

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
July 19, 2018**

A Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was called to order on Thursday July 19, 2018 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 Fran McCusker

Supervisors Absent:

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

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Chair Grossman acknowledged E.J. Lee, Assistant Township Manager who is leaving the Township after 7 ½ years. She stated E.J. has accepted the position of Township Manager in the Borough of New Hope. She said the Board of Supervisors wish her the best in her new position.

Supervisor Sterling announced:

The next Movies in the Park is scheduled for Wednesday, July 25 at Cedar Grove Park for the screening of Beauty and the Beast. Bring a blanket or chairs to attend this free event thanks to the sponsorship of Slawek Orthodontics, Holods, Chick Fil A and Kona Ice. Food and refreshments will be available for purchase at the event. The movie will begin at dusk.

Due to West Nile Virus positive mosquito collections in the area, the Montgomery County Health Dept. has scheduled spraying for adult mosquito control within areas of the Township. The spraying will take place on Thursday, July 26, 2018 with a Tuesday, July 31, rain date. The application will begin at approx. 8:15PM and will end at approx. 11:30PM. All spraying will be performed by Montgomery County Health Dept. Personnel using a Montgomery County Health Department identified truck mounted sprayer. Individuals listed in the Pesticide Hypersensitivity Registry and Registered Apiaries within 500 feet of the spray area will be notified by Montgomery County Health Department. More information on the spraying can be found on the Township website.

APPROVAL OF MINUTES

1. June 14, 2018 and June 28, 2018

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the June 14, 2018 and June 28, 2018 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #10-06; Squires Ridge, LLC/Ridge Pike – Conditional Final Plan

Mr. Guttenplan explained SLD #10-05 is for Squires Ridge development, located in Springfield Township. There is a 2.6503-acre parcel located in Whitemarsh Township included in this development, though no improvements of any kind are proposed on this parcel. It will remain in its current open space use. However, because it was used in calculations for the development's NPDES permit, the Township must re-approve this plan and sign it prior to its being recorded. The Township approved a minor subdivision plan in 2007 via Resolution #2007-14, when the original subdivision was approved; at that time, the plan showed 52 age-qualified dwelling units plus the retention of an existing dwelling, all in Springfield Township. The current plan shows 34 age-qualified dwelling units, also all within Springfield Township. In 2007, the majority of Whitemarsh's concerns as reflected by the conditions and waivers in the original resolution pertained to the construction of the roadway into the project and also serving the Masonic Village. That road has been funded and constructed thereby satisfying most the conditions in the 2007 resolution. The only significant condition left is for the developer to pay a voluntary payment of \$10,000 to Whitemarsh Township in lieu of dedication of park and recreation land and in lieu of a Traffic Impact Fee. The developer has acknowledged there are no records that that payment has been made and therefore that obligation is contained in a brief addendum resolution to re-approve the subdivision.

Resolutions

1. SLD #10-06; Squires Ridge, LLC/Ridge Pike – Conditional Final Plan

On a motion by Supervisor Nester, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors adopted Resolution #2018-14 granting conditional Final Plan approval for SLD#10-16; Squires Ridge, LLC/Ridge Pike to re-approve 2.65 acres in Whitemarsh Township which remain undeveloped as is part of the development plan for thirty-four (34) new residential dwelling units in Springfield.

PUBLIC HEARINGS

1. Conditional Use #02-18 - Merakey/620 Germantown Pike – Sign in VC-1

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors opened Public Hearing for Conditional Use #02-18 - Merakey/620 Germantown Pike – Sign in VC-1.

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
 Marc Kaplin, Attorney for the Applicant

Kevin Cybularz, Merakey

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors closed the public hearing .

Motions

1. Conditional Use Conditional Use #02-18 - Merakey/620 Germantown Pike

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors approved Conditional Use application #02-18 for Merakey/620 Germantown Pike for the installation of sign in the VC-1 zoning district.

3. Conditional Use #01-18 - Buttz/4028 McNiff Drive – Front Facing Solar Panel

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors opened the Public Hearing for the Conditional Use #01-18 - Buttz/4028 McNiff Drive – Front Facing Solar Panel.

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
Courtney Shallhorn

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors closed the public hearing.

2. Conditional Use #01-18 - Buttz/4028 McNiff Drive – Front Facing Solar Panel

On a motion by Supervisor Nester, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors approved Conditional Use application #01-18 for Buttz/4028 McNiff Drive for the installation of front facing roof mounted solar panels.

3. Conditional Use #06-17 - K. Hovnanian, LLC/4006 and 4046 Butler Pike

The Board of Supervisors continued the Public Hearing for the Conditional Use #06-17 - K. Hovnanian, LLC/4006 and 4046 Butler Pike – Townhouses in the VC-2 Zoning District.

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
 Julie L. Von Spreckelsen, Attorney for the Applicant
 Michael D. Fiorentino, Attorney for Objectors Friends of Abolition Hall, Thallmayer, Telegardis and Childs
 David Miller
 Tom Crompton
 James A. Schmid, Environmental Consultant
 William C. Bolger, retired, Architectural Historian with the National Park Service

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors continued the public hearing until Thursday, August 16, 2018 at 7:00PM.

ACTION ITEMS

Ordinances

1. Ordinance Amendment - 3-way Stop Signs

Mr. Mellor explained due to the available sight distance and the geometry of the roadway is at both Mill Road and Valley View Road and Mill Road and Ensley Drive the Traffic Safety Unit of the Police Department has recommended that the intersections be changed from its current 2 way configuration to a multiway stop configuration. It is recommended that the Whitemarsh Township Code section 111-14 be amended to reflect the both intersections of Mill Road and Valley View Road and Mill Road and Ensley Drive as a 3 Way Stop intersection. It is also recommended that the improvements of signage and pavement be installed at the same time as the new stop signs.

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Ordinance #985** amending the Whitemarsh Township Code Chapter 111, "Vehicles and Traffic", Article II, "Traffic Regulations" to establish 'Stop Intersections' at Ensley Road and Valley View Road for 3-way stops at both intersections with West Mill Road.

2. New Cable Ordinance - Comcast Franchise Agreement

Mr. Mellor explained the services of Cohen Law Group to work on behalf of the Township and multiple municipalities on the Franchise agreement that is due to expire. Mr. Mellor provided some of the highlights of the Franchise Agreement. He also explained the Franchise Fee Grant which is a one-time grant in the amount of \$30,000 which will be utilized for the upgrade of WTV. He explained the process to get the ordinance passed, going forward.

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Ordinance #986** authorizing execution of a Cable Franchise Agreement between the Township and Comcast of Pennsylvania, LLC..

Resolutions (Continued)

2. Municipal Adoption Resolution - 2017 Montgomery County Hazard Mitigation Plan Update

Mr. Mellor explained this is an all hazards plan that has been adopted by both PEMA & FEMA. The purpose of each Municipality adopting this plan is to be eligible for hazard mitigation grants and funding. The plan is reviewed and updated every 5 years. The 2012 version is attached to our current Emergency Operations Plan.

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2018-15** authorizing execution of the 2017 Montgomery County Hazard Mitigation Plan Update.

Motions (Continued)

3. Appointment – Boards and Commission

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the appointment of the following individuals to the Shade Tree Commission, Natalie Borkowski and Christian Fassbender.

4. Hold Harmless Agreement - Castango/562 Bethlehem Pike

Mr. Guttenplan explained the Hold Harmless Agreement is for the property at 562 Bethlehem Pike (twin dwelling at the corner of Mathers Lane). The owner is proposing to add a small mudroom addition to her home and rebuild an existing deck in its same location. The deck is encroaching in the ultimate right-of-way of Mathers Lane and there are low fences in the ultimate rights-of-way of Mathers Lane and Bethlehem Pike. The Traffic Safety Unit of the Police Department conducted a site visit and finds no issue with the location of the subject improvements; subject the applicant trimming up one tree that hampers sight distance looking to the right for vehicles exiting Mathers Lane onto Bethlehem Pike. The applicant subsequently trimmed this tree and the Police Department finds it acceptable; the applicant has been asked to keep it trimmed, which she has indicated she has done on an annual basis and will continue to do so.

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a deck in the ultimate right-of-way at 562 Bethlehem Pike.

5. Hold Harmless Agreement - Storti/1501 Butler Pike

Mr. Guttenplan explained the Hold Harmless Agreement is for 1501 Butler Pike, at the corner of Butler Pike and E. 15th Avenue. The owners previously proposed a 4-foot fence with stone pillars at either end for a portion of their frontage on E.15th Avenue, in the ultimate right-of-way. The Board approved a Hold Harmless Agreement for those improvements in May, 2017. The fence and pillars were never

installed. The owners have now decided to add two additional pillars to break up the fence run; since the previous Hold Harmless Agreement was specific as to the improvements proposed at that time, a new one is necessary. Before the 2017 approval, a site visit was conducted with personnel from the Police Department Traffic Safety Unit and they saw no safety issues with these proposed improvements.; the addition of the two intervening pillars will have no impact on sight distance or any other safety issues.

On a motion by Supervisor Sterling, seconded by Supervisor Nester (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a fence and 4 pillars in the ultimate right-of-way at 1501 Butler Pike.

6. Certificate of Appropriateness - 4070 Butler Pike

Mr. Guttenplan explained the Certificate of Appropriateness is for the paint trim color for the exterior renovations at the office building located at 4070 Butler Pike. The main facade color was approved previously but HARB had asked the applicant to come back with a different trim color. They proposed a white trim using a Benjamin Moore shade from their historic palette; the HARB recommended approval.

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for a new building trim at 4070 Butler Pike.

7. Certificate of Appropriateness - 8 East Germantown Pike

Mr. Guttenplan explained the Certificate of Appropriateness is for a sign at 8 E. Germantown Pike. There is currently a freestanding sign post with the property address and three tenants identified by separate hanging signs. One of those three is being proposed to replace a sign for a tenant no longer in the building with a sign for a new tenant, "Morris Capital Management Group". HARB recommended approval of the Certificate of Appropriateness for this replacement sign.

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for a new sign at 8 East Germantown Pike.

8. Certificate of Appropriateness - 3047 Spring Mill Road

Mr. Guttenplan explained the Certificate of Appropriateness is for 3047 Spring Mill Road, for the 'Maple Hill' single-family development being constructed by Paone Builders. They are proposing ten different house models and have been reviewing these with HARB over the past two months. At the June meeting, HARB passed a motion recommending a Certificate of Appropriateness for all ten house models, with the understanding that for five of the models, the developer will present historic options for future HARB review and recommendation. (These would be for the Winchester, Shipley, Charleston, Cambridge and Berkshire models.) These optional designs will come back for a future Certificate of Approval once recommended by HARB, and then these could be offered by the developer as well. If the Board approves the currently recommended 'umbrella' Certificate of Appropriateness, it would allow the developer to offer any of the ten models as they are currently designed, to prospective buyers without requiring individual Certificates of Appropriateness. An individual Certificate of Appropriateness would only be required for an individual lot if the design of a particular proposed home significantly deviated from the ten approved models.

There was a discussion regarding the “historical options” that HARB is requesting Mr. Paone to present to them at their next meeting.

On a motion by Supervisor Drossner, seconded by Supervisor Grossman (Vote 5-0) the Board of Supervisors **TABLED** the Certificate of Appropriateness for the housing styles for the Maple Hill Development at 3047 Spring Mill Road.

9. Escrow Release No. 3; RAO Group; 520 Pennsylvania Avenue

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized escrow release # for 520 Pennsylvania Avenue in the amount of \$151,660.91.

10 June 2018 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Sterling, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved expenditures totaling \$1,082,020.55; payroll totaling \$922,240.49 and pension paid costs totaling \$8,011.41 for June 2018.

AMEND AGENDA

On a motion by Supervisor Sterling, seconded by Supervisor Drossner (5-0) the Board of Supervisors amended the agenda.

11. Solicitor to intervene in Zoning Hearing – 650 Church Road

On a motion by Supervisor Drossner, seconded by Supervisor Sterling (Vote 5-0) the Board of Supervisors authorized the Solicitor to intervene in the Zoning Hearing related to 650 Church Road for the purpose of reviewing and advocating for the enforceability of conditions that may constitute an Order/Decision issued by the Zoning Hearing Board

PUBLIC COMMENT PERIOD

Yassmin Shimshek, Chestnut Hill College, announced on behalf of the Foreign Language School there are a large amount of international students coming to Chestnut Hill College this fall and they are looking for home-stay families. She asked for recommendation for getting the word out. Mr. Mellor asked for her contact information.

Eli Glick, Whitefield Drive spoke about his dissatisfaction with the Board of Supervisors and the appointments they made to the Shade Tree Commission. Supervisors Nester replied. Supervisor Drossner also replied to Mr. Glicks comments.

BOARD MEMBER COMMENTS

None

ADJOURNMENT

On a motion by Supervisor Drossner, seconded by Supervisor Sterling, the meeting was adjourned at 10:45 PM.

Respectfully submitted,

Richard L. Mellor, Jr.
Township Manager