

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS  
PUBLIC MEETING MINUTES  
September 22, 2016**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday September 22, 2016 at 7:00PM in the Whitemarsh Township Building, 616 Germantown Pike Lafayette Hill, Pennsylvania.

**Supervisors Present:** Amy Grossman, Chair; Missy Sterling, Vice Chair; Michael Drossner; Laura Boyle Nester; and James A. Totten

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

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS**

Whitemarsh Police Department Promotions

Police Chief Chris Ward spoke of the promotion process. He explained because the two officers being promoted the position of Sergeant where Corporals, there are two promotions to the rank of Corporal also.

Lieutenant Greg Keenan introduced Sergeant Amanda Johnson. He spoke of her police and personal background.

Lieutenant Jeff Nowak introduced Sergeant Michael Kolar. He spoke of his police and personal background.

Lieutenant Jeff Nowak introduced Corporal Michael Burton. He spoke of his police and personal background.

Lieutenant Greg Keenan introduced Corporal Mark Williams. He spoke of his police and personal background.

Supervisor Sterling announced:

Touch-A-Truck is scheduled for Saturday, September 17, 2016, from 1 PM to 3 PM at Miles Park. Visitors have the opportunity to get to view a variety of vehicles from the Township Police Department, local fire companies, Whitemarsh Township Public Works Department and many other trucks and vehicles that you see on the road or construction sites every day. This is a FREE event thanks to the sponsorship of JP Mascaro.

The next electronic recycling event will take place on Wednesday, September 28, 2016. Please leave electronics out on the front curb next to the yard waste for the Township PW crew pick up. Do not leave out earlier than Tuesday night. All electronics for collection must be out by 6 AM Wednesday, September 28.

## **PUBLIC HEARINGS**

### **APPROVAL OF MINUTES**

#### **1. September 8, 2016**

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the September 8, 2016 meeting minutes.

## **PUBLIC HEARINGS**

### **BOARD PUBLIC DISCUSSION ITEMS**

#### **1. Conditional Use #04-16 - Nolen/505A Germantown Pike - Townhouses (9) in VC-1 District**

Mr. Mellor explained the Public Hearing for the Conditional Use was held at the previous meeting of September 8, 2016. He stated testimony was given by the applicant and local residents. He further stated the Board chose not to take action on the Conditional Use application at that time. He stated after hearing concerns from the residents, the Board instructed Staff to meet with the applicant. He stated the applicant has agreed to seven conditions being placed on the application.

### **Motions**

#### **1. Conditional Use #04-16 - Nolen/505A Germantown Pike**

On a motion by Supervisor Nester, second by Supervisor Totten (Vote 5-0) the Board of Supervisors approved Conditional Use application #04-16 for Nolen/505A Germantown Pike for the construction of Townhouses in the VC-1 District with the following 7 conditions:

1. The maximum height of a townhome in the proposed development, as "height" is defined in Section 116-11 of the Whitmarsh Township Zoning Ordinance, ("Height of Building"), shall not exceed 40 feet, instead of the maximum 42-foot height permitted for townhomes.
2. There shall be no outside decks at or above the bedroom levels of the townhomes.
3. Light from security lighting shall not spill beyond the property lines.
4. Each townhome 1st floor deck shall have two (2) privacy walls.
5. There shall be no more than 9 townhomes in the VC-1 Village Commercial part of the site.
6. The new development in the VC-1 part of the site shall be restricted to townhomes, as set forth in a declaration of covenants to be recorded. This restriction does not apply to the existing non-residential buildings.
7. With regard to the "optional living area level" of the townhomes, the area of the dormer windows shall not exceed the minimum area of windows required by the Whitmarsh Township building code for egress.

#### **2. SLD #12-15; 60 Flourtown Road, LLC/60 Flourtown Road - Conditional Preliminary Plan**

### **Resolutions (continued)**

**1. SLD #12-15; 60 Flourtown Road, LLC/60 Flourtown Road - Conditional Preliminary Plan**

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors **tabled** SLD#12-15; 60 Flourtown Road, LLC/60 Flourtown Road for the construction of a one-story 8,000 square foot commercial garage.

**3. SLD #01-16; DJB Properties/737 Spring Mill Avenue - Conditional Final Plan**

Mr. Guttenplan explained this Conditional Final Plan Approval is for SLD #01-16 an application by DJB Properties, LP/737 Spring Mill Avenue, a final plan for 7 single-family attached dwellings (townhouses) at 737 Spring Mill Avenue. He stated this is a site located partially in Conshohocken Borough with the majority in Whitemarsh; the Board granted conditional preliminary plan approval on June 30th. He further stated the final plan is consistent with the preliminary plan and the Planning Commission reviewed this plan at their August 23, 2016 meeting. The Commission recommended approval of the Final Plan as presented.

Mr. Kilkenny stated he spoke with the solicitor in Conshohocken Borough and they do not have any objections to the plan.

**Resolutions**

**2. SLD #01-16; DJB Properties/737 Spring Mill Avenue - Conditional Final Plan**

On a motion by Supervisor Drossner, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-31** granting conditional Final Plan approval for SLD#01-16; DJB Properties, LP/737 Spring Mill Avenue for the construction of 7 townhouse units split between Whitemarsh Township and Conshohocken Borough.

**4. SLD #06-16; Schmidt-Mongrain and Yaraghchi/2214 Joshua Road and 406 Ridge Pike - Conditional Preliminary/Final Plan**

Mr. Guttenplan explained this Conditional Preliminary and Final Plan Approval for SLD#06-16, is an application of Christian H. and Sharon Schmidt-Mongrain, a lot line change involving the Mongrain Lot at 2214 Joshua Road and the adjacent lot at 406 Ridge Pike (owned by Moretza Yaraghchi and Lucy Molina Yaraghchi). He explained the Yaraghchi lot has a narrow leg that 'wraps around' the Mongrain lot and has a second frontage on Joshua Road. The Joshua Road portion of the lot is not used; the Yaraghchi house fronts on Ridge Pike and takes access from Ridge Pike. The proposal is for the Mongrains to acquire most of the area that 'wraps around' their property, thereby enlarging it and making the Yaraghchi lot a more regular shape. The resultant Yaraghchi lot is designated as 'Lot 1' and the resultant Mongrain lot as 'Lot 2'. Both lots would continue to meet A — Residential District requirements. He said the Zoning Hearing Board approval was required because both proposed lots exceed the impervious ground cover since they both have steep slope ratio's exceeding 15%. The variances were granted by the Zoning Hearing Board on September 7th. That relief was granted contingent upon the approval of the subject subdivision plan. He explained no new development on either of the two lots is anticipated if this subdivision/lot line change is approved and the Planning Commission reviewed this plan at their September 13, 2016 meeting and recommended approval of the Preliminary/Final Plan as presented.

## Resolutions (continued)

### 3. **SLD #06-16; Schmidt-Mongrain and Yaraghchi/2214 Joshua Road and 406 Ridge Pike - Conditional Preliminary/Final Plan**

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors adopted **Resolution #2016-32** granting conditional preliminary/final plan for SLD #06-16; Schmidt-Mongrain and Yaraghchi/2214 Joshua Road and 406 Ridge Pike for a minor lot line change

## ACTION ITEMS

### Ordinances

#### 1. **Ordinance Amendment - Re-enact Lost and Stolen Firearms Ordinance**

Mr. Kilkenny explained he was pleased to report that on June 20, 2016, the Supreme Court of Pennsylvania issued a decision affirming the Commonwealth Court's prior determination that Act 192, which gave standing to third-parties and national organizations to file a civil action against municipalities for alleged violations of the Uniform Firearms Act, is unconstitutional. He stated it is recommended that the Township reenact its lost and stolen firearms ordinance that was repealed when Act 192 was passed.

Linda Doll (Fairway Road) asked for a clarification of the ordinance.

On a motion by Supervisor Drossner, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors adopted **Ordinance #970** amending Chapter 53, "Firearms," by re-enacting the Lost or Stolen Firearms Ordinance.

### Motions (continued)

#### 2. **Waiver of Damage Rights -676 Bethlehem Pike**

Mr. Mellor explained Staff is working through some issues with the applicant that had just to the Township's attention.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors **tabled** a waiver of damage right for a fence in the ultimate right-of-way at 676 Bethlehem Pike.

#### 3. **Vehicle Donations**

Mr. Mellor explained as part of the 2016 Police Department Budget and the Fleet Maintenance Plan for Whitemarsh Township the Police Department purchased three new police vehicles and placed them into service. As the vehicles were placed into service three older police vehicles were retired from service. He stated there are two agencies who would like to have the vehicles donated to them. The first is the Montgomery County Sheriff's Department who inquired about our 2010 Ford Crown Victoria that served us as a K9 vehicle. The other is Upper Pottsgrove Township Police Department who sees value in our 2005 Ford Expedition that is a patrol vehicle. In the past, Whitemarsh Township has received donated

vehicles from other agencies. In every case, the vehicles were donated to our agency at no cost and handled under an intergovernmental transfer that allows municipality to transfer assets without fees or penalties. As the receiver of those vehicles, we were filling needs within our agency. As the donators of these vehicles now, we are filling two agency's needs and repaying favors that were done for us.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the donation of Police vehicles to the Montgomery County Sheriff's Department and Upper Pottsgrove Township.

**4. Release of Water Easement - PQ Corporation/280 Cedar Grove Road**

Joseph Kuhls, attorney for the PQ Corporation, explained there is an old easement that appears on the property of the PQ Corporation. He said the easement is now obsolete and requested a "Release of Water Easement" executed by any current owner of property which was owned by Lee Tire in the 1940's, when the water easement was first created and Whitemarsh Township which also owns some of the property which may have once been owned by Lee. He said it is requested that Whitemarsh Township release the old easement which will clear up the title confusion on the subject parcels.

On a motion by Supervisor Sterling, second by Supervisor Totten (Vote 5-0) the Board of Supervisors authorized the release of a water easement held by Whitemarsh Township across the PQ Corporation, 280 Cedar Grove Road.

**5. Advertisement of Ordinance Amendment - No Parking - North Side East Hector Street from Lee Street to Lime Street**

Mr. Mellor explained at the last meeting the Board authorized the advertisement of handicapped parking space at East Hector and Lime Street. After the meeting it was noticed there was a request for Handicapped and No Parking at the intersection. Staff is now seeking to advertise both the No Parking and Handicapped Parking.

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized the advertisement for a No Parking Ordinance Amendment along the north side of E. Hector Street from Lee Street to Lime Street.

**6. Escrow Release No. 4; 805/807 Spring Mill Avenue**

On a motion by Supervisor Drossner, second by Supervisor Sterling (Vote 5-0) the Board of Supervisors authorized escrow release #4 for 805/807 Spring Mill Avenue in the amount of \$17,296.80.

**7. Escrow Release No. 3; NHS/620 Germantown Pike**

On a motion by Supervisor Sterling, second by Supervisor Nester (Vote 5-0) the Board of Supervisors authorized escrow release #3 for NHS/620 Germantown Pike in the amount of \$29,382.70.

**8. August 2016 Expenditures and Payroll and Pension Plan Paid Costs**

On a motion by Supervisor Sterling, second by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved expenditures totaling \$893,171.65; payroll totaling \$644,060.73 and pension paid costs totaling \$8,599.81 for August 2016.

#### **PUBLIC COMMENT PERIOD**

Linda Doll (Fairway Road) asked if the committee that was recommended to look over the Zoning in the Township was ever formed and if there is any report from them. Mr. Mellor explained the committee has put together recommendations for an update of the Comprehensive Plan. There was a discussion about the Comprehensive Plan.

#### **BOARD MEMBER COMMENTS**

#### **ANNOUNCE EXECUTIVE SESSION**

Chair Grossman announced the Board of Supervisors held an Executive Session before the public meeting where the Board discussed personnel.

#### **ADJOURNMENT**

On a motion by Supervisor Sterling, seconded by Supervisor Totten, the meeting was adjourned at 8:00 PM.

Respectfully submitted,

Richard L. Mellor, Jr.  
Township Manager