

**WHITEMARSH TOWNSHIP BOARD OF SUPERVISORS  
PUBLIC MEETING MINUTES**

**JUNE 6, 2022**

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, June 6, 2022 at 7:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

Supervisors Present: Laura Boyle Nester, Chair (Virtual); Fran McCusker, Vice-Chair; Vincent Manuele; Jacy Toll and Patrice Turenne (virtually)

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

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS**

Supervisor McCusker announced:

Movies in the Park continues June 15th at Cedar Grove Park for a free viewing of Sing 2! The showing begins at Dusk. Please bring your own blankets or lawn chairs.

PECO will be closing Butler Pike nearby the LuLu Shrine beginning June 13th. This is a 24-hour closure and is expected to last approximately 30 days. The Township website includes specific detour information for local residents.

The 4th of July Parade Returns next month! Those who wish to march in the parade must register their organization no later than June 28th. Please register through the Township Website. The parade will take place on Monday, July 4th at 10am and will be followed by the picnic in Miles Park.

**Pride Month Proclamation**

Supervisor McCusker read the proclamation: Whereas, The LGBTQ+ community is valued and its members are vital contributors to Whitemarsh Township's culture and economy; Whereas, the LGBTQ+ community has faced a long history of discrimination, violence and bullying that continues today; Whereas, Whitemarsh Township is dedicated to fostering a diverse community inclusive to all, regardless of sexual orientation or gender identity, and welcoming and standing with our LGBTQ+ friends, family, and neighbors; Now therefore be it resolved, that we, the Whitemarsh Township Board of Supervisors, do hereby declare the month of June as Pride Month and encourage Township residents to show their pride and support of our LGBTQ+ friends, family, colleagues and neighbors. Resolved, this 9th Day of June, 2022.

## **Juneteenth Proclamation**

Supervisor Toll read the Proclamation: Whereas, President Abraham Lincoln signed the Emancipation Proclamation taking effect on January 1, 1863; and Whereas, The 13th Amendment was ratified on December 6, 1863; and Whereas, word of the Emancipation Proclamation was delayed over two and a half years, to June 19, 1865, in reaching enslaved African Americans in the South and Southwestern states and territories; Now therefore be it resolved, that we, the Whitemarsh Township Board of Supervisors, do hereby declare June 19, 2022 as Juneteenth and encourage all township residents to celebrate and reflect upon the significance of African American heritage in our nation and community. Resolved, this 9th Day of June, 2022.

## **APPROVAL OF MINUTES**

**May 12, 2022**

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the May 12, 2022 meeting minutes.

## **PUBLIC HEARINGS**

### **BOARD PUBLIC DISCUSSION ITEMS**

#### **1. Spring Mill Multi-Modal and Land Use Study - Amendment to the Township's Comprehensive Plan**

Mr. Guttenplan explained this is an advertised public hearing for Spring Mill Multi-Modal and Land Use Study. A court reporter was present, and the notes of testimony are available for review at the Township Building. He explained this study would be considered for adoption as an amendment to the Township's 2003 Comprehensive Plan. A Public Hearing by the Board is required by the PA Municipalities Planning Code prior to adoption of an amendment to the Comprehensive Plan.

Mr. Guttenplan explained in May, Gilmore and Associates, Inc., as consultant to the Township, completed a final draft of the Spring Mill Multi-Modal and Land Use Study. Focusing on the area around the Spring Mill SEPTA station, the study identifies key opportunities for: increased multimodal connectivity, public riverfront access improvements, shared parking, and intersection safety improvements. The Study also includes land use recommendations for underutilized parcels. The study area was selected based on its regional importance as a junction of pedestrian, bicycle, rail, and automobile traffic. A Steering Committee assisted in guiding the Study throughout the process; Supervisor Toll was the Board's representative on that Committee. In addition, to obtain public input, there was a public survey, key person interviews, and two public presentations and listening sessions. The majority of the study cost was funded by the DVRPC Transportation and Community Development Initiative (TCDI) Grant. He stated on May 24th, the Planning Commission held a 'Public Meeting' to review the Study; holding a Public Meeting is a requirement of the Planning Code. After a presentation by Gilmore staff, the Commission members discussed the Study and made some recommendations for minor adjustments to it, particularly that the time frames for implementation be the same as those contained in the 2020 Comprehensive Plan Selective Update. There were also several members of the public that had comments on the Study. At the conclusion of the discussions, the Planning Commission

passed a motion recommending adoption of the Study as a Comprehensive Plan amendment, with the understanding that the implementation timeline will be adjusted to be the same as that contained in the 2020 Comprehensive Plan Selective Update.

Judy Stern Goldstein, Gilmore and Associates introduced the project team: Krista Heinrich, Township Engineer, Emily Pasquaz and the Gilmore and Associates transportation division. She explained the project site, Cherry Street to Spring Mill County Park and along North Lane. She presented the major goals: enhance the multi-modal connectivity of Washington Street, Lee Street and the wider study area, evaluate a potential redesign of the waterfront and surrounding land uses, identify and evaluate the potential of undeveloped and underdeveloped parcels within the study area and identify issues and solutions for the Spring Mill Junction of the Schuylkill River Trail, the Septa Railway and Spring Mill Stations, Station Avenue. She explained the timeline of the project.

Ms. Stern Goldstein explained some of the recommendations of the study: Washington Street and the issue of the street dead-ending and the inability to get from Conshohocken to Whitemarsh and vice-versa. She said one of the options would be to have a signalized roadway, signals on either side of the pinch point and it would be one way at the pinch point where you can't get two lanes, so only one direction of traffic would go at a time and that would be coordinated with proper gates for the railroad. She said ultimately, they would like to have a two lane profile. She said in the Spring Mill Riverfront area is to provide a gathering area across the street from the café, which includes a sidewalk or a crosswalk for traffic calming. She said the Spring Mill Junction is chaotic in its current state. There is a sort of cul-de-sac at the end, she said the solution would be to create pavers in various colors in the actual travel lanes and roots and a proposed crosswalk using paver patterns. She said they are looking at the connection or continuation of the riverwalk from where it currently ends in Conshohocken coming down and connecting through the Spring Mill County Park. She state on North Lane they were looking at land use and to have transit friendly development and mixed use or park space to add more trails and get people down to the train station to take advantage of the multimodal opportunities. Parking recommendations looking for option for shared parking. She explained the overall recommendations where pedestrian crossing upgrades and connectivity, wayfinding signage, and in regard to flooding street art and education, legislative recommendations and design recommendations.

Chair Nester stated that it is a lot to read and thanked them for the good job and attention to detail. Supervisor McCusker thanked the team and said it was well done. He asked what the feedback was from Conshohocken. Ms. Stern Goldstein stated that they felt it was great but their greatest concern was Washington Street and they would like to do that first and they are willing to participate in the solution for Washington Street.

Susie Gordon (Roberts Avenue) stated she is looking forward to the different amenities included in the plan. She spoke about the properties on North Lane. She stated the one parcel is nice big open space and would like to see that it is preserved.

Michelle Zumo (Roberts Avenue) said the study was well done. She addressed traffic and additional building in the area. She spoke about possible development on North Lane and her concern about congestion.

Chad Waters (Roberts Avenue) spoke about his concerns about North Lane and possible developers. He spoke about the Riverwalk and developers looking for variances in regards to the riverwalk to reduce the easement for the trail. He spoke about the development area around the train station and Septa issues.

## Resolutions

### 1. **Spring Mill Multi-Modal and Land Use Study -Amendment to the Township's Comprehensive Plan**

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors adopted **Resolution #2022-16** approving the Spring Mill Multi-Modal and Land Use Study as an amendment to the Township's Comprehensive Plan.

## BOARD PUBLIC DISCUSSION ITEMS (Continued)

### 2. **SLD #05-22 Catania Construction, LLC/246 & 248 Hillcrest Avenue - Preliminary/Final Minor 2-Lot Subdivision**

Mr. Guttenplan explained SLD #05-22 is a Minor Subdivision Plan for Keith Catania at 246 and 248 Hillcrest Avenue. There are currently three tax parcels, each with 40' frontage. The proposal is to combine them and re-divide the area equally to create two lots, each of which will have 60' frontage. The applicant went to the Zoning Hearing Board in ZHB #2021-4 7 to obtain a number of variances to allow the creation of the two proposed lots and to allow the construction of a single-family home on each. Originally, there were two homes here that have been removed. The plan that was the basis for the Zoning Hearing Board decision is the same as the one currently proposed. As a minor subdivision, the applicant is requesting that the preliminary and final plan phases be considered simultaneously. One of the requested waivers, if granted (from SALDO §105-12.D.), would allow this to occur.

He stated the Planning Commission reviewed this application and after a brief presentation and considerable discussion, the Commission made several recommendations. The first was to not grant five waivers that pertained to stormwater management requirements based on the Township Engineer's recommendation that the applicant provide stormwater calculations to determine if their proposed controls (rain barrels) were adequate, or if additional controls would be necessary. (These are waivers 10.g., and 11.b. through 11e. in the resolution.) Calculations have since been provided and additional BMP's will be provided. The Planning Commission also passed a motion not supporting the waiver from Section 105-53.D. of the SALDO waiving the park and recreation dedication/ fee in lieu thereof, and instead, recommending that the applicant plant additional trees elsewhere in the Township at the direction of the Township Arborist. The Commission made a recommendation to grant all remaining waivers. The Planning Commission made a recommendation to approve the preliminary/ final minor subdivision plan.

Ed Hughes, attorney for the applicant stated they received a draft resolution and they are acceptable with everything in the resolution. Mr. Kilkenny asked about the requested of the Planning Commission put on related to the trees donated to other portions of the township. Mr. Hughes stated that was acceptable. Ms. Heinrich stated she agreed with the Planning Commission's recommendation

about not granting the five waivers. She stated new stormwater calculations since the Planning Commission meeting that demonstrate stormwater management Ordinance can be met. Mr. Guttenplan explained if the waivers are denied, as recommended, they would be resolved by the calculations and additional stormwater management that the applicant has agreed to.

### **Resolutions (Continued)**

#### **2. SLD #05-22 Catania Construction, LLC/246 & 248 Hillcrest Avenue - Preliminary/Final Minor 2-Lot Subdivision**

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2022-17** granted Conditional Preliminary/Final Plan approval for SLD #05-22 Catania Construction, LLC/246 & 248 Hillcrest Avenue for a minor 2-lot subdivision with approval of the waivers with the exception of the 5 recommended for denial by the Board of Supervisors.

### **BOARD PUBLIC DISCUSSION ITEMS (Continued)**

#### **3. SLD #06-22 Eric and Kelsey Riethmiller/108 Hampton Lane, Amended Final Plan Amended Stormwater Easement (Lillian Elliott Subdivision)**

Mr. Guttenplan explained SLD #06-22, is an Amended Final Plan for Eric and Kelsey Riethmiller at 108 Hampton Lane. Although submitted for a change to this one lot, it is actually an amended final plan for the late 1990's subdivision that created Hampton Lane and the eight lots/houses on it (Lillian Elliott Subdivision). A stormwater and detention basin easement located on 108 Hampton Lane, is proposed to be modified. The Riethmiller's plan to install an inground pool and related improvements which encroach on a portion of the easement as it currently exists on their lot. A grading permit application has previously been reviewed by the Township; during that review, it was noted that some zoning variances were needed. These have been secured, paving the way for the installation of the pool. However, the project cannot proceed until the record plan is amended to reflect the amended stormwater easement. The Planning Commission reviewed this application. The Commission passed a motion recommending amended final plan approval. The Commission has requested that the applicant show the Board a revised landscape plan showing native species; a plan showing the revised species is included in your packet.

Robert Blue, representing the applicant, explained they met with the neighbors, they modified the basin and he explained the new plantings.

### **Resolutions (Continued)**

#### **3. SLD #06-22 Eric and Kelsey Riethmiller/108 Hampton Lane, Amended Final Plan Amended Stormwater Easement (Lillian Elliott Subdivision)**

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors adopted **Resolution #2022-18** granted amended Final Plan approval for SLD #06-22 Riethmiller/108 Hampton Lane for an amended stormwater easement.

## CONSIDER ACTION ITEMS

### Ordinances

None

### Resolutions

## MOTIONS

### 1. Demolition of Property - 4046 Butler Pike

Mr. Mellor explained a few months ago the Township settled on the house at 4046 Butler Pike. He explained the township has been working with Jack Fields, Public Works Director securing the house, turning off utilities and putting together a proposal for the removal of the house. He stated the home has been vacant for several years and is a Code Enforcement nightmare. He explained the location of the home. He stated they are proposing the removal of the home, some tree removal, the arborist John Hosback has tagged trees on the property that should stay, an old vehicle was removed, and there are two sheds that Public Works will remove. He said they want to make it an easy maintenance area. He said he is reaching out to the neighbors to let them know what is going on with the property. Supervisor Toll asked about the cost of the demolition. Mr. Mellor explained the costs associated with the demolition. Chair Nester explained that all comes from Act 153.

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote (5-0) the Board of Supervisors authorized the demolition of the home at 4046 Butler Pike and subsequent costs associated with the demolition project covered under Act 153.

### 2. Hold Harmless Agreements - 201 Marble Lane; Fence in the ultimate right-of-way

Mr. Guttenplan explained the Hold Harmless Agreement is for a fence in the ultimate right-of-way at 201 Marble Lane. As part of an overall fence installation, the owners of the home at 201 Marble Lane are installing a fence along their side lot line adjacent to the Colonial School District property. The front six feet of this fence will extend into the ultimate right-of-way. There are no safety or sight distance concerns with this fence since this is the last home on this side of Marble Lane; it dead ends at the end of this property. Staff is therefore recommending approval of the Hold Harmless Agreement.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (5-0) the Board of Supervisors approved a Hold Harmless Agreement for a fence in the ultimate right-of-way at 201 Marble Lane.

### 3. May 2022 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote (5-0) the Board of Supervisors approved expenditures totaling \$634,758.85; and payroll totaling \$679,764.87 pension paid costs totaling \$4,971.26 for May 2022.

#### **4. Solicitor's Appearance - Monitor ZHB #2022-10 Sabra Healthcare**

Mr. Kilkenny explained Sabra Healthcare has a special exception case before the Zoning Hearing Board. He said his office would monitor the situation and report to the Board of Supervisors on the issue.

On a motion by Supervisor Toll, seconded by Supervisor Manuele (Vote (5-0) the Board of Supervisors authorized the Solicitor appearance before the Zoning Hearing Board to monitor ZHB #2022-10 Sabra Healthcare application.

#### **5. Bid Authorization - Refuse and Recycling Collection and Disposal**

Sean Halbom, Assistant Township Manager explained Whitemarsh Township's three-year contract with J.P. Mascaro and Sons is due to expire after December 31, 2022. There are currently 5,547 households paying refuse fees and the Township is required by contract to provide a minimum 90 days' notice to J.P. Mascaro and Sons if we wish to end this contract. The Township has an option to extend our current contract for two one-year periods. He suggests the Township advertise a bid for refuse services (now combined into a single bid for Trash, Recycling, and Yard Waste collection, transportation, and disposal). Advertising the bid will afford the Township an opportunity to see if new specifications will reduce the cost of collection or improve service levels for residents. Should the Board not like the prices provided, they can simply elect to execute the extension year options.

Chair Nester asked if it goes on the website and instructions on how to find the bid. Mr. Halbom stated it does and the Township is going to use Penn Bids to advertise. Chair Nester asked what the time frame is to make a decision. Mr. Halbom explained the township is required to notify the existing contractor at least 90 days prior to the end of the current contract and would be advertising the bids within the next month. Mr. Mellor explained opening them in time for a discussion in August. Supervisor Manuele asked when the 90-day deadline is. Mr. Halbom explained it is September 30, 2022.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (5-0) the Board of Supervisors authorized the public bid for the refuse and recycling contract.

#### **6. Certificate of Appropriateness - 37 East Germantown Pike – Roof Replacement**

Mr. Guttenplan explained the application is for the replacement of the current asphalt roofs on the three buildings at this address with new asphalt shingles. All gutters are also being replaced. HARB members had no issue with this proposal and the members present at the meeting unanimously voted to recommend issuance of a Certificate of Appropriateness with the condition that the gutters be replaced with half-round gutters.

On a motion by Supervisor McCusker, seconded by Supervisor Toll (Vote (5-0) the Board of Supervisors approved the Certificate of Appropriateness for the roof replacement at 37 East Germantown Pike.

#### **7. Certificate of Appropriateness - 3024 Tara Court – Exterior Door Modification and Deck Removal**

Mr. Guttenplan explained the application is to convert an existing door in an awkward location, to a window and provide a sliding patio door a more logical location. Removal of an existing deck is also part of this application. The patio door and deck removal are in preparation for a new paver patio (to be presented in a future application). This home was built in the 1980's; HARB members noted that all improvements are in the rear. HARB members had no issues with this application and the members present at the meeting unanimously voted to recommend issuance of a Certificate of Appropriateness.

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote (5-0) the Board of Supervisors approved the Certificate of Appropriateness for the exterior door modification and deck removal at 3024 Tara Court.

#### **PUBLIC COMMENT PERIOD**

#### **BOARD MEMBER COMMENTS**

None

#### **EXECUTIVE SESSION**

Chair Nester announced the Board of Supervisors held an Executive Session prior to the meeting to discussed litigation and personnel.

#### **ADJOURNMENT**

On a Motion by Supervisor Manuele, seconded by Supervisor Toll the meeting for June 6, 2022 was adjourned at 8:00 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.  
Township Manager