

Upper Gwynedd Township Planning Commission

Wednesday July 12, 2023

1. Call to Order

July 12, 2023, Planning Commission Meeting was called to order by John Lancaster, Secretary, at 7:30 pm. In attendance were:

John Lancaster	Chairman
Kathryn Carlson	Secretary
Gill Silverman	Member
John Tierney	Member
Ken Weirman	Member
Gail Ramsey	Member
Scott Bachman	Member
Megan Weaver	Assistant Township Manager
Denise Hull	Commissioner
E. Van Rieker	Zoning Officer
Isaac Kessler	Township Engineer
Colleen Tronoski	Recording Secretary

2. Approval of June 14, 2023, Minutes

Mr. Lancaster asked for any corrections/additions to the Minutes of June 14, 2023, which had been circulated via email. Mr. Silverman made a motion to approve the minutes. Mr. Bachman seconded this motion, and the minutes were unanimously passed.

3. Report of Commissioners' Meeting

Commissioner Hull stated that the township is in the middle of completing the milling and paving project. South Broad Street, Hancock Road, and Forest Lane are being completed. In the past, these projects have always been done in the fall, but this is when schools are open and tend to be busy months with significantly more traffic. Also, at the corner of Sumneytown Pike and Broad Street, in front of the Liberty Gas Station, when there is a significant amount of rain, this area floods. This couldn't be fixed because there was a problem with the storm drain. Now this drain has been replaced and the area has been milled and paved.

4. Old Business

- A. TOD-2 Draft Zoning Ordinance Text/Map Amendment
1500 Pennbrook Parkway/Walters Group

Joe Clement, attorney for The Walters Group was present. Ed Speitel was also in attendance. Mr. Clement stated that the applicant was there seeking recommendation for a text amendment to the zoning ordinance and a map amendment. Mr. Clement noted that they have been in front of the Planning Commission before and also held a town hall meeting to discuss the various aspects of this project.

Mr. Clement shared a Q & A Memo and also noted that it was posted on the township's website.

1. Clarify what affordable housing is. Subsidized means that the renter would receive some kind of subsidy and pay their rent with it. This project involves a funding mechanism through tax credits that allows for the rent to be naturally deflated which in turn, because of the tax credits, we agree to a restriction on rents.
2. Crime. There was a lot of concern with crime becoming more prevalent in the township. Access to the Upper Gwynedd Chief of Police was given to the police chiefs within the communities where the Walters Group have other housing projects. What was found was that the police chiefs were happy with how these communities were run and they were not a problem at all. Also, the Walters Group was very engaged in these communities.
3. Impact on schools and taxes. This project will be a tax generating development. The 2 parcels that make up this project have been vacant a very long time and have not generated a lot of taxes for many years. With the investment that The Walters Group is making, there will be significant real estate taxes generated for both the township, school district and county. Mr. Weirman asked if there was an estimate. Mr. Clement said it was based on fair market value. He noted that they estimate the fair market value, if it's the replacement cost, to be between \$15-\$20 million dollars. There are many studies that compare multifamily developments compared to single family home developments. The ratio of kids is around 4 to 1. From a multifamily development you get .25 or .16 kids and from a single-family home you would get .64 kids for every single-family home. With this development, the applicant believes it will generate approximately 37 children, these 37 children are spread out over grades kindergarten to 12th grade. This is broken down to approximately 3 children per grade.
4. Traffic. The ITE is a manual referred to by traffic engineers as a standard, if you look at the allowed uses within the LI District, and you look at the proposed traffic generated from this proposed project, the traffic generated is less than any other development that would be allowed by right within the LI District.
5. There was a question about the impact of this TOD-2 in general on the ability of the township to have industrial properties or the industrial properties around Pennbrook Parkway. The way that the proposed ordinance is written, it is required that the property must be within half a mile of the station. It also must be between 4-8 acres in size. Properties of this size generally are not very conducive to light industrial or industrial development. This is one of the reasons this tract has sat vacant for so long.

Mr. Clement spoke about the two Ordinance Amendments. He noted that the first amendment, the text amendment, has several criteria associated with it but at a very high level, most importantly are 1. The property must be within a half mile of Pennbrook Station. This limits the number of properties that can be utilized for this TOD District. 2. The property must be between 4 and 8 acres in size. 3. The property must adhere to several criteria, one of which Mr. Rieker has very specific about, is that the property must be vacant at the time of the passing of the ordinance.

The second ordinance is for the Map Amendment. This is the TOD-2 Overlay District as it is proposed. This runs in concert with and adheres to what the text amendment would require. That is, anytime a developer requests to utilize the TOD-2 development option in the overlay district, they would have to present a map showing where this district would expand to per the limitations of the criteria in the text amendment. Mr. Clement explained that the proposed development's density is limited to 11 dwelling units per acre. This is the same density as the existing TOD development. That's how the

applicant can get to 60 units. There were some environmental questions about the property. The applicant completed a preliminary PNDI Analysis, this looks at the Pennsylvania Natural Diversity inventory of the species that are endangered or threatened. There isn't anything on this property that would inhibit the applicant from developing it other than a very small pocket of wetlands that has been identified. It's very isolated. This needs to be addressed as part of the land development plan. Another question that came up was about tax credits and whether Walters would be a long term hold here or would sell this project and the answer to that question is, it's a very complicated program. Walters has never sold a tax credit building.

Mr. Clement asked if the board has no more questions, then the applicant is asking to move this project to the next phase and approve the recommendation that this project be presented to the Board of Commissioners for their consideration.

Mr. Bachman asked how many projects the Walters Group own similar to this project? Mr. Speitel stated approximately two dozen. Mr. Bachman asked, when these projects are built, where do the tenants typically come from? Are they existing residents? Mr. Speitel stated that many times it is existing residents or residents in towns nearby.

Mr. Weirman asked what banks do you generally deal with? Mr. Clement stated that they generally use Wells Fargo. They've also used TD Bank and Citizens Bank.

Mr. Lancaster then announced that they would go on to public comments.

1. Don Hamme – Resident – lives near Gwynedd Woods. Believes they are building up equity. It's good for renters.
2. Karen Veneziale – Resident – wants to preserve ecology on this property. Box turtles live their whole lives in one area.
3. Viraf Jacob – Resident – the text amendment as written contains an important contradiction that has enormous consequences. As written Section 2A-1 states that the amendment applies to smaller unimproved tracts within a half mile of Pennbrook. As identified in the 2040 Comp Plan, page 58, yet Section 2-C-1 states, that the text amendment would apply to a portion of TOD-2 tract must be within a half mile of an existing commuter rail station and or support parking lot. He says this wording, as written, would include the North Wales Train Station. Therefore, this amendment could eventually apply to all the undeveloped land currently held by Merck between Sumneytown Pike and Beaver Street. This interpretation assumes any big lot might be subdivided in the future. Given the contradictory language the potential impact is enormous. This contradiction needs to be explained or amended to remove the apparent contradiction. The reference to the Comprehensive Plan in the above recital from the text amendment is further proof that the Township Commissioners knew exactly what the Walters Group was going to propose. Despite denials they knew far more about this proposal than they admitted. Mr. Rieker stated that he and the Township Solicitor have reviewed this frequently and think it's an ordinance that is clear and not confusing. Mr. Rieker read Section A-1, page 2, of the Comprehensive Plan.
4. George Schreader – Resident – there is no statistical evidence that there is an affordable housing crisis or homeless problem in Upper Gwynedd Township. This is substantiated by the townships' own lack of evidence. The township was asked through a right to know request, to request records that show low and moderate census tracts existed in the township. The answer received by the township was that there was none. Realtors will tell you that there is not an abnormal supply of available housing homes and or apartments in Upper Gwynedd Township at market rate. This is an indication that living in Upper Gwynedd is not abnormally unaffordable as compared to other communities in this region. Who in Upper Gwynedd will this project serve?
5. Eileen Petrille – Resident - Stated that Upper Gwynedd has been a premier community for years because of sound planning by prior boards of commissioners and sound reviews from the planning

commissions. Unlike this proposal, zoning decisions were never made based on political agendas. Rather they were made on sound, original, and independent thought that never fell to political pressures. She believes this proposal will take the township in a sudden and unwise direction.

6. Linda Camburn – Resident – Upper Gwynedd Township is built out 90%. She believes the township adopted the amendment due to political pressures from the County.

7. Scott Paci – Resident – Upper Gwynedd Township Commissioners were elected to serve us the residents, property owners, taxpayers, and voters of the township. They were elected to advance the interest of the township, including preservation of safety of values and general preservation of quality of life for all of us. They were not elected to solve the problems of other communities.

8. Samuel Wampole – Resident – it is his understanding that no unbiased studies have been done on the proposal by the township or the developer. The township and its residents have a right to know in advance what the impact of this amendment will have on our township. The components of this proposal will tell you, "it only applies to this 4–6-acre property off of Pennbrook Parkway, and therefore, what is the big deal?" This is a naïve and foolish perspective. As written, the text amendment could and would apply to the area within one half mile of the North Wales Transit Station. Essentially all the property currently owned by Merck from Sumneytown Pike and along Beaver Street could become high density government subsidized housing. That potential opens up a very large area to which this text amendment could apply and totally ignores the comp plan currently adopted by the Borough of North Wales. To avoid spot zoning the commissioners will have to expand the area. He believes studies need to be done before this amendment is approved.

9. Pat Pino – Resident – this amendment is clearly spot zoning and must receive a negative recommendation from the Township Planning Commission.

10. Anne Imboden – Resident – it is clear that this proposal is a fallout of the townships new 2040 comp plan. In Utilizing Montgomery County Planning Commission to guide the township with the comp plan, the commissioners allowed a Montco political agenda to influence the plan. The county has no legislative authority to dictate Upper Gwynedd's zoning code or land developments policy. Our request is that the Planning Commission adopt a negative view of this proposal. She suggested building a playground or a dog park instead.

11. Jeff Scherneck – Resident – moved here in August. Born and raised in Northeast Philly. If one of these goes up, seven of these will go up. This happened in Philadelphia. This clearly sounds political. This destroys your neighborhoods, schools, and your businesses.

12. Michael Bencosky – Resident – thinks this land should be made into something for senior citizens.

13. Carl Smith – Resident – not in support of this proposal. Believes we will lose our township.

14. Diane Bancroft – Resident – the low-income problem is a hidden problem. Wants to know if there a way to preserve the box turtles in this plan? Supports this project.

15. Mike Hays – Nonresident – substitute teacher in North Penn School District. Supports the text and the map amendments. Needs these options for people who don't have a mortgage.

16. Dennis Wendt – Resident – supports the Walters Group proposal. It's the right type of housing in the right place and it will be attractive to a young and vibrant workforce. Thinks it's great that the township and County working together with the Comp Plan was great.

17. Susan Baker-Wendt – Resident – supports this proposal. People who already live in this community can benefit from this housing development.

The Planning Commission took a short recess to discuss.

18. Steve Sands – Resident – past Commissioner. Haven't seen any study or plan that identifies a need for the residents, the zoning code was designed to create the very diverse community we live in today. A zoning plan text amendment changes that underlying code hopefully only for projects that specially benefit the residents of this township where there's a demonstrated need to change the code that's already been passed. I've heard a lot about why these communities are important, but I haven't heard anything on why the residents in the township need this use. The only way this project can go through is to change the code by an amendment. Do not recommend this project.

Mr. Lancaster asked if there was more discussion from the board.

Mr. Weirman stated that Upper Gwyned has no obligation to prop up Norristown or do anything that Montgomery County says to do. The Planning Commission must look at every proposal individually and look at all the pros and cons. If we're going to build high density, we should build near a train station. Pennbrook Station was an outstanding contribution to this community particularly because it was on a superfund site. Looking at this proposal, I see a very desirable location, funded by a blue-chip bank. Most of these apartments are going to be over \$1100 a month for rent. There will be a blend, but it's not like they will be funded directly. Most people will just be paying a lower rent. It's going to be well managed, and they have a number of these communities that are successful. The police chief has talked to the police chiefs of these other communities, and it seems to have gone well. They're going to do their own trash so it's not an impact on our maintenance. Traffic is a zero impact because by right, whoever owns that property can put up a factory and it would have more cars than those 60 units. The open space comments are common commentary we hear with a new project. Again, by right, whoever owns the property can take trees down or change that general environment. The tax basis is only about \$4000 per year from this property. But we will probably be north of \$100,000 from taxes. He stated that you can make this my motion to recommend the approval of the Text Amendment.

Mr. Tierney agrees with Mr. Wierman. He stated that this piece of property has been sitting idle since 1986 and has made no contribution to our community. This property will be revenue generating not revenue draining.

Mr. Rieker asked Mr. Tierney if this was a second to Mr. Wierman's motion. Mr. Tierney answered yes it was and added that he was also involved in working with the County, and there was no pressure from the County, on the Comprehensive Plan.

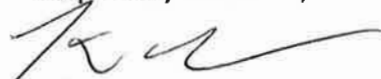
Mr. Lancaster asked for any further questions or comments. Hearing none, we have a motion and a second, and it was unanimously passed.

Next, Mr. Silverman made a motion to approve the Map Amendment. Ms. Carlson seconded the motion and it was unanimously passed.

6. Adjournment

There being no further business for discussion, Ms. Carlson asked for any further questions or comments. Hearing none, Mr. Silverman made a motion to adjourn which was seconded by Mr. Tierney and unanimously passed. The meeting was adjourned at 9:36 PM.

Respectfully submitted,



Kathryn Carlson, Secretary