

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

**COMMUNITY DEVELOPMENT & PUBLIC WORKS
COMMITTEE MEETING MINUTES**

October 15, 2007

COMMUNITY & PUBLIC WORKS COMMITTEE:

CALL TO ORDER: Commissioner Martin called the Community Development & Public Works Committee meeting to order at 8:45 p.m.

ROLL CALL: Commissioner Martin, Chairperson, took roll. Present: Commissioners James Hotchkiss, Jr. and Michael Crilly.

Others: David A. Dodies, Township Manager; John Chambers, Township Engineer; and Robert Kerns, Township Solicitor.

APPROVAL OF MINUTES:

The minutes were accepted into the record without comment.

REPORTS:

Code Enforcement Department Report – September 2006 and 2007: Accepted into the record without comment.

Public Works Department Report – September 2007: There were no comments and the Report was accepted into the record.

Public Works Recycling Report – May and June, 2007: Accepted into the record without comment.

SUBDIVISION APPLICATIONS:

2105 Huntingdon Road

Commissioner Martin requested a copy of the Township Engineer's letter dated August 16, 2007 but has not received it yet. David Dodies replied that the letters were condensed into the review memo that Paul Purtell presented.

Commissioner Martin asked the Township Engineer, John Chambers, whether the property was properly posted so that the public had sufficient knowledge and notice of the plan.

Nick Rhodes, from ProTract Engineering, Inc., Engineer for the Applicant, responded that the property was posted on October 2, 2007 and he has photographs of the posting of the front and back of the property.

Commissioner Martin also asked whether the Township engineer carefully reviewed the revised site plan dated October 3, 2007. He also questioned whether each lot had the required one acre of the minimum lot size of 43,560 square feet and whether the proposed subdivision meets all of the Township Zoning Codes and subdivision regulations. He added that looking at the revised site plans of October 3, 2007, there were lot size problems if you considered the ultimate right of way and the existing right of way.

Commissioner Martin asked how many square feet will we have after the dedication. Nick Rhodes answered 47,734 square feet. Commissioner Martin asked how many square feet do you lose when the dedication is made. Nick Rhodes reiterated that 47,734 square feet is after the dedication.

Nick Rhodes would like to clarify that his last revised plan is dated September 28, 2007.

Regarding Lot No. 2 with the driveway access from a private lane, the Applicant is using the existing right of way but not the ultimate right of way. Nick Rhodes responded that there is no ultimate right of way on a private street that he is aware of.

Commissioner Martin says there is a group of owners back along the lane that have paid to have the road created and repaved a number of times and Commissioner Martin feels that they are the group of owners of that private lane.

Solicitor Kerns asked whether they have an access easement or are they relying on the fact that a private lane has private rights to it. The Solicitor needs that clarified.

Commissioner Martin asked if anyone in the group would like to speak.

Public Comments

Scott Semisch, attorney for the applicant, spoke to Mr. Wilson, the Realtor who has requested copies of the agreements that are on file in Norristown. The Deed to the property does say that there are right of way agreements that appear of record. Mr. Semisch will endeavor to get copies.

Solicitor Kerns replied that the Township's interest is to make sure that the applicant has the right to use the road as access to the property. Generally, when there is no agreement, all of the property owners that abut to that private land have the right of access.

Commissioner Martin asked to continue this matter until we have all necessary information.

Public Comments

Rebecca Emerson, one of the owners of the property at 1995 Huntingdon Road raised a number of issues and concerns with the project. The following residents also spoke in opposition to the proposed subdivision at 2105 Huntingdon Road: Theresa Navon, Eileen Corkery, and Carol Maltby. After a lengthy discussion, the Solicitor indicated that he would have to investigate the application further before he could provide the Committee with his legal opinion.

A Petition signed by the residents opposing the subdivision of 2105 Huntingdon Road is attached.

Commissioner Martin asked whether the applicant will have to sign a time waiver to eliminate the 90-day review limit. Solicitor Kerns said he does not know where the time frame sits, but, if necessary, the applicant will be asked to do so.

This matter will be continued to the next Committee Meeting on November 26, 2007.

2600 Horsham Road

This matter will be continued to the next Committee Meeting on November 26, 2007.

512-514 Davisville Land Development/Subdivision

This matter will be continued to the next Committee Meeting on November 26, 2007.

ADJOURNMENT: Meeting adjourned at 9:47 p.m.

Respectfully submitted, Cynthia Heinemann