

# North Wales Borough Planning Commission

## August 02, 2023 Meeting Minutes

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The North Wales Borough Planning Commission Meeting of August 02, 2023 was conducted in person at North Wales Borough Hall.

The meeting information was advertised in The Reporter on December 22, 2022, as part of the meeting schedule for 2023.

The meeting was called to order by Chair Greta Martin Washington at 7:00 P.M. The following members were present: Greg D'Angelo, Jocelyn Tenney. Mark Tarlecki arrived at 7:02 P.M. and Lillian Higgins at 7:06 P.M.

Tim Konetchy, Montgomery County Planning Commission Planner participated in the meeting.

North Wales Borough Manager, Christine Hart and Assistant Manager, Alex Turock were in attendance. The meeting was recorded.

Member Greg D'Angelo led the members in the Pledge of Allegiance.

Chairwoman Greta Martin Washington noted that the meeting would begin with public comment and then move into the business on the agenda. Afterwards, the meeting would then address public comments. Chair Martin Washington reminded the public to sign in on the yellow pad if they planned to comment.

### 1. Public Comment

Austin Dructor, 332 West Walnut St. with real estate office at 400 South Main St.

Mr. Dructor read the following questions:

1. Language around "expanded list of uses permitted by special exception"...what exactly are those exceptions?
2. What constitutes a Community Center (Rehab clinics)?
3. What constitutes "mixed uses"?
4. Why are Funeral Homes included in this rewrite as this was already vehemently opposed by residents in a prior bid to make the Idlewilde property a Funeral Home?
5. How much governance will the HARB have over this districts' buildings design
6. requirements?
7. Why does the underlay on the proposed map change from residential code R-AA to OR, ONLY at the St. Rose of Lima Church and not for the Baptist church, Library and Borough Hall?
8. Is the verbiage "if conditions change, allowing for the controlled adaptive reuse of the subject buildings" in the INO Institutional Overlay District a new addition to this definition?
9. Why is in Permitted Uses "no more than (2) dwelling units" for historic single-family homes when there has been major expense and effort to move away from using these homes as apartment buildings?

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Furthermore, Mr. Dructor stated that St. Rose property was in the May 2022 Planning Commission minutes and alleges that Council must have been approached by St. Rose.

Mr. Joe Orbell, 416 S. Main St.

1. North Wales is a unique borough. He does not want to see change. Wishes to keep the ROR and INO district as written.
2. Requested additional explanation on the definitions of a community center and of residential care facilities.
3. Wishes for St. Rose to remain zoned residential.

Kathleen Schwitzer and James Anderson, 308 S. Main St. (Their statement was read to the audience and Planning Commission members.)

1. They are in favor of present zoning classifications.

Andrew Berenson, 439 Washington Ave.

1. Offered that it may be helpful for the public to understand the rationale for the changes made to the ordinance
2. Requested that the TOD not expand further than it is currently.
3. He will have further questions later.

Lauren Searle, 201 Shearer St.

1. She would like to open a specialized retail in the Borough. Under the current zoning it would be very expensive to open since a specialized retail was not an approved use. However, the newer zoning would lower the cost for her since it would be an approved use.

## 2. The Process Followed By The Planning Commission

Tim explained the process used by the Planning Commission to update the zoning to be in compliance with the Borough's Comprehensive Plan 2040. Every municipality must allow all types of businesses somewhere. The draft was up on the Borough's website in mid-March 2023.

## 3. Updates Made to the Zoning – Tim Konetchy

Tim explained the process to update the Zoning and Land Use policy to bring it in compliance with the 2040 Comprehensive Plan adopted in 2018. Tim explained how the initial proposal for the OR was not consistent with the wishes of residents as expressed through public comment. Tim explained how he worked to address the issues that were identified via email prior to this meeting. The email from the Orbells and Tim's written response to each question was submitted to the Planning Commission and copies were available at the meeting. Tim explained the work of the Planning Commission in the review of the zoning and noted that the information has been made available to the community. Christine noted that information on this project has been on the website, explained the past outreach efforts, and explained that the comprehensive rezoning addresses the entirety of the borough.

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### Age-Restricted Uses in OR District:

In June, the Council asked Commission to review the following before they consider advertisement of the draft ordinance:  
Zoning Officer can request proof of licensure for any business that operates in the Borough.

Several new definitions were added to Article II: Terminology. Age-restricted use businesses such as smoke shops. Discussion ensued regarding definition of smoke shop and whether it should be defined as those businesses that meet/exceed 50% tobacco sale versus the proposed 25%. It was decided to keep at a definition of 25% tobacco sale. Discussion of other businesses like gun shop, etc. and the appropriate location for them was held.

### Additional Public Comment:

Andrew Berenson, 439 Washington Ave.  
Suggested that the Commission jump to the concerns of the residents. Chair Martin Washington noted that was next on the agenda.

### Age Related Uses in OR District: Vote re: Age-Related Businesses

Greg D'Angelo made the motion to recommend integration of the proposed ordinance amendments related to "age-regulated uses" into the draft zoning ordinance. Mark Tarlecki seconded the motion and all members voted in agreement.

Tim provided a tentative timeline for the zoning changes going to Council and a public hearing. If the Planning Commission were to vote to send the ordinance to borough council, then borough council could vote to advertise a public hearing at the 8/8 meeting, and hold a public hearing on 9/12. This timeline could be moved back one month if additional time for review and revisions is deemed necessary by the Commission.

#### 4. Response to Public Comment

Tim noted that he received input from Mr. Orbell regarding the ROR district. They are the same questions asked by Austin Druator. He replied and/or explained the following further:

- Special exceptions are identified uses that would go before the Zoning Hearing Board. He explained the Zoning Hearing Board process.
- Tim explained the difference between the OR and ROR designations.
- Tim explained that HARB is governed by a different state law and would not be affected by the zoning update. The two processes are separate.

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- The INO overlay district is an overlay that rests on top of the base zoning. The INO intent is to encourage the retention of existing buildings and allowing for certain new uses. The boundaries of the INO are proposed to change.
- Tim listed the mix of uses that are permitted and that would be permitted within the INO.
- In-law suites are allowed in every zoning district at present and in the proposed zoning ordinance.
- Tim has prepared an updated zoning map that notes the underlying zoning for St. Rose as R-1 Residential. The INO overlay applies to the site.

Spenser Dech, 123 Prospect Ave., Upper Gwynedd

1. There is already aggressive driving and speeding on Prospect Ave. as well as stormwater from the St. Rose of Lima school buildings. Sometimes during a storm you can only use one lane. The Planning Commission stated that these concerns would be brought to appropriate borough staff for review.

Joe Orbell, 461 S. Main St.

1. Requested that community center be taken out of INO overlay. Tim replied that it is presently permitted in the INO and removal seems contrary to the purpose of the district, as most places of worship have a community center. Mr. Orbell asked Tim to define Community Center. Tim read the existing and draft definitions:

*Existing: Community center, adult education center, senior citizen center or similar facility operated by an educational or religious institution.*

*Draft: A facility that is open to the general public or a subset thereof (e.g., senior citizens) for educational, social or recreational programs and other community uses, and owned and operated by a civic, educational, municipal, religious, or tax-exempt entity.*

Joe asked why the old definition must be changed. Mr. Orbell was in particular concerned with who may operate a community center. Tim replied that the proposed definition would be more inclusive and could avoid concerns of discrimination, but that he would defer to the Borough's solicitor. Joe alleged that "someone has their eye on that property" and that this worries him and others in the neighborhood. Greta explained why the changes were considered and the simplification of zoning districts and overall reorganization of uses. Mr. Orbell requested that the Planning Commission hold another meeting before the zoning ordinance goes to the Council. Ms. Hart commented that the contrary to what Mr. Orbell alleges, the Borough Administration is not aware of any imminent sale of St. Rose property. Mr. Orbell noted he had read that at the end of the ordinance saying that residents affected could sign a petition and it would change the number of votes needed to pass it in Council. Ms. Hart will check with the solicitor.

Mr. Ronald Kein, 418 S. Pennsylvania Ave.

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Would the zoning change eliminate a methadone clinic? Tim replied, yes, all medical uses would be eliminated in the INO overlay district.

Tim described again the proposed edits to the OR that have been prepared in response to the neighborhood's concerns: remove mixed use, funeral home, library, museum, and community center from the use matrix and zone the St. Rose properties as R-1.

Mr. Sal Amato, 201 S. 10<sup>th</sup> St. asked for the Commission to please clarify to all what is the process moving forward. He noted that the Commission recommends and then the Council must approve.

Mr. Jim Schiele 307 E. Montgomery Ave.

Mr. Schiele wished to explain his experience with the zoning hearing board, in particular that any applicant would have to prove a hardship. People must show up at the hearings if they have an issue with a particular project. That option is always there.

Linda Smith, Upper Gwynedd, complimented the North Wales Planning Commission and Borough Council for listening to the residents and addressing their concerns. She stated that they have had issues in Upper Gwynedd during review of recent applications.

### 5. Commission motions.

Mark Tarlecki made the motion to accept the edited zoning map, with St. Rose remaining R-1 Residential instead of OR Office Residential. Lillian Higgins seconded the motion. All members voted in approval.

Greg D'Angelo made the motion to accept the edited zoning ordinance language, removing the following uses from the OR District: library, museum, community center, funeral home, and mixed use. Mark Tarlecki seconded the motion. All members voted in approval.

Mark Tarlecki made the motion updating 'special exception' changes so that single-family residential use is required as a principal use and that other nonresidential use must be accessory thereto in the OR District. Greg D'Angelo seconded the motion and all members voted in approval.

The four motions passed this evening will be taken back to council.

### 6. Adjournment

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Mark Tarlecki made the motion to adjourn the Planning Commission meeting at 8:52 P.M. All members voted in approval.

Respectfully submitted,  
Jocelyn Tenney, Secretary