

MINUTES OF MEETING
SPRINGFIELD TOWNSHIP PLANNING COMMISSION
June 2, 2009

The Springfield Township Planning Commission (PC) held its semi-monthly meeting on the date noted above.

Vice Chairman James Mascaro called the meeting to order at 7:07PM, present were Angela Murray, Amanda Helwig, Joe Gerber, Mary Holland, David Sands. Absent were: Joseph Devine and George McDowell

Commissioner Doug Heller and Rob Dunlop the Staff Liaison represented the Township and Jean Holland represented the Montgomery County Planning Commission (MCPC) this evening.

Minutes

Minutes of the May 5th, 2009 meeting were read. Changes were made to the commentary for Jean Holland. A motion to approve was made by Mary Holland, seconded by David Sands and approved by all.

Board of Commissioner Update

Commissioner Heller

Com. Heller updated the Commission that there will be a presentation at next Wednesday's meeting on the Cresheim Trail which will be open to the public. Also a web enhancement group is in the works for the Township Website. It is hoped that meeting minutes will eventually be posted for all commission meetings and archived online for the public to access.

Old Business

On June 16th the PC will host Michel Lefevre for an informal discussion and review of the draft Historical Preservation Ordinance. This will be an introductory session of the Historic Preservation Ordinance to the BOC, Public, and local preservation groups and Historical Society for their input.

New Business

Halligan's Pub
1619 Bethlehem Pike, Flourtown, PA

Michael Shields, Esq.
Joe Halligan, Owner/Manager

Attending the meeting was Michael Shields, Esq. representing Joe Halligan owner of Halligan's Pub in Flourtown. Also present was Doug Heyser, Contractor for Mr. Halligan. Previously, Mr. Halligan went before the ZHB for a variance needed for off street parking requirements, due to the proposed installation of an 810 sq ft patio. This was granted based upon three special conditions being imposed;

- 1.) Outdoor service is dining only and service in the area will end at 10:00PM.
- 2.) No outdoor music will be allowed.
- 3.) No spotlights or other methods of obtrusive lighting will be used in the outside dining area.

Applicant was seeking waiver of land development from the PC. Mr. Shields, Esq shared that the only changes would be increased handicap parking which is more in line with ADA compliance. There may be the installation of a retractable awning at some point. Access will be through a 3 foot opening into the Pub. A second exit off the patio near the kitchen is strictly an emergency exit and for maintenance purposes.

Public Commentary

Dr. Pierre Conti the owner of 8 W Mill Road commented that his property backs up to Halligan's Pub. He did meet with Mr. Halligan to discuss lighting and hours of operation. He expressed concern that Mr. Halligan would like to extend the hours of operation past 10pm in the evening, Mr. Halligan having cited other establishments in the township that have outdoor extended hours. Chairman Gutowski explained as the ZHB granted variance stands, it is not an issue of the PC, rather Mr. Halligan would have 30 days to appeal the ZHB ruling.

Chairman Gutowski made the motion that a waiver of Land Development be granted based upon the following modifications to the plan submitted since they will become a matter of public record;

- 1.) Stockade Fence to be correctly shown on the plan.
- 2.) Edge of pavement be correctly shown on plan.
- 3.) Remove "pavement to be extended" comment on plan.
- 4.) On notes section, all measurements should be correct, showing existing versus proposed. The number of parking spaces should be noted on the plan.
- 5.) Existing island to be shown as curbed.

In addition, it is recommended that the planter does need to be installed on the patio to provide some green to the plan. This motion was seconded by Joe Gerber and approved unanimously.

**Tecce Tract
Ridge Pike, Lafayette Hill**

**Ross Weiss, Esq.
James A. Nolen, III**

Attending the PC Meeting were Ross Weiss with Cozen O'Connor representing the Squire Ridge Development /Tecce Tract. John Iannuzi with Hamburg Rubin et al was present representing the Boorse Tract. Applicant is seeking changes to their current Zoning of the parcel from Age Restricted Zoning to Age Targeted Zoning as relief to better market the development.

Commissioner Doug Heller reported to the PC that having received the PC's split vote, the BOC earnestly requested the PC re-evaluate the applicants request to post the zoning amendments for advertisement. Administratively, it was noted that the abstention votes by the PC Members at the prior meeting are not permitted unless the member must recues themselves due to a personal interest in the proposed motion.

Ross Weiss commented that based on the commentary from the prior PC Meeting the Developer modified the requested amended proposed changes to the ordinance. He highlighted that changes included pushing ADA compliance, energy efficient modifications, and elevators items that would appeal to the targeted age group.

Public Commentary

Mr. Walter Flamm owner of 249 Northwestern Avenue was present representing the contiguous neighbors of the Tecce Development. He expressed that the opinion of the neighbors is that a change again in zoning is a "slippery slope". Questioned that what if, even with the modification from Age Restricted to Age Targeted the properties do not sell? Questioned enforcement of the age restricted or targeted community in the future. Noted that the neighbors still feel strongly that this development undermines the nature of the community and do not feel that the developer should be further accommodated.

Discussion was raised that if the zoning were to be posted for advertisement and come once again before the PC, that the ordinance would go through another overhaul with modification perhaps to set back requirements, density, and open space. It was reiterated that at the first round with the approval of the Age Restricted Zoning the PC did not recommend approval for the Tecce Tract to the BOC. Mr. Weiss emphasized that if these other modifications were recommended as part of the amended zoning that it would not benefit the developer since he is fully vested in the current zoning and approved project. They are simply seeking simple modification to improve the marketability of the properties. The Developer would not elect to change the zoning if such discussed PC amendments were made.

Commissioner Heller requested the opinions of the individual PC Members;

Joe Gerber: Feels the change is simply being driven by economics.

Mary Holland: Felt it was a difficult thing to ask the general public to understand the rationale behind a zoning change. Reiterated that a change in zoning from Age Restricted to Age Qualified does not address the underlying issue about the market conditions and still does not feel this zoning addresses properly impact on traffic and density issues.

David Sands: Commented that by considering the change in zoning they are eliminating the very intent and purpose of the 55+ age restriction which was integral in the decision of the BOC to approve the ordinance in the first place. Does not feel the age restriction should be removed.

Jim Mascaro: Expressed again concern over the density of the homes with the current project.

Angela Murray: Again, is not a big proponent of Age Restricted Developments. Is not necessarily opposed and still feels public comment is needed on the topic.

Amanda Helwig: Still felt that the removal of the age restriction will not change the ability of potential age targeted buyers to afford these homes. They are still targeting the same buyers who are in financial distress. We should not be changing zoning at the whims of the economy.

Bob Gutowski: Comment that he was never was in favor of Age Restricted zoning. Felt that the current zoning does not meet the legislative intent of the Comprehensive Plan and that if it were to come before the PC again he would want to see major overhaul of the zoning. Once you remove the age restriction you lose the benefits imposed by that restriction.

Motion was summarized by Bob Gutowski that the PC recommend the BOC allow for the advertisement of the proposed amendment of the Age Qualified Residential overlay Article AAA-AQ1. Angela Murray seconded.

1 In Favor: Angela Murray

6 Against: David Sands, Amanda Helwig, Jim Mascaro, Mary Holland, Joe Gerber, and Bob Gutowski

In summary, the PC feels that there is need of remedy to the underlying issues of the ordinance and they should be addressed if the ordinance were to come before the PC for modification; density, setbacks, environmental impacts etc. There was justification of the age restriction in the passage of

the original ordinance that was approved by the BOC and that by removing that restriction it would be undermining the benefits served by that restriction.

Angela Murray noted that there are benefits to advertising the proposed amendments, even though she is aware the developer would not agree with changes perhaps the PC would recommend. There is no harm in the educational benefits of advertising.

There being no more discussion, a motion to adjourn was put forth by Angela Murray and seconded by Joe Gerber. The motion was approved unanimously and the session adjourned at 9:05pm.

The next PC meeting shall be June 16th, 2009.

Amanda M. Helwig, Secretary