

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS BUSINESS MEETING  
APRIL 7, 2016**

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**Executive Session:** The session was called to order at 6:34 p.m. on a motion by Supervisor Eckman, seconded by Supervisor Zimmerman. Present were Supervisors Sorgini, Eckman, Duffy and Zimmerman. Also present were Solicitor Mr. Rice, Township Manager Mr. Gestrich, and Assistant Township Manager Mrs. Golas. The session adjourned at 7:27 p.m. on a motion by Supervisor Zimmerman, seconded by Mrs. Eckman.

**Call to Order:** Chairman Sorgini called the meeting to order at 7:35 p.m.

**Pledge of Allegiance**

**Roll Call:**

- a. The following members were in attendance: Chairman Sorgini, Supervisors Duffy, Eckman and Zimmerman. Supervisor MacFarland was absent.
- b. Also in attendance were: Richard Gestrich, Township Manager; John Rice, Township Solicitor; William Roth, Director of Special Projects and Technology; Mike Mrozinski, Community Development Director; Karl Lukens, Director of Parks & Recreation; Timothy Woodrow, Township Engineer; Casey Moore, Traffic Engineer; Geri Golas, Assistant Township Manager; John Primus, Director of Public Works; Denise Walsh, Community Relations Coordinator; and Stanley Turtle, Chief of Police.

Chairman Sorgini announced that prior to the meeting an executive session was held to discuss legal, personnel and real estate matters. He also stated an executive session had been held March 31 to discuss personnel and legal matters.

**1) Consent Agenda**

A) **MOTION:** Supervisor Zimmerman made a motion to approve the consent agenda items 1(a) and 1(b), including moving the meeting minutes of March 17, 2016 into the record. Supervisor Eckman seconded the motion. The motion *passed* 4-0.

**2) Presentations**

A) A check presentation to the Methacton Post Prom Committee

**3) Public Hearing**

*Mr. Tim Kurek was present to take a complete record of testimony*

A) **MOTION:** Supervisor Zimmerman made a motion to enter into a public hearing. Supervisor Duffy seconded the motion. The motion *passed* 4-0.

B) An ordinance amending Chapter 143, Zoning, of the Lower Providence Township Code to provide for the regulation of backup generators.

i) John Rice reviewed the amendment to regulate backup generators. He noted that it is an issue that hadn't, until this point, been addressed in the Township's zoning regulations.

C) An Ordinance amending Chapter 143, Zoning, of the Lower Providence Township Code to provide for the regulation of accessory solar energy systems in residential and nonresidential zoning districts.

i) John Rice reviewed the ordinance amendment to provide regulations of solar energy systems in the Township. He noted that this issue was not addressed directly in the Township's zoning regulations.

(1) Ms. Eckman asked Mr. Mrozinski to discuss setbacks. He explained how the setbacks would work with the current setback ordinance in the R2 district as well as setting standards prohibiting units in front yards.

(2) Supervisor Duffy stated that if someone already has solar panels in the Township they are grandfathered in and would not be affected by this ordinance.

D) **MOTION:** Supervisor Zimmerman made a motion to exit the public hearing and re-enter the public meeting. Supervisor Duffy seconded the motion. The motion *passed* 4-0.

#### 4) Ordinances

A) An Ordinance amending Chapter 143, Zoning, of the Lower Providence Township Code to provide for the regulation of backup generators.

i) **MOTION:** Supervisor Eckman made a motion to approve the Ordinance amending Chapter 143, Zoning, of the Lower Providence Township Code to provide for the regulation of backup generators. Supervisor Zimmerman seconded the motion. The motion *passed* 4-0.

B) An Ordinance amending Chapter 143, Zoning, of the Lower Providence Township Code to provide for the regulation of accessory solar energy systems in residential and nonresidential zoning districts.

i) **MOTION:** Supervisor Zimmerman made a motion to approve the Ordinance amending Chapter 143, Zoning, of the Lower Providence Township Code to provide for the regulation of accessory solar energy systems in residential and nonresidential zoning districts. Supervisor Eckman seconded the motion. The motion *passed* 4-0.

#### 5) New Business

A) Consideration of a waiver request pursuant to Chapter 81 to permit the installation of five-foot high solid style fence on the corner property at 3766 Germantown Pike.

i) Mike Mrozinski reviewed the request for waiver, noting that this is an odd shaped lot with a lot of traffic on two fronts. He said this was a new owner for the property.

ii) Paul Roberto, the previous owner of the property, said that his current owner is his nephew who is seeking to sell the house and the sale is contingent based on the prospective buyers being able to install a fence for their dogs. He described the nature and configuration of the property

iii) Chairman Sorgini asked if neighbors had been contacted. Mr. Roberto said that they had and no one was in opposition.

iv) **MOTION:** Supervisor Zimmerman made a motion to approve the waiver request pursuant to Chapter 81 to permit the installation of five-foot high solid style fence on the corner property at 3766 Germantown Pike. Supervisor Duffy seconded the motion. The motion *passed* 4-0.

B) Consideration of a waiver request pursuant to Chapter 81 to permit the installation of a solid style fence on the corner property at 2801 Soni Drive.

i) Mike Mrozinski reviewed the request for waiver, noting this was a corner lot. He said the fence would be replacing trees on the property.

ii) Craig Lenox, owner of the property, stated that the fence would replace a previously existing line of cypress trees and showed where those trees previously existed on the property.

iii) Chairman Sorgini asked if neighbors had been contacted to discuss the installation of the fence. Mr. Lenox said that because of the location of the house he really did not have neighbors who would be affected.

iv) In response to Supervisor Eckman, Mr. Lenox said the fence would be six feet high. Supervisor Eckman expressed concerns about the sight line distance. Mr. Lenox explained the configuration of the property in relation to the intersection and stated the sight line would not be affected. Discussion was held regarding sight lines in the area.

v) Police Chief Turtle and Casey Moore both agreed the sight line would be fine.

- vi) **MOTION:** Supervisor Duffy made a motion to approve the waiver request pursuant to Chapter 81 to permit the installation of a solid style fence on the corner property at 2801 Soni Drive. Supervisor Zimmerman seconded the motion. The motion *passed* 4-0.
- C) Consideration of a request from the Lower Providence Presbyterian Preschool for a waiver of the Eagleville Park pavilion rental fee.
  - i) Karl Lukens described the waiver request, stating the Township has waived the fee in the past for this long-standing event.
  - ii) **MOTION:** Supervisor Duffy made a motion to approve the request from the Lower Providence Presbyterian Preschool for a waiver of the Eagleville Park pavilion rental fee. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
- D) Consideration of a request from the Lower Providence Presbyterian Seniors Activities for waiver of the Eagleville Park pavilion rental fee.
  - i) Karl Lukens explained this was the same type of waiver request as the previous request, stating the Township has waived this fee in the past.
  - ii) **MOTION:** Supervisor Zimmerman made a motion to approve the request from the Lower Providence Presbyterian Seniors Activities for waiver of the Eagleville Park pavilion rental fee. Supervisor Eckman seconded the motion. The motion *passed* 4-0.
- E) Consideration of LD 15-04/Dunkin Donuts for preliminary/final plan approval.
  - i) Mike Mrozinski said this land development has been through the Planning Commission which approved the re-use of property, a former gas station, for a Dunkin' Donuts.
  - ii) Bernadette Kearney, on behalf of the applicant, described the waiver process and said that the applicant would comply with all review letters with the exception of the waivers requested in Ralph Graff's letter dated December 22, 2015/January 27, 2016 letter.
    - (1) Request for waiver for Section 123.34F – Requirement to provide clear sight triangles along all approaches to intersections but not for access ways.
      - (a) Mr. Woodrow discussed the history of the plan and the revisions that are under consideration. He said that the waivers are minor and the benefit to granting them result in an improvement to the property as it exists now.
      - (b) Mr. Moore said that there are clear sight triangles on both driveways and they just need to watch vegetation. He discussed the access control as discussed with PennDOT and stated PennDOT will share the final plans with the Township.
    - (2) Request for waiver for Section 123-37.C – Requirement to install parking islands of 10 feet wide – Applicant to install 5 feet wide island along Ridge Pike frontage.
      - (a) Ms. Kearney said they were trying to not lose any parking spaces required on the site.
    - (3) Request for waiver for Section 123-37E – Requirement to permit parking closer than 30 feet from any property line or ultimate right of way line.
    - (4) Request for waiver for Section 123-37N – Requirement to provide minimum five feet radius for all curb lines in parking areas.
    - (5) Request for waiver for Section 123-43 - Requirement that stormwater facilities be designed to collect the fifty-year post construction rate while releasing the ten year pre-developed rate. Applicant will design to collect stormwater from fifty-year post construction and release at rate of twenty-five year pre-construction storm.
      - (a) Mr. Woodrow stated that this is currently a totally impervious site and even with the waivers requested the stormwater management will be improved. He stated he is comfortable with this waiver request.

(6) Solicitor Rice stated they will return with a preliminary/final resolution at the April 21 meeting.

F) Discussion and consideration of truck traffic restrictions for Arcola and Level roads.

- i) Casey Moore reviewed what has been done and what was requested regarding the truck traffic restrictions, stating there was concern about heavy traffic use and concerns of residents that this area will become a shortcut for heavy truck traffic. He reported that a study was conducted in September and it was determined that Arcola Road and Level roads be restricted to non-local trucks and that there will be no through-traffic for trucks. He said signage has been recommended and the area will be policed. Mr. Moore also said that signage for non-local truck traffic has been recommended for Level Road. He stated that signs will be placed at the base of the bridge in Upper Providence in order to alert trucks coming into the Township and, at the request of the police and Upper Providence Township Manager, additional signage will be placed in Upper Providence to alert trucks in time for them to take an alternate route. Mr. Moore said a copy of the study has been sent to the County and PennDOT and there are no concerns that this will push truck traffic onto other residential roads.
- ii) Supervisor Eckman questioned speed issues once the bridge is open. Chief Turtle said that he has already had discussion with residents. He said the bridge is targeted to open in July and they have enforcement in place and will undertake a speed study in the fall. Chief Turtle stated there is a sight distance issue at Yerkes and Level Road which will also be at that time. He said the truck restriction is an absolute necessity and the study conducted prior to the bridge closing backs it up.
- iii) Solicitor Rice said he had reviewed existing traffic code and clarified that this is just a truck restriction. He requested Mr. Moore and Chief Turtle look at the traffic code to make sure the roads that are listed in the codes are correct and are signed correctly. Chief Turtle stated he will have the Traffic Unit review the code.
- iv) **MOTION:** Supervisor Zimmerman made a motion to authorize Solicitor Rice to proceed with the preparation of an ordinance for traffic restrictions for Arcola and Level roads. Solicitor Duffy seconded the motion. The motions *passed 4-0*.

G) Consideration of award bid for Eskie Park Basketball Court Project.

- i) Karl Lukens said the bid was prepared by Mr. Woodrow's firm and opened on March 31. He said that only one bid was received but it came with outstanding references and price came in within budget. He described the process of the project stating he was seeking approval for scopes A, B and C. Mr. Lukens said that currently scope D, an alternate scope, for the replacement of standards and backboards would take the project over budget. He said that while it is optimal to undertake the replacement of the current standards and backboards during construction, he was not recommending it at this time but would not be opposed if the Board allocated additional funds.
  - (1) Supervisor Duffy asked what would the cost be to replace the standard and backboards. Mr. Lukens said approximately \$5,000.
  - (2) Supervisor Eckman asked at what point would they need to be replaced. Mr. Lukens said they could be replaced next year out of the operating budget. Chairman Sorgini asked if an additional \$5,100 would cover the cost. Mr. Lukens said that it would. Discussion was held as to the merits of replacing the standards and backboards during the restoration phase. Mr. Lukens also noted that the funds for Park and Recreation improvements come from Park and Recreation fees from development.

ii) **MOTION:** Supervisor Duffy made a motion to award the bid for the Eskie Park Basketball Court Project, including funds to alternate Bid D, replacement of basketball equipment. Supervisor Zimmerman seconded the motion. The motion *passed* 4-0.

iii) Request for additional funds to expand the summer camp program.

(1) Mr. Lukens said that the summer camp program registration has been through the roof and, together with staff, they've come up with a plan to expand the registration. He requested that the Solicitor prepare a resolution to approve additional expenditures to expand the summer camp, stating the expenditures would be between \$22,000 and up to \$30,000. Mr. Lukens said registration fees would cover these funds.

iv) **MOTION:** Supervisor Zimmerman made a motion to approve authorization for a draft resolution to approve additional funding for up to 40 additional Trailblazer positions.

Supervisor Duffy seconded the motion. The motion *passed* 4-0.

6) Announcements

A) The Park and Recreation Board will meet on April 12 at 7 p.m.

B) The Sewer Authority will meet on April 13 at 7:30 p.m.

C) Library Board of Trustees will meet on April 18 at 7 p.m.

7) Comments and other Business

A) Chairman Sorgini said that the current Board of Supervisors supports thoughtful development in the Township. He encouraged residents to also support this development by supporting local businesses.

8) Courtesy of the Floor

A) A member of the audience reminded everyone to vote in the April 26 primaries.

9) Adjournment

A) **MOTION:** Supervisor Duffy made a motion to adjourn the meeting. Supervisor Eckman seconded the motion. The motion *passed* 4-0. The meeting adjourned at 8:25 p.m.

Next Business Meeting: April 21, 2016  
May 5, 2016