

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS
OCTOBER 15, 2009 MEETING MINUTES**

1) Executive Session:

- a) Chairman Sassu called the session to order at 6 p.m. In attendance were Supervisors Sassu, Altieri, Brown, and DiPaolo, Township Manager Mr. Dunbar and Solicitor Onorato. Sewer Authority members Mr. Walker, Mr. Buchenauer, Mr. Tschoepe, Mr. Rose and Mr. Cleaver, and System Superintendent Mr. Cicippio were in attendance until 6:55 p.m. to discuss the Montgomery County prison litigation. Supervisor Dininny arrived at 6:42 p.m. Personnel, real estate and legal matters also were discussed. The session adjourned at 7:35 p.m. on a motion by Mrs. Altieri, seconded by Mr. DiPaolo.

2) Public Meeting: Call to Order

- a) Chairman Sassu called the public meeting to order at 7:35 p.m.

3) Pledge of Allegiance

4) Roll Call:

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

5) Chairman's Comments:

- a) Chairman Sassu announced that an executive session was held prior to the meeting to discuss legal, personnel, and real estate matters.

6) Consent Agenda:

- a) **MOTION** – Supervisor Dininny made a motion to adopt the consent agenda. Supervisor Brown seconded the motion.
 - i) Supervisor Brown made the following corrections to the minutes:
 - (1) For the September 17, 2009 minutes, on page 3, item 10)b)ii) the vote should be 3-1-1.
 - (2) On page 7 of those minutes, item 12)c) in the second sentence, the words “may or” should be inserted after the word “cameras”.
 - ii) Supervisor Altieri commented that on page 4 of those same minutes, item 10)e)ii) the word “Supervisor” Onorato should be changed to “Solicitor” Onorato.
 - iii) **MOTION VOTE** – The motion *passed* as corrected 5-0. There was no public comment on this matter.

7) Presentations & Commendations:

- a) Agenda items 2a through 2f, 2009 annual contribution checks to various organizations were addressed together. Chairman Sassu presented representatives from these organizations with the donations from the Township. The following organization's representatives were present to receive checks and provide a brief overview of their services:
 - i) Victim Services Center of Montgomery County, Stephanie Williams;
 - ii) L.P. Senior Center, Lena Scioli;
 - iii) Lower Providence Community Center, Tom McAnency;
 - iv) Visiting Nurses Association, Virginia Coombs;
 - v) L.P. Fire Company, Jackie Rittenhouse;
 - vi) Philadelphia Area Repeater Association, Gene Mitchell.
- b) Agenda items 2g and 2h, relating to rescue efforts at Mill Grove Apartments on August 7, 2009, were addressed together:

- i) Chairman Sassu presented Mr. Ryan Donovan with a Citizen's Commendation, and Sgt. Keith Gordon with a Commendation for Merit. Mr. Sassu reviewed the events of August 7th, when Mr. Donovan, a lifeguard at Mill Grove Apartments, found a toddler face down in the pool. He began performing CPR. Sgt. Gordon was off-duty at the time, but came to see what was causing alarm in that area, and assisted with facilitating rescue efforts.
- ii) Mr. Donovan thanked the Board for the recognition, but noted that he was just doing his job. He remarked that Sgt. Gordon helped him maintain his calm and expedited the police and ambulance response.
- iii) Sgt. Gordon commented that Mr. Donovan reacted as he was supposed to, and save the life of the child.

8) New Business:

- a) Authorization to advertise for public hearing to consider the adoption of final business park design standards, zoning map changes and cleanup ordinance for December meeting rotation:
 - i) Mr. Dunbar noted that during a presentation to the Board of Supervisors and Valley Forge Corporate Center (VFCC) subcommittee in June, the Board authorized staff to move forward with finalizing design standards, zoning map and ordinance changes. The committee is requesting authorization to advertise for a final presentation and public hearing during one of the December Board meetings.
 - ii) Supervisor Dininny asked how this would work if it was not adopted in December, considering changes to the Board. Mr. Onorato explained that the business of the Board continues from year to year. This can go to the new Board for a decision if necessary, and they can read transcripts from the hearings.
 - iii) **MOTION** – Supervisor Dininny made a motion to authorize the advertisement for this public hearing. Supervisor Brown seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.
- b) Discussion and consideration on escrow release and road dedication for S-03-01 – Gratz Road:
 - i) Mr. Dysard stated that the Township Engineer has conducted a final evaluation of this site and examined the cul-de-sac of Gratz Road, which is up to Township standards. He is requesting a release of escrow for this project.
 - ii) Mr. Onorato remarked that his office has prepared the deed and dedication for this project several years ago. He asked if anyone had a copy of that paperwork? Mr. Dysard does not have any knowledge of the paperwork.
 - iii) Mr. Onorato stated that the original dedication was signed and they need to find the original and have it recorded. A portion of Gratz Road needed to be vacated that is not part of the cul-de-sac, with permission of the property owner. The Board needs to authorize the proper officers to sign the vacation agreement with the property owner as part of the dedication.
 - iv) **MOTION** – Supervisor Altieri made a motion to authorize this release and dedication. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.
- c) Authorization for replacement of current communication system:
 - i) Mr. Shaffer requested authorization to purchase a replacement communication system for the Public Works Department. The existing system is 20 years old and they are no longer able to purchase replacement parts for it. The new system will have 45-watt units that are able to work if the repeater tower goes down during a storm. The new system would include 19 mobile units and 4 portable units for a total cost of \$9,419.65. They have some funding available in the budget to cover this expense.
 - ii) Mr. Dunbar noted that the new system would also enable them to communicate with other Public Works Departments in the area in the event of an emergency requiring regional efforts.
 - iii) **MOTION** – Supervisor Dininny made a motion to authorize the purchase. Supervisor Brown seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.

- d) Discussion on request from Lower Perkiomen Valley Regional Sewer Authority for two easements for Perkiomen Creek Interceptor Project:
- i) Mr. Onorato explained that the Lower Perkiomen Valley Regional Sewer Authority has requested two permanent access easements for the Perkiomen Creek Interceptor Project. These easements will be on the Skippack Creek and Perkiomen Creek.
 - ii) **MOTION** – Supervisor Altieri made a motion to authorize the easements. Supervisor Brown seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.
- e) Authorization to advertise for Ridge Pike Business District text amendment request – Kimco:
- i) Mr. Onorato explained that the Township received a request from Mr. Craig Lewis, Esq., counsel for Kimco, owner of the K-Mart Shopping Center, to amend the use of this building. Kimco would like to reuse the building, but require a text amendment to Zoning, which they have proposed.
 - ii) Mr. Craig Lewis, Esq., requested that the Board of Supervisors authorize advertisement of a hearing for an amendment to the Ridge Pike Business District (RPBD) zoning regulations. They would like to have “self-storage facility unit” added as a permitted use.
 - iii) Mr. Geoffrey Glazer, Vice President of Development for the Mid-Atlantic Region of Kimco, was present to discuss their plans for the site.
 - (1) Mr. Glazer reviewed Kimco’s property holdings and philosophy for re-inventing their retail centers as needed by region.
 - (2) There are 180 buildings in the Mid-Atlantic region, with the Ridge Pike Plaza Shopping Center representing a very strong piece of real estate.
 - (3) Kimco would like to reuse the K-Mart space to create a climate controlled mini-storage unit facility. Mr. Glazer explained that based on research and the present economic climate, they do not see retail as a viable use for this space over the next few years. The storage use of this space would be saleable, and they will come in and clean up the exterior façade of the building in the process.
 - iv) Supervisor Brown questioned if they would meet the current parking lot standards to update the parking lot? He indicated that Kimco has been before the Board previously and did not do what they said they would do in front of Genuardis. Genuardis had to pay for the improvements.
 - (1) Mr. Glazer is not familiar of what happened with Genuardis, and apologized for the past. He indicated they take pride in doing what they say they will do, and he would look into adding extra landscape islands, greenery, etc. to the parking lot area per current standards.
 - (2) Mr. Onorato reminded the Board that Kimco would have to go through land development for this project as well.
 - v) Supervisor Altieri commented that many public storage facilities have bright colors such as orange in their building identification. This is a subdued area in the Township, and she would not want to see the use of bright colors.
 - (1) Mr. Glazer noted that Kimco drives design, and they intend to keep the look subdued.
 - (2) Mrs. Altieri asked if there would be any type of exterior storage? Mr. Glazer stated that all storage would be inside the building, and they would like to complete the project by the second quarter of 2010 if they can receive approvals on the plan.
 - (3) Mrs. Altieri asked if they would touch-up the other storefronts? Mr. Glazer indicated they would do that if they did not look good.
 - (4) Mrs. Altieri stated that this is not her first choice for what she would like to see in this area. However, knowing the current market, this is a proactive approach for the property. She would like new landscaping to make a big statement for this tired, old building.
 - vi) Mr. Brown asked how many additional storefronts there would be? Mr. Glazer indicated there would be 6-8 storefronts.
 - (1) Mr. Brown indicated that at first blush he is opposed to this because it is not a good fit for the RPBD. However, if they have a commercial use out front as outlined and they believe the stores can be filled, he would be willing to give it a chance.

- (2) Mr. Brown questioned the type of security to be used at this site? Mr. Glazer reviewed the monitors and cameras that would be used to relay images to the office. The site will be open operationally from 8 a.m. to 6 p.m. each day, with code access for renters during off hours.
- vii) Supervisor Dininny asked if this was 180,000 sq. ft.? Mr. Glazer indicated that it was 102,000 sq. ft.
- (1) Mr. Dininny remarked that this type of business would not bring a lot of foot traffic to the center, and questioned the impact this would have on other businesses at that location? He noted the Township was previously approached to permit storage in the RPBD and it was rejected.
- (2) Mr. Glazer commented that the Ridge Pike Plaza is a strong community center with a grocery store. He reviewed various types of retailers and the locations they seek out, primarily near interchanges. The grocery store use is located within the community and will continue to draw people to that location.
- (3) Mr. Dininny wondered if the Township might find a better use for this location. He is not overly in favor of self-storage as a use and does not want to give up on the site. Mr. Glazer explained that they would far exceed the parking space required for a storage use. When the market is stronger, they would try to bring in a better use for the site, and would be poised for this by the available space and parking.
- viii) Mr. Dunbar noted that he was not thrilled with this use when first discussed at the Staff / Solicitor meeting. They also discussed setting aside another 30,000 sq. ft. for additional retail at that site and he does not want that to go away. Mr. Glazer indicated they are pursuing that.
- ix) **MOTION** – Supervisor Altieri made a motion to authorize the advertisement for a text amendment. Supervisor Dininny seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.
- f) Authorization to make application to Montgomery County “Jump Start” transportation project for construction costs for Ridge and Trooper:
- i) Mr. Dunbar explained that the County initiated a “Jump Start” transportation program earlier in the year, and is considering a second round for this program. He would like the Board to affirm application of a grant through this program to assist with construction costs for a right-turn lane down Ridge Pike to South Trooper Road. The projected cost for this project is \$290,000, and application for the program was due by October 5, 2009. The Township submitted an application for the program.
- ii) **MOTION** – Supervisor Dininny made a motion to affirm the grant application. Supervisor DiPaolo seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.
- g) Authorization for right of way acquisition for Lukoil Project:
- i) Mr. Dunbar explained that the Township would need to acquire 1,600 feet of right-of-way for the previously discussed project. They have preliminary estimates for the right-of-way and need to have the appraisal validated and need authorization to keep the project moving forward. This is paid out of Act 209 funds.
- ii) **MOTION** – Supervisor Altieri made a motion to authorize this project. Supervisor Brown seconded the motion. The motion *passed* 5-0. There was no public comment on this matter.

9) Public Hearing:

- a) Conditional Use Public Hearing – CU-09-02 2874 Ridge Pike:
- i) *Mr. Byron Battle was present to create a complete and accurate record of testimony.*
- ii) **MOTION** – Supervisor Altieri made a motion to enter into a public hearing. Supervisor Brown seconded the motion. The motion *passed* 5-0.
- iii) Mr. Onorato explained that this was a public hearing for a conditional use.
- iv) During the course of the hearing the following exhibit was entered into the record:
- (1) **Exhibit T1** – A packet containing:
- (a) The conditional use application,

- (b) A review letter from Chambers Associates dated September 11, 2009,
- (c) A letter to Mr. Furey dated August 5, 2009 regarding the scheduling of this hearing,
- (d) A certificate of posting for the property from October 5, 2009,
- (e) A letter to residents within 500 feet of the property notifying them of the hearing dated October 5, 2009,
- (f) A copy of the advertisement for the hearing placed in the Times Herald on October 2 & 9, 2009,
- (g) And a copy of the site plan last revised April 19, 1995.
- (2) **Exhibit A1** – A copy of the minor land development plan including a map, prepared by Michael Malone, dated January 6, 1995.
- v) Mr. Michael Furey, Esq., was present to represent the applicant, Mr. John Lomire, also present.
- vi) Mr. John Lomire, 2874 West Ridge Pike, Lower Providence, was sworn in as the first witness.
 - (1) Mr. Lomire testified to the use and specific details pertaining to the property.
 - (2) Mr. Onorato, Supervisors Altieri and Brown, and Mr. Dunbar had questions for this witness pertaining to the building, the lot, parking, concerns with the review letter, the plans, and changes in use among other items.
- vii) There were no public questions or comments during the hearing.
- viii) **MOTION** – Supervisor Brown made a motion to close the public hearing. Supervisor Altieri seconded the motion. The motion *passed* 5-0.
- ix) **MOTION** – Supervisor Dininny made a motion to grant the conditional use under and subject to the decision to be prepared by the Township Solicitor. Supervisor Altieri seconded the motion. The motion *passed* 5-0.

10) Comments and Other Business:

- a) Mr. Dunbar noted that they have been trying to complete the corner of Eaglestream Drive and Ridge Pike (known as Eaglestream Plaza / Province Place). Mr. Onorato has been working with the attorneys for both developments, with the escrow agreements being near completion. Mr. Dunbar requested that the Board authorize the Chairman to execute that agreement once it is ready to go to keep the project moving forward.
 - i) **MOTION** – Supervisor Brown made a motion to authorize execution of the agreement. Supervisor Dininny seconded the motion. The motion *passed* 5-0
- b) Chairman Sassu commented that Fun Day was a wonderful event receiving many positive comments from residents. The staff did a great job with this event, and everyone enjoyed themselves.
 - i) Mr. Sassu noted that he attended the retirement party for Judge Benjamin Crahalla with Supervisor Altieri. This was also a nice event with over 550 people in attendance.
- c) Supervisor Altieri also thanked the staff for all their efforts pertaining to Fun Day. She had several residents ask who was responsible for this event, to compliment them for such a nice event.
- d) Public Comment:
 - i) Mr. Richard Dean, 1441 Gertrude Avenue – commented that the sound system is in need of improvement as he is able to hear the Board members clearly but not the people at the podium. Mr. Dean indicated that this was also true for Zoning Hearing Board meetings.
 - (1) Chairman Sassu noted he is an advocate of wireless microphones, however they are very expensive.
 - (2) Supervisor Altieri clarified that the Board was audible, however those at the podium were not. Mr. Dean affirmed this.
 - (3) Mr. Dunbar explained that everyone does not speak directly into the microphone on the podium, which affects the quality of the sound.
 - (4) Mr. Dean also asked if the dates and times for rebroadcasts could be listed on the Community Access Channel? Mr. Dunbar stated that the meetings are rebroadcast on Tuesday, Thursday, and Saturday the week after the Board meeting at 1 a.m., 9 a.m., and 7 p.m.
 - ii) Ms. Maria Bruno, 107 Oakdale Avenue – was present to express her frustrations regarding noise emanating from the Trooper Cleaners business for the past six weeks. The noise appears to come

from a machine run out of the back of the building, from 8 a.m. to around 6 p.m. There is a hut on the side of the building, and it appears the equipment running in that hut creates the noise.

- (1) Ms. Bruno can hear this noise inside of her home and it is affecting the quality of her life. . Ms. Bruno sent an e-mail to Mr. Dunbar on October 5, 2009, and subsequently discussed the matter with him. Ms. Bruno thanked Mr. Dunbar for his efforts.
- (2) Mr. Dunbar explained that the matter was turned over to Code Enforcement. Mr. Booz has been to the site to discuss the noise with the property owner, and will be returning to do a noise reading with a decimal meter. The property owner has 30 days to address the complaint. If Ms. Bruno has additional questions, she should contact Mr. Booz, who will return to the office on Monday.
- (3) Ms. Bruno asked if the Cleaners could be asked to close the door? This may help buffer the noise. Mr. Dunbar indicated that they could talk to the property owner, however they must work within the confines of the law. They are working on this matter.
- (4) Supervisor Brown asked what was making the noise? Ms. Bruno indicated that it appears to be a compressor or generator.

11) Adjournment:

- a) **MOTION** – Supervisor Brown made a motion to adjourn the meeting. Supervisor Dininny seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9:20 p.m.

Next Work / Business Meeting: November 5, 2009

Next Business Meeting: November 19, 2009