

LOWER FREDERICK TOWNSHIP PLANNING COMMISSION

Meeting Minutes, March 15, 2018

53 Spring Mount Rd. Schwenksville, Pa. 19473

Meeting called to order at 7:02 pm.

Present for Roll Call:

Members:

Chuck Yeiser, Chairman

Ernie Schmitt, Vice Chairman

Philip A. Smith, Recording Secretary

Note: due to concerns related to circumstances Mrs. Pam Hartman, LFTPC member provided partial minute recordings in behalf of Mr. Smith, LFTPC Recording Secretary under agenda item #3: Sacks Land Development, Section: Trail Easement Dedication Discussion.

Hans Schweikert

Ranier Keown

Barb Colletti

Pam Hartman

Township Staff:

Carol Schuehler, Township Engineer

Kevin Tobias, Manager

Other Township Officials Present:

Bob Yoder, Chairman LFT Board of Supervisors

Terry Sacks, Vice Chairman LFT Board of Supervisors

Marla Hexter, Supervisor

MCPC:

Julia Detwiler, Community Planner

1. Minutes: Discussion and actions to revise and amend the minutes of the December 21, 2017 and January 18, 2018 (General Meeting)- Mr. Chuck Yeiser, LFTPC Chairman and Mr. Matthew Sacks, Applicant - Sacks Land Development.

Mr. Matthew Sacks requested minutes revisions to clarify his stated positions at both the December 21, 2017 and January 18, 2018 LFT Planning Commission Meetings. The LFTPC discussed the request and felt that a amendment to the minutes was warranted.

A. Motion to amend the LFTPC minutes of December 21, 2017 to reflect that Mr. Matt Sacks is the sole applicant for the Sacks Land Development.

Motion: Mr. Yeiser

Second: Mr. Schmidt

Motion carries unanimously.

B. Motion to amend the LFTPC minutes of January 18, 2018 to delete the second sentence, Item #2, paragraph #2 indicating the applicant's willingness to enter trail easement discussions during the LFTPC's land development discussions.

**Motion: Mr. Yeiser
Second: Mr. Schmidt**

Motion carries unanimously.

Note: Mr Matt Sacks requested that discussions concerning the possible dedication of a trail easement to Lower Frederick Township should be taken up at the Board of Supervisors level. The Lower Frederick Township Planning Commission supports Mr. Sacks' request.

C. Motion to adopt the LFTPC minutes of January 18, 2018 with the revisions as discussed, noted, and approved.

**Motion: Mr. Yeiser
Second: Mr. Schmidt**

Motion carries unanimously.

2. Lot Line Change- at Coble Park and LF Municipal Garage- presented by, Ms. Carol Schuehler, Township Engineer

Ms. Schuehler provided the LFTPC members with a summarizing history of the Village Mixed Use zoned properties (two lots) stemming from a Municipal/State Purchase Grant in 1980 to the present needing remediation from a State identified violation within grant's use regulations. Ms. Schuehler outlined steps that the Township might pursue to rectify the situation. The LFTPC reviewed and discussed the first step which involves a lot line adjustment to provide road frontage and public access to Lot #1. The Township will treat this as a SALDO "minor plan" and the issue of a waiver for Section #145.18 B, (2), (K)- Environmental Adjustment Factors, is recommended. Noted by Ms. Schuehler, as a means to further this the Township will be exploring the utilization of a dedicated open space parcel on the Creekside at Perkiomen Creek tract for violation rectification due to a comparable loss of the Coble Park site from the placement of the Township's maintenance garage building and associated infrastructure. A preliminary and final approval was requested of the LFTPC to advance this to a conclusion.

Motion #1:

The LFTPC recommends a waiver of Section #145.18 B, (2), (K) as this is a municipal lot only.

**Motion: Mr. Yeiser
Second: Mr.Schweikert**

Motion carries unanimously.

Motion #2:

The LFTPC recommends the preliminary and Final approval of the Coble Park and Municipal Garage Lot line Adjustment plan as presented and reviewed on March 15, 2018.

**Motion: Mr. Schmidt
Second: Mr. Schweikert**

Motion carries unanimously.

3. Sacks Land Development- Zieglerville VMU District Represented by Mr. Matthew Sacks, Applicant

Mr. Yeiser, LFTPC Chairman summarized the status of the Sacks Land Development referencing the Township Engineer's review letter of January 12, 2018. Mr. Yeiser explained the three outstanding items that needed action by the LFTPC Planners in order that the applicant is able to gain a recommendation for preliminary and final approval.

Mr. Sacks noted that his engineer has finalized and submitted sidewalk plans compliant to meet PennDOT standards on the Big Road side of the project.

Ms. Schuehler, Township Engineer summarized the status and recommendations of her letter dated March 7, 2018 (second review letter) and a letter from Impact Engineering dated March 12, 2018 (Request for Waivers, Sacks Land Development Plan- Phase #1). She explained that the applicant will comply with all items on her review letter except those items pertaining to the requested waivers needing to be discussed and recommended by the LFTPC on March 15, 2018. Ms. Schuehler offered no objection to these waivers. The waivers being:

- *SALDO Section #107.5.A- Storm water pipe sizing of 15" to replace the required 18" pipe.
- *SALDO Section #145-43- Substituting alternative landscaping species when appropriate.
- *SALDO 134-410.B- Reducing freeboard height of rain garden berm to .5 feet from 1.5 feet.

Ms. Schuehler informed the LFTPC members that a line delineating a Riparian Buffer Easement along the Swamp Creek was noted as missing within her March 7, 2018 Review Letter. The applicant's engineer has acknowledged that it was a drafting error and since restored it to the current plan.

Dunkin Donuts Building Design and Architectural Features:

Mr. Yeiser requested that Mr. Smith review with the LFTPC and applicant his submitted comments and identified inconsistencies pertaining to the architectural design plan for the proposed Dunkin Donuts building. These comments had been submitted to the LFTPC members and associated township staff in advance of the March 15, 2018 meeting with the intent to open a conversation between the LFTPC members and the applicant.

The LFTPC members and Mr. Sacks reviewed and discussed the plan elevations of the proposed Dunkin Donuts building, covering the exterior siding, roofing materials, building lighting, and other associated design features. Mr. Sacks will forward the Dunkin Donuts architects Mr. Smith's provided comments. Mrs. Hartman, LFTPC member will provide a preferred color palette to Mr. Sacks for inclusion in his items to be sent to the Dunkin Donuts architects.

Noted: The LFTPC appreciates that the applicant has provided a basic building design that is very "village appropriate" and meshes with the overall integration of the goals for the VMU Zoning District. The expectation is the final building design will seat itself comfortably in the context of the Zieglerville Village's Round-about area.

Noted: Ms. Carol Schuehler, Township Engineer has submitted a request (letter dated March 12, 2018) for the Township Code enforcement offer to comment on the applicant's sign submissions. It was noted that the applicant's signage proposal is not in compliance with the Lower Frederick Township VMU District Zoning.

Noted: Ms. Julia Detwiler, MCPC Community Planner: will be submitting comments to accompany her review letter of December 21, 2018. As of the LFTPC March 15, 2018 meeting the comments were not complete and Ms. Detwiler will provide them to the Township upon completion.

Noted: Mr. Sacks brought to the attention of the LFTPC membership that in the revised plan they have increased the amount of landscaping between the proposed Dunkin Donuts building and the Round-about roadside. To increase the screening of the Dunkin Donuts service lanes and add to the visual appeal the applicant agreed to work with his landscape architect to include the placement of boulders between the Rt.#73/29 roadway and the proposed rain garden.

Trail Easement Dedication Discussion:

Mr. Yeiser asked LFTPC member, Mr. Smith to define and commence the request for the applicant to dedicate a trail easement along the Swamp Creek to Lower Frederick Township as part of their Phase #1 land development. Mr. Smith, Recording Secretary surrendered the recording of the March 15, 2018 discussions to LFTPC member Mrs. Pam Hartman and resulting recorded minutes for these discussions are reflective of a joint compilation.

Mr. Smith:

Since 1989 there has been a Township goal to acquire sequential trail easement acquisitions along the Swamp Creek during subdivisions and land developments, and in Mr. Smith's opinion that goal should include the Sacks Land Development property. This is the time that the Township can achieve such trail easements using a fair and timely means.

Mr Smith proposed that a trail easement along the Swamp Creek should be dedicated to the Township, to hold it until it would become deemed needed by the Township Board of Supervisors at some future point. Having the trail easement in the hands of the Township would support our goals of having dedicated easements in place. The section of the Sacks property is not able to have any future development or development related improvements, therefore the only significant function for this section of property is part of the proposed Land Development's infiltration requirements. Thus, a possible pervious surface trail would be of no impact to the applicant.

Mr. Smith explained, "By adding a trail easement to the Zieglerville Village, the applicant will likely enhance opportunities for marketing their development site to future business clients in Phase #2, #3 and #4. It's appreciated and understood by the LFTPC that the applicant wishes to move their project forward, but there are things like the trail easement dedication that will have effects far into the future and need consideration at this time. That is what my proposal is about. This LFTPC Land Development review is

looking at a total piece piece of property. The applicant needs to move on the proposed Phase #1, Dunkin Donuts are acknowledged, but proposal is being reviewed as a cornerstone piece of the Zieglerville Village, and therefore it needs to be integrated into a holistic planning review and analysis.

Mr. Smith noted to the applicant and for the public's information (addressing the room), the Township holds 4 four Swamp Creek Corridor easements. These being the Carr Subdivision (1989), the Perkiomen Valley School District, Middle School West Campus Land Development (2002), the Landmesser Land Development (2003) and the Watkins/Rittenhouse Land Development (2014). Mr. Smith asked Mr. Sacks if he could explain to the LFTPC why it is not a dedication of an easement to the Township is not a good thing to do?

Matt Sacks: "I like trails very much, but I think it is the wrong place to have a trail". "I think it is completely unsafe to have a trail at that location".

Mr. Smith : He sent LFTPC and the associated staff the Pennsylvania State Law providing immunity to a property owner when granting public access to their property. The Sacks, property owner would have liability immunity because the Township as the holder of that easement would be the responsible party, as it is with the other easements that the Township holds. Mr. Smith issued a copy of the Pa. Statue to Mr. Sacks for his review and information.

Mrs. Coletti, LFTPC member: "There actually was a lady (identified as Mrs. Miller, Gerloff Road) who spoke at the last Township BOS Meeting saying, the bullets from the Swamp Creek Rod and Gun Club have flown by her head back there". "Is there a chance the range could be moved?"

John A. Rose, 207 Big Road, President of the Swamp Creek Rod and Gun Club: "The Swamp Creek Rod and Gun Club (SCRGC) started in 1952 by six WWII veterans and it has grandfathered status." "It is very difficult to move or create a gun club today." "We can talk about it, but in a way this trail or easement would be shutting the GC down." "If the land has to be sold who would want to purchase it?" "The SCRGC has made a lot of site investments in safety and compliance with the laws." "I respect Mrs. Miller (neighbor of the SCRGC) and value the safety of the community." "The Township police have investigated and found no evidence of Mrs. Miller's claims." "We also made sure to investigate her claim too. Even simple ballistics would show a mortar effect, but we do shoot trap – and the SCRGC needs a drop zone for that". "So I think you should take into account where the safety zones are".

Mr. Smith in response to Mr. Rose: "Your safety concerns are important". "I am proposing a dedicated Township Trail Easement sited in the topography, low enough below the shooting ranges safety berm– to avoid bullets, significantly below grade and further protected by its location below the site's high bluffs." "This proposed trail easement location would certainly be a very area safe from gun shot potential, but clearly able to be affected by the sounds of the range." Mr. Smith cited, The Grosstown Road area of the all popular Schuylkill River Trail (Montgomery and Berks County Border) as having a Gun Club next to it That facility does not dissuade the users of the Schuylkill River Trail. "People get used to the sounds."

John Rose: "People are often very afraid because of the noise". "I bumped into a man at the Wawa from NE Philadelphia and in line he said to me, "Do you hear all those gunshots?" "So the gun shot sound is often what causes the concern".

Mr. Smith It is his belief that people learn, adjust to situations, and then come to understand and adapt to the noise. Mr. Smith asked Mr. Rose, " Are you implying, given the frightening gun noise levels that no development should happen at the Sacks site?"

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Mr. John Rose's reply to Mr. Smith: "No. All the proposed buildings within the land development will be behind the SCRGC, and any clients will know about the gun club before hand."

Mrs. Colletti, LFTPC member : Expressed, "I'd like to come and see the Swamp Creek Rod and Gun Club".

Mr. John Rose reply to Mrs. Colletti: "I'd be happy to give you an application". "We don't refuse anyone." "We've increased the amount of members over the years".

Mrs. Pam Hartman: Inquired how many current members are part of the Swamp Creek Road and Gun Club?

Mr. John Rose: "We have 300 family memberships". "We invite members and their whole families to be members".

Julia Detwiler, MCPC Community Planner: Inquired if there be a sign(s) warning people at the Sacks property?

Ernie Schmitt, LFTPC Vice Chairman: Stated, "It is his belief that the Township could not require the applicant to deny approval if they don't want to offer an dedication of a trail easement". Mr. Schmitt did expressed that a trail easement request is a worthy request at this time, however he did not believe that trail ever going to happen. Assuming the gun club's existing rules are followed, Mr. Schmitt indicated that putting a trail along the Swamp Creek behind the gun club would not create an inherently unsafe situation.

Mr. John Rose: Asked, "Could you guarantee that the trail wouldn't go into the safety zone?"

Mr. Smith- responded to Mr. Rose, "Mr. Sacks, the LFTPC, and the public, "The Township would certainly take safety as paramount with any future trail planning". Mr. Smith said, "The details of how the trail easement is written and record would most certainly provide measures to ensure the needs of the Township, and the land owner are served". Mr. Smith cited the 2014 Watkins/ Rittenhouse Trail easement. That easement was written by the Township Solicitor to ensure the interests of the Township, but also was tailored to the expressed needs of the property owners. Mr. Smith emphasized that the granting of a Trail Easement is placing the future activation of any trail easement in the hands for the elected Board of Supervisors. "That might not be ever take place or may take place depending on how the elected officials determine the best interests of our Township".

Mrs. Colletti: "Is there a chance you could do an indoor range?"

Mr. John Rose: Responded, "The Swamp Creek Rod and Gun Club is not a business", "it's a hobby club". "It would cost millions of dollars to turn the existing facility into an indoor gun range". "That option is not feasible". "In addition, older established gun clubs are protected by grandfathered rights".

Mr. Matt Sack, Applicant: Expressed a willingness to discuss with the Lower Frederick Township Board of Supervisors, the Township Solicitor, and him whether or not the dedication of a safe and acceptable trail easement is can be worked out.

The Planning Commission concluded the trail easement discussion with the support for the LF Board of Supervisors and Applicant the trail easement issue being taken up at a upcoming work session as part of considerations for the Sacks Land Development.

Motion to recommend the Preliminary and Final Approvals for the Sacks Development, Phase #1

Noted by Mr. Yeiser, LFTPC Chairman that applicant has agreed to comply with all the outstanding required issues with the exception of the recommended waivers discussed, and the outstanding issues of building architectural design and the willingness to discuss at the Supervisors level the dedication of a trail easement to the Township. This compliance enables the LFTPC to recommend both Preliminary and Final Approval of the Sacks Land Development, Phase #1 noting those contingencies.

Motion:

The Lower Frederick Township Planning Commission recommends the Preliminary and Final Approval of the Sack Land Development including the requested waivers within of the Township Engineer's review letter dated March 7, 2018,(SALDO Section 107.5.A (stormwater pipe size adjustment), SALDO Section #145-43 (landscape plant type alternatives),SALDO Section #134-401.B (rain garden berm height adjustment)), and also contingent upon the finalization of the architectural design and dedicated trail easement issues as determined at the March 15, 2018 LFTPC meeting.

Motion: Mr. Yeiser
Second: Mr. Schmitt

Motion is approved, 6 to 1

4. Public Comment:

Mr. Terry Bird, Little Road- Mr. Bird distributed information pertaining to the recent Friends of Lower Frederick Township organization. Specifically, Mr. Bird wished to request that at some future meeting the LFTPC and the Lower Frederick Township Board of Supervisors engage the public in a discussion of the "preservation of our rural character". Mr. Bird expressed with the pervasive use of this phrase the Township planners and elected officials should begin the process of congealing the goals and definition of rural character preservation into tangible terms.

Mr.Schmitt questioned Mr. Bird on the agenda that the Friends of Lower Frederick Township might be bringing with such a discussion.

Mr. Bird responded that the Friends of Lower Frederick is an open social media based forum that anyone can express their opinions and points of view on matter pertaining to our township.

5. General Information and Discussions:

Mr. Yeiser stated that the Central Perkiomen Valley Regional Planning Commission did not formally meet in February 2018, however the membership was consulted and a letter of support for Lower Frederick Township Montco 2040 Municipal Grant application was endorsed. This grant if awarded would provide funding for a pedestrian connection between the Spring Mount Townhome area and the Perkiomen Trail.

6. Motion to Adjourn:

Motion: Mr. Schmitt
Second: Mrs. Colletti

Motion carries unanimously

Meeting concludes at 9:10 pm.

