

**WHITEMARSH TOWNSHIP
OPEN SPACE COMMITTEE MEETING
AT THE WHITEMARSH TOWNSHIP ADMINISTRATION BUILDING
WEDNESDAY, APRIL 24, 2019**

MEETING MINUTES

1. CALL TO ORDER – 7:01pm

X BIDDLE X INDELICATO

X KAUFMAN X LAMB X LANE X MOULTON

BOS LIAISON: STERLING ___ NESTER X TOWNSHIP STAFF: BLOMSTROM X
BENDER (MINUTES) X

2. APPROVAL OF THE WEDNESDAY, JANUARY 23RD MEETING MINUTES

- a. Hugh Moulton made a motion to accept the meeting minutes, seconded by Christopher Lane. Minutes were approved unanimously with one abstention – Christopher Indelicato abstained from the vote because he was not at the meeting.

3. UPDATED OPEN SPACE COMMITTEE CONTACT LIST

- a. Chris Lane asked if the committee could actively recruit someone to fill the vacancy on the Committee. Tom Blomstrom stated that there is a public on-line process through the website for qualified interested candidates.

4. OPEN SPACE FUNDING REPORT

- a. Christopher Lane asked if the 25 percent for maintenance under Act 153 is mandatory, or a cap. Steve Kaufman stated it was not mandatory, and is a cap.
- b. Hugh Moulton asked if they added the receipts at the end of the year. Tom Blomstrom stated that he was not sure and would get the answer for the committee
- c. Christopher Lane asked what the fiscal year was for the Township. Tom Blomstrom stated it was a calendar year.
- d. Public Comment:
 - i. Mr. Eli Glick, Whitemarsh Resident asked if the Township was funding Erdenheim Farm and if so, was the land being used as collateral.
 - ii. Steve Kaufman responded saying that the Township took out bonds to purchase an easement on a portion of Erdenheim Farm, and no, the land was not being used as collateral.
 - iii. Mr. Glick asked if the Township borrowed money and if it was being paid off similar to a mortgage, and if Open Space funds could be used for repayment, such as with the 2018 prepayment of bond principal using Open Space Funds.
 - iv. Steve Kaufman stated that if there was a benefit to Open Space, then yes Open Space funds could be allowed for repayment as referenced in Statute 153. Mr. Glick asked if this practice was followed with the 2018 refinancing. Steve Kaufman indicated that he did not have the answer to this.

- v. Mr. Glick asked about the past purchases using Open Space Funds. He said there was a \$2 million section of property on Stenton Road that was a flood plain and added that a grant was received to buy out the homeowners and asked if the Open Space fund was used.
- vi. Steve Kaufman stated that \$2.689 million was from DCNR to reimburse the expenditure.
- vii. Mr. Glick stated that the total purchases using Open Space funds totaled \$16 million, and that if it was reimbursed then it shouldn't be in the report.
- viii. Hugh Moulton stated that the report summarizes revenue and expenditures. He added that it includes other sources such as DCNR and Federal Grants. Steve Kaufman added that DCNR grant was properly included in the report because it is offset on the expenditure side.

5. COMPREHENSIVE PLAN UPDATE – DRAFT REPORT – REVIEW

- a. Tom Blomstrom stated that there is a draft review period and the document is being sent to various agencies. Once all of the reviews are back there will be discussion at the Planning Commission. He added that he will pass all comments to Charlie Guttenplan.
- b. Chris Lane asked if there was a time line for the release of the report. Tom Blomstrom stated that he was not notified of a timeline.
- c. Hugh Moulton asked if the update was still on track, timewise
- d. Tom Blomstrom stated that it was and that he will report back to Charlie with any recommendations from the OSC.
- e. Chris Indelicato asked how the Township approaches land owners; and if no one knows how to approach land owners, should the Township hire a professional to do so.
- f. Chris Lane stated that this idea was recommended in the 2006 Open Space Plan.
- g. Hugh Moulton and Steve Kaufman both stated that a consultant was hired to approach owners and structure transactions but that things did not work out for a number of reasons.
- h. Public Comment: Mr. Glick stated that he would like to hear comments on the whole Comprehensive Plan Update as Open Space is intertwined with many sections.
- i. Joan Biddle asked about the Judd Development at the intersection of Stenton Avenue and Militia Hill Road, saying that Open Space funds could have been used to purchase the land to keep it wild, and if the funds could be used to buy down density.
- j. Deborah Lamb added that it could be owned by the Township with Open Space funds with no intention of building, but to keep it wild.
- k. A discussion ensued about adding "Identify areas in the Township that remain undeveloped and have potential to be protected" to Policy #3.
- l. Joan Biddle added that the Township will need to locate appropriate parcels of undeveloped land.
- m. Tom Blomstrom noted that even parcels that are developed, with structures on them, could be considered as candidates for preservation as open space.
- n. Steve Kaufmann added that the language was consistent with what is in draft Comprehensive Plan.
- o. A discussion ensued about special cases and it was decided that the Committee move onto something else and the wording would be worked on.
- p. Hugh Moulton mentioned a report he received from Wissahickon Valley Watershed Association consisting of a list of protected and unprotected properties along the creek, including the Sheaff Lane Corridor. He spoke to a representative saying that

Whitemarsh is interested. He stated the purpose of the report is to protect the land in the watershed. He suggested that the Township partner with them, or use their work to assist in setting preservation priorities.

- q. Hugh proposed adding "Partner with Land Trusts and conservation organizations to identify and pursue open space opportunities, including stewardship and educational programs" as bullet #5 on page 63, Policy #3.
- r. Mr. Eli Glick, Whitemarsh Resident asked that maintenance should be included in the proposed bullet regarding partnering with others. He stated that the properties that have been acquired are not being maintained properly. The Committee agreed to add "stewardship" to that bullet point. Steve Kaufman noted that Tom Blomstrom had gone above and beyond the call of duty by mobilizing volunteers to restore Gambone and that concerns about this tract should be raised separately with him before "going public" with criticism.

6. OSC Comprehensive Plan Recommendations: Chris read detailed notes listing the recommendations discussed by the Committee. After agreeing to a few changes, the Committee agreed to make the following recommendations (which reflect minor edits):

(A) On page 63, under Policy #3 -- Open Space Preservation:

Revise the first bullet point to add the bolded text below:

- 1) **"Retain the services of a dedicated professional or develop the in-house capacity to** proactively engage with private landowners to develop ["long term" is deleted] strategies for open space preservation, trail connections, and easements, **including using open space funds to reduce the density of proposed developments."**

Add a fourth bullet point as follows:

- 2) **"Proactively utilize the extensive resources of the Open Space Funds to purchase or protect open space and acquire open space benefits."**

Carry these changes and additions over to page 81, "Goal 4: Quality of Life". The "Phase" for the revised first bullet point from Page 63 should be "Short Term and On-going", since it involves hiring someone as well as continuing effort; and the "Cost Estimate" should either be "NA" or an estimate of the salary of a dedicated professional. For the new fourth bullet point, the phase should be "On-going" and the "Cost Estimate" should be "NA".

B) Edits to on Page 60 under "Policy #1 -- Open Space Network":

Add the following (bolded) phrase at the end of the heading on that page:

- 1) "Preserve, maintain, and expand the Township's extensive network of open spaces, **consistent with the Township's Open Space Plan dated 2006.**"

Add the following fourth bullet point at the bottom of the list on this page"

- 2) **"Maintain a central record of successful and unsuccessful attempts to acquire open space throughout the Township."**

(C) This would be added as a bullet point on page 63, under Policy #3, of the draft Comp Plan:

1) **"Partner with land trusts and conservation organizations to jointly identify and pursue open space opportunities, including stewardship and educational programs."**

When added to page 81 as an Action Item, the Phase should be "On-going"; Responsible Party "Township, Open Space Committee"; and Cost Estimate "NA".

The group felt it was important and consistent with the plan that when they are added in one area, they be added in a corresponding additional area. For example, if added on pg. 60 and 63, it should be added also to pg. 72 and 81.

PUBLIC COMMENT: Roy Wilson, Whitemarsh resident read and submitted a statement objecting to 4006 Butler Pike (Corson Estate/Abolition Hall) being mapped in the draft Comprehensive Plan as open space despite its location in a village commercial zoning district, The statement is attached at the end of these minutes. Steve Kaufman suggested that Mr. Wilson could express his concern to the Planning Commission, which will be holding hearings on the draft Plan to gather public input.

7. CONSIDERATION OF A DRAFT RECOMMENDATION – RECOMMEND TO THE BOS THAT THE HIGHLANDS BE PLACED ON THE OPEN SPACE PLAN AS A PRIORITY

- a. Steve Kaufman stated that the OSC should recommend to the Board of Supervisors that it take formal action regarding the Highlands.
 - i. Change color of property on map to Open Space opportunity.
 - ii. Remove the Highlands paragraph in Chapter 3 from "State Parks and Open Space Land" and move to new section.
- b. Tom Blomstrom stated that he will forward the OSC resolution as adopted to Rick Mellor.
- c. Public Comment: Mr. Eli Glick, Whitemarsh resident asked what keeps the Committee from doing this with other smaller parcels in the Township that should be considered.
- d. Chris Indelicato stated that this was a unique situation of a group approaching the Township.
- e. Chris Lane made a motion to approve the draft with minor changes that Tom will make.
- f. Hugh Moulton seconded the motion and the amended draft was approved.

8. DISCUSSION OF PROPOSED DEVELOPMENT AT MILITIA HILL AND STENTON AVE

- a. Chris Lane asked why the land at Militia Hill and Stenton Ave was not considered Open Space, and said that the Committee should be thinking about it as there have been new developments. He asked what the results of the Planning Commission meeting were.
- b. Tom Blomstrom stated that the Planning Commission did reject the proposed zoning amendment allowing townhouse development as a conditional use.
- c. Steve Kaufman added that the Board of Supervisors elected not to consider the proposed rezoning, which is its prerogative. He added that there are mature forests on this tract and that it is adjacent to in Fort Washington State Park.
- d. Public Comment: Mr. Eli Glick, Whitemarsh Resident stated that there are two dumps in the State Park, one for Whitemarsh and one for Springfield Township. He added that the engineer told the woman across the street that she should not be drinking the

well water. He stated that the property was zoned for industrial use: an apartment or office complex could be built.

- e. Chris Lane asked why it should be changed from commercial, as noted in the existing Comprehensive Plan, and if they could make spot changes. He said that when a Comprehensive Plan is made, the Township should adhere to the Plan, and not make numerous changes in response to developers' requests. Joan Biddle stated that we should be against spot zoning.
- f. Chis Lane asked if it could be considered Open Space if it is zoned a certain way.
- g. Steve Kaufman stated that the new Comprehensive Plan has it listed as Open Space.
- h. Joan Biddle asked what the process would be to get the property included in the Open Space Plan.
- i. Steve Kaufman stated that the Committee would have to recommend it to the Board of Supervisors, and that would not happen by default. He noted the problems at the site, including the dump and the quarry, along with steep slopes and mature woods.
- j. Hugh Moulton asked why was this not a focus in the past.
- k. Steve Kaufman stated that the consultant looked at it and admired the woodland but was concerned about the quarry.
- l. Chris Indelicato asked if there was a downside to adding it to the plan just in case.
- m. Hugh Moulton suggested this be tabled until the July Meeting.
- n. The issue was tabled until the July meeting.

9. NEW BUSINESS

- a. Hugh Moulton suggested inviting the Wissahickon Valley Watershed Association to make a presentation on the corridor studies when they are ready to do so and that he will extend the invitation.
- b. The committee unanimously approved.
- c. Public Comment:
 - i. Mr. Eli Glick, Whitemarsh Resident asked if the meeting would be open to the public to attend and if it was a big presentation.
 - ii. Joan Biddle stated that the Committee needed to know more about the presentation before extending an invitation, which would probably be to attend the January meeting of the Open Space Committee. That meeting would be open to the public, as are all meetings of the Committee.

10. PUBLIC COMMENTS

- a. None

11. BOARD MEMBER COMMENTS

- a. None

12. ADJOURNMENT

- a. Chris Lane made a motion for adjournment.
- b. Hugh Moulton seconded the motion.
- c. Motion was unanimous – adjourned at 8:44PM.

STATEMENT BY ROY WILSON REGARDING 4006 BUTLER PIKE

My name is Roy Wilson, speaking for the family that owns the property at 4006 Butler Pike. We object strongly to the downzoning of our land by your consultant and their Steering Committee, and your secret invited 'stakeholders' which curiously never included us as the property owner. Our property was zoned by Whitemarsh Township in the 1970's as multi-family dwellings – townhouses. At that time the township needed to identify a location for low income housing, and we believe our property was assigned a zoning to meet that township need. For decades and decades our property taxes were based on this highest and best use classification of townhouses. We remember discussions with the county tax assessor, where we were trying to do something about the unsustainable level of taxes we were assessed, at which we were told the basis of the land tax was the number of townhouses per acre that were allowed by the Township. We were not granted any tax relief. In 2003 Whitemarsh Township downzoned our property from townhouses to Village Commercial, which reduced the number of townhouses allowed, with the approval now controlled by the Township. During that process I attended the meetings and specifically objected to that change in zoning, as it was a devaluation of the land for which we had been paying taxes for many years. The value of our land went down, but the taxes imposed did not. Now the Township is downzoning our land again. Our land is the only privately-owned residential land for which this zoning classification is being applied, making the land essentially valueless in the real estate market. We feel this is an unjust taking of our land without compensation, for which we have paid very high taxes for many decades based on the prior classification. Our family has been dedicated to maintaining the integrity of the property as a whole for the entire time we have lived here – 45 years in my case. In return, we feel our property has been used as a dumping ground by the township, who have made us the repository of vast amounts of rainwater runoff from adjoining properties that have been allowed to develop their lands and dump excess rainwater onto our lands. We object strongly to the rezoning of our land without our approval, and for which there has been no consultation with the owners. We repeat. This is an unjust taking of our land without compensation.”