

WORCESTER TOWNSHIP
PLANNING COMMISSION MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
1031 VALLEY FORGE ROAD
WORCESTER, PA

Thursday, November 13th, 2014 7:30 P.M.

CALL TO ORDER

The regularly scheduled meeting of the Planning Commission was called to order by Mr. Gordon Todd at 7:30 P.M.

ATTENDANCE

PRESENT:

Mr. Gordon Todd	Chairman
Ms. Pat Quigley	Vice Chairman
Mr. Doug Rotondo	Secretary – <i>Arrived at 7:41pm</i>
Ms. Chris David	Member
Mr. Anthony R. Sherr	Member
Ms. Tiffany M. Loomis	Director of Planning & Zoning

ABSENT:

Mr. Brandon Rudd	Township Planning Consultant, Montgomery County Planning Commission
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GUESTS:

Mr. George Stanbridge	Representative for the 1207 Hollow Road Lot Line Adjustment
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1. 1207 HOLLOW ROAD – KAVANAUGH LOT LINE CHANGE/ ADJUSTMENT

- THE PLAN PROPOSES A LOT LINE ADJUSTMENT IN ACCORDANCE WITH THE REQUIRMENTS OF SECTION 130-35.1 OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP. THE PLAN PROPOSES THE REMOVAL OF AN EXISTING LOT LINE ON LOT #2, WHICH WAS ORGINALLY CREATED TO GO AROUND THE EXISTING STRUCTURES ON THE PROPERTY. THE ORGINAL STRUCTURES ARE NOW TO BE REMOVED AND THIS LOT LINE ADJUSTMENT IS PROPOSED TO ELIMINATE THE IRREGULARITY OF THE TWO (2) LOTS.

Mr. George Standbridge presented the plan on behalf of Mr. & Mrs. Kavanaugh. The plan proposes a – realignment or the property line as explained in CKS’s review. He requested that Preliminary/ Final Approval be recommended to the Board of Supervisors.

RECOMMENDATION:

A motion by Mr. Sherr, seconded by Ms. Quigley, recommending preliminary/ final approval by the Board of Supervisors contingent upon CKS’s review dated 11/6/2014, was unanimously voted upon. Mr. Rotondo was not present for this vote and arrived at 7:41pm.

2. CENTER SQUARE GOLF COURSE

- **CONDITIONAL USE APPLICATION: THE PROPOSAL IS FOR A REDEVELOPMENT OF THE CENTER SQUARE GOLF CLUB, BETWEEN BERKS ROAD AND WHITEHALL ROAD ON SKIPPACK PIKE, TO BE REDEVELOPED INTO A RESIDENTIAL LIFE CARE FACILITY. THE PROPOSED RESIDENTIAL LIFE CARE FACILITY WOULD INCLUDE 164 SINGLE FAMILY DETACHED DWELLING UNITS, 170 "CARRIAGE HOMES", AND 141 "SENIOR INDEPENDENT LIVING, ASSISTED LIVING/ PERSONAL CARE AND MEMORY CARE UNITS." THE TOTAL SITE AREA IS APPROXIMATELY 158 ACRES AND IS ZONED AGR – AGRICULTURAL.**

Mr. Todd addressed the Pennsylvania Municipalities Code, the Township's Zoning Code, and that the Planning Commission can make more than one recommendation over time.

Mr. Todd addressed community and development objectives and he suggested taking the comprehensive plan into consideration. He further explained that the burden of proof is on the applicant to prove they meet the conditions set forth by the Township's Zoning Code.

He further discussed 150-215 of what conditions must be met regarding a conditional use and specifically reviewed each condition with the Planning Commission.

Ms. Loomis explained the Township application process. Ms. Quigley & Mr. Sherr further evaluated the ordinances and application process. The Planning Commission is in agreement that the application is incomplete and more information is needed in order to offer a recommendation.

Mr. Sherr believes the application is insufficient. He cited the section 150-215 (F) of the Worcester Township Zoning Ordinance that states that the applicant shall provide the Supervisors with sufficient plans, studies or other data to demonstrate that compliance with the permitted uses or other such regulations, as may be the subject of consideration for a conditional use approval, unreasonable or inappropriate for the instance at hand.

Ms. Quigley was in agreement that the burden of proof is on the applicant. All Planning Commission members were in agreement.

Mr. Stuart Land of Berks Road inquired as to the process of this application and how the Planning Commission and Board of Supervisors work together.

Mr. Todd explained that the Planning Commission is an advisory body. He suspects this process will go on for some time and that the Board hired special counsel to represent the code.

Mr. Land inquired if the applicant can by-pass the Planning Commission. Mr. Todd further explained that the Planning Commission is the advisory body to the Board of Supervisors on matter such as this.

Mr. Carl Mazzocco of Berks Road inquired as to where the glitch in the code is.

Mr. Todd further explained that the code was amended at one point in time to allow Meadowood Community, however it was never the intent of the code to not have restrictions on the current proposed development of 475 units.

Mr. Mazzocco inquired if there are conditions that the applicant has to adhere to. Ms. Quigley further explained that the conditions are limited when it pertains to a life care facility at a minimal level, however the Board of Supervisors has the ability to impose conditions per the Worcester Township Zoning Ordinance She further addressed the Montgomery County Planning Commission's comments.

Mr. Todd addressed that the Planning Commission made a recommendation to the Board of Supervisors at their last meeting of which is currently in draft form.

Mr. Sherr explained that the Applicant has to prove their burden and meet the conditions of the ordinance.

Mr. Sherr further explained that the Planning Commission can recommend to approve, to deny, or approve with conditions.

Mr. Todd explained that the Board of Supervisors obtain further information for the Planning Commission to be able to make a proper recommendation.

Mr. Craig Furlong of Whitehall Road inquired about time limitation pertaining to the process Mr. Todd explained that a continuance may take place. All time requirements have been met to date under the Municipalities Code.

Dr. James Mollick of Country View Lane requested that the Planning Commission explain the process to the public such as their role (i.e. advisory in nature), the time frame, when the application was filed, if there is a separate application for conditional use and the fees paid.

Dr. Mollick and Mr. Todd discussed the overall process.

Dr. Mollick explained that there are 3 different uses being proposed and that if the applicant meets the conditions/ ordinance the governing body must grant the conditional use.

Mr. Todd referenced Section 150-215 of the Worcester Township Ordinance. Ms. Quigley offered an example of how many interpretations can be taken and that the code will be subject to interpretation.

He further addressed the Montgomery County Planning Commission's review pertaining to the definition of residential development life care facility and the nursing home component. Ms. Quigley reviewed the definition of Residential Life Care Facility.

Ms. David said the applicant advocated that something would be put in but it is unknown as to exactly what.

Discussion and questions ensued concerning the nursing home component.

Mr. Todd explained that the definition must be met by the Zoning Ordinance. He said he can't speak for Mr. Rudd.

Dr. Mollick addressed the Growing Greener Ordinance. He inquired if the applicant would be required to comply with the Growing Greener ordinance. Mr. Todd expressed that he hopes the Board of Supervisors requires this.

Discussion and questions ensued concerning the Growing Greener Ordinance.

Dr. Mollick inquired if a loop hole was found and Mr. Todd was in agreement

Mr. Michael Libor, Esq. of Kriebel Mill Road commented on the application. He stated that the 475 units are being built and only 1/3 are residential life care units. The remaining 2/3 of the development is 187 carriage homes and 184 single family homes which are in essence single family development homes. 144 senior independent assisted care personal care exist.

He further explained that due to this reason there is a basis to request information.

A conditional use can be granted if the Board of Supervisors in their discretion feels that the applicant has met the all of the necessary presentation. He further explained that it is an abuse of discretion standard. 6 of the 7 standards gives the Board of Supervisors a lot of leeway to their discretion as to whether or not the development meets the letter, spirit, and intent of what is a life care facility and if this is a possible permitted under the conditional use option.

Even if the Board of Supervisors grants a conditional use that they can place reasonable limitations and conditions on any conditional use that they may grant.

The proposed development is 6 times the number of units that would be typically allowed on this property. This is something the Planning Commission needs to address and see if this type of proposed use meets the letter, intent, and spirit of the Zoning Code.

The Planning Commission is in agreement.

Recommendation:

A motion by Mr. Rotondo, seconded by Ms. David, recommending that the Board of Supervisors request that the applicant to submit additional information adequate for Worcester Township Planning to make a determination of compliance with the Conditional Use Requirements as set forth in Section 150-9: Definition of Residential Life Care Facility, 150-11 and 150-215 of the Worcester Township Zoning Ordinance to meet the burden of proof, was voted unanimously.

3. HISTORIC ORDINANCE

Mr. Rotondo will draft a newsletter article and forward to the Township by Monday, 11/17/2014.

4. PLANNING COMMISSION AGENDA FOR THE DECEMBER 11th, 2014 MEETING:
Tabled.

5. APPROVAL OF MEETING MINUTES:

The minutes for October 9th, 2014 were further discussed and amended.

A motion by Mr. Rotondo, seconded by Ms. David to amend the minutes as follows for 10/9/2014 for further discussion at the 12/11/2014 meeting:

- A motion by Mr. Rotondo, seconded by Ms. David, recommending that the Board of Supervisors request that the applicant to submit additional information adequate for Worcester Township Planning to make a determination of compliance with the Conditional

Use Requirements as set forth in Section 150-9: Definition of Residential Life Care Facility, 150-11 and 150-215 of the Worcester Township Zoning Ordinance to meet the burden of proof, was voted unanimously.

- Page 2, change ecological to environmental. Inquire how sewage disposal is being addressed.
- Center point master plan is currently under consideration by the Board of Supervisors.
- Last sentence to state “generate electric power”, not the development,

was voted unanimously.

The minutes have not been formally approved.

5. PUBLIC COMMENT

Ms. Quigley will revise the outline that the Planning Commission composed regarding Center Square Golf Course for further discussions at future meetings.

6. ADJOURNMENT

There being no further business to come before this committee the meeting of the Worcester Township Planning Commission was adjourned by Mr. Todd at 8:29 P.M.