

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
May 9, 2019**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday May 9, 2019 at 7:00PM in the Whitemarsh Township Building, 616 Germantown Pike Lafayette Hill, Pennsylvania.

Supervisors Present: Missy Sterling, Chair; Amy Grossman, Vice Chair; Michael Drossner, and Laura Boyle Nester

Supervisors Absent: Fran McCusker

Also present: Richard L. Mellor, Jr., Township Manager; Sean Kilkenny, Township Solicitor; Krista Heinrich, P.E.; and Charles L. Guttenplan, AICP

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Supervisor Grossman announced:

On the upcoming Wednesday, May 15th at 6:00PM, NBC10 will be covering Spring Mill and Barren Hill Fire Companies as part of their firehouse screening series. Please join us at the Spring Mill Ballroom on East Hector Street and help to support the Township first responders. Guests will be treated to snacks and a special screening of the NBC television series *Chicago Fire*.

The Parks and Recreation Department summer discount tickets have arrived. Destinations include Adventure Aquarium, Crayola Experience, Diggerland USA, Dorney Park, Dutch Wonderland, the Franklin Institute, Hershey Park, Knoebels, Morey's Piers, PA Renaissance Fair, Philadelphia Zoo and 6 Flags. Discount movie tickets are also available for the AMC, the Regal and Movie Tavern. Tickets are available while supplies last. Please call ahead to the Parks and Recreation Office at (610)828-7276.

Leaf Mulch is available again. Free mulch is available for pick-up at Cedar Grove Park and Valley Green Park while supplies last. Mulch can also be delivered to any Whitemarsh resident. Call the Township Building at (610)825-3535. The cost is \$36 per 3 cubic yards of leaf mulch and \$45 for 3 cubic yards of wood mulch.

Beginning Monday, May 13th Cricket Road will be closed between W. Valley Green Road and Stenton Avenue for intersection improvements at Flourtown, Stenton and Cricket Roads. This work is expected to take 6 weeks.

Butler Pike Road Closure Update from Montgomery County

John Corcoran, Director of Communication and Tom Bonner, Director of Assets and Infrastructure for Montgomery County explained the Butler Pike road closure. Mr. Corcoran assured the Supervisors and the residents that Montgomery County is working hard to get Butler Pike safely reopened as quickly as they can. He explained the background of closing the road. The underground utilities (high pressure natural

gas lines and other utilities), the railroad bridge and the engineering study timeline was discussed. He stated the design would take approximately 18 months and the work would take approximately 6 months.

Mr. Bonner stated from this point forward they are working on the reconstruction project with engineers, designer and coordinate the work between the utilities and ultimately building this. He explained the timeline and coordination for the project.

Chair Sterling asked how the county will be keeping residents notified of the work. Mr. Corcoran stated the county has been posting updates on the county website, social media and notifying the townships that the updates have been posted.

Mr. Mellor asked if there is an ability to expedite the procurement process because this is an emergency. Mr. Bonner stated it is something the county is prepared to do.

Supervisor Drossner asked about the area that is prone to sinkholes. Mr. Bonner stated it is the entire area of many acres whose geological profile is limestone.

Mr. Kilkenny stated the supervisors concern over the geotechnical area along Butler Pike and Chair Sterling's request to Staff to focus on this. He read a section of an ordinance regarding this concern. Ms. Heinrich spoke about her review and the band of limestone in the area.

Supervisor Grossman asked the county representatives about the general safety of the large high volume pipeline. Mr. Bonner stated it is safe now and will be for the duration of the project.

Tom Doll (Fairway Road) stated he is concerned about the railroad bridge and asked if it has been determined the bridge is capable of handling the freight cars that use it. Mr. Bonner stated that Norfolk-Southern has assured the county the bridge is safe. He said he has a statement from the railroad that he will upload to the website.

Linda Doll (Fairway Road) also spoke about the bridge safety and shutting off the high pressure gas. Mr. Bonner stated he would defer to the utilities for those answers. Supervisor Nester spoke about the concern about the emergency preparedness and notifying residents. Mr. Bonner stated the Public Safety Department has many ways of communicating with residents in an emergency. He suggested residents sign up for Ready Montco PA.

Frank Scarpello (Arlingham Road) asked about the cost of this project and would the project accelerate if the trains stopped running. He asked if the proposed townhome development in the same area has been checked for sink holes. Mr. Bonner stated the county doesn't have the authority to examine the property. Mr. Guttenplan stated there is a soil study provided during land development. Ms. Heinrich stated the studies are to check if water can infiltrate the soil and you don't want to put rain water over limestone, as this will deteriorate the limestone and the study would be looking for sinkholes.

Eli Glick (Whitefield Drive) stated he understood about redirecting the surface water and asked about the undersurface water which he understands is the cause of the sinkholes. He stated there are underground streams and canals and passageways. He asked what can be done to analyze that. Mr. Bonner stated part of the design work is that type of geologic profile.

Sydelle Zove (Harts Ridge Road) stated the Friends of Abolition Hall have been fighting the townhouse project in this area. Spoke about the geotechnical study the county did on the area. Mr. Bonner explained the area and the sinkholes. She asked about further analysis in the area. She stated she filed a Freedom of Information Act request with the Army Corps of Engineers and received information regarding the number of sinkholes on the proposed townhouse property. She stated the original Corson Quarry was adjacent to the sinkholes. She suggested the county expand their study. She asked as the townhouses are being built they will need to dig to connect to existing utilities what impact would it have on the existing utilities. She stated the railroad bridge was constructed in 1914 and she is concerned about the safety of the bridge.

Esther (Center Avenue) asked if it is time to stop building in this area, because it is not safe. Mr. Kilkenny explained the process and the legalities of land development. There was a discussion about the availability of stopping development or putting a moratorium on development.

Robert (Wainright development) stated there is fence around the area and asked if pedestrian traffic could be allowed again. Mr. Bonner explained there is a public safety concern and that is why pedestrian traffic is not allowed. There was a discussion about finding another route for people to walk safely. Mr. Mellor stated one of the missing links to the cross county trail is in this area. He said maybe the county, in their engineering could provide a temporary access during construction, if it is safe.

Joe Nugent (Gilinger Road) asked if a moratorium in the area of the sinkholes would be possible. There was a discussion about this question.

Frank Scarpello (Arlingham Road) commented about the Conditional Use Application for Abolition Hall.

Sydelle Zove (Harts Ridge Road) spoke about Township owned property in the area and the county trail. The Supervisors stated they know the area.

Jeff Harrow asked who is running this operation. It was explained it is the County. He asked if the utilities are under a time constraint when they are presented the plans and if the area is being inspected. He was assured the county continually inspects the area.

PUBLIC HEARINGS

1. Conditional Use #01-19 - Lafayette Tobacco Outlet, Inc./551 Germantown Pike

On a motion by Supervisor Drossner, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors opened the Public Hearing for the Conditional Use #01-19 Lafayette Tobacco Outlet, Inc./551 Germantown Pike.

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
 Catherine Harper, attorney for the applicant
 Angela Ang, applicant
 David Wijaya, applicant
 Mary McGonagle, resident
 Jeff Horrow, resident

On a motion by Supervisor Grossman, seconded by Supervisor Drossner (Vote 4-0) the Board of Supervisors continued the public hearing until June 13, 2019.

Motions

1. Conditional Use #01-19 - Wijaya/551 Germantown Pike

On a motion by Supervisor Grossman seconded by Supervisor Drossner (Vote 4-0) the Board of Supervisors continued Public Hearing for a Conditional Use #01-19, Lafayette Tobacco Outlet, LLC/551 Germantown Pike for a retail use in the VC-1 Zoning District.

APPROVAL OF MINUTES

1. April 11, 2019

On a motion by Supervisor Nester, seconded by Supervisor Grossman (Vote 4-0) the Board of Supervisors approved the April 11, 2019 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #03-19; Sunnybrook Golf Club/398 Stenton Avenue – Preliminary/Final Plan

Mr. Guttenplan explained SLD #03-19, is a Minor Subdivision and Lot Line Adjustment Plan for Sunnybrook Golf Club at 398 Stenton Avenue. He stated this is a four-lot minor subdivision submitted for preliminary/final plan approval. Lot 2 is proposed to be annexed to the adjacent single-family home lot at 352 Stenton Avenue to resolve a previous encroachment from that lot onto Sunnybrook's property. Lots 3 and 4 are two proposed rear (or flag) lots for possible single-family residential use in the. Lot 1 is the remaining acreage, which includes the entire golf course and clubhouse and related improvements. Due to their configuration, variances were required for Lots 3 and 4; those variances were granted by the Zoning Hearing Board. He stated the Planning Commission reviewed this plan and after a discussion (much of which concerned the future disposition of Lots 3 and 4, based on the Zoning Hearing Board's Condition #5 in their decision), the Commission passed a motion by a 3-2 vote to recommend granting preliminary/ final plan approval and recommending approval of the requested waivers (acknowledging that #5 is no longer required and #12 pertaining to the park/ rec dedication or fee in lieu, is one that the Commission does not generally take a position on).

Jamie Junn, attorney for the applicant, reiterated Mr. Guttenplan's summary. Additionally she stated the golf club had received inquiries previously from members of the club about the possibility of

using a lot to erect a single family dwelling. She stated the club doesn't have current plans for the two new lots created. She stated in the future if the club decides to proceed with it the option would be available for someone to purchase the property from the club and either build a residence or provide a conservation easement. Supervisor Drossner asked what would stop the club from coming back in a few years and adding more lots for more homes. Supervisor Nester stated she had a concern that it is precedent setting if this approval is granted. Supervisor Grossman asked for the size of the lots. Jared Loman, Nave/Newell stated they were 3.75 acres for each lot. Supervisor Grossman asked if they are wooded lots to which she was told they are mostly wooded. She asked if they could add conditions like keeping a certain percent of trees would that be doable. There was a discussion about the possible land development process in the future. There was a discussion about possibly tabling the decision until a later date.

ACTION ITEMS

Ordinances

Resolutions

1. SLD #03-19; Sunnybrook Golf Club/398 Stenton Avenue – Preliminary/Final Plan

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 4-0) the Board of Supervisors **TABLED** a resolution granting Preliminary/Final Plan approval for SLD #03-19; Sunnybrook Golf Club/398 Stenton Avenue for a 4-lot subdivision for the creation of two building lots for two single family homes.

Motions (continued)

2. Escrow Release #2; - Venezia/6201 Henry Lane

On a motion by Supervisor Nester, seconded by Supervisor Drossner (Vote 4-0) the Board of Supervisors authorized escrow release #2 for Venezia/6201 Henry Lane in the amount of \$2,955.82.

3. Consider Escrow Release #1; Holman PA Real Estate, LLC/432 Pennsylvania Avenue

On a motion by Supervisor Nester, seconded by Supervisor Grossman (Vote 4-0) the Board of Supervisors authorized escrow release #1 for Holman PA Real Estate/432 Pennsylvania Avenue in the amount of \$714,324.37.

4. April 2019 Expenditures and Payroll

On a motion by Supervisor Grossman, seconded by Supervisor Drossner (Vote 4-0) the Board of Supervisors approved expenditures totaling \$1,442,842.54; and payroll totaling \$688,572.40 for April 2019.

AMEND AGENDA

On a motion by Supervisor Grossman, seconded by Supervisor Drossner (Vote 4-0) the Board of Supervisors amended the agenda.

5. Certificate of Appropriateness –3047 Spring Mill Road

Mr. Guttenplan explained the home had a previously approved Certificate of Appropriateness. It is also a Custom Shipley Model. However, the buyer has requested the removal of the shutters on all of the second story, front windows (the first floor windows never had shutters.) In all other respects, the home design remains unchanged. HARB reviewed these and found no issue and recommended the approval of a Revised Certificate of Appropriateness for this home so there is an accurate paper trail.

6 . Certificate of Appropriateness – 4 Catherine Lane

Mr. Guttenplan explained the home proposed for Lot 2 is a Custom Shipley Model ('Shipley' being one of the approved base designs). Compared to the approved design for this model, it has several changes: Side entry garage, Full front porch, The 'Turned A' adjacent to the garage moved to the opposite side of the front door, Siding on the 'Turned A' above the garage changed to vertical board and batten and Minor change to the location of the sliding glass door on the rear of the home. HARB reviewed these and found no issue and recommended the approval of a Certificate of Appropriateness for the property.

On a motion by Supervisor Grossman, seconded by Supervisor Nester (Vote 4-0) the Board of Supervisors approved the 2 separate Certificates of Appropriateness for the housing styles for the Maple Hill Development at 3047 Spring Mill Road amended to two Certificates of Appropriateness.

PUBLIC COMMENT PERIOD

Linda Doll (Fairway Road) thanked the Board for tabling the Sunnybrook Golf Club's request.

G.G. Glending (Plymouth Road) invited the Board to attend the Lulu Circus to see all of the public safety risks. She would like to get the Board to ban wild animal acts from the township.

Sydelle Zove (Harts Ridge Road) stated the Maple Hill Development will be demolishing the old school house on the property and build a replica. Ms. Zove is opposed to the demolition. She stated the Township will not provide digital or paper copies of plans submitted for review as part of the land development process. Mr. Kilkenny stated this is on appeal with the Office of Open Records.

Karen Kappe spoke in support of Ms. Zove's request to be able to get copies of proposed developments.

BOARD MEMBER COMMENTS

Chair Sterling thanked Staff and the Parks and Recreation Department for the work they did on Township Day.

Supervisor Drossner thanked the School District for the use of Victory Fields.

ANNOUNCE EXECUTIVE SESSION

Chair Sterling announced the Board of Supervisors held an Executive Session prior to this meeting to discuss Litigation and Personnel

ADJOURNMENT

On a motion by Supervisor Drossner, seconded by Supervisor Grossman, the meeting was adjourned at 9:45 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager