

**MINUTES
PLANNING COMMISSION
FEBRUARY 14, 2023**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Patrick Doran, Bob Dambman, Elizabeth Shaw-Fink, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), Kailie Melchior (Township Solicitor's office).

1. **CALL TO ORDER:** 7:03 PM by Vice-Chair Doran
2. **ELECTION OF CHAIR:** Motion by Mr. Shula seconded by Mr. Dambman to elect Aaron Kostyk as Chair. Vote 6-0
3. **ELECTION OF VICE CHAIR:** Motion by Mr. Shula, seconded by Ms. Glantz Patchen to elect Patrick Doran as Vice-Chair. Vote 6-0

4. ANNOUNCEMENTS & CORRESPONDENCE:

- It was announced that we have new microphones and they work well, but to continue to speak loud and clear so that we can hear the recording for the meeting minutes.
- Meeting of February 28, 2023 to be cancelled; next meeting will be March 14, 2023.

5. APPROVAL OF MINUTES

- On a motion by Ms. Glantz Patchen, seconded by Mr. Shula, the Planning Commission moved to approve the December 13, 2022 meeting minutes as drafted. Vote 4-0-2 (Mr. Quitel and Mr. Dambman abstained, not present at that meeting)

6. ZONING HEARING BOARD APPEALS: None

7. CONDITIONAL USE APPLICATIONS:

- Review CU #01-23, 454 Germantown Associates, LLC / 454 Germantown Pike, Lafayette Hill, PA Multifamily conversion from present commercial office use; 5 apartments

Attendees: Anthony Chwastyk, Esquire, representing the applicant

Mr. Guttenplan gave a brief background. The Applicant is proposing to convert the existing two-story building that has previously been used for professional offices into a multi-family residential use with (5) dwelling units. There are no proposed changes to the site or the exterior of the building. The proposed conversion is permitted under Section 116-290.B.(5) in the Village Commercial District; this property is zoned VC-1. One of the provisions of the district for conditional uses is that the maximum density for multi-family development is eight dwelling units per acre (§116-292.D.) which this project exceeds. The applicant sought a variance from that requirement and the Zoning Hearing Board in case ZHB #2022-54, granted the variance on January 4, 2023.

Mr. Chwastyk: presented a PowerPoint. The proposal is to turn the existing structure, historically a commercial unit, into 5 residential units consisting of 4, 2- bedroom and 1, 1-bedroom apartments. The owner of the building attempted for a year to find a commercial tenant but met difficulty in finding any.

Mr. Chwastyk discussed how they comply with the requirements for Conditional Use. The use is compatible with the neighborhood; the use adequately safeguards its surrounding neighbors; there are already several units that are multifamily units on that block; less people will use the property than in the previous use; there will be no harmful effect on traffic; no reconstruction on the property (to parking or ingress/egress);

they are in compliance with the Comprehensive Plan & Open Space Plan, this contributes to the diversity of housing stock; there will be no changes to the exterior of the building; there will be no undue burden on municipal services; they satisfy the requirements for parking and it conforms with the Fire Prevention Code; and a zoning variance was granted for density per acre.

Finally, Mr. Chwastyk discussed how they comply with the general requirements for any use in Village Commercial District. There is joint access as required by the ordinance; there are existing trees surrounding the property; a variance was granted for density; will have the same look and feel of commercial village; and there will be less strain on Germantown Pike.

Planning Commission Comments:

If you only need 7.5 parking spaces, but you have 23, what is going to be the state of the parking lot if you have that level of excess (Mr. Chwastyk responded: during the day it would probably be unused while people are at work but there is a doctor's office in the back that shares the spaces during the day); Could some of the parking 'be greened'? (Mr. Chwastyk responded: he expects other nearby uses will share the spaces.) Are the parking spaces going to be signed so the residential spaces are reserved for the tenants (Mr. Chwastyk responded: he is not sure if the applicant has gotten that far into it, but something to consider); would the tenants use the same door to access the apartments (Mr. Chwastyk responded: it doesn't appear to be, the front door appears to be the access for Unit A only); will the interior be renovated (Mr. Chwastyk responded: he thinks it has to, he expects there will be major overhauls to give it that residential feel); are the units going to be rented or for sale (Mr. Chwastyk responded: he believes the plan is to rent).

No public comment

Motion:

Ms. Glantz Patchen made a motion to recommend Conditional Use approval; seconded by Ms. Shaw-Fink. Vote 6-0.

Mr. Guttenplan stated this will be scheduled on the March 9th Board of Supervisors agenda.

8. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:

9. OLD BUSINESS:

10. NEW BUSINESS:

- Review SLD #01-23, Revised SALDO Definitions for consistency with recently enacted Chapter 55 (Tree Protection Standards)

Mr. Guttenplan presented: In December the Board of Supervisors adopted a new Chapter 55 for 'Tree Protection Standards'. There were a number of definition amendments to Chapter 55. The Subdivision & Land Development Ordinance (SALDO) is not completely consistent with these new definitions, so this is a simple ordinance that updates 7 definitions that appear in both Chapter 55 and SALDO, much of it is editorial, minor wording changes to be consistent. The most significant change is in 'heritage tree'. Chapter 55 had reduced the size of the heritage tree to 36" caliper and SALDO has it as 40" (which is what Chapter 55 had been prior up until December). Some other minor measurements have changed in definitions such as one for 'tree' that reaches a height of 15 feet, it used to be 8 feet.

There was a question on the definition of Hazard tree, and the addition of "or their designee" – who is the designee, the Township Arborist, and would there be a way to confirm that the person who is designated to qualify a tree as a hazard tree? In response, that would be up to the discretion of the Shade Tree Commission (STC). The designee is either staff or for the most part generally the Township

Consultant/Arborist and this would be something they would do as part of their business at one of their meetings. And again, for purposes of SALDO, we're really referring back to Chapter 55.

There was a significant discussion on the definition of 'tree survey plan'. There were several inconsistencies discussed, one is reference to Chapter 55-4.A., the ".A." should be taken out since it is not correct; Also discussed was whether both the tree survey plan and the landscape plan should include tree protection fences. The proposed definition of tree survey plan requires protective fencing but that is not part of the definition of the same term in Chapter 55 nor does that ordinance require the fencing to be shown on the tree survey plan but does on the landscape plan. Mr. Guttenplan suggested this be done as a two-step process. They should go ahead and adopt the ordinance to make sure heritage tree definition gets changed quickly and take the ".A." out now from Chapter 55-4.A. since that is not a significant change and then come back later and fix the other inconsistencies. Ms. Melchior advised that removing the 'A' would not be a significant change and could be made but that anything else would be a meaningful change requiring re-advertising.

Motion:

Mr. Quitel made a motion to adopt; Mr. Shula seconded, recommending adoption of the SALDO definitions with the modification in 4th line in 'tree survey plan,' instead of Ch 55-4.A., the ".A." should be stricken; just be Ch 55-4. Vote 6-0.

11. PLANNING COMMISSION MEMBERS COMMENTS:

12. PUBLIC COMMENT FOR NON-AGENDA ITEMS:

13. ADJOURNMENT

- On a motion made by Mr. Dambman; seconded by Mr. Shula, the meeting was adjourned at 8:11 PM.

Respectfully submitted,

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.

