

**Planning Commission
Minutes
November 3, 2014
7:30 PM**

Present:

Brett MacKay
Nancy Becker
Tim Shafer
Joseph Vavra
Patricia Younce
Rich Marino

Absent:

Eric Gable
John Vickers
Josephine Charnock

Staff:

Carolyn McKelvie, Code Enforcement Officer
Mary Stover, Township Engineer

Opening Comments

Chairman MacKay called the meeting to order at 7:30 P. M.

Pledge led by Chairman MacKay.

Minutes

Chairman MacKay asked if there were any comments or concerns with the October 6, 2014 minutes. A correction was noted on Page 3, Chairman MacKay asked if there was a motion to accept the minutes with the change. The motion was moved by Mr. Vavra and seconded by Mrs. Becker.

Voting for: Brett MacKay
 Joseph Vavra
 Nancy Becker
 Tim Shafer
 Patricia Younce

Abstain: Rich Marino

Absent: Eric Gable
John Vickers
Josephine Charnock

Chairman MacKay announced next agenda item.

New Business

Neil/Treymour – Lot Line Change – SLD804

The applicant was represented by Tedd Kovan and Attorney John Iannozzi

The Planning Commission went through each waiver request as follows:

1. **Section 136-705.B(14)** – This requires existing building, etc. within 500 feet of the property to be shown. We have attached an aerial map showing the surrounding properties and have also included a detailed topo of the property to be subdivided. We would therefore request a waiver of this requirement.

Mrs. Becker questioned the aerial not being clear and asked about a video, Ms. Younce and Mr. Shafer also agreed the aerial is not clear. Mr. Marino stated he was okay with the aerial. Mr. Kovan indicated that they would improve the quality of the air photo.

The Planning Commission agreed to recommend granting a Waiver for this requirement provided the applicant include an aerial photo showing an area 500 feet around the site.

2. **Sections 136-504.A.1, 136-509A-109.A and A115** – No sidewalks and curbs were constructed when the original subdivision of this property was performed. We do not feel these are needed in this area and would therefore request a waiver of having to install them.

Mr. Shafer asked if there were any sidewalks across the street, Mr. Kovan replied that there are partial sidewalks in one area.

Chairman MacKay explained that in the past they would defer sidewalks and curbs with an escrow account.

Mrs. Younce asked whether by adding a piece of this parcel and the addition of land to the other parcels, does it allow something to be done on these lots that could not be done on the land before? Mr. Kovan stated the one reason behind the lot line change is so that no one else could build on it.

Mr. Iannozzi added, the two neighbors that want to preserve the lots are fine with deferrals if no escrow is needed. Having money escrowed is a hardship for the clients who are not developers.

Chairman MacKay explained deferrals in regards to escrow for developers and how future sidewalks would be required by the Township for homeowners or developers.

Ms. Younce stated she is okay with deferral without escrow, Mr. Shafer also agreed.

Chairman MacKay asked if everyone agreed to recommending a deferral of sidewalks and curbs noted in Waiver Request #2 without escrow. All agreed.

3. **Section A116** – Street Trees – the existing frontage of the lot to be subdivided has a substantial amount of existing trees on the lot and in close proximity to the street. Based on this, we feel it is not necessary to put in any street trees and therefore request a waiver.

Mr. Kovan presented photos of the existing trees on the properties; all in attendance viewed the photos.

Chairman MacKay asked if anyone had an issue with granting this waiver.

All agreed to recommend granting this waiver.

4. **Sections 136.503.A.1, 136-503.G.A.102.A.2** – Street width – when this property was originally subdivided, no street widening or improvements were required. The existing Weikel Road improvements seem sufficient for the limited number of lots entering the road. In addition, the elimination of one lot will actually decrease by one of the driveways along the road. We would therefore request a waiver of the need for roadway improvements.

Mr. Kovan explained there is no impact from this subdivision and the ROW already exists. The Planning Commission reviewed the mentioned subdivision plan from the Collins letter and Mr. Kovan explained that that plan is different from the one presented.

Mr. Iannozzi also stated that the plans are totally different and feels that a waiver and not a deferral makes more sense.

The members agreed to recommend a deferral without escrow for this waiver request.

5. **Upper Gwynedd Municipal Authority Fee** – The Township as part of their application process requires a \$500.00 escrow fee payable to UGTMA. Since no sewer connections are being proposed for this minor subdivision, we would request a waiver of the fee.

Chairman MacKay explained that the Planning Commission does not have the authority to waive this fee.

6. **Section A.124.A Survey Monuments** – This subdivision proposed dividing the existing lot into two lots and attaching the two lots to the existing properties. We

propose setting concrete monuments on the new lot line and would request a waiver from setting concrete monuments at the old/original corners.

Chairman MacKay asked if there have been any attempts made to find the other corner/monuments, and feels they need to have any missing pins or monuments placed on the property to mark the corners.

Mr. Kovan stated he will check with the surveyor to find the monuments.

Ms. Stover agrees that the monuments should actually mark the corners of the properties.

The Planning Commission members did not recommend approval for this waiver and will require the monuments/pins be placed to mark the corners that do not presently have monumentation.

7. **Section 136-705.C** – We request a waiver from showing existing contours and wetlands on the site. Since no earth disturbance and/or improvements are proposed as part of this subdivision, there is no need to show existing contours and wetlands.

Mr. Kovan states they are not proposing any improvements to the properties so there is no need to show the existing features or wetlands on the two existing properties.

Mrs. Becker asked if they have checked with DEP.

Ms. Becker explained that there are new DEP requirements for recording information on stormwater facilities that needs to be filed – DEP requires on all subdivisions and she is not comfortable waiving something if DEP requires this information to be shown on the plans.

Mr. Kovan states he has not heard of this, Mrs. Becker stated she will send Mr. Iannozzi a copy.

The Planning Commission agreed to recommend granting this waiver contingent upon checking with DEP regarding the information required to be shown on recorded plans.

8. **Section 137-705.C.3** – No work or disturbance is proposed within the watercourse as part of this subdivision. We propose adding a note to the plan that a wetlands study would be done when any future work near the watercourse is proposed. We therefore request a waiver to defer the wetlands study and delineation to when future work is proposed near the watercourse.

Mr. Kovan stated there will be no improvements on the properties, no improvements planned to existing swale. If and when any work is planned the owner would be responsible for wetland study, etc.

Chairman MacKay asked if anyone had any issues, Mrs. Becker asked if DEP regulates this, Chairman Mackay answered no it is the Army Corps of Engineers. He also asked that the note to be placed on the plans only state that there was no wetland study done at this time.

The Planning Commission agreed to recommend granting this waiver.

9. **Section A.118-1** – We request a waiver from providing plantings (trees and shrubs) with the riparian buffer. A shaded riparian buffer is not needed along a ditch which is dry during significant periods of the year. Riparian buffer plantings are usually provided for those perennial watercourses and those which support aquatic life. Our Clients do not propose any activities as part of this subdivision that would require mitigation through planting within the riparian buffer. On a final note, the planting of riparian buffer plantings within the lawn of the Neil property would destroy the character of their property.

Mr. Kovan presented a map and photos showing the swale area and drainage ditch that goes along the property.

The Planning Commission viewed the maps and photos, Mrs. Becker asked where the swale is fed from, Mr. Kovan stated from the properties up on Weikel Road.

Mr. Kovan noted the plans show a 20' easement on each side of the drainage/swale area and the applicant is asking for waiver for plantings.

Mr. Iannozzi stated that at this time everything is staying the same and actually making it better consolidating it into the existing adjacent lots.

The Planning Commission agreed to recommend granting the waiver from riparian buffer along the ditch/swale.

Mr. Kovan stated that they are looking to preserve the land and plan to comply with everything other than the waivers granted.

Ms. Stover was in agreement.

Chairman MacKay stated that the Planning Commission recommends to the Board of Supervisors that they approve the Lot Line Change conditioned on the following:

- Compliance letter dated September 18, 2014
- CKS letter dated October 17, 2014
- Gilmore & Associates letter dated October 2, 2014
- Pennoni Associates letter dated October 1, 2014
- Montgomery County Planning Commission letter dated October 23, 2014
- Fire Marshal's memo dated October 1, 2014

That a waiver be granted for Waiver #1 provided they include aerial photo within 500 feet of site, deferral of curbs and sidewalks (Waiver #2) without escrow, granting Waiver #3, Deferral of road improvements (Waiver #4) without escrow, Waiver #5 not applicable, not recommending approval of Waiver #6, pins/monuments will be required to mark corners, granting Waiver #7 contingent on DEP recording requirements, and granting Waivers #8 and #9.

On a motion was made by Mrs. Younce, seconded by Mr. Vavra.

Voting for: Brett MacKay
Joseph Vavra
Nancy Becker
Tim Shafer
Patricia Younce
Rich Marino

Absent: Eric Gable
John Vickers
Josephine Charnock

Old Business

Buffer Requirements

Ms. Stover presented information on the buffer requirements. She presented a new class C buffer but has not put it in a formal ordinance yet. This buffer would go between a multi-family use and single family use. She explained what was presented in her handout and table 2 stating which trees are listed.

Mrs. Younce asked about white pines. Mr. Vavra commented that not all white pines should be eliminated. Mrs. Becker asked if all white pines should be eliminated. Chairman MacKay commented that a mix should be required. Mrs. Becker and Mrs. Younce stated that maybe for this ordinance the white pines should be taken out, not all white pines.

Chairman MacKay stated that the Planning Commission agreed to turn this into an ordinance and send it to the County. They will delay any motion for this until after it goes to the County.

MRC Lot Area Change

Ms. Stover presented a written ordinance which revised 401 J1/J2 lot area and width regarding outparcels.

Chairman MacKay asked for comments and also stated his concern with outparcels.

Mrs. Younce agreed regarding outparcels for this ordinance.

Ms. Stover discussed previous comments on the versions from the County and the need to respond to their comments on this ordinance.

Chairman MacKay stated Ms. Stover should run this past our Solicitor Jack Dooley in regards to the need for sending it back to the County.

On a motion by Mrs. Younce, seconded by Mrs. Becker, the Planning Commission recommended the Board of Supervisors adopt the revisions to the MRC Lot Area Change.

Voting for: Brett MacKay
Joseph Vavra
Nancy Becker
Tim Shafer
Patricia Younce
Rich Marino

Absent: Eric Gable
John Vickers
Josephine Charnock

Welsh Road Corridor

Ms. Stover discussed the version submitted to the County and their comments on this ordinance, some of the uses were revised, Ms. Stover referred to attached Page 5 and comments from the County.

Chairman MacKay asked if any structures meet the criteria for preservation status, Ms. Stover said yes.

Mrs. Younce asked if there are any other preservation statures? Ms. Stover said no, they can change the inside but the outside would remain the way it looks.

Mrs. Younce asked if this gets too close to being too strict, that the existence of a preservation district..

Ms. Stover discussed Page 7 regarding driveways and that the ordinance encourages shared driveways, it addressed existing driveways and driveway easements. She took this from the Montgomery County Planning Commission model ordinance.

Page 8 was discussed regarding outdoor storage, not permitted and the term “outside storage” being a conditional use and not permitted by right.

Ms. Stover stated this ordinance was revised to answer the comments from the County.

The Planning Commission recommended that this be forwarded to the Solicitor for comments before they take action.

Solar Panel Ordinance

Ms. Stover recapped that surrounding Township ordinances were looked at regarding this issue. They went over what districts would solar panels be allowed in and currently permitted districts.

Discussion regarding smaller districts and not allowing ground mounted solar panels.

Ms. Stover stated that the draft as written allowed for roof mounted systems and ground systems by special exception.

Discussion continued regarding required buffer of ground mounted solar panels.

Chairman MacKay commented that roof mounted would be by right in all districts and then followed a discussion regarding maximum height allowed for roof mounted solar panels.

Ms. Stover stated the County model ordinance states 6' maximum above existing structure.

Mr. Vavra spoke about solar panels in his adjoining neighborhood and stated he likes the verbiage from the County.

Mr. Marino stated that 6' allows for the angle needed for the panels.

Mr. Shafer discussed proper pitch depending on the sun exposure.

Mrs. Becker felt 6' was too high, she preferred 3' for maximum height.

Industrial areas for maximum height were discussed and that the solar panels would be permitted by right on the roof and on the ground by special exception in the five districts listed.

Ground solar panel height was discussed and Chairman MacKay suggested 15', Mrs. Becker suggested 10'. Mr. Marino suggested industrial should be different than residential. 20' was discussed for IN/LI Districts and 10' for the five other districts listed.

The Planning Commission agreed to these height maximums.

The next discussion was regarding setbacks and what other Townships allowed. Ms. Stover stated that the County wants to encourage solar. Mrs. Younce stated that the definitions should be clear and in the ordinance regarding solar panels.

Solar farms were discussed and Ms. Stover stated that the County requires ten acres for these.

Buffering and glare/reflection were discussed and that all glare should be angled away from neighboring properties. Mr. Vavra asked that this be addressed and included.

Ms. Stover recommended they pick one of the class buffers or develop a new buffer required for solar panels on the ground. Chairman MacKay suggested we use a different buffer from the existing buffers since the plant material would need to be lower and mostly evergreen.

Noise of solar panels were discussed and Mr. Marino stated that they are not very loud, pool filters actually make more noise. Ms. Younce asked about the docking stations and Ms. Stover explained that it is the area the structure is placed on.

Excess energy was discussed in regards to how the excess is used or stored.

Ms. Stover stated she will come up with another draft. Mr. Shafer asked that something regarding abandonment be included. Chairman MacKay added that verbiage for any easements will be the responsibilities of the owner of the solar panels between two neighbors.

Mrs. Younce mentioned adding setbacks from roof edges to comply with fire code.

Ms. Stover summarized by stating the things she will include as she works on a new ordinance for the solar panels.

Chairman MacKay asked Ms. Stover to forge ahead regarding this ordinance.

No further discussion took place.

On a motion by Mrs. Becker, seconded by Mr. Shafer, Chairman MacKay adjourned the meeting at 9:04 PM.

Respectfully submitted,



Carolyn McKelvie
Code Enforcement Officer