

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS  
FEBRUARY 5, 2009 MEETING MINUTES**

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**1) Executive Session:**

- a) Mr. Dininny called the executive session to order at 6:30 p.m. seconded by Mr. DiPaolo. The following Board members were present: Mrs. Altieri, Mr. Brown, Mr. Dininny and Mr. DiPaolo. Mr. Sassu was absent. Also present were Township Manager Mr. Dunbar and Solicitor Mr. Onorato. A discussion took place on legal, contract matters, personnel and real estate matters. Mr. Dininny motioned to adjourn the meeting at 7:30 p.m. seconded by Mr. Brown.

**2) Public Meeting: Call to Order**

- a) Vice Chairwoman Altieri called the public meeting to order at 7:30 p.m.

**3) Pledge of Allegiance**

**4) Roll Call:**

- a) The following members were present: Supervisors Altieri, Brown, Dininny, and DiPaolo.
- b) Supervisor Sassu was absent.
- c) Also present were Solicitor David Onorato, Township Engineer John Chambers, Police Chief Francis Carroll, Director of Public Works David Shaffer, Community Relations Coordinator Denise Walsh, Project Analyst Nate Dysard, Director of Special Projects and Technology William Roth, Director of Community Development Michael Siegel, and Township Manager Joseph Dunbar.

**5) Chairman's Comments:**

- a) Vice Chairwoman Altieri announced that an executive session was held prior to the meeting to discuss legal & personnel matters. She further explained this was a work session and that the audience does not comment on the agenda items until the courtesy of the floor portion of the meeting at the end of the evening.

**6) Presentations & Commendations:**

- a) Presentation to Robert J. Pile on attainment of Eagle Scout status:
  - i) Vice Chairwoman Altieri explained that Robert Pile was away at college, and unable to be present for this evening's presentation.
- b) Presentation to Arcola Intermediate School students Zoe Bongiovanni and Kara Steinke for competing at the 2008 AAU Cross Country National Championships:
  - i) Vice Chairwoman Altieri presented Arcola Intermediate students Zoe Bongiovanni and Kara Steinke with awards to honor their achievement in the 2008 AAU Cross Country National Championship in the 4,000-meter race. Coach Jesse Mercer was also present to discuss the girl's success.
- c) Supervisor Brown requested that the Recording Secretary set aside a page in this evening's minutes to honor retired Lower Providence Township police officers Robert Opelski and Salvatore Barbone, who both recently passed away.

**7) Discussions:**

- a) Application S-08-04 for Eaglestream Plaza Land Development for Preliminary / Final Plan Approval:
- i) Mr. Siegel explained that this project is for a major land development under the Ridge Pike Business District (RPBD); here to request preliminary and final plan approval. The applicant is proposing a 5,000 sq. ft. two-story retail building with four apartments on the second story.
  - ii) Ms. SuSanne Creveling, the project engineer from HT Engineering, and Mr. Lou Gambone, the applicant, were present to discuss this plan.
  - iii) Ms. Creveling noted this development is located at the corner of Ridge Pike and Eaglestream Drive. It includes the four apartments over retail space, associated parking and sidewalk installation and a stormwater system tied into the townhouse development behind the property.
  - iv) Mr. Dunbar asked if they would comply with all items in the review letters, other than the waiver requests? Ms. Creveling explained there is an issue relating to parking spaces that was recently discussed with McMahon Associates.
    - (1) Ms. Creveling explained that the parking space in question is to be striped out and kept as a loading zone area for the tenants and small deliveries. A total of 30 parking spaces are required, and 32 have been provided.
    - (2) Supervisor Brown commented that he just received the review for this project today and was still trying to go over it.
    - (3) Mr. Dunbar commented that Ms. Stephanie Butler from McMahon Associates was present to address any issues that arise.
    - (4) Ms. Butler explained their concern related to someone backing out of the parking space while another vehicle was entering the driveway. The striping satisfies this concern. Ms. Butler commented that all other issues have been resolved. They request that all road improvements be installed prior to the opening of this site.
  - v) Discussion of Waiver Requests:
    - (1) Section 36.B(1) – a waiver from the 200 foot driveway separation distance:
      - (a) Mr. Brown asked for clarification on the 50’ vs. 100’ separation distance?
      - (b) Ms. Butler explained that 50’ is being provided instead of 100’ because this keeps the opening closer to the shopping center driveway across the street, and further away from the Ridge Pike intersection. This is a better option.
      - (c) Ms. Creveling noted they are very limited based on the other driveways in the area. They were doing their best to keep the entrance away from the intersection. It is 200 feet from the intersection at Ridge and Eagle Stream.
      - (d) Mr. Onorato commented that this section of the ordinance refers to a separation from another driveway opening on the same side of the street. Ms. Creveling indicated that she is asking for two waivers to be safe.

- (e) Per the February 5, 2009 McMahon Associates review letter, they will also request a waiver from Section 126.36.C. This provides a waiver from the separation of the driveways across the street from each other, while the other waiver is for the two driveway openings on the same side of the street. Mr. Siegel will add the second waiver to the resolution.
- (2) Section 123-18A(1) – a waiver request from locating existing features within 200 feet of the site boundary:
  - (a) Ms. Creveling noted that they have submitted an aerial photograph to address this request.
- (3) Section 123-50B(2) – a waiver from perimeter planting requirements:
  - (a) Ms. Creveling explained this applies to the southeast property line only, where they back up to the Colonial Shopping Center. They are proposing a shadow box fence in this area.
  - (b) Mr. Brown asked Mr. Onorato if the language for this easement thru the other property was strong enough to hold up for 20+ years if this becomes a problem. Mr. Onorato indicated that it was.
- (4) Section 123-50B(1) – a waiver from planting shade trees along Eaglestream Drive:
  - (a) Ms. Creveling explained that they have relocated the sidewalk to provide a 5' separation between the street and sidewalk in this area, which does not leave enough room for planting street trees. They have worked with CMX to relocate these trees elsewhere on the property, and are only two trees short of the requirement. Ms. Creveling noted that moving the sidewalk away from the street was done to address Mr. Brown's concern for pedestrian safety. She reviewed the colorized version of the plan to review the sidewalk movement and creation of an extra traffic lane.
- (5) Section 123-142.K.3 – a waiver from the screening of service and loading areas:
  - (a) Ms. Creveling explained that because this is a corner lot it was difficult to hide this area more than has been done. Ms. Creveling noted that they have gone beyond what is required for buffering elsewhere on the property, providing a 25' buffer at the back of the property adjacent to the townhouses.
- vi) Ms. Creveling discussed item 3c, one of the conditions of approval in the resolution as it pertains to the Traffic Impact Fee (TIF).
  - (1) Ms. Creveling provided a review of the project history as it relates to the townhouse development and interchange improvements at Ridge Pike. She reviewed proposed turning lanes, noting that the \$10,677.28 TIF listed in 3c was to be used toward the road improvements since it is an Act 209 intersection.
  - (2) Mr. Onorato asked where the language was that outlined the agreement for installing these improvements? Ms. Creveling was under the impression that Mr. Clement and Mr. Onorato had worked out the details, but will discuss the matter with Mr. Clement.

- (3) Ms. Creveling indicated that they have escrowed \$28,000 in Continental Bank for the improvements. This consists of the TIF money from the commercial pad site, and \$17,300+ in contributions from the applicant to the townhouse developer to close the gap for the cost of intersection improvement construction required for the townhouse development. Ms. Creveling noted that these improvements would benefit her client, the Township, and the developer of the townhouses.
- (4) Supervisor Dininny asked if this was above fees already paid? Ms. Creveling indicated that it was.
- (5) Mr. Dunbar asked where the TIF associated with the town homes (Owl Creek Partners) factored in? He thought their contribution of TIF money was associated with 30 town homes. Ms. Creveling
- (6) Mr. Dininny tried to clarify that \$28,000 is escrowed and the applicant is agreeing to pay an additional \$17,500 toward the intersection improvements but they want a credit of the \$10,677.88 toward the TIF fees? Ms. Creveling wants an acknowledgment that they have the \$28,000 in escrow, and that the new TIF requirement of \$10,677.88 is part of the \$28,000 already in escrow. They are willing to turn the \$28,000 over to the Township to use toward those improvements.
- (7) Mr. Onorato clarified that they do not want to pay the TIF identified in C3, but want it to be considered as already part of the \$28,000 escrow at Continental Bank.
- (8) Ms. Creveling remarked that of the \$28,000 in Continental Bank, approximately \$10,700 is for the commercial pad TIF, and the other \$17,300 was part of an agreement between buyer and seller of the townhouse property. Buyers wanted more money to offset the cost of the improvements, and the seller contributed the \$17,300 to the escrow fund.
- (9) Mr. Dunbar asked if there was any other money set aside between the applicant and Owl Creek Partners, beyond the \$28,000, to go toward intersection improvements? Ms. Creveling indicated that there was not.
- (10) Supervisor Brown asked if the offsite improvements are to be constructed by Owl Creek Partners? Ms. Creveling indicated that they are.
- (11) Mr. Onorato noted there was also a \$14,000 credit to Owl Creek Partners on the back end of their \$14,000 TIF. Their TIF was waived in exchange for the front-end improvements.
- (12) Mr. Dunbar noted that Owl Creek Partners are supposed to apply that \$14,000 toward the off-site improvements.
- (13) Mr. Chambers asked if the intersection improvements are guaranteed?
- (14) Mr. Onorato noted that Owl Creek Partners has until August 1, 2009 to install the improvements, and there will be no more building permits issued until those improvements are installed.
- (15) Mr. Dininny asked if there were any additional restrictions on the commercial project? Mr. Onorato indicated that this development should not be allowed to go forward until the improvements are completed.

- (16) Mr. Dininny asked what they would do if the August deadline is not met? Mr. Dunbar indicated the Township would pull the escrow to facilitate the improvements.
- (17) Vice Chairwoman Altieri clarified that if at that time the improvements exceeded the \$42,000 in total escrow money, the developer would be responsible to make up the cost difference. Ms. Creveling indicated that this was her understanding.
- vii) For the condition of approval 3i, the connection of the building permit pad site in conjunction with intersection improvements, Ms. Creveling questioned how to proceed should Owl Creek Partners not install them?
- (1) Mr. Onorato noted that Mr. Gambone planned this as a unified development with the understanding that the improvements would be completed. Those improvements were supposed to be installed already.
- (2) Mr. Siegel noted that a representative from Owl Creek was in today and he wants to break ground on the road improvements within the next 3-4 weeks when the weather breaks.
- (3) Mr. Dininny asked them to send their attorney in with this agreement so it can be reviewed. Mr. Siegel will follow-up on this.
- (4) Mr. Onorato will have Mr. McGrory and Mr. Clement get together to clarify the escrow agreements.
- b) Indefinite extension for 35 Evansburg Road, Preliminary / Final Minor Subdivision S-08-06, AND Indefinite extension for 35 Evansburg Road, Rezoning Application RZ-08-02:
- i) Mr. Siegel noted that several months ago the applicant was in for approval on this project, however they are now requesting an indefinite extension for both the subdivision and rezoning.
- ii) Supervisor Brown indicated that he was uncomfortable with extending this indefinitely.
- iii) Mr. Onorato noted that at some time they could request a developer to withdraw, or the Board will take action.
- iv) Mr. Dunbar has requested that Mr. Siegel bring in this developer and several other developers requesting indefinite extensions to determine what their future plans are for development. He noted that during the extension, ordinances change, etc. that effect the future development of these projects. He noted that S-04-03 has already been out there several years.
- v) Mr. Siegel noted they gave Eadah a 5-year extension in July, and he recommends they not go beyond that point. He will bring in the developers and discuss this with them.
- c) Extension for Ridge Pike Office Complex (Eadah) S-04-03:
- i) Previously discussed above.
- d) Extension for Colleeville Inn Conference & Training Center:
- i) Previously discussed above.
- e) Escrow release for Moscariello, 3826 Germantown Pike:
- i) Mr. Siegel noted that this project has been completed nicely, and they are requesting an escrow release. Mr. Chambers indicated that they are done.

- ii) Mr. Dunbar requested that Mr. Siegel verify that all of their bills are paid prior to releasing the escrow.
- f) An Ordinance amending the zoning map attached to and incorporated in Chapter 143 of the Code of the Township of Lower Providence changing the zoning classification of certain parcels of land from Village Commercial, Professional and Business Office District, R-2 Residential and Industrial to Evansburg Village Commercial (EVC):
  - i) Supervisor DiPaolo noted that this was for the map changes associated with the new EVC district, as recommend by the Lower Providence Planning Commission, Montgomery County Planning Commission, and the Village Commercial Committee. These coincide with the proposed text changes as well.
  - ii) Mr. Dunbar noted a February 19, 2009 public hearing is scheduled for this ordinance, as well as the next item.
- g) An Ordinance amending Chapter 143 of the Code of the Township of Lower Providence (also known as the Zoning Ordinance of Lower Providence Township) by eliminating the existing Village Commercial District and adding a new Village Commercial District and new Evansburg Village Commercial District:
  - i) Supervisor DiPaolo explained that this is the text of the VC ordinance, to replace the current text with the new VC and EVC text.
  - ii) Mr. Onorato noted that they must have the hearing prior to adopting either or both of these VC ordinances.
- h) An Ordinance amending Section 138 of the Code of Lower Providence Township to add certain provisions concerning speed limits and stop intersections in the Corporate Center:
  - i) Chief Carroll noted that this was a hearing previously authorized by the Board, and it is scheduled for the February 19, 2009 meeting.
- i) Ridge Pike, Trooper Road right-turn lane project overview:
  - i) Stephanie Butler of McMahan Associates was present to provide an overview of this project.
  - ii) Ms. Butler reviewed a concept plan for installation of a right-turn lane from Ridge Pike onto Trooper Road near the Lukoil frontage.
    - (1) The turn lane will be 160' long with an additional 100' of stacking space in front of the adjacent Tang property.
    - (2) The plans have been submitted to PennDOT, who is in agreement with the length and width of the turning lane. There is also a small sliver of land in front of Lukoil on Trooper Road that will be added.
    - (3) The traffic signal mast arm will be on the corner of the Lukoil property.
    - (4) Handicapped ramps will be installed with a sidewalk connecting them. Similar ramps are required for installation on all four corners of the intersection to ensure ADA compliance.
  - iii) Mr. Dunbar explained this is a budgeted expense. They have been in contact with West Norriton regarding the ADA corners, and have asked them to share in costs for the ramps.

- iv) Supervisor Dininny noted this is a \$330,000 project on a State road. He urged residents to contact the Governor's office to ask for help with funding.
- v) Supervisor Brown asked if the required land is within the ultimate right-of-way or is taking of land necessary? Ms. Butler explained there is a strip of land they are trying to acquire from Lukoil, who is in agreement on the project, however this is not finalized.
- vi) Mr. Onorato noted that if an agreement is not reached, there is 2,625 square feet of land that will require taking.
- vii) Mr. Dunbar noted that since this is a State road it was included in their stimulus request to Washington.
- viii) Vice Chairwoman Altieri asked if the land in front of the Tang property was an existing part of the road, and how many cars could stack in that area?
  - (1) Ms. Butler stated this land exists, and they are not proposing any modification to their access. Approximately 6-7 cars can stack in the striped area, and an additional 4-5 cars can stack in front of the Tang property.
- ix) Mr. Dininny asked if there would be any impact to the Germantown Title property? Mr. Dunbar indicated there would be no impact to that parcel.
- x) Ms. Butler noted that Lukoil is concerned with grades on the property because there is monitoring on the site. The Lukoil sign will need to be moved; landscaping will be added near the controller box etc. There will be adequate space for vehicles to move in and around that site.
- j) H2O Infrastructure Grant Application:
  - i) Mr. Dysard indicated he would be asking the Board to approve submission of the H2O Infrastructure grant application. There is a minimum request of \$500,000 on this grant, and they will request between \$750,000 and \$900,000. \$350,000 in a previous project will count as part of the local match for this grant.

**8) Staff Presentations:**

- a) Mr. Dunbar explained that he has requested various personnel to provide updates to the Board and public on their 2008 accomplishments that were not part of their traditional goals and objectives. Several staff members will speak tonight, with the remainder presenting in March. Each of the staff members listed below provided a brief summary of their accomplishments and then answered questions from the Board.
- b) Denise Walsh, Community Relations:
  - i) Supervisor Dininny commented that over the last few years a lot of new technology and enhancements to the printed materials such as newsletters have occurred. There have been outstanding efforts made by the Township and staff to get more information out to the residents, and he commended Mrs. Walsh and the rest of the staff for these efforts.
  - ii) Vice Chairwoman Altieri asked the status of the Township History Book? Mrs. Walsh explained this is in phase two. Mr. Dunbar noted there is so much data that has been gathered; it has been an overwhelming task to go through it all. Mrs. Altieri remarked that the mural project was phenomenal, and that Mrs. Walsh's skill sets are invaluable to the Township.

- c) Nate Dysard, Project Analyst / Purchasing:
  - i) Vice Chairwoman Altieri asked what happened to grant submissions that are denied? Mr. Dysard explained that they would have to resubmit them for consideration during the next grant cycle.
- d) Charles DeFrancesco, Emergency Management:
  - i) Supervisor Dininny questioned if many of the alarm calls were from the same location and if they had considered lowering the free three error calls? Mr. DeFrancesco indicated that many calls are from the same place, but they are a smaller percentage. They do not intend to reduce the free three calls at this point. He noted that most false alarms are due to human error.
  - ii) Supervisor Brown asked if they check to verify keys in the Knox boxes work? Mr. DeFrancesco indicated that when they do site visits they check the keys. Of the 25 businesses that are still not Knox box equipped, most are in the process of installing them.
- e) Francis Carroll, Chief of Police:
  - i) Supervisor Dininny commented that the LPPD was a top-notch organization.
  - ii) Vice Chairwoman Altieri thanked Chief Carroll and Mr. DeFrancesco for keeping the Township on the cutting edge of technology for these departments. She noted that the Township has a reputation for catching DUI's.
  - iii) Supervisor Brown noted that while banks are a number one business in Lower Providence, there are none in Worcester. Chief Carroll noted that the LPPD was instrumental in solving a bank robbery in a neighboring township this week. They aggressively pursue criminals to reduce their impact on the Township.

**9) New Business:**

- a) Mr. Dunbar requested that the Board take action on authorizing the H2O Infrastructure grant as it must be submitted by February 13<sup>th</sup>, and the next meeting is not until the 19<sup>th</sup>.
  - i) **MOTION** – Supervisor Dininny made a motion to authorize submission of the grant. Supervisor Brown seconded the motion providing they submit it prior to February 13<sup>th</sup>. The motion *passed* 4-0.
- b) Mr. Dunbar requested that the Board authorize the Township Manager to retain the Ferguson Group for consulting and legislative services to help with issues here and in Harrisburg.
  - i) **MOTION** – Supervisor Dininny made a motion to authorize retaining a consulting and legislative services group. Supervisor Brown seconded the motion. The motion *passed* 3-0-1. Supervisor DiPaolo abstained from the vote.
- c) Supervisor Brown asked if school delays and closings could be listed on the Township's TV network?
  - i) Mr. Roth noted that the person responsible for this information at the School has remote access to the Community Access Channel, so they could request this information be added. Mrs. Walsh will reach out to her contact and address this.

**10) Courtesy of the Floor:**

a) There was no public comment.

**11) Adjournment:**

a) **MOTION** – Supervisor DiPaolo made a motion to adjourn the meeting. Supervisor Brown seconded the motion. The motion *passed* 4-0. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

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Joseph C. Dunbar, Secretary

**This page is set-aside in remembrance of  
former  
Lower Providence Township Police  
Officers,**

**Robert Opelski  
&  
Salvatore Barbone**

**Who both recently passed away.**