

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
July 11, 2019**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday July 11, 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, Laura Boyle Nester and Fran McCusker

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Supervisor Grossman announced:

This coming Wednesday night the Park and Recreation Department is having Movies in the Parks. Refreshments and dinner will be available for purchase. In the event of inclement weather the movies will be postponed to the following evening. Wednesday, July 17 at Miles Park is "Ralph Breaks the Internet", July 24 at Cedar Grove Park is "Christopher Robin", July 31 at the Highlands Mansion is "Boss Baby" and August 7 at Hope Lodge is "A League of Their Own".

Chair Sterling stated the Township had a wonderful 4th of July Parade. She thanked Township Staff, Parks and Recreation Department, the Police Department, the Fire Companies and the Ambulance Department.

PUBLIC HEARINGS

APPROVAL OF MINUTES

1. June 13, 2019

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors approved the June 13, 2019 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. SLD#05-18 Conshohocken Construction/252 Roberts Avenue - Conditional Preliminary/Final Subdivision Plan

Mr. Guttenplan explained SLD #05-18, Minor Subdivision Plan is an application of Conshohocken Construction, Inc. for two single-family lots at 252 Roberts Avenue, Conshohocken. This is the former Lincoln Fire Company property. The application is for conditional preliminary/ final plan approval. The

Zoning Hearing Board approved an application for three dimensional variances (lot area, lot width, reduced aggregate side yards; decision attached). As in the ZHB application, the proposal is to raze the firehouse, remove the parking lot, subdivide the property into two lots and build a single-family detached home on each lot (total of two new houses). In developing the plan it was determined that an approximate 15-foot strip of the fire company property (a portion of the parking lot) adjacent to 240 Roberts Avenue is not actually part of the property and will not be part of either proposed new lot; it will be returned to grass, and an existing retaining wall will be removed. This property is in the B - Residential District. The Planning Commission reviewed this plan. After discussion of the plan and some feedback about the suitability of this proposal compared to some prior proposals that would have redeveloped the fire house buildings into 5 or 3 townhouses, the Commission passed a motion recommending plan approval subject to the applicant obtaining permission from the adjacent property owner to do the grading and retaining wall removal (on the land not part of this property).

George Ozorowski, attorney for the applicant, stated they are taking the property from an institutional use back to a residential use. He explained the history of the property, the existing conditions on lot and the plan for usage.

Supervisor Nester asked about an alley identified. Mr. Ozorowski stated that is a paper alley – not paved he said they are not planning on developing anything there.

Linda Doll (Fairway Road) had questions about the alley and who maintains the alley. Mr. Mellor explained it is maintained and owned by the residents.

Resolutions

1. **SLD#05-18 Conshohocken Construction/252 Roberts Avenue - Conditional Preliminary/Final Subdivision Plan**

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors adopted **Resolution #2019-15** granting conditional Preliminary/Final Plan approval for SLD#05-18; Conshohocken Construction/252 Roberts Avenue for a two lot subdivision.

2. **SLD#04-16 Brixmor Property Group/10 Ridge Pike (Whitemarsh Shopping Center) - Conditional Preliminary Land Development Plan**

3.

Mr. Guttenplan explained SLD #04-16, Preliminary Land Development Plan is an application of Brixmor Property Group for the Whitemarsh Shopping Center (10 Ridge Pike, Conshohocken). The plan is for an additional freestanding 8,973-square foot retail building on the eastern end of the site, near the existing Panera Bread restaurant (anticipated to contain several new tenants). The Zoning Hearing Board approved six variances, with 13 conditions. In addition to the new building, the applicant is proposing to re-design the parking lot and two access drives from Ridge Pike. The parking improvements will eliminate the current angled parking, clean up the parking in the rear of the buildings for employee parking, and add islands and improve the internal circulation. The access drives will be made safer by creating longer 'throats' so that vehicles entering/ exiting won't conflict with vehicles circulating within the parking lot. Additionally, this plan reflects improvements which will be needed as part of the County's Ridge Pike

improvement project (retaining wall and sidewalk along the entire Ridge Pike frontage); however, there are certain waiver requests pertaining to sidewalks. The Planning Commission reviewed this plan at their May 14, 2019 meeting. After discussion about the history of this project and the current proposed plan, and of the waivers requested, the Commission passed a motion recommending approval of the plan with three conditions.

Marc Kaplan, attorney for the applicant, explained the history of the shopping center. He then explained the proposed expansion of the shopping center. Brian Conlon, Langan Engineer, elaborated on the overall improvements on the parking lot. There was a discussion regarding lighting and spill over. He also provided information of stormwater. They are reducing the amount of impervious surface and adding green space. There was a discussion of the breezeway being added between the current structure and the new building. He also spoke about the three electric vehicle charging stations. Mr. Kaplan spoke about the Montgomery County Ridge Pike project and sidewalks on this property. There was a discussion about the sidewalks.

Sydelle Zove (Harts Ridge Road) asked how many parking spaces are currently there and how many are shown on the plan. There was a discussion about the number of parking spaces and traffic flow in the parking lot. There was also a discussion of whether sidewalks are required and the non-conformity of the property.

Eli Glick (Whitefield Drive) suggested more details in the posted agenda for the meetings. He also spoke in opposition of this project and the requested waivers.

Linda Doll (Fairway Road) spoke about the current issues with parking and her concern that removing spaces will cause more problems.

David Broman (representing residents of Lisa Lane) stated the resident has health issues that have her avoiding diesel vehicles. He said the developer has been working with the residents. He is requesting that the electric charging spacing be put behind the resident's home.

Esther Rineer (Center Avenue) asked if the developer has possible tenants for the new store space. She stated there are a lot of empty store fronts in the area and is concerned they are building another space that won't be used.

Resolutions (continued)

2. SLD#04-16 Brixmor Property Group/10 Ridge Pike (Whitemarsh Shopping Center) - Conditional Preliminary Land Development Plan

On a motion by Supervisor Drossner, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors **TABLED** conditional Preliminary Plan approval for SLD#04-16; Brixmor Property Group/10 Ridge Pike for an additional 8,973 square foot of retail and redesign of the parking area lot for Whitemarsh Shopping Center.

ACTION ITEMS

Ordinances

Resolutions (continued)

3. **Montgomery County Transportation Grant Resolution - Joshua and Flourtown Roads Intersection Improvement**

Ms. Heinrich stated the County is accepting grant applications through the County Transportation Program (CTP), using revenues from the \$5 County Vehicle Registration Fee (County Fee for Local Use). The resolution would authorize submission of a grant application to obtain \$199,504.00 from the 2019 CTP to help fund the Joshua Road & Flourtown Road Improvements Project.

Supervisor Grossman asked if the fact that the Township is using grant funds to pay for some of the work on the intersection is in conflict with the court order. Mr. Mellor stated that it is not and the Township has also acquired a \$600,000 grant for the work at Joshua Road and Stenton Avenue.

On a motion by Supervisor Grossman, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2019-16** authorizing the submission of a Montgomery County Transportation Grant application for the Joshua and Flourtown Roads intersection improvement project in the amount \$199,504.00

Motions

1. **Authorizing a Public Hearing Zoning Amendment**

Mr. Guttenplan explained the consideration of authorizing a Public Hearing for a Zoning Ordinance Text Amendment which would amend Section 116-290.B. to remove the reference to the VC-4 sub-district. He stated the change made as part of last October's 'housekeeping amendment', adding the same 11 conditional uses to VC-4 that were already allowed in the other three sub-districts of the Village Commercial District. The Planning Commission discussed the current proposed amendment, at their June meeting and made a motion to recommend approval of the amendment to Section 116-290.B. of the Zoning Ordinance as drafted, with the proviso that their motion was not intended as a validation of the underlying ordinance (referring to the way that it currently reads, including the 11 conditional uses in VC-4). The motion was passed unanimously by the four members present at that meeting.

Frank Scarpello (Arlingham Road) stated this does not rectify the situation. He explained the process that developers go through. He spoke about the way the original ordinance went through. Supervisor Grossman stated she is the one who authorized the addition of the 11 conditional uses to the VC-4 district. There was a discussion regarding the timeline and the process that did take place.

Eli Glick (Whitefield Drive) read a paragraph from the Office of Open Records about asking questions at a public meeting.

Sydelle Zove (Harts Ridge Road) spoke about the fact the draft ordinance did not go back to the Planning Commission as required. Mr. Sander explained the amendment went to the Planning Commission before the VC4 was added and the amount of zoning that was being amended. He also stated

items were added as they found problems and concerns. He stated in hindsight the change was more significant than anyone thought. He said that adding the 11 conditions brought all of the VC districts into line. He stated when the office opined that this didn't need to go back they were seeing it as a minor change. He stated by law this did not need to go back to the Planning Commission. Mr. Drossner stated that now all changes are going to be reviewed by the Planning Commission.

Linda Doll (Fairway Road) stated she was at the Planning Commission meeting where this issue was being discussed. She asked why the developer wasn't immediately notified not to submit. Supervisor Drossner stated the township can't tell anyone they can't submit paperwork. The process that needs to take place in order to the ordinance are being done is underway.

Eli Glick (Whitefield Drive) suggested the Township use the Open Space Fund to try and purchase this property.

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors authorized a public hearing for a zoning amendment to remove 11 conditional uses from the VC-4 zoning district.

2. Miles Park Project/LandTek Group Change Order #2

Ms. Heinrich stated Change Order #2 is an increase of \$4,949.75.00 to the original contract amount. She stated areas of asphalt restoration were identified, which required resurfacing/restoration in order to eliminate trip hazards and to provide an ADA accessible surface. She also stated portions of Bid Items were being removed from the scope due to field conditions; and since the Public Works Department (DPW) was able to complete portions of the work. These items include sodding, paving and fence installation.

Supervisor Drossner asked if this was work to connect the trail that hasn't been surfaced yet. There was a discussion about what made it not ADA. He asked if they are coming back to do the work. Ms. Heinrich said the trails at the bottom of the project are future and potentially Public Works.

Ester Rineer (Center Avenue) asked for clarification of what has been resurfaced and graded.

On a motion by Supervisor Nester, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors approved change order #2 to LandTek Group for the Miles Park Project for additional paving in the amount of \$4,949.75.

3. Amendment to Comp Plan Contract - Bergmann Additional Services

Mr. Guttenplan explained the Contract Amendment for the Comprehensive Plan Selective Update (Land Use and Housing Elements). The Board authorized an amendment last August to include a third Public Workshop and a Planning Commission Workshop Meeting; both of these took place last fall. That contract amendment was for \$3,600, bringing the total contract to \$33,520 from its original amount of \$29,920. The currently proposed amendment would allow the consultant, Bergmann, to attend additional meetings of the Planning Commission as they review the draft and the various reviews of the Draft Comprehensive Plan Update document that have been produced (from the State Historic Preservation

Office, Montgomery County Planning Commission and some of the Township Boards and Committees). He stated as a result of the Workshop feedback last fall, the extent of review comments from the various review agents, recent interest by the public in the process, and intensified interest by Commission members, it is felt it will be necessary for the consultant to be present at the Planning Commission meetings as they review the Plan Update. It is anticipated that this will take the entire agenda for several Planning Commission meetings. The proposed amendment would be based on the time spent by the consultant's staff for meeting preparation, meeting attendance/ discussion, and revisions based on these meetings. The amendment covers potential meetings during July through October, with a not-to-exceed amount of \$7,000. (The first such meeting is scheduled for July 23rd.) With the current contract, as amended last year, being in the amount of \$33,520, the not-to-exceed cost of the amended contract, if approved, would be \$40,520.

Linda Doll (Fairway Road) asked about the cost.

Sydelle Zove (Harts Ridge Road) stated the Montgomery County Planning Commission in some of their reviews is referencing the new comp plan. She thinks this is wrong.

On a motion by Supervisor Grossman, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved the change order to the comprehensive plan contract with Bergmann for meeting attendance in an amount not to exceed \$7,000.

4. Hold Harmless Agreement - 4138 Redwood Road

Mr. Guttenplan explained the Hold Harmless Agreement for the property at 4138 Redwood Road for a new 6-foot fence in the ultimate right-of-way of Redwood Road. This fence is proposed by the owners to provide safety for a resident family member with Downs Syndrome. As you will note from the attached map, Redwood Road is a dead-end street adjacent to this property (with the house fronting onto Susan Way). He stated the Police Chief has reviewed this application and finds that it poses no sight distance or safety hazard.

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a fence in the ultimate right-of-way at 4138 Redwood Road.

5. June 2019 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Grossman, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved expenditures totaling \$884,970.23; and payroll totaling \$621,276.03 and pension paid costs totaling \$9,293.75 for June 2019.

AMEND AGENDA

On a motion by Supervisor Nester, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors amended the agenda.

6. Certificate of Appropriateness 3068 Butler Pike

Mr. Guttenplan explained the Certificate of Appropriateness is for new windows on the entire home at 3068 Butler Pike. He said it is the smallest of the historic homes that were preserved as part of Maple Hill and has been sold to a new owner. He said the application was discussed by HARB and recommended for approval with the following conditions: the windows on the Butler Pike face and the right side of the house (south side) have simulated divided lights (exterior grids); the remaining windows may have integrated divided lights (grids between the two layers of glass); the arrangement of the lights in the new windows match the current windows (i.e.-6 over 6, 2 over 4, and 3 over 6); and there be no alteration in the jambs, casings or exterior trims.

Sydelle Zove (Harts Ridge Road) explained the building was the toll house to the turnpike when Butler Pike was a turnpike.

On a motion by Supervisor Drossner, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved a Certificate of Appropriateness for new windows at 3068 Butler Pike.

7. Certificate of Appropriateness 3139 Spring Mill Road – Solar Panels

Mr. Guttenplan explained the Certificate of Appropriateness is for roof-mounted solar panels. This home was built in 2001 as part of the Black Walnut Lane development; it has a Spring Mill Road address because it shares a driveway with another home on that road. The lot for this home actually has three 'frontages'-Spring Mill Road (not actual frontage but it has the shared driveway there), Black Walnut Lane, and a large frontage on Butler Pike. He stated the application was discussed by HARB and a Certificate of Appropriateness was recommended for approval for the 39 solar panels as proposed, recognizing that this is a non-contributing building in the Plymouth Meeting Historic District.

On a motion by Supervisor Grossman, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved a Certificate of Appropriateness

PUBLIC COMMENT PERIOD

Linda Doll (Fairway Road) spoke about the Zoning Code and changing various codes, specifically one that came up at the Zoning Meeting the previous night about how much living space a home can have and it said three levels she suggested it be limited to a height change. Mr. Mellor stated it goes back to the comp plan and this is one of the things identified by the draft comp plan that needs to be addressed, the Zoning Code. She spoke about New Jersey is now having developers pay a fee to provide for all the school district, township infrastructure for adding to the burden.

Sydelle Zove (Harts Ridge Road) spoke about her idea that she provided on May 9 that could be given to developers a waiver in regards to copyright notice. There was a discussion regarding the copyright issue.

Eli Glick (Whitefield Drive) suggested the township speak with developers about getting permission to provide copies of copyright plans.

BOARD MEMBER COMMENTS

Chair Sterling thanked the Chief and the Whitemarsh Township Police Department for another successful Cop Camp.

Supervisor Drossner thanked all for a great 4th of July Parade. The Whitemarsh Little League 11year olds won the District 22 Title, the second year in a row.

ANNOUNCE EXECUTIVE SESSION

Chair Sterling announced the Board of Supervisors held an Executive Session prior to this meeting to discuss Litigation. There was also an Executive Session on July 9, 2019 and discussed Personnel and there was an Executive Session on June 3, 2019 where they also discussed Personnel.

ADJOURNMENT

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

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager