

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
JULY 16, 2015**

Executive Session: The Executive Session was called to order at 6:37 p.m. on a motion by Mr. Thomas, seconded by Mrs. Zimmerman. Present were Supervisors Mr. Sorgini, Mr. Duffy, Mrs. Eckman, Mr. Thomas and Mrs. Zimmerman. Also present were Solicitor Mr. Rice, Township Manager Mr. Gestrich and Assistant Township Manager Mrs. Golas. The session adjourned at 7:29 p.m. on a motion by Mrs. Eckman, seconded by Mrs. Zimmerman.

Call to Order: Chairman Sorgini called the meeting to order at 7:30 p.m.

Pledge of Allegiance

Roll Call:

- a. The following members were in attendance: Chairman Sorgini, Supervisors Duffy, Eckman Thomas and Zimmerman.
- 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; Timothy Woodrow, Township Engineer; Stephanie Butler, Traffic Engineer; John Primus, Director of Public Works; Geri Golas, Assistant Township Manager; Francis Carroll, Police Chief.

Chairman Sorgini noted that prior to the meeting an executive session was held to discuss financial, personnel and legal matters.

1) Consent Agenda

- A) **MOTION:** Supervisor Zimmerman made a motion to approve the consent agenda items 1(a), 1(b) and 1(c), including moving the meeting minutes of June 18, 2015 into the record. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

2) Conditional Use Hearing

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

- A) Consideration of request from Stoneridge Acquisitions, LP (W.B. Homes) for construction of 139 townhomes on a property located at Germantown Pike and River Road.
 - i) Solicitor Rice reviewed the conditional use application and procedure for the hearing.
 - ii) Mike Furey entered his appearance and became a party to the application on behalf of Superior Tube Company, Inc.
 - iii) Mr. Jim Garrity, representing the applicant, reviewed the application and application process. He stated that he would be discussing specific details of the plans with experts Frank Montgomery, PTOE; Chris Canavan, W.B. Homes; Walter Hungarter, III, RT Environmental Services; and Ron Klos, Bohler Engineering. Mr. Garrity also noted that improvements to the original plan included the creation of three neighborhoods, two entrances, two different types of housing with different architectural features and 139 units on the site. The alternate entrance onto Germantown Pike, as requested by the Township's Traffic Engineer, was also incorporated into the plan.
- (1) Mr. Garrity reviewed the traffic report, stating that, as a result of changes they believe that no future Township projects will be impacted. The applicant will comply with all conditions of the McMahon letter of July 10.

- iv) Mr. Garrity presented Ronald Klos of Bohler Engineering, the applicant's project engineer and project manager, as an expert in civil engineering. The applicant distributed site plans to the Board, which Mr. Klos then reviewed.
 - (1) Mr. Furey asked if the proposed berm between the development and Superior Tube would be continuous as requested. The applicant said, if possible, they would work to make it a continuous berm.
 - (2) Solicitor Rice clarified that the open space indicated on the drawings were common areas and not yards. The applicant said that the development contained building footprint lots and it is an un-lotted development.
 - (3) Tim Woodrow clarified that 139 units is the target density but that 139 units may not be achieved during the design process due to topography, storm water management, etc. The applicant agreed. Mr. Woodrow supported the idea of common greens and asked if the applicant can assure the board that the common greens would remain open, recreation space and not compromised by storm water management methods. Mr. Bohler explained how storm water management and recreation would fit into the spaces. He said that the Township could dictate the recreation space layout. Mr. Garrity noted that this would be settled during land development.
- v) Mr. Garrity introduced Walter Hungarter, RT Environmental Services, as an expert witness in environmental engineering.
 - (1) Mr. Hungarter explained the environmental issues pertaining to the site and the site remediation plans.
 - (2) Supervisor Duffy confirmed his understanding that there were active monitoring wells on site to monitor for TCE, which were the responsibility of Superior Tube. . Supervisor Duffy asked if it was correct that Superior Tube was no longer using TCE. Mr. Hungarter said he had no personal knowledge but that was his understanding. Supervisor Duffy said it was his understanding that the wells were not being monitored for N-Propyl Bromide. Mr. Hungarter was not aware if they were or not. Mr. Garrity clarified that W.B. Homes was not touching the wells, access would be provided and that they would continue to be monitored by Superior Tube. Supervisor Duffy also stated that it was his understanding that W.B. Homes had no involvement with the monitoring wells or the time frame of their monitoring. Mr. Hungarter agreed.
 - (3) Solicitor Rice asked for clarification of the vapor barrier and venting system. He asked if there was a monitor which could be placed in the house to make sure the barrier/venting system is working. Mr. Hungarter said that there is probably a commercial grade device you can be used to monitor vapors.
 - (4) Mr. Woodrow asked to put into the record that a representative from DEP was in attendance a few months ago to answer questions regarding the remediation. Mr. Garrity said the DEP was satisfied with not having fans on the stacks from the vapor area, noting that vapor build-up is not a significant issue but one they wanted to prevent.
- vi) Mr. Garrity introduced Christopher Canavan, W.B. Homes, as a witness. He described the disclosure notice that will be in place to protect the homeowners, noting that a disclosure form, written by the Township's solicitor, will be included in those documents. He also reviewed the process for the Traffic Study. He reviewed drawings of proposed townhomes, noting that no units will have basements but will be slab on grade buildings. He reviewed architectural standards for the zone and how the renderings accomplish those goals. He also

stated that an HOA will be put in place to ensure that all architectural standards will remain consistent in the future. He noted on the rendering where each style of product will be built.

(1) Chairman Sorgini inquired as to the firewall construction in the units. Mr. Canavan discussed the construction of the walls and noted that each unit will have residential sprinkler systems.

(2) Supervisor Eckman confirmed that while the HOA will govern the products used in ongoing maintenance, it will be the homeowner's responsibility to perform the maintenance. Mr. Canavan agreed. Supervisor Eckman asked if that would be spelled out in the HOA agreement, which would be reviewed by the Township. Mr. Canavan said that it would, stating that maintenance specifics will be reviewed and approved by the Township. She asked for clarification of the setbacks, expressing concern that there is enough room for a car to park in driveway with no overhang. Mr. Garrity confirmed with Mr. Canavan that most of the materials used for the townhomes exteriors are maintenance free.

(3) Mr. Furey discussed the berm and how it would benefit both parties. Mr. Canavan said that during the design process they will work on creating the best berm possible which will satisfy both parties. Solicitor Rice confirmed that Mr. Furey will be present during the Land Development process. Mr. Furey said that he would and that was his client's biggest concern at the moment.

(4) Mr. Mrozinski clarified that the decks would be off the second floor. He asked if the footers would be required to have a vapor barrier as well. Mr. Canavan said that it would not because any pathway for vapors would be vented into the open air.

vii) Mr. Garrity feels that the applicant has met all criteria of the ordinance and requested a favorable decision from the Board so they can begin the process of land development.

B) **MOTION:** Chairman Sorgini made a motion to approve the townhouse development as constructed by W.B. Homes at the intersection of Germantown Pike and River Road contingent upon W.B. Homes agreeing to stipulations in the McMahon review letter as well as conditions to be approved by the Board in the official agreement as drafted by Mr. Rice. Supervisor Thomas seconded the motion.

i) Irv Zimmerman, Evansburg Road, commended Lower Providence for the firework celebration. He expressed concerns about the environmental risk of moving dirt during construction. Mr. Zimmerman also expressed concern regarding the traffic resulting for the project. He stated that the proposed homes were beautiful but they should not be built on that site.

ii) Richard Opperman, Collegeville Road, expressed concern about the number of steps being used in the three story buildings. He stated that the tributary on the property had been condemned which is further proof of contamination. He also expressed concerns regarding the volume of traffic new residents will create. Mr. Opperman requested that no building permits be issued until road construction is complete. He asked if the bank on River Road would be eliminated. Mr. Canavan said that it would to create better sight lines. Mr. Opperman stated that traffic issues in the area were a concern and that there were a lot of concerns to be addressed before permits were issued.

iii) Joe Ferraro, Pine Tree Drive, expressed concerns that the contamination issue has not yet been remediated with the wells and this construction will create more contamination and health issues.

- iv) Preston Lutweiler, Mockingbird Lane, stated he has attended meetings where this has been discussed. He said that he could not find any documents on the website pertaining to the project and suggested any pertinent documents be posted prior to public meetings.
- v) Daniel Sattler discussed the traffic study and questioned the number of cars entering and exiting during peak hour as stated by the applicant's attorney. He requested the Board look at these numbers more closely.
- vi) Harold Baird stated he was a member of the Township's Planning Commission and was in opposition to the plan. He noted that the impact fee is based on the number of cars accessing the development and questioned the number given by the applicant. Solicitor Rice noted that the Township's Traffic Engineer is the one who will decide upon the number of trips for the development and determine the traffic impact fee. Mr. Baird also expressed concern regarding where the contamination on the site has been noted and its impact on the residents of the development.

The motion *passed* 5-0.

3) New Business

A) Consideration of agreement with PennDOT for installation of a Travel Time Reader at the intersection of Ridge Pike and Eagleville Road and authorization of the Township Manager as signatory.

- i) Chief Carroll reviewed the proposal, explaining that the device will monitor traffic flow and is part of a system to manage traffic throughout the region.
- ii) **MOTION:** Supervisor Zimmerman made a motion to approve the agreement with PennDOT for installation of a Travel Time Reader at the intersection of Ridge Pike and Eagleville Road and to authorize the Township Manager as signatory. Supervisor Eckman seconded the motion.
- (1) Supervisor Thomas asked if all maintenance of the equipment would be the responsibility of PennDOT. Chief Carroll said that it would.

The motion *passed* 5-0.

B) Appointment of Carina Tse as a voting member of the Parks and Recreation Board.

- i) Mr. Lukens explained the membership status of the student representatives and requested that Carina Tse be appointing a voting member.
- ii) **MOTION:** Supervisor Eckman made a motion to appoint Carina Tse as a voting member of the Parks and Recreation Board. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

C) Request from the Lower Providence Rod and Gun Club for reduction of land development fees.

- i) Mr. Mrozinski explained the land development proposal.
- ii) Michael Furey, on behalf of the applicant, stated that the club is a non-profit that has been in the Township since 1953. He explained what fees have already been paid. He asked for relief for a club that provides a great benefit to the Township and they will be happy to comply with the Township's decision.
- (1) Supervisor Eckman asked if the \$15,000 application fee and the \$7,500 escrow fee would cover any cost that the Township would incur for consultants, legal fees, etc. Mr. Mrozinski said that those fees were covered and, if they ran more than that, the Township would bill the applicant for additional fees. Mr. Furey said his applicant would be responsible for any additional fees.
- iii) **MOTION:** Supervisor Duffy made a motion to reduce the land development fees for the Lower Providence Rod and Gun Club. Supervisor Eckman seconded the motion.

- (1) Tom Borai questioned the veracity of the club's non-profit status based on the number of members and the membership fees. He also questioned its zoning as agricultural. He doesn't feel this small dollar amount of relief should be granted. He also questioned the hours shooting takes place and if the club is violating their own bylaws.
- (2) Mike Comroe, Pinetown Road, stated he was a member of the Gun Club and a member of the Planning Commission. He noted that the Sunday and holiday shooting hours will be addressed at the next Planning Commission meeting.

The motion *passed* 5-0.

4) Announcements

- A) The Library Board will meet on July 20 at 7 p.m.
- B) The Planning Commission will meet on July 22 at 7 p.m.
 - i) Mr. Mrozinski stated that the Rod and Gun Club issue would be discussed.
- C) The Zoning Hearing Board will meet on July 23 at 7 p.m.
 - i) Mr. Mrozinski stated that two matters would be before the Zoning Hearing Board including the request for a shed on Skyline Circle and a proposed variance for a contractor business in a mixed-use area.

5) Comments and other Business

- A) Chairman Sorgini echoed earlier comments and thanked Karl Lukens, Karen Hegedus, all department and staff members who made the Townships 4th of July celebration one of the best the Township has seen. He also thanked Sgt. Hopkins, Officer Stead and everyone in the Police Department who put on the Junior Officers Academy in June, stating it was a great opportunity for the youth in the community and was another example of the great deal of care and commitment that comes from the Township's police officers.

6) Courtesy of the Floor

- A) Mr. Borai publicly stated that his prayers are with the four marines killed in Chattanooga, TN. Chairman Sorgini echoed the sentiment.
- B) Terry Walsh, Level Road, asked if there was a plan to limit heavy truck traffic when the Arcola Bridge re-opens and, if so, where to find that information. Chief Carroll said that the Township is taking a pro-active approach as the reconstruction of the bridge continues. He anticipates the traffic increase to that improved bridge and understands the limitations of Level and Arcola Roads. A traffic engineer will be engaged to look at the two roads to see if traffic can be limited.
- C) Preston Lutweiler, Mockingbird Lane, noticed that lane closures on 422 were listed on the Township's website and asked if there were any plans for pro-active notification of residents other than website posting. He also seconded Mr. Walsh's comments regarding trucks on Level Road and hoped the study will preclude trucks of certain size and length as well as brake retarders.

7) Adjournment

MOTION: Supervisor Thomas made a motion to adjourn the meeting. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0. The meeting adjourned at 9:35 p.m.

Next Business Meeting: August 6, 2015
August 20, 2015