

**EAST NORRITON TOWNSHIP
PLANNING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 20, 2017**

A meeting of the East Norriton Planning Commission was held at the East Norriton Township Building, 2501 Stanbridge Street, East Norriton, PA on Wednesday, September 20, 2017 at 7:00PM. Attending were Planning Commission members Rob Schottmiller (Chairman), John Kolb (Vice-Chairman), Ken Grimes, Kandy Heckman, Keith Tornetta, Jeff Moller, George Kennedy, and Judith Belkowski. Director of Planning and Code Enforcement / Zoning Officer Tiffany Loomis was also in attendance, and represented by Counsel, Jennifer L. Prior, Esq. Ms. Loomis did not participate in the meeting for New Business - Item b. Review ZHB Application #2017-11.

The Meeting was called to order at 7:00PM and all in attendance stood for the Pledge of Allegiance.

1. **Approve Minutes of the August 16th, 2017 Planning Commission Meeting:**
Minutes of the August 16, 2017 Planning Commission Meeting were approved by a voice vote of the members with no objections.
2. **New Business:**
 - a.) **Review LD Application #2017-1** located at 1033 W. Germantown Pike. Applicant is Valley Forge Medical Center, represented by Robert E. Blue, PE, PLS. Application has requested that the Planning Commission make a recommendation to the Board of Supervisors.

Mr. Greg Slocum, CEO / Treasurer of Valley Forge Medical Center and Mr. Robert E. Blue, P.E., Engineer for the Applicant, presented. Valley Forge Medical Center and Hospital, Inc. provides comprehensive treatment to adults with substance abuse and associated disorders, as well as individuals suffering from chronic pain. This is an 86 bed facility.

This Subdivision and Land Development Application proposed to expand the main access driveway of the property to accommodate a guard house requiring removal of four trees, the relocation of two light poles as well as grading, landscaping, and a retentive berm for stormwater management.

Planning and Zoning considerations designate this site for Institutional Use (both public and private) in the IN Institutional Zone. Both the Township Comprehensive Plan and Historical Resource List identify this site as containing a historic site, the David Rittenhouse Farm.

Mr. Schottmiller raised concerns about emergency equipment making it through the new entrance and would like the Fire Marshall to review and provide input.

In a Question and Answer format with Planning Commission members it was decided that the guardhouse will provide improved security by being manned from 6:00AM to 12:00AM daily. There will be two shifts with a single guard on duty for each shift. Access after midnight and before 6:00AM would be gained by remote access.

Mr. Kolb raised the question as to why this application, being relatively simple in nature, did not request a waiver from Land Development, and / or come in as a Grading and Building Permit. Ms. Loomis responded that the Township is / was concerned about safety issues and related building codes and how they impact the use of the driveway off Germantown Pike. A Land Development application was recommended to vet out these issues.

RECOMMENDATION: Approval of Application #2017-1 was made contingent upon the Applicant satisfying all Staff and Township Consultant review letters presented by a vote of 8-0; unanimous.

b.) **Review ZHB Application #2017-11** located at 14 E. Germantown Pike. Applicant is Provco Partners, L.P. represented by Ms. Anee Farrell, Esq.

Applicant requests a Special Exemption for a Gasoline Filling Station. Code Section 205-65.A(10)(16) and an Appeal from determination of the East Norriton Zoning Officer on applicability of Chapter 175 under Section 201-105.1. Code Section 204-142.C

The property is located within the C – Commercial Zoning District of East Norriton Township. It is approximately a 1.35 (+/-) acre parcel and almost entirely impervious in its existing condition. It contains a freestanding one story commercial / retail building, formerly occupied as Ray's Diner. The property is accessed by two ingress / egress driveways. One is right-in/right out/left-in and one is right-in/right-out only. The property is also accessed from DeKalb Pike via an easement over adjoining properties to uncontrolled access along the entire rear of the property.

Provco Partners, L.P. proposes to demolish the existing building and redevelop the site with a Wawa retail building with fuel sales. The retail sales building will be about 5,855 square feet. There will be a free-standing accessory canopy over six double-sided fueling stations. There will be a free-standing trash enclosure. Fifty parking spots will be provided. The two existing ingress / egress driveways on Germantown Pike will remain the same. The DeKalb Pike unrestricted access will be channeled through a curbed driveway. The remainder of the rear property will be landscaped, as well as portions of the front and side yards. Approximately 10.2% of the parking area will be improved with permanent green space.

On May 15, 2017, Provco submitted a "Request for Preliminary Opinion" and a proposed "Plan" to the East Norriton Township Zoning Officer. Provco Partners, L.P. sought determination including the following:

1. The proposed Wawa with gas is permitted in the C – Commercial District
2. The proposed parking complies with the applicable section of the Ordinance
3. The amount and location of permanent green areas comply with the "green area" requirements of the Ordinance.
4. The canopy is not a "building" under the applicable provisions of the Ordinance

5. The trash enclosure is not a “building” and is not required to meet the setback provisions of the Ordinance

On July 21, 2017, the Zoning Officer responded including the following:

1. The Wawa with gas proposal meets the Ordinance definition of “gasoline filling station” and accordingly requires a special exemption.
2. Parking complies with the applicable section of the Ordinance.
3. Although the required 10% of green space meets the Ordinance, the remainder of the non-impervious areas depicted on the plans do not meet Chapter 175, and accordingly, require a variance.
4. The canopy meets the applicable setback provisions of the Ordinance.
5. The trash enclosure, as shown in the Plan, is a structure, and, if remaining in the depicted location, requires a variance. Provco subsequently relocated the trash enclosure outside of the rear yard and side yard setbacks. This brought the proposal into compliance and eliminated the need for a variance.

Provco Partners, L.P. objected only to the Zoning Officer’s determination regarding Item#3. They assert the Zoning Officer erroneously read the applicable section. The Township has decided to uphold the Zoning Officer’s determination.

Ms. Farrell provided a presentation on all elements of the above Plan. She indicated that the Provco Partners, L.P. appeal of the Zoning Officer’s determination should be granted. Lastly, Ms. Farrell indicated that the parcel containing the car wash was contacted and supports this proposal.

Planning Commission Question and Answer

Ms. Heckman inquired about how the left turn lane when you are going West on Germantown Pike is being addressed? Ms. Farrell’s response satisfied Ms. Heckman.

Mr. Moller inquired on the six double sided gasoline bays? Ms. Farrell’s response satisfied Mr. Moller.

Mr. Schottmiller asked Ms. Farrell about the special exemption for the gasoline operation with its increased traffic concerns on Germantown Pike. Ms. Farrell indicated these concerns will be addressed in SALDO.

Mr. Kolb asked Mr. Greg Richardson, Traffic Engineer, about tractor trailer fuel deliveries. These deliveries utilize smaller size fuel trucks in off peak hours to minimize traffic congestion and potential safety concerns.

Mr. Kolb also asked in follow-up, that the Applicant provide a copy of the Highway Occupancy Permit that permitted the construction of center, west bound, left turn lane in Germantown Pike for clarification of any restriction placed by the Permit. Mr. Richardson stated that would not be a problem and will be provided at the Hearing.

Mr. Grimes asked if this lot size is similar to other Wawa lot sizes. Applicant stated that this site is typical of many Wawa locations, although there are also Super Wawa's.

Mr. Tornetta asked about the canopy determination as a "structure" and any setback concerns. Ms. Farrell indicated Provco Partners, L.P. is in compliance on this element of the Plan.

Public Question and Answer

Mr. Augustus Mandracchia, Owner of Presidential Caterers, indicated the previous Township Manager authorized the removal of the median strip on Germantown Pike in the area of the proposed Wawa. Mr. Mandracchia stated that the former Township Manager indicated it would be put back in when additional development occurred. This is a safety issue to prevent car traffic egressing from Presidential Caterers and attempting to enter the proposed Wawa site across four lanes of traffic. Ms. Farrell replied that Mr. Mandracchia's safety concerns will be addressed in SALDO.

Mr. Jay Tornetta, Tornetta Properties, owner of several adjoining properties to the proposed Wawa, fully supports the Zoning Officer's Determination. Mr. Tornetta mentioned that he recently spoke to the adjoining Car Wash owner, Mr. Simons, who indicated that he does have some concerns about the proposed Wawa. Ms. Farrell indicated that she would contact Mr. Simons. Mr. Tornetta has a prepared presentation ready for the meeting, but his representatives were unavailable due to religious holiday. He will present to the upcoming Zoning Hearing Board in October, 2017. Mr. Tornetta believes that any special exemptions should now be decided on as SALDO can result in waivers. Mr. Moller asked Mr. Tornetta to please cite a specific example of this position. Mr. Tornetta cited the twenty feet setback with buffering and landscaping.

Chairman Schottmiller asked for a motion on this matter from the Commission members. Hearing none, Chairman Schottmiller proposed that the Commission vote to not recommend approval of the appeal of the Zoning Officer's determination and the special exception requested. There was no second.

RECOMMENDATION: Mr. Moller made a motion to recommend approval to the Zoning Hearing Board to grant the special exception requested conditioned upon the Zoning Officer's determination of July 21, 2017 be upheld, specifically addressing the landscaping issues. Mr. Tornetta second the motion, presented by a vote of 8-0; unanimous.

3. **Longstanding Business:**

a.) Review Side Walk and Trail Feasibility Study

Mr. Moller led a spirited discussion on this Study. Most of the discussion centered on Sources of Funds available to East Norriton Township, a Second Class Township. Mr. Moller believes that for identified work of this nature that a Bond Issue needs to be considered by the Supervisors. Ms. Loomis agreed to the request of the Planning Commission to provide monthly Grant Status Updates.

b.) Review of Current Land Development / Construction Update

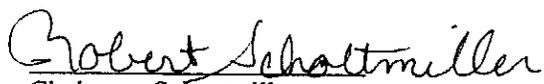
Ms. Loomis led the Commission through each of the identified Projects. Only changes from the previous month's report were:

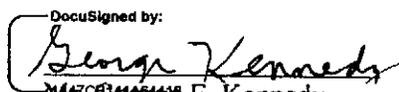
1. St. Titus Church – The Board of Supervisors approved conditional / preliminary approval at their July 25, 2017 meeting.
2. Rahway Avenue Lots – Zoning relief was granted at the May, 2017 hearing for 3 lots. A total of 7 lots now have zoning relief. The Township Sewer Engineer's review was received June 30, 2017 regarding the completeness of the Developer's Act 537 planning module application. There are a few minor items that are being addressed before sending this application to the DEP.
3. 2208 Old Arch Road – The conditional use application was heard before the Board of Supervisors on June 27, 2017 as part of a formal hearing and approved.
4. Sidewalk and Trail Feasibility Study – The Sidewalk grant was issued for \$100,000 with a 50% match. T&M Associates, the Township's appointed Planning Consultant has submitted a revised cost estimate for the Township to review. The trail will be completed by Fall 2017.

4. **Adjournment Business:**

The Planning Commission adjourned by unanimous vote.

Respectfully submitted,


Chairman Schottmiller
East Norriton Township Planning Commission

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Mr. George E. Kennedy
East Norriton Township Planning Commission