

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

AUGUST 12, 2021

The Regular Monthly Meeting of the Whitemarsh Township Board of Supervisors was held on Thursday, August 12, 2021 at 7:00 PM, in the Whitemarsh Township Building, 616 Germantown Pike, Lafayette Hill, PA.

Supervisors Present: Laura Boyle Nester, Chair; Fran McCusker, Vice-Chair; Michael Drossner; Vincent Manuele and Jacy Toll.

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 McCusker announced:

Whitemarsh Police Department reminds everyone that school returns on Monday, August 30th. Be mindful to watch for pedestrians, school buses, and school zones.

Join the Shade Tree Commission at Miles Park on Tuesday, September 7th for a 6 PM walk through of the Park and discussion about the recent Tree Survey Report. The regular shade tree meeting will follow at the township building at 7:30 PM. The Tree Survey Report can be found on the Township Website in the Shade Tree Commission page, under the 'Boards and Commissions' tab.

PennDOT has announced a portion of Stenton Avenue will be closed between Butler Pike and Sheaff Lane beginning Monday, August 16th. Stenton will be closed on weekdays between the hours of 9 a.m. and 3 p.m. until December 31st. Local access will be permitted through the construction zone.

Don't Forget! Township Day will take place on Saturday, September 18th from 12 noon until 5:00 PM at Victory Fields. Come join us for a day full of family-friendly activities and help support local businesses and community organizations!

Chair Nester acknowledged that the meeting is in person and also streaming the meeting through YouTube tonight. She spoke about the Shade Tree Meeting walk-through at Miles Park.

PUBLIC HEARINGS

- 1) **Conditional Use #02-21 Osaka Hibachi Japanese, LLC/551 Germantown Pike (Store #2)**

August 12, 2021

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors opened the public hearing for Conditional Use #02-21 Osaka Hibachi Japanese, LLC/551 Germantown Pike (Store #2).

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:

- David Sander, Solicitor
- Sharon N. Harvey, Attorney for the Applicant

MOTIONS

1. CU #02-21 Osaka Hibachi Japanese, LLC/551 Germantown Pike (Store #2)

On a motion by Supervisor Manuele, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved Conditional Use #02-21; Osaka Hibachi Japanese, LLC/551 Germantown Pike for a restaurant in the VC-1 District.

APPROVAL OF MINUTES

1. July 8, 2021

On a motion by Supervisor Toll, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the July 8, 2021 meeting minutes.

BOARD PUBLIC DISCUSSION ITEMS

1. SLD #01-21 Robbins Gulph Holdings, LLC/27 E. Germantown Pike – Preliminary/Final Plan

Mr. Guttenplan stated this is unique as it is the first land development restoration or rehabilitation of a historic building seen in the historic district. He explained SLD #01-21, Preliminary/Final Minor Land Development Plan for Robbins Gulph Holdings, LLC which involves the restoration of the existing building as well as an 832-square foot addition to the existing building to make the whole building usable as an office. He explained the ZHB #2020-41, the Zoning Hearing Board granted relief for parking to be based upon the gross square footage to the inside of the very thick walls of the existing historic building (resulting in the need for three less parking spaces), for a small increase in impervious coverage, for relief from buffer requirements and for a reduced parking lot setback. One of the conditions attached to the ZHB decision was to require that two of the 14 total parking spaces be held in reserve and be landscaped until used, if necessary, in the future. As part of the land development, the existing building will be rehabilitated and the entire structure will be used as a single professional business office for the owner, a financial consultant. This property is in the VC-2 Village

Preservation District, Sub-district 2. It is also located in the Plymouth Meeting Historic District so the building plans will have to have a Certificate of Appropriateness approved once permits are applied for. The applicant has been to HARB for informal discussions and his plan has been well received. In addition to the application, plans, supporting documents, and the ZHB decision, there are a number of reviews for the project attached. The Planning Commission made recommendations on certain waivers on May 11th but deferred recommendations on a number of waivers that were landscape related and wanted input from the Shade Tree Commission. The applicant attended the June and July Shade Tree Commission meetings; some changes to their landscape plan were requested in June and in July, the Shade Tree Commission recommended approval of the applicant's revised landscape plan. At the July 13th meeting, the Planning Commission recommended approval of the remaining waivers, with the exception of the two pertaining to fee waivers for park and recreation, and traffic impact; they took no action on those. At the July 13th meeting, there was also considerable discussion about the stormwater management proposed for the site, which the applicant had improved based upon the first review from the Township Engineer. As a result of discussion at the July 13th Planning Commission meeting, further refinements will be made prior to the plan being authorized for recording. At the conclusion of the Planning Commission discussion, motions to approve and to deny the plan each failed for lack of a second. A third motion to take no position on the plan resulted in a tie vote, so the Commission officially took no action on the plan; the application is moved on to the Board at this time for its consideration and possible action.

Edward Hughes, attorney for the applicant described the property and the work proposed. He introduced Josh Castillo, Wilkinson Associates, the engineer for the project and Tom Robbins the property owner. Mr. Castillo explained the expansion, the parking lot, the related improvements and the stormwater management facility being proposed. Tom Robbins spoke about the issues and the development. He spoke about the historic aspect of the building. He explained the building plan and the proposed addition. He gave some of the history of the building and the property. Mr. Castillo showed the existing condition of the building and explained the proposed addition, new floor plans, the site plan with parking, the proposed landscaping and stormwater management plan. He explained the stormwater design would be a retention and release at a slower rate. Through a lined storm tank system, rain barrels, trees shrubs and vegetation and additional capture and reused. He explained the way the basin would work, how it would hold water and then be pumped out after a storm. Supervisor Drossner asked how the pumping would work. Mr. Castillo stated it will be on the owner to turn on the pump and use a hose to release the water. There was a discussion of the stormwater system. Supervisor Manuele confirmed the volume of water flowing off the property post construction is now equal to or less than what it currently is. Mr. Castillo agreed. Chair Nester questioned the ongoing maintenance. Mr. Castillo stated the Maintenance Agreement would hold the owner liable for the upkeep. Mr. Hughes explained the agreements that would cover this issue. Supervisor McCusker asked about the manual switch to run the pump. There was a discussion about the stormwater retention system and the backup of the system. Mr. Robbins spoke about the maintenance of the property and the building. There was a discussion about the rain barrels and dispersion.

Mr. Hughes stated they are in agreement with the resolution. He stated they are asking for fee waivers on the traffic fee and withdraw the waiver request on the park and recreation fee. He explained their reasoning for the waiver on the traffic fee. Supervisor Manuele explained that there are different

ways to calculate the fees. He stated the calculation of the fees for this project is discounted from what the Township could request. He said given the significant reduction he cannot support a waiver of either fee. There was a discussion about the fee waivers.

Roy Wilson (Butler Pike) stated his property is directly behind the property. He stated he was concerned about the stormwater. He explained the outflow from this property lands on his property. Supervisor Drossner clarified that one of the requirements of the resolution was that the runoff from the property would be no greater volume and he asked how he responds to the neighbor's concern of where the water will go. Mr. Hughes stated they are going above and beyond what is required the township ordinance. There was a discussion about the rate and volume of stormwater. Chair Nester asked Krista Heinrich if this would make the runoff worse. Ms. Heinrich explained there are three ways to control volume of stormwater. One is infiltration, which cannot be done on this property, another is evapotranspiration, which is what plants do with water and another is capture reuse. Evapotranspiration and capture reuse is what is being applied to this property. She said this system would reduce rate and volume of discharge. There was a discussion regarding the fees and the negotiation of the fees. Mr. Mellor explained how the fee negotiations happen and it depends on the project. Mr. Robbins spoke of the reasons behind the request for the reduction of fees.

Resolutions

On a motion by Supervisor Drossner, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors **TABLED until September 9, 2021** granting Conditional Preliminary/Final Plan approval for SLD #01-21; Robbins Gulph Holdings, LLC/27 East Germantown Pike for a building expansion and parking improvements.

CONSIDER ACTION ITEMS

Ordinances

None

Resolutions

None

MOTIONS

2. Harmless Agreement - 34 Sugar Maple Drive/Talio

Mr. Guttenplan explained the Hold Harmless Agreement for 34 Sugar Maple Lane. A proposed 7' tall fence will encroach into the ultimate right-of-way of Joshua Road. (This is a lot with three frontages: Joshua Road, Sugar Maple Lane, and Locust Way; see attached aerial with the lot highlighted). The Zoning Hearing Board approved variances to allow the fence to be the same height as the adjacent

property on Joshua Road, believed to be 7' but that it be no taller than 8'. (The applicant has since confirmed that it is 7'.) The variances were also conditioned upon compliance with all requirements of the Township Police Department relative to providing an unobstructed view. The Traffic Safety Unit of the Police Department conducted a site visit determined that the fence will have no impact on sight distance at the corner of Sugar Maple Lane with Joshua Road.

On a motion by Supervisor Drossner, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approved a Hold Harmless Agreement for a fence and shed in the ultimate right-of-way at 34 Sugar Maple Drive.

3. Escrow Release #1 - Ridge - Butler Pike/Whitemarsh Shopping Center

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors authorized escrow release #1 for Butler-Ridge/Whitemarsh Shopping Center in the amount of \$707,050.80.

4. Escrow Release #7 - The Knolls at Whitemarsh/Germantown Pike

On a motion by Supervisor Drossner, seconded by Supervisor Toll (Vote 5-0) the Board of Supervisors authorized escrow release #7 for The Knolls at Whitemarsh/Germantown Pike in the amount of \$64,488.29.

5. July 2021 Expenditures and Payroll and Pension Plan Paid Costs

On a motion by Supervisor McCusker, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors approve expenditures totaling \$892,351.95; and payroll totaling \$672,100.60 and pension paid costs totaling \$5,650.13 for July 2021.

AMENDED AGENDA

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

6. Volunteer Appointment

On a motion by Supervisor McCusker, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approve the appointment of John Pedicino to the Media Communications Advisory Board term ending December 31, 2023

7. Certificate of Appropriateness - 2 Catherine Lane - Installation of an outdoor fireplace

Mr. Guttenplan explained the Certificate of Appropriateness is for a gas outdoor fireplace on a deck at the rear of the home; the Board approved a Certificate of Appropriateness for the deck at its May 13, 2021 meeting. The fireplace will be faced with the same stone as on the front of the house.

HARB members saw no issues with it. The HARB members present unanimously recommended approval of a Certificate of Appropriateness.

On a motion by Supervisor Drossner, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for an outdoor fireplace at 2 Catherine Lane.

8. Certificate of Appropriateness - 8 Catherine Lane - Installation of a roofed deck with fireplace

Mr. Guttenplan explained the Certificate of Appropriateness is for a 600-square foot roofed deck with a gas fireplace in the back of the home at the above address. The stone facing and asphalt roofing will be similar to what is on the rest of the home. HARB members saw no issues with it. The HARB members present unanimously recommended approval of a Certificate of Appropriateness.

On a motion by Supervisor Toll, seconded by Supervisor McCusker (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for the installation a roofed deck and fireplace at 8 Catherine Lane.

9. Certificate of Appropriateness - 10 Catherine Lane – Change in roof deck material

Mr. Guttenplan explained the Certificate of Appropriateness is to allow a change in the deck roof material. It was originally a standing seam metal roof and is now proposed as an asphalt shingle roof to match the roof on the rest of the house. The Board approved a Certificate of Appropriateness for the deck and roof (and an adjacent paver patio) at its February 11, 2021 meeting. HARB saw no issues with the change of roof material. The HARB members present unanimously recommended approval of a Certificate of Appropriateness.

On a motion by Supervisor Manuele, seconded by Supervisor Drossner (Vote 5-0) the Board of Supervisors approved the Certificate of Appropriateness for changing the deck material at 10 Catherine Lane.

10. Order and Settlement Stipulation between 4 East Germantown LLC v. MONTCO Board of Assessment Appeals

On a motion by Supervisor Drossner, seconded by Supervisor Manuele (Vote 5-0) the Board of Supervisors authorize the Order and Settlement Stipulation between 4 East Germantown LLC v. MONTCO Board of Assessment Appeals resulting in the decrease in the assessment for 2021 requiring a repayment of \$248.17 in Township real estate taxes.

PUBLIC COMMENT PERIOD

BOARD MEMBER COMMENTS

None

EXECUTIVE SESSION

Chair Nester announced the Board of Supervisors held an Executive Session on prior to the meeting to discuss litigation.

ADJOURNMENT

On a Motion by Supervisor Toll, seconded by Supervisor Manuele the meeting for August 12, 2021 was adjourned at 8:30 PM.

Respectfully Submitted,

Richard L. Mellor, Jr.
Township Manager