

WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
April 14, 2016

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday April 14, 2016 at 7:00PM in the Whitemarsh Township Building, 616 Germantown Pike Lafayette Hill, Pennsylvania.

Supervisors Present: Amy Grossman, Chair; Melissa S. Sterling, Vice-Chair; Laura Boyle Nester; and James A. Totten

Supervisor Absent: Michael Drossner

Also present: Richard L. Mellor, Jr., Township Manager; Sean P. Kilkenny, Esquire, Township Solicitor; Charles L. Guttenplan, AICP and James C. Sullivan, P.E., Township Engineer.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Whitemarsh Township Day

Thomas J. Blomstrom, Director of Parks and Recreation announced Whitemarsh Township Day is scheduled for Saturday, April 30, 2016 (rain date May 1) from 12:00 to 5:00PM at Miles Park. He thanked the Board of Supervisors for hosting Township Day again this year. He also thanked the sponsors for Township Day: National Label, the Courts at Spring Mill Station, PECO energy, TD Bank, Vanguard Realty Associates, DeStolfo Premier Martial Arts and Republic Bank. He spoke about the craft vendors, the businesses, the restaurants and the entertainers participating in the day. He explained the games and blowups that would be at the park and also raffles and prizes. He stated the Parks & Recreation Department would like to extend their warmest thanks to the Public Works Department, the Police Department and the Fire Marshal for their efforts in planning Township Day.

Supervisor Sterling announced:

The Gambone Open Space (across from Cedar Grove Park) is holding a clean-up day this Saturday, April 16 from 8 am to 11 am. Ecologist John Munro will teach the volunteers about environmental education, including identification and proper techniques for removal of invasive plants, and will then lead the group into a hands-on clean-up and removal of invasive plants on site.

The Township Electronics Pick Up Date is Wednesday, April 20. Residents are to leave electronics on the front curb of the residence as they would for trash collection. Apartment complexes have been sent letters for the property managers to designate one pick up location on site for the tenants to drop off electronics. The general rule of acceptable electronics is anything that can be attached to a computer, including monitors and TV's. Other items that are acceptable include vacuums, microwaves, and radios. Large kitchen appliances such as refrigerators or electric stoves and ovens will NOT be accepted.

PUBLIC HEARINGS

1. Conditional Use #02-16 - Mastroni/732 Bethlehem Pike – Redevelopment of the former Rusty Schooner property.

On a motion by Supervisor Totten, second by Supervisor Sterling (Vote 4-0) the Board of Supervisors opened a public hearing to consider Conditional Use #02-16 - Mastroni/732 Bethlehem Pike – Redevelopment of the former Rusty Schooner property.

A court reporter was present, and the notes of testimony are available for review at the Township Building.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

Sean P. Kilkenny, Solicitor
 Charles L. Guttenplan, AICP
 Daniel Helwig, Realtor
 Patricia Penglase
 Ken Shepley
 James C. Sullivan, P.E.
 Joan Biddle

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 4-0) the Board of Supervisors closed the public hearing.

2. Conditional Use #02-15 - Tamarindo's/726 Bethlehem Pike – Outdoor Dining

On a motion by Supervisor Nester, second by Supervisor Sterling (Vote 4-0) the Board of Supervisors opened a public hearing to consider Conditional Use #02-15 - Tamarindo's/726 Bethlehem Pike – Outdoor Dining.

A court reporter was present, and the notes of testimony are available for review at the Township Building.

The following individuals presented information/testimony/comments/questions at the Public Hearing:

Sean P. Kilkenny, Solicitor
 Charles L. Guttenplan, AICP
 Adam D. Zucker, Attorney for Applicant
 Ron Denzel
 Ken Shepley

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 4-0) the Board of Supervisors closed the public hearing.

APPROVAL OF MINUTES

1. **March 29, 2016**

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors approved the March 29, 2016 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

None

ACTION ITEMS

Ordinances

None

Resolutions

1. **Designation of Agent Resolution - PEMA Disaster Relief and Emergency Assistance Act – Winter Storm Jonas**

Mr. Mellor explained the Federal Government has granted Pennsylvania's request for federal disaster assistance for the historic snowstorm on January 22-23, 2016. Municipalities in 23 qualifying counties, including Montgomery, will be eligible for reimbursement of up to 75% of snow removal costs during the 48-hour storm. Township Staff will be meeting with staff from the Pennsylvania Emergency Management Agency (PEMA) through the county emergency management office to review documentation before submitting it to the Federal Emergency Management Agency (FEMA). The Township submitted preliminary costs to the County in the amount of \$101,364. We would be eligible for 75% or \$76,023. These totals will be reviewed and decided upon during the meeting with PEMA staff. The municipality is required to pass a resolution designating the agent to authorize signature for this assistance. This resolution will designate the Township Manager as the agent for the program.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 4-0) the Board of Supervisors adopted **Resolution #2016-12** designated the Township Manager as the agent for the reimbursement of expenses under the PEMA Disaster Relief and Emergency Assistance Act related to Winter Storm Jonas the week of January 22-23, 2016.

Motions

Consider

1. **Conditional Use #02-16 - Mastroni/735 Bethlehem Pike – Redevelopment of the former Rusty Schooner property.**

Supervisor Nester asked if approved, what the applicant is allowed to do.

Mr. Kilkenny stated this is a Conditional Use approval and it regulates the use of the land. He explained the applicant still must go through the land development process.

Supervisor Sterling asked for additional information regarding parking and traffic. Chair Grossman stated those issues will be dealt with in the land development process.

On a motion by Supervisor Nester, second by Supervisor Sterling (Vote 4-0 – Roll Call) the Board of Supervisors adopted the following conditional uses under application #02-16 for Mastroni/735 Bethlehem Pike for the redevelopment of the former Rusty Schooner property:

1. Freestanding monument signs
2. Apartments (2 on second floor)
3. Reduction in the required parking
4. Minor modification to the architectural design standards (allowing two small sections of flat roofs).

2. Conditional Use #02-15 - Tamerindo's/726 Bethlehem Pike – Outdoor Dining

The Supervisors had additional discussion about parking and traffic and the property at 720 Bethlehem Pike, regarding parking.

Carolyn Denzel, Bethlehem Pike, said she was concerned with what she was hearing about parking at Tamerindo's and 720 Bethlehem Pike. Mr. Kilkeny explained the process the owner of 720 Bethlehem Pike will need to do in regards to parking, when applying for permits. Mrs. Denzel reaffirmed what her husband spoke about regarding the current parking at Tamerindo's.

A local resident stated he would like to see Tamarindo's put some green back in their parking lot and give the neighbors a suburban environment again.

Fernando Sauri stated he would be more than happy to work with the residents to plant trees and bushes. He said he really would like the neighbors to work together. He is trying to make the restaurant look nice.

Ken Shepley, Arlingham Road, spoke about the noise level and suggested a noise buffer.

On a motion by Supervisor Nester, second by Supervisor Sterling (Vote 4-0) the Board of Supervisors adopted conditional use #02-15 for Tamarindo's/726 Bethlehem Pike to permit outdoor dining.

3. Waiver of Damager Rights - 3036 Edmonds Road – Fence in the Ultimate Right-of-Way

Mr. Guttenplan explained this Waiver of Damage Right is for a 3-foot high post and rail fence in the Ultimate Right-of-way of Edmonds Road. The property is at the corner of Germantown Pike, but none of the fencing is near that roadway; there are existing evergreens between an existing fence parallel to Germantown Pike and that roadway. That fence (parallel to Germantown Pike) is proposed to be extended out toward Edmonds Road, turn 90 degrees to run along the front of the property (parallel to Edmonds Road within its ultimate right-of-way) and then turn 90 degrees back along the other side of the home (see attached plan). The Traffic Safety Unit of the Police Department has done a site visit and sees no issues with the fence as proposed.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 4-0) the Board of Supervisors approved a waiver of damage rights for a fence in the ultimate right-of-way at 3036 Edmonds Road.

4. Fee Waiver Request - Colonial School District – Sports Field Permits

Mr. Mellor stated late in the day he received a request from the Colonial School District to table the Fee Waiver Request. He said the School District is going through some permitting issues with the state associations. They realized there are somethings they may need to alter the permit application to the township, which would alter the cost of the permit.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 4-0) the Board of Supervisors **tabled** the fee waiver request for the Colonial School District sports field improvements in the amount of \$9,726.00.

AMEND AGENDA

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 4-0) the Board of Supervisors amended the agenda to add action items.

5. Solicitor to attend the Zoning Hearing Board meeting on behalf of the Township

Mr. Kilkenny explained the Township previously authorized his firm to defend the Township at the Zoning Hearing Board in the appeal of the Zoning Officer's determination regarding 4006 Butler Pike. It was determined if the Zoning Hearing Board agreed with the Zoning Officer's determination there would be a variance for zoning relief requested. Mr. Kilkenny stated it was his opinion that the applicant does not prove the burden of hardship, which is the basis of the burden. He stated if the Board of Supervisors was opposed to this application they authorize his office to go ahead and make that case clear to the Zoning Hearing Board and state the Board of Supervisors opposes the variance request.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 4-0) the Board of Supervisors authorized the Solicitor to attend the Zoning Hearing Board meeting on behalf of the Board of Supervisors to oppose a possible request for a variance at 4006 Butler Pike.

PUBLIC COMMENT PERIOD

None

BOARD MEMBER COMMENTS

None

ANNOUNCE EXECUTIVE SESSION

Chair Grossman announced the Board of Supervisors had an Executive Session scheduled before this evening's public meeting where they discussed personnel and litigation.

ADJOURNMENT

On a Motion by Supervisor Sterling, seconded by Supervisor Nester the meeting was adjourned at 8:50 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager

April 14, 2016