

**BOROUGH OF HATBORO
PLANNING COMMISSION MEETING
TUESDAY, MAY 3rd, 2016**

PRESENT

Chairman McKnight, Members Kline, Farnen & Battis, Assistant Secretary Hegele, & Engineer Hulshizer

ABSENT

Member Gordon

CALL TO ORDER

Chairman McKnight called the May 3rd, 2016 meeting of the Planning Commission to order at 7:10 PM.

APPROVAL OF MINUTES

Chairman McKnight discussed and entertained a motion to approve the April 5th, 2016 meeting minutes. Member Battis moved to approve the April 5th, 2016 minutes, motion seconded by Member Kline, all ayes. Motion carries 3-0.

YORK/HORSHAMApplicant Representation

Mr. Marc Jonas; *Representative of Property Owner and Developer*

A) Zoning Ordinance Change

Chairman McKnight began the discussion on the applicant's proposed zoning ordinance amendments referencing the 'Ordinance Amending the Zoning Ordinance for the Purpose of Providing and Amending Definitions and Requirements for Density, Acreage, Signage, Lighting, Parking, Off-Street Loading, and Other Certain Zoning Districts' provided by Solicitor Pionzio. Chairman McKnight encouraged the members of the Planning Commission to discuss possible recommendations to Borough Council regarding this Ordinance Amendment.

Member Farnen led a discussion regarding SALDO regulations. Member Farnen believes the ordinance should remain in line with SALDO. Member Kline agreed.

Chairman McKnight requested the applicant discuss their response to the Montgomery County Planning Commission (MCPC) letter dated April 18, 2016. Mr. Jonas stated that the letter from the MCPC had two aspects: the Zoning Map change, which the MCPC supports, and the Text Amendments, which the MCPC does not support. Because of the MCPC's reactions to the Pharmacy Use text amendments from the applicant, the applicant is willing to renege the proposal for text amendments specifically related to Pharmacy Use.

Member Farnen asked about the original Pharmacy Use text amendments that included signage amendments within the RC-2 Zoning chapter. Mr. Jonas stated that the signage proposals were put back in place within the Borough's Sign Ordinance by Solicitor Pionzio, which is a better format.

Mr. Jonas led a discussion regarding the Borough's regulations on Zoning Hearing Board applications and Text Amendments. Mr. Jonas believes their proposals are legislative changes more suitable within an amendment than a ZHB application. He then added that the amendments rewritten by Solicitor Pionzio, as suggested by the MCPC, are in line with the applicant's proposal.

Member Battis mentioned that the MCPC letter contained important suggestions to address during the subdivision and land development stage.

Member Farnen does not find it necessary to amend setbacks or to have special regulations in the RC-2 District for this individual property. This statement is echoed by the Montgomery County Planning Commission and fully expressed in their letter.

There was a brief discussion on the difference between legal right-of-way and ultimate right-of-way.

Chairman McKnight led a discussion regarding a recommendation to Borough Council on the applicant's text amendment proposal. Member Kline found the proposal unfavorable and stated the amendments should be submitted to the Zoning Hearing Board for a variance instead.

Member Battis moved to recommend the applicant's Zoning Ordinance Amendments to Borough Council. The motion was not seconded. Motion does not carry.

Member Farnen moved to reject recommendation of the applicant's Zoning Ordinance Amendments to Borough Council. Motion seconded by Member Kline, all ayes. Motion carries 3-0.

Mr. Jonas asked why there was no vote from Chairman McKnight. Chairman McKnight stated he never votes unless there is a tie.

B) Chapter 22, Section 711: Lighting Ordinance Amendment Change

Chairman McKnight began the discussion on the applicant's proposed Lighting Ordinance Amendments referencing the 'Ordinance Amending Chapter 22 Section 711, Lighting to Amend Certain Design and Performance Standards for Light Fixtures' provided by Solicitor Pionzio. Chairman McKnight encouraged the members of the Planning Commission to discuss possible recommendations to Borough Council regarding this Lighting Ordinance Amendment.

Member Farnen led a discussion regarding the definition of full cutoff fixtures. Engineer Hulshizer stated that full cutoff fixtures are more restrictive and more descriptive. Chairman McKnight asked why this text was not included in the proposed §22-711.5 A. Assistant Secretary Hegele stated it could be a possible oversight, and encouraged the members to recommend it to Borough Council if they see fit. Engineer Hulshizer stated full cutoff fixtures are covered in the original §22-711.4.

Member Kline led a discussion comparing the existing lighting ordinance and the applicant's proposed amendments. The proposed foot candle regulations either stay the same or decrease comparatively to the original lighting ordinance. The proposed height regulations could increase from the original 8' at property line to 15' per the applicant's proposal. Member Farnen expressed an importance to keep the original 8' height restriction at this location. Chairman McKnight also encouraged keeping the Residential property line regulations at this location.

Member Farnen stated the importance of house side shields next to a Residential District per IESNA standards.

Chairman McKnight led a discussion regarding a recommendation to Borough Council on the applicant's lighting amendment proposal.

Member Farnen motioned to recommend to Borough Council that the proposed amendment include:

§22-711.4

C. In no event shall light fixtures exceed 15 feet in height, including the mounting base, *and no fixture exceed 8 feet in height at property line and graduate.*

§22-711.5

A. All light fixtures shall contain lenses that focus light directly beneath the light fixture, *all fixtures include full cutoff, all light fixtures at property line include house side shields,* and shall not permit direct glare into nearby public or private properties.

Motion seconded by Member Kline, all ayes. Motion carries 3-0.

C) Zoning Map Ordinance Change

Chairman McKnight began the discussion on the applicant's proposed Zoning Map Ordinance Change referencing the 'Ordinance Amending the Official Zoning Map to Rezone Certain Parcels' provided by Solicitor Pionzio.

Mr. Jonas added the proposal is also recommended by the Montgomery County Planning Commission.

There was a brief discussion regarding a clerical oversight in reference to a mis-typed line in the proposal stating the "current zoning of O Office District." Assistant Secretary Hegele has agreed to see to it that the line be revised to read "current zoning of R-4 Residential District."

Chairman McKnight opened the discussion to the public.

Edward Henry, Bonair Avenue, does not believe a vote can be made without the corrected Zoning Map Change document present. He recommends to see the correct wording before making a decision. Assistant Secretary Hegele explained the process to approve Zoning changes and reiterated that the document will be corrected.

Richard Seeds, Horsham Road, finds a favorable recommendation for Map Change to be out of sync with the rejected recommendation to Borough Council regarding the Zoning Ordinance Change. Mr. Jonas stated that the requests are independent and unrelated. Member Kline asked if Mr. Seeds was for or against the overall proposal. Mr. Seeds stated against.

Colleen Seeds, Horsham Road, expressed concern regarding the business and building possibilities of RC-2 District at this particular site.

Christina Giovinazzo, Horsham Road, expressed concern regarding noise. Chairman McKnight stated that the business is not currently proposed to be open 24 hours. Mrs. Giovinazzo clarified that in a separate 'Neighbor Meeting' featuring the developer and neighboring properties held April 18, 2016, the developer mentioned that the hours of the pharmacy are subject to change at any time based on business projections, and could possibly become a 24 hour business.

Edward Henry, Bonair Avenue, asked about deed restrictions at this property. Assistant Secretary Hegele stated his question would be better fit at a Borough Council Meeting.

Janel Souslin, Horsham Road, stated this corner is the only R-4 District left on the South side of the Borough and suggested not changing the corner to RC-2 District. Mr. Jonas stated the ZHB, Borough Comprehensive Plan, and MCPC Land Use Plan find this property unsuitable for its current residential use. Mr. Jonas encouraged the public and members of the Planning Commission to seek a broader vision.

Member Kline asked the applicant how long they have owned the property. Mr. Jonas stated one parcel was obtained in 2001, the other in 2008. Member Kline asked the applicant if they would continue to own and rent the property to a tenant. Mr. Jonas stated Rite Aid would become the new property owner.

Chairman McKnight led a discussion regarding a recommendation to Borough Council on the applicant's zoning map amendment proposal.

Member Farnen motioned to reject recommendation of the applicant's zoning map amendment proposal to Borough Council. Motion seconded by Member Battis, all ayes. Motion carries 3-0.

PRIVILEGE OF THE FLOOR

Karen Shubick, Fulmor Avenue, thanked the members of the Planning Commission for the time spent reviewing and listening to the citizens of Hatboro.

MEETING DATE

The next meeting of the Planning Commission will be June 7th, 2016.

ADJOURNMENT

Chairman McKnight adjourned the May 3rd, 2016 meeting of the Planning Commission at 8:21 P.M.

Respectfully submitted,

Diane C. Hegele
Assistant Borough Secretary

Transcribed by Devyn Wells