

**MINUTES  
PLANNING COMMISSION MEETING MARCH 10, 2020**

**Attendees:** Dave Shula, Sherri Glantz-Patchen, Patrick Doran, Bob Dambman, Peter Cornog, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning and Zoning, Vince Esposito (Township Engineer's office), and Dave Sander, Esq. (Township Solicitor's office)

**1. CALL TO ORDER:** 7:00 PM by Chair Dambman

**2. ANNOUNCEMENTS & CORRESPONDENCE**

**Announcements:**

- Call for Entries 2020 Montgomery Awards Program. The deadline for nominations is May 1, 2020. There are three (3) categories:
  - 1) Montgomery Award Eligibility & Award Criteria
  - 2) Planning Advocate Award Eligibility & Suggested Criteria
  - 3) Environmental Stewardship Award Eligibility Criteria

Last year the Audi dealership was proposed; the County is holding for reconsideration this year. The Planning Commission also recommended the High School renovations, specifically the West Gym, which the Board of Supervisors did not pass on.

- Due to the current situation, the County cancelled The Planning Course in Community Planning; the class has tentatively been rescheduled until June and will be confirmed.

**3. APPROVAL OF MINUTES**

- On a motion by Mr. Shula, seconded by Ms. Patchen, the Planning Commission moved to approve the amended February 11, 2020 meeting minutes. Vote 5-0-2 (Mr. Doran and Ms. Shaw-Fink abstained, not present for that meeting)

**4. ZONING HEARING BOARD APPEALS:**

- Review ZHB#2020-08 MHP Conshohocken, LLC / 10 Ridge Pike, Conshohocken, PA  
*Request for a special exception for urgent care/clinic*

Mr. Guttenplan explained the application is in front of the Zoning Hearing Board and Planning Commission because the CR-H District in which the Shopping Center is located allows any use permitted in the Institutional Overlay District to be permitted in this District as a special exception. A "clinic" is a permitted special exception use in the Institutional Overlay District. This is on the agenda for the Planning Commission to make a recommendation to the Zoning Hearing Board.

Attendees: Al Fuscaldo, Esquire, attorney for the applicant and Matt Maiorino, Principal with the applicant.

Mr. Fuscaldo briefly explained the applicant is MHP Conshohocken, LLC, a franchise of AFC Urgent Care. Mr. Maiorino has the franchises for Philadelphia County and Montgomery County. They are leasing approximately 3,400 s.f. in the portion of the new building closest to Panera Bread. They already know parking is an issue at this site but this use is a minimal parking user; there will be 3-4 patients an hour; and 5 employees that will park around back.

Mr. Maiorino explained AFC stands for American Family Care; it's the third largest urgent care company in the country; there are 240 locations nationally; they own the rights to Montgomery and Philadelphia Counties; they agreed with AFC to open a minimum of 10 locations within that territory

over the next 8 years; 2 are open so far, Cheltenham Township and the Northern Liberties neighborhood of Philadelphia; they treat typical illnesses, injuries, worker compensation and employment screenings; there is x-ray and a lab on site; the procedures they follow, staffing, patient load, and hours of operation were discussed; most of the volume will be in the morning and in the evening; their website allows patients to check in on line and then be notified by text 15 -20 minutes when their appointment is ready to come in which will help with efficiency and parking; nationwide the average per patient is 59 minutes door to door; and there are few deliveries, mostly vaccines and office supplies.

Planning Commission Members Comments & Concerns: is there always a doctor on site (yes it is a requirement on the insurance contract and when they reach 50 patients a day they will hire a mid-level, nurse practitioner or physician's assistant who will come in and assist the doctor); what is the percentage of appointments made as opposed to walk-ins (with the on-line check-in it went from around 6% to 15%); how many exam rooms (6 treatment room, procedure room, x-ray room, nurses station, lab and triage station); what is the procedure for a medical emergency and what hospital do the patients get transported to (when a patient comes in with life threatening symptoms they get bumped up to the head of the line, the doctor will evaluate and then 911 will be called; the patient will be taken to either Chestnut Hill Hospital or Suburban Community Hospital and that decision is based on patient preference or they would get transported to the local hospital where the doctor has admitting rights); how long has Mr. Maiorino been involved with AFC (AFC started in 1982 and Mr. Maiorino has been involved since 2018); what kind of licensing is involved (all doctors are licensed with the state, the facilities are licensed by location); what is the difference between a Special Exception vs. Conditional Use (Mr. Guttenplan explained its more of a political and philosophical distinction that is made on whether the governing body thinks they or the Zoning Hearing Board should act on these); concerns with the signage rendering that was submitted (they will be consistent with the rest of the signs and features); questions about how this is different than the other urgent care facilities in the areas (we staff with a physician); feels the presentation to the Zoning Hearing Board should demonstrate the differences between this and the other urgent care facilities in the area.

Public Comment was given by Linda Doll, Fairway Road; Steve Kaufman, 644 Harts Ridge Road; and Sydelle Zove, Harts Ridge Road. Their comments consisted of defining a medical assistant (it is a 2 year training program done at a technical school; in Pennsylvania, MA's can provide more service than in most states); didn't feel the similar services of other urgent care facilities in the area were explained well; feels it may be more useful if it was open until 10:00 PM (this is a franchise and it is required to be open specific hours); what is the distinction between a nurse practitioner and a physician's assistant (additional schooling & credentials); haven't heard anything regarding compliance with the special exception criteria. Is it on the applicant to demonstrate compliance? (Mr. Sander explained the different types of criteria, specific and general and who has the burden of proof for each); who oversees the site doctor (the medical director); are there annual licensing or inspections (they follow state requirements); and is there a protocol for the Covid-19 (current protocol was explained by Mr. Maiorino).

On a motion by Mr. Doran, seconded by Ms. Patchen (Vote 7-0), the Planning Commission recommended approval of the requested special exception conditioned upon the applicant presenting sufficient evidence specifically about Section 116-105.E. among the other requirements for special exceptions.

**5. CONDITIONAL USE APPLICATIONS:** None

**6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:** None

**7. OLD BUSINESS:**

- Comprehensive Plan Selective Update – Review Recommendations of Historic Preservation and Environmental/Climate Change Working Groups

The Planning Commission members formed 2 working groups, one to review the Historic Preservation recommendations and one to add language pertaining to climate change and the environmental underpinnings of the Plan.

The Historic Preservation working group submitted a revised Action Plan for Goal 1, Policy 4 (Historic Preservation); they also propose to incorporate two recommendations from the May 28, 2019 review letter from the Pennsylvania State Historic Preservation Office. Action items were looked at and phases were discussed and amended on 3 items. Revisions will be e-mailed to Mr. Guttenplan.

**Public Comment:**

Sydelle Zove, Harts Ridge Road, agrees there should be some type of tax abatement for historic properties; feels the Township needs to take action to enforce the existing provisions of the code; urges PC to include some version of the bullet that she provided; urges PC to consider how 1.4.1 and 1.4.10 go hand in hand; specifically concerned about removing the recent subdivision on Spring Mill Road from Plymouth Meeting Historic District; if you carve out sections of the historic district you are undermining the integrity of the district. (Mr. Guttenplan clarified that it is not the intent to remove the historic properties along Spring Mill Road, just the recent subdivisions of the lands behind them that have no historic relevance; any changes to boundaries need state approval).

Roy Wilson, 4006 Butler Pike, commented that he has lived at the property for 30 years; Abolition Hall was selected as a dumping ground for low income housing; the Township doesn't support and protect, the homeowners are doing that and the Township doesn't provide any support to the homeowners; feels the Township is forcing the homeowners off their properties, you can't maintain the property and pay the taxes.

Steve Kaufman, Harts Ridge Road, if you don't qualify for the 'Clean & Green' (law) you can still apply to reduce your taxes through assessment; the problem is that all of this is in the hands of the state and County, the Township is limited in what it can do; and consider enforcing property maintenance.

Commission members responded--two specific points were established about the Historic District – there is the HARB that enforces requirements and in that sense creates a burden on property owners; and question whether code enforcement needs to be addressed in the comprehensive plan or elsewhere. If you are going to have a Historic District you need money to support it by a budget line item and you need enforcement so when people are not abiding by the rules they get fined. Code enforcement should go under 'quality of life' goal and not just the historic district.

The Environmental working group submitted an Action Plan to include additional text to the Vision Statement as well as additional action items. Mr. Guttenplan suggested they get together and come up with a single document that everyone supports that can be discussed opposed to various versions. Ms. Patchen feels that the e-mail they received today is too much to add to the vision statement and doesn't know where the action items would go; maybe add a fifth goal. Mr. Doran stated the options are something smaller or as Mr. Manuele has suggested, a separate document which might be referenced in the Comp Plan.

**8. NEW BUSINESS:** None

**9. PLANNING COMMISSION MEMBERS COMMENTS:**

**10. PUBLIC COMMENT FOR NON AGENDA ITEMS**

Steve Kaufman, 644 Harts Ridge Road, is disappointed that it wasn't possible to get the environmental language posted on line. The primary goal of the comprehensive plan is the rational basis for new zoning regulations and enforcements. He reminded everyone of his recommendation using the DVRPC statement regarding climate change.

## **11. ADJOURNMENT**

- On a motion by Mr. Doran seconded by Mr. Cornog, the meeting was adjourned at 10:05 PM.

Respectfully submitted,

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Charles L. Guttenplan, AICP, Director of Planning & Zoning

The Planning Commission is appointed as an advisory group to the Board of Supervisors and the Zoning Hearing Board with respect to comprehensive land use planning, existing land use, and various land use and zoning applications in Whitemarsh Township. No formal decisions are rendered by the Planning Commission. Formal decisions are rendered by the Board of Supervisors or Zoning Hearing Board, as prescribed by law, based on the type of application.