the Township's function to make the project economically viable. The difficulty the Developer is facing that the current use of the property produces income and to encourage the property owner to sell and move the business to another location the selling price is far higher than one would surmise.

Mr. Iannozzi further clarified that that true value of a property is what a willing buyer will pay and a willing seller will accept. He further addressed that the current use of the property is a nuisance and the proposed use is far more in line with the surrounding neighborhood. The likelihood of a Developer purchasing the property to build 3 single family residential units is slim, therefore economic viability must be taken into account with finding a middle ground for a more appropriate use that will be attractive to Developer's to build.

Chairman Schottmiller requested that the nuisance be defined. Mr. Iannozzi further explained that the butcher shop smokes meat and this creates a nuisance.

Mr. Halligan further clarified that the neighbors have addressed how run down the building is and that the property is deteriorating more and more as times goes by. These concerns have been expressed by most.

Chairman Schottmiller addressed that the nuisance language being used to describe the property has to do with the run down nature of the property and not the smell of the smoked meat. This is considered a code enforcement issue.

Chairman Schottmiller reviewed the amendment changes proposed and is most concerned with the density proposed, the entrances and parking, and the center line setback measurement being changed. He is leery of changing the code in this manner given zoning relief would be far more appropriate for this proposal.

Mr. Iannozzi addressed why zoning relief has not been requested. Zoning relief requires that a hardship be proven. Additionally, the zoning relief process is expensive, time consuming, and there is not a guarantee that relief will granted in the capacity requested. The unique shape of the property constitutes the hardship that would be requested before the Zoning Hearing Board.

Mr. Halligan clarified that he and his partner will not be moving forward with the project if the Zoning Hearing Board process is utilized due to the reasons explained by Mr. Iannozzi.

Ms. Heckman inquired about the amount of open space that is proposed under this project. Mr. Woodrow responded that 32% open space is proposed where a majority of that open space is the basin. There is also an opportunity for walking trails to be installed around the property.

Mr. Tornetta inquired if the Township considers the current use non-conforming. Ms. Loomis responded that based on the property file review performed the property is considered non-conforming.

He further inquired if the applicant has considered the by-right use of the property. Mr. Iannozzi responded that the applicant is unable to move forward with the project under the current AR

Zoning District. Mr. Woodrow clarified that 3 to 4 single family homes would be able to be built under the AR Zoning District.

Mr. Martino, New Hope Street Resident, commented on text and zoning map amendments, the overall density proposed, gross acreage, the size of the lot, and his stormwater issues from surrounding development.

Mr. Tornetta asked Mr. Martino if the current use of the property is a nuisance to him and what should be there. Mr. Martino responded no and he would like to see twin dwelling units there.

Mr. Martino is not in support of the project proposed due to the density, traffic issues, and stormwater issues.

Mr. Clemens is the partial owner of the property and he clarified that the meat market is closing as of July 30th, 2016. His concern is that the estate is running out of money and that next year's taxes may not be paid due to the overwhelming cost of the property. He respectfully requested approval recommendation from the Planning Commission.

Mr. Bisch, Carol Lane Resident, commented on the taxes being paid on the property, the density, economic versus the overall health of the neighborhood, the variance relief process versus the amendment application process, and the land development process. He is not in support of the proposed due to the density, the process being utilized, the traffic issues, and what is being proposed does not best serve the neighborhood's character.

Ms. Heckman inquired if the 4 by-right homes were built would there still be as much of a runoff stormwater problem. Mr. Woodrow responded there would still be an issue, the amount of stormwater runoff created would be less with 4 homes versus 20 homes.

Mr. Christovich, Tanglewood Road Resident, commented on current use of the property, the prices of the homes, the amendment changes requested, Penn's Square Village, the comprehensive plan, and the density proposed. He is not in favor of the project and encourage the Planning Commission to not recommend the project.

Ms. Wiernicki, Carol Lane Resident, commented on the traffic issues, the most recent site meeting, a traffic study being performed, the current speed limit, access point of the proposed development, and the density proposed. She is not in favor of the amendments proposed and recommends that the density remain at 5.5 dwelling units per acre as stated in the BR-1 Zoning District currently.

Mr. Martin Truscott read his review to the Planning Commission.

Mr. Iannozzi and Mr. Woodrow answered any questions the residents had during the comment period that may had been asked previously for clarification purposes.

Mr. Tornetta addressed applicants that receive amendment approvals still have to go through Land Development and there is no guarantee that the application will get through that process.

Chairman Schottmiller clarified that the Planning Commission is working with the Board of Supervisors and Township Manager to revise the comprehensive plan.

RECOMMENDATION:

Chairman Schottmiller made a motion to recommend denial to the Board of Supervisors regarding the proposed text and zoning amendment changes proposed. Mr. McDevitt second the motion and the motion passed 5-0.

Mr. Tornetta held greatest issue with the density proposed of 6.5 dwelling units per gross acre versus the 5.5 dwelling units per acre.

Mr. McDevitt held greatest issue with the reduction of the setback from center line of the road to the curb line due to parking and emergency access issued.

3. Review Sidewalk and Trail Feasibility Study:

Chairman Schottmiller inquired if the Planning Commission's recommendations were received by the deadline of June 30th, 2016 to be submitted for the grant application.

Ms. Loomis clarified that the Planning Commission's recommendations has been submitted and that the Township Staff Engineer is working with T&M Associates to create a cost estimate for the project.

Sidewalks are being proposed for North Wales Road to connect the neighborhood to the Township Park and Farm Park as well as Burnside Avenue to provide safer travels to the High School.

The location recommendation was due on June 30th, 2016 and the cost estimate is due on July 31st, 2016 due to the grant being a phased application submission process.

An update will be given at the next Planning Commission meeting.

4. Review of Current Land Development and Construction Update:

Ms. Loomis gave the land development and construction update of which is also located on the Township Website for reference.

Mr. Kolb inquired if Ms. Loomis had been in contact with Laurel House. She responded she toured their facility at the direction of management within the past 30 days.

Mr. Kolb addressed that the Church's newsletter stated that Laurel House will be withdrawing the application. Ms. Loomis clarified a formal withdrawal has been submitted by the applicant.

Mr. Christovich inquired if the dirt would be removed from the Farm Park due to the trail construction. Ms. Loomis clarified that the dirt would be used for the grading of the trail and re-distributed throughout the Farm Park.

Vice Chairwoman Cassel inquired as to the construction timeline of the Farm Park Trail. Ms. Loomis clarified that construction is on schedule and will be completed at the end of August 2016.

Vice Chairwoman Cassel inquired if open space includes woodlands regarding the 40% open space requirement proposed for the Gill Quarry Tract. Ms. Loomis responded yes regarding the language proposed to date and does not include lawns in the 40% calculation

Mr. Christovich inquired if the Gill Quarry matter would be heard at the August 23rd, 2016, Regular Board of Supervisors Meeting or if there will be a separate hearing as he requested. Ms. Loomis clarified that the Township Manager is working with the Board of Supervisors to officially schedule the hearing.

5. Other Business:

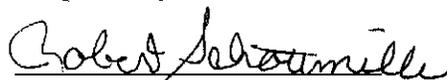
Ms. Heckman will not be in attendance at the next Planning Commission meeting.

Mr. Kolb suggested putting together a presentation for Community Day. Mr. Moller suggested a Sub-Committee meeting. Ms. Loomis will help coordinate this effort and the process will move forward accordingly per direction of the Sub-Committee.

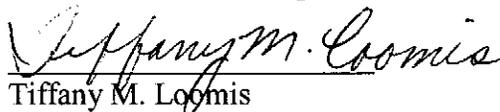
6. Adjournment:

Ms. Heckman made a motion to adjourn. The motion was second by Mr. Tornetta and passed 6-0.

Respectfully submitted,



Chairman Robert Schottmiller
East Norriton Township Planning Commission



Tiffany M. Loomis
Director of Planning & Code Enforcement/ Zoning Officer