

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
JULY 7, 2016

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, July 7, 2016, in the Township Building. The meeting was called to order at 7:52 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway, Erika Spott and Carole Kenney. Also present were: Dave Kraynik, Township Manager; Sally Slook, Assistant Township Manager; John Walko, Solicitor's office; Rob Loeper, Township Planner; Kyle Brown, Associate Township Planner.

CHAIRMAN'S COMMENTS:

Chairman Jenaway reported an Executive Session was held prior to this meeting to discuss litigation and prior to that session a Zoning Workshop meeting was held on zoning code issues.

DISCUSSIONS:

LOSTY SUBDIVISION; 231 MATSONFORD ROAD; 10.35 ACRES, 7 RESIDENTIAL LOTS (1 EXISTING) AND 3.26 ACRES OF OPEN SPACE) R-1A SINGLE FAMILY CLUSTER OVERLAY. NEED CONDITIONAL USE. *Plan Expiration: 8/31/16.*

Mr. Rob Loeper, Township Planner, stated the 10.35 acre property is located on Matsonford Road and the existing dwelling is occupied by Mr. and Mrs. Losty. The proposal is to subdivide their property. The Lostys will retain 2.87 acres and the existing dwelling. The 3.26 acreage in the back, much of which is in the flood plain, contains the creek and wetland areas and will be open space as part of the stormwater management. The remaining 4.22 acres will be divided into six lots for single family residential dwellings. There will be a cul-de-sac off of Matsonford Road to provide access to all dwellings. The conditional use application and revised plans have been submitted to the township. Mr. and Mrs. Losty are represented at this meeting by Stephen H. Kalis, Fox Rothschild.

Mr. Loeper indicated the issue of sidewalks was discussed the last time this proposal was before the Board of Supervisors. The first part of the issue deals with a road that would be built to township standards and could be dedicated. Curbs are proposed on both sides coming out along the radius and

then a sidewalk on one side extending from lot 2 to lot 7, but not on the back of the Losty dwelling. The other part of the issue was the question of what happens on Matsonford Road which is a state road. There is a waiver request to not install sidewalks or curbing. At the May workshop meeting it was suggested that the applicant go back to the Upper Merion Planning Commission to discuss this further. Mr. Loeper reported this was done and the planning commission made a unanimous recommendation. They agreed with the plan as presented for the sidewalk on the one side of the cul-de-sac and not installing a sidewalk on Matsonford Road. Mr. Loeper said the overriding issue was the fact there are no sidewalks in this area.

Stephen H. Kalis, Fox Rothschild, representing the applicant, stated there will be six new homes. He said the lot of the existing home [which will remain] is on lot #1 and is located on the other side of the proposed cul-de-sac road. Mr. Kalis indicated members of the planning commission walked the site and there was a unanimous recommendation to approve the preliminary plan and that all requested waivers be granted. The planning commission also unanimously supported the use of the cluster overlay.

Mr. Waks commented he has walked the area before on more than one occasion. Although he said he would probably prefer a sidewalk he did say he would support the planning commission's recommendations in this regard.

Mr. Kalis mentioned the neighbors were not supportive of sidewalks.

Mr. Philips asked if the Lostys actually looked at a plan that would have sidewalks on Matsonford. Mr. Kalis responded in the affirmative.

Mr. Philips said he would support the planning commission's recommendation and indicated the argument has been made before that "we would be the only one with sidewalks."

Mr. Jenaway asked about the size and nature of the properties and why a cluster overlay is needed. Mr. Loeper responded there are examples of clusters that are done well and also examples of clusters that have not been done well. He offered a few reasons why he thinks this property is well suited for a cluster. Calling attention to the rear of the property Mr. Loeper pointed out the wetlands which should not be disturbed, the flood plain and the heavily wooded area. Another reason he provided is the existing dwelling built in the 1700's. While the house (Supplee Estate) is not historically designated Mr. Loeper said it is probably one of the most beautiful properties in Upper Merion. Without doing a cluster the end result would be either demolishing some or all of the house and then putting in larger lots or else just doing a second lot on the site. The idea behind the cluster is to preserve features that you want to preserve whether it is woodland, steep slopes, historic resources and then that area gets subtracted out from calculation of how many units can be built. The lots range in size from

about 15,000 to 31,000 square feet.

Mr. Jenaway asked about the distances between the houses. Mr. Mark Bosler, Czap Specter, responded the minimum would be 20 feet but the applicant has more than that because of the needed grading. Everything is sloping away from Matsonford Road and contoured grading will be done. Mr. Bosler indicated there was a question at the planning commission in regard to the rear setbacks, but the lots are much deeper than the minimum and the houses will not be placed right on the rear setback at 25 feet. With regard to stormwater management the applicant has avoided putting in any point discharger or piping. Everything will be a sheet flow to the end of the cul-de-sac and into a detention basin at the end of the cul-de-sac.

Mr. Loeper stated the closest any two structures could be would be 20 feet; however, in looking at the concept plan which was submitted to the Shade Tree Commission it looks like with a garage it might be 40 to 60 feet.

Mr. Bosler offered additional comments about the street that is being offered for dedication. He said there will be no inlets or pipes to maintain within the street. It was noted there will be a Homeowner's Association.

Mr. Jenaway stated when there were cluster developments in Upper Merion in the past builders chose to put structures in very close proximity to each other. He said over the years this created a variety of contested situations ranging from neighbor disputes to property line disputes and a variety of other issues. Mr. Jenaway wanted to make sure this type of property does not end up with these situations five or ten years from now.

Mr. Kalis said the Losty property is a real special piece of property and their primary consideration was maintaining the historical integrity of the primary dwelling.

Mr. Philips asked if a cluster development is not allowed in this district. Mr. Loeper responded the cluster development is allowed in all districts as a conditional use subject to certain requirements.

Mr. Jenaway asked about the road width. Mr. Loeper responded as proposed the right-of-way is 50 feet and the cartway is 30 feet. The minimum allowed is 24 feet.

Mr. Jenaway questioned the ability of a large trash truck or snow plow to maneuver through there. Mr. Loeper responded this is a standard for all cul-de-sacs.

Mr. Bosler said the applicant wanted to stay with 30 feet which is the township standard and also the cul-de-sac is a full radius cul-de-sac. With 30

feet there will be one side parking on the street for guests.

Mr. Loeper pointed out there is an area that can be designated as a snow easement to pile snow. This was discussed at the planning commission. He said some of the township's other cul-de-sacs have limitations for parking in the cul-de-sac during a snow emergency. Most of the dwellings in the Losty subdivision will have 3-car garages and there would not be a need for much parking on the street except for special occasions.

Mrs. Kenney asked if there would be parking on just one side of the street. Mr. Bosler responded in the affirmative. He said parking for a 30-foot cartway takes about seven feet on one side and there would be plenty of room for two vehicles to pass.

Mrs. Kenney asked if the parking limit would be posted. Mr. Loeper responded in the affirmative. He said the code only permits parking on one side for a 30 foot cartway. Mr. Bosler commented since the Losty side does not have a sidewalk and that would be the logical "no parking" side.

Mrs. Kenney asked for more details about additional parking available in the driveways. Mr. Bosler responded there would be room for at least two cars outside the three-car garage. Mr. Loeper said he does not have the final plans but it looks as if there will be parking for a minimum of three additional cars on the driveway. Mr. Bosler indicated that was an issue that came up with the Township Engineer and the applicant will have to demonstrate to their satisfaction this has been considered.

Mrs. Kenney asked how the applicant arrived at the number of six dwellings. Mr. Bosler responded the code is very explicit regarding the cluster density and seven lots is the maximum (which includes the existing home).

Mrs. Kenney continued a line of questioning trying to determine why fewer houses could not be built thereby eliminating the cluster. Mr. Bosler responded there could always be less but the applicant is following the code in terms of the yield that is allowed.

Mr. Philips questioned one of the existing buildings which appears to be 3 or 4 feet over the setback. Mr. Kalis responded it touches one of the small off buildings which is not part of the original structure and is proposed to be taken down.

Mr. Philips pointed out if the subdivision plan does not conform to the code at the current juncture it means that line has to be moved as opposed to creating a nonconforming use at this point. Mr. Kalis and Mr. Bosler said that is something they would look into.

MILLER TRACT; WEST BEIDLER ROAD AND CALEY ROAD

Mr. Loeper pointed out the location of the parcel on Caley and West Beidler Road which is part of a recently settled estate. He noted the parcel has split zoning with most of the property in the R-2 District and a portion of it in the R-2A District. Both districts allow all the same uses. The main difference is that when the R-2A was created it was created primarily because of areas that were not served by sewer and therefore required slightly larger lots. Minimum lot sizes in the R-2 are 10,000 square feet (quarter acre) and 12,500 square feet in the R-2A. This proposal provides for 16 lots as well as one lot for stormwater management. All the lots would have access from a cul-de-sac coming in off of Caley Road with the exception of lots 13 through 16 which would have access off of Caley Road. Caley Road would be widened in this area and the applicant has been advised sidewalks would be required along all of Caley Road as well as all of Beidler Road. Referring back to the map, Mr. Loeper pointed out this is an area where everything has sidewalks except for this section of Beidler Road.

Mr. Loeper said the current proposal is based on the willingness of the Board to rezone the entire property into the R-2. If not, there would have to be some changes made to the property because some of the lots would have to be increased slightly.

Mr. Philips asked for clarification about which part of the property is zoned R-2 and why there is a need to rezone the property to R-2A. Mr. Loeper pointed out the R-2 and R-2A districts on the screen. He said when the code was created the R-2A was primarily an area where there was more septic instead of sanitary and the lots are slightly larger. It was noted the current plan assumes everything conforms to the R-2 and the lot sizes range from 10,000 to 20,000 square feet (most of them are in the 11,000,12,000,13,000 and 14,000 square foot range).

Mr. Philips pointed out the lot sizes are all over the map in terms of size and questioned why the rezoning is necessary. Mr. Loeper responded this property was discussed about a year ago and at that time it was mentioned making the entire tract one zoning district. Mr. Loeper said the R-2 minimum is 10,000, but unless there is a perfectly configured property there are always going to be different lot sizes.

Mr. Philips asked about the easement in the back. Mr. Loeper responded it is an existing stormwater easement for an underground pipe.

Mr. Waks commented hypothetically if the property were not rezoned it would appear that 15 would be the maximum number of houses a developer could build. Mr. Loeper responded he did not know the exact number but it would be slightly lower.

Mr. Philips asked if the parcel at the northern part would be a detention basin for stormwater. Mr. Loeper responded in the affirmative.

Mr. Philips asked if there is a way to employ Best Management Practices for stormwater to eliminate the detention basin. Mr. Loeper responded there may be a way but the plan has not been fully engineered as yet and is just a sketch plan showing the detention basin at the low point on the property.

Mr. Philips asked if the homes along Caley would have a driveway with a turn around. Mr. Loeper responded they would have a driveway onto Caley just like the houses on the other side of Caley.

Mr. Jenaway asked about the new width on Caley Road and if parking would be permitted on both sides of Caley Road and if so what is the cartway. Mr. Loeper responded currently Caley Road is 30 feet wide and it is proposed to be 40 feet.

Mr. Waks indicated his preference would be to see a plan without rezoning.

Mr. Philips agreed; however, he asked if this is one of the parcels being considered for clean up during the zoning update. Mr. Walko responded in general the approach has been looking to eliminate split zoning.

Mr. Waks commented he understands why the developer would like to do 16 houses but it might be better to have 14 or 15 houses.

Mr. Philips asked about the developer of the property. Mr. Loeper responded the applicant is represented by George J. Ozorowski, Esq., firm of Hughes and Kalkbrenner and Mark Jones is the builder.

Mr. Loeper stated the property is zoned 70% one way and 30% the other. He said from a comprehensive planning perspective it makes more sense to eliminate the split zone since it lays out the project better.

Mr. Waks commented as a neighbor it would be more desirable to have 14 or 15 houses as opposed to 16 houses.

Mr. Ozorowski indicated they have walked the neighborhood and most of the people think the plan is fine and there has been little feedback. He said the proposed development will be very similar in characteristic, size and scope with everything in the surrounding area. Improvements include curbs and sidewalks. The road would be 30 feet with parking restricted to one side. The plan as proposed would encourage the full development of Caley Road to 40 feet and the applicant is open to whatever the township wants to do.

Mr. Ozorowski said the applicant is presenting the sketch plan to get some feedback from the supervisors before actual submission of a plan.

Mrs. Kenney asked for clarification about the percentages for the R-2 and R-2A. The applicant's engineer, Brad Grauel, OTM LLC, responded he did not know the exact percentages, but it is roughly 70-75% already in R-2 and a small portion in R-2A.

Mr. Philips asked if the applicant is looking to rezone or just do the development. Mr. Grauel responded there may be issues longer term because the zoning district line will go through homes and create larger problems. The applicant is looking for the entire tract to be zoned as one.

Mrs. Kenney asked if there are two different plans proposed, one if it is all R-2 and one if it is all R-2A since there are a larger number of houses planned in R-2. Mr. Grauel responded in deference to the Board's concerns he said he may be able to go back to the drawing board and make each lot conform within its own individual zoning district. There will be two different zoning districts in a development with zoning district lines going through the middle of most of the dwellings. He asked if that is acceptable to the Board and if it is that is what he would proceed to do. He said he was looking for direction.

Mr. Philips said the issue is the applicant can either come in and ask for rezoning or present what meets the code today until it is changed.

Mr. Ozorowski said his letter was twofold to request time on the agenda to address the split zoning issue and ask the Board to consider zoning it all in one zoning district and to get general feedback, especially in regard to Caley Road.

In response to Mrs. Kenney's question, Mr. Ozorowski responded it was designed as if it was all R-2 where the lots are smaller.

Mr. Jenaway asked about the roadway proposed to be dedicated as a township roadway. Mr. Loeper responded the way the current code is written it would have to be built to meet township requirements.

Mr. Ozorowski stated a full size cul-de-sac with a sidewalk on both sides is proposed. A sidewalk connection would meet the existing sidewalk and take it all the way down Caley Road, out West Beidler Road and connect over to Sharon Court.

Mr. Jenaway asked about the square footage for the dwellings. Mr. Ozorowski responded the homes would range from 2,800 to 3,200 square feet depending on the lots; some would be front entry and some would have side entries.

A discussion followed about the square footage of some of the homes in the surrounding area and it was determined the proposed homes would be slightly larger.

Mr. Jenaway asked about the distance between the proposed dwellings. Mr. Grauel responded the required side yard is 10 feet and for a side entry at least 25-30 feet is necessary for the garage. Most of the homes will be front entry and the distance between dwellings would be 10-12 feet.

A discussion followed about some of the line of sight issues on Beidler Road and Caley Roads. Mr. Grauel responded the plan proposes to widen the intersection at Caley and West Beidler Road.

Mr. Jenaway stated as long as there is no parking at that area that would work. Mr. Grauel responded he did not anticipate there would be any parking at that intersection.

Mr. Waks asked about the percentage of land that is pervious. Mr. Grauel responded the applicant has not reached that point in the planning process and will comply with the zoning ordinance.

Mr. Jenaway asked if there would be a lot of clean up in view of the vehicles and farm implements that were on the property. Mr. Grauel responded he does not know if there will be any necessary cleanup, but all the environmental reports will be done as part of the closure on the property.

Andrew Lewis, resident, commented since most houses will be facing east and west it will not benefit much from passive solar.

Patti Hutchinson, Caley Road, would like to have parking on the other side as well.

Unidentified woman, Caley Road, commented with parking on both sides of the street she does not know if two cars can fit going down the road. Mr. Jenaway said if there is a 40 foot cartway there would be sufficient space, but it might be tight with some trucks. Mr. Jenaway pointed out the traffic safety unit will automatically take a look at this plan because of the road modification.

Bridget Cummings, resident, would like to see a speed monitor in that area.

Mrs. Kenney mentioned the form on township website for a traffic calming petition.

John Vessler, resident, asked about the setback from Beidler. Mr. Grauel

responded there will be at least 50 feet from the house to Beidler.

Grant vonTeak, commented there is going to be a lot of fighting for parking on whatever side is designated as the parking side.

Unidentified man indicated he is concerned about the density of the houses and the number of cars.

Mrs. Kenney asked how many houses are in this proposed development. Mr. Grauel responded 16 homes are proposed.

Mr. Philips questioned whether 16 houses makes sense for this site and if the applicant could build fewer houses and still maintain decent profit for larger lots than the density that is currently being presented.

Mr. Ozorowski said there are a lot of variables at this point that the applicant is being asked to project which they do not have answers for at this point.

Mr. Philips stated the applicant is here to discuss the plan and take away some perceptions of the residents and what the Board of Supervisors would like to see in terms of development. He reiterated the question is does the applicant want to max out the development with everything possible or do something a little less that would still provide a marketable product.

Mr. Ozorowski commented if the question is for the applicant to take a look at the site again with the existing zoning they could do that. He said the challenge with split zoning is to design a lot with some configurations that do not make sense.

Mr. Philips pointed out some of the anomalies with the current configuration resulting with a nice house but no back yard or no side yard. He said he would like to have the applicant go back and see what could be done with the plan density that meets the code standard.

John Walko, Solicitor's Office, asked by making adjustments to the stormwater and maybe some of the other lots in the R-2 if there could be a by right plan for split zoning, give another 2,000 [square feet] and still keep 16 lots. Mr. Grauel responded in the affirmative.

Mr. Jenaway asked the applicant to come back with an alternative plan as mentioned by Mr. Walko.

Mr. Ozorowski said the alternative would be a worse product with a by right plan.

Mr. Philips commented the designer might make it better.

Mr. Waks suggested dropping a house or two from the plan. Mr. Grauel stated the applicant will go back and revisit the plan as suggested by Mr. Walko and come back to the township.

Mr. Jenaway asked if the area for the stormwater retention will ultimately be a common area for the property and maintained by an association. Mr. Grauel responded that was the applicant's original intent.

Jeff Winkler, Susan Drive, commented there should be a 4-way stop sign at Abrams Mill. Mr. Jenaway said the traffic safety unit would have to do traffic counts and look at sight lines.

It was noted by someone in the group there are already speed humps there but having an additional stop sign would cause more problems than it solves.

Francis Schultz, a member of the public, asked if lots could be made bigger if the stormwater basin was eliminated and there was individual stormwater on each lot. Mr. Loeper responded it is an engineering issue and pointed out some of the differing thoughts on the issue.

REVIEW RECOMMENDED STEERING COMMITTEE FOR COMPREHENSIVE PLAN

Mr. Kraynik stated he met with planning staff to discuss the steering committee for the new Comprehensive Plan with the idea of keeping this as a relatively small group and recommended seven members not counting the board and staff liaison. It was thought two members of the planning commission at a minimum would be appropriate as well as a good cross section of citizen boards.

Mrs. Spott mentioned the Fire Board. Mr. Kraynik said the steering committee could certainly be expanded.

Mr. Philips asked what was behind the environmental advisory council member. Mr. Brown responded comprehensive plans have an environmental aspect for preservation, natural resources and open space considerations.

Mr. Kraynik commented there could certainly be a public safety component.

Mr. Philips said he would like to have the fire and rescue and police department.

Mr. Jenaway indicated the membership could go to nine members. He

said at least one person should be on the steering committee from public safety and police and suggested someone from the Command Staff as opposed to police advisory board since they would be more conversant with the intricacies of traffic and other related police issues.

Mr. Kraynik stated staff wanted to make sure the steering committee was not too staff heavy.

Mr. Jenaway said he was thinking of the Lieutenant of the Patrol Division since he would know more about day to day activities going on out in the field.

Mr. Kraynik indicated he would talk to Chief Tom Nolan.

Mr. Kraynik noted this will be an 18-month steering committee and suggested it be placed on the Consent Agenda.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 5-0. Adjournment occurred at 9:07 p.m.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: