

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
APRIL 1, 2015**

Executive Session: The Executive Session was called to order at 6:37 p.m. on a motion by Mrs. Zimmerman, seconded by Mrs. Eckman. 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 Geri Golas. The session adjourned at 7:29 p.m. on a motion by Mrs. Zimmerman, seconded by Mrs. Eckman.

Call to Order: Chairman Sorgini called the meeting to order at 7:37 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; John Primus, Director of Public Works; Geri Golas, Assistant Township Manager; Francis Carroll, Police chief; Denise Walsh, Community Relations Coordinator and Hailey O'Donnell, Student Representative.
- 1) Chairman Sorgini noted that prior to the meeting an executive session was held to discuss personal and legal matters.
 - 2) 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 19, 2015 into the record. Supervisor Duffy seconded the motion. The motion *passed* 5-0.
 - 3) Presentation and Commendations
 - A) Check presentation to the Methacton Post Prom Committee/Dana Reddington and Karen Kilgour, Committee members
 - B) Update on the renovations to the Lower Providence Community Library/Lynne Burkholder, Library Director
 - i) Lynne Burkholder explained the history of the Library and how its use has changed over the years. She described the methods used to determine the libraries needs and, as a result, arrived at seven goals: a teen space; a Cyber café/coffee bar area; increased space and privacy for computer users; enclosed small study rooms; central service area of circulation and reference; quiet room for reading and study; area for Friends of the library used book sale. Because of lack of space this will be a two-phase plan.
 - ii) Ms. Burkholder presented Phase 1 drawings, which would accomplish the first five goals. She discussed the financial needs for the plans.
 - iii) Kevin Godshaw, architect, discussed the plan in detail.
 - iv) Supervisor Duffy asked what is the time frame for the project. Ms. Burkholder said they would begin once approval is given by the Board of Supervisors and the project should take one to two years.
 - v) Supervisor Eckman asked about the status of the roof and if there is an idea of when it might need to be replaced by the Township. Mr. Godshaw said that the metal roof has at least a 50-year guarantee. Mr. Thomas said that there had been a problem with the initial installation that had been remediated.

- vi) Mr. Gestrich inquired as to construction cost estimates. Ms. Burkholder said they were given an estimate of \$100,000 based on dollars per square foot and that they had not yet created a budget for the project
- vii) Chairman Sorgini stated they would need to review all paperwork prior to approval, including more specific costs and the breakdown of costs within the project.
- C) Status report on Ridge Pike Overlay Ordinance/Meredith Curran, Montgomery County Planning Commission.
 - i) Meredith Curran, Montgomery County Planning Commission, reviewed the project and the changes made as a result of previous meetings.

4) New Business

- A) Discussion and consideration of appointment of Patricia Alzamora as alternate to the Zoning Hearing Board
 - i) **MOTION:** Supervisor Zimmerman made a motion to appoint Patricia Alzamora as alternate to the Zoning Hearing Board. Supervisor Eckman seconded the motion. The motion *passed* 5-0.
- B) Discussion and consideration for financing for dump truck and chipper
 - i) Ms. Golas reviewed the four proposals received for financing the equipment. She recommended that the Board proceed with executing the financing with Delaware Valley Regional Finance Authority.
 - (1) Supervisor Eckman asked about financing under PIB. Ms. Golas said that the interest rate is slightly less but they would not be able to finance the full amount of the loan, because it was equipment instead of road resurfacing.
 - ii) **MOTION:** Supervisor Duffy made a motion to approve financing for the dump truck and chipper with Delaware Valley Regional Finance Authority at 1.73% over a 10 year term. Supervisor Zimmerman seconded the motion. The motion *passed* 5-0
- C) Authorization to advertise Recreation Overlay Ordinance
 - i) Solicitor Rice reviewed the proposed zoning amendment. He noted the Planning Commission expressed concerns regarding its impact on residents. Solicitor Rice stated there is not a specific proposal before the Township and that the change would allow indoor and outdoor uses by non-profits and governmental agencies. He noted that the Board could eliminate the R1 district from the ordinance change. He discussed the rumor that the YMCA was interested in the school property and, after looking into the matter, found this information to be false. Solicitor Rice said that the use must be advertised and adopted and anyone who wants to establish this use would be required to file land development plans which means going through both planning commissions, subjecting the applicant to all land development requirements.
 - (1) Chairman Sorgini asked how removing R1 would impact the ordinance. Solicitor Rice said this would reduce the number of parcels, the ordinance would need to be revised then reviewed by both planning commissions.
 - (2) Supervisor Duffy noted that all impacts would be addressed in the Land Development Phase of any proposal. Solicitor Rice said that there would need to be an engineering plan and the applicant would need to comply with all requirements.
 - (3) Supervisor Eckman asked if the maximum impervious coverage would be reduced from 50% to 35% for this use. Solicitor Rice said that it would. She said that the Planning Commission wanted to look further into what parcels would be affected by this ordinance. She questioned whether there was enough information to make a decision.

Solicitor Rice said that we had some information from the County but it would be difficult to analyze all the parcels without doing a detailed site analysis.

- (4) Mr. Gestrich said he reviewed the information provided by the county and found that it wasn't determinative. He clarified which uses would be allowed under the PFO and had the county recalculate the figures for the R2 district. He requested two separate analyses and it was determined that there are 31 properties which are 10 acres or more and 21 properties that are 15 acres or more.
- (5) Chairman Sorgini expressed concern that traffic and infrastructure impact would be a part of any plan. Mr. Gestrich said that it would. Chairman Sorgini also noted that lighting is often a concern and asked if could be eliminated as a by right and instead be a conditional use. Solicitor Rice said if the Township wants more control over lighting the best way would be to re-write the lighting provision in the ordinance.
- ii) **MOTION:** Supervisor Eckman made a motion to table the issue and send it back to the planning commission so that it can be fully vetted with the additional information. Supervisor Zimmerman seconded the motion.
 - (1) Supervisor Thomas disagreed and feels the Board should go ahead and advertise the Overlay Ordinance.
 - (2) Public Comment:
 - (a) Preston Lutweiler, Mockingbird Lane, feels this should not be a by-right approval but rather a conditional use. He feels that once it is by-right and meets criteria a business can do what they want to the property and very little leeway for debate during the land development process. He said the speculation regarding Audubon School is not unexpected. Chairman Sorgini said that the School District and Board of Supervisors remain two autonomous boards and that the issue has been addressed.
 - (b) Kathy Eskie, Highgate Road, asked why the Township is doing this, is there a need and has there been a request to do this. If those questions cannot be answered she wondered why the ordinance was being approved. She stated that an applicant can come before the Zoning Hearing Board to develop a property that is not zoned for a specific use. She clarified that there were 31 eligible properties in the R2 district and said that once the ordinance is approved the controls in land development are limited. She requested the Board not approve the ordinance.
 - (c) Walt Jedwabne, Yerkes Road, expressed skepticism regarding the timing of the ordinance, his concerns about zoning open land for building and the impact on the neighbors. He said that there had been an offer from the YMCA as stated by the School Board. Solicitor Rice said that if he had information to that effect to please pass that information onto the Township. Solicitor Duffy stated that part of the purpose is to keep open space in the R2 district by keeping it recreational rather than development and that the only government or non-profits would be able to utilize the property. Discussion was held regarding the potential use of the properties.
 - (d) Joe Ferraro, Pine Tree Drive, asked if by removing R1 from the ordinance will development be directed to higher density areas. He asked how many eligible properties are owned by Methacton School District. Solicitor Rice wasn't sure of the exact number. Supervisor Duffy said he believed that all five schools would fit into the overlay as well as many other properties. Discussion was held as to what constituted a profit and non-profit business. Mr. Ferraro feels this is a coordinated

process with the Audubon School District and feels the property owners requesting the change in the ordinance should come before the Board to make that request.

- (e) Jocelyn LaTorre, Level Road, clarified that this was for outdoor or indoor recreational facilities. Supervisor Duffy said that the ordinance would need to be broad enough to not limit the recreational use.
- (f) Tom Borai, Brenda Lane, said he approved of the motion to table the ordinance, as not all information is readily available. He clarified that properties 10 acres or more would be governed under the ordinance.
- (g) Kristina O'Donnell, Stoughton Road, discussed how the overlay would affect the Audubon School should it be closed. Supervisor Duffy said that he had no idea what would happen to the school should it be closed. She questioned that if it is to be a park why should there be hours of operation since other parks in the area have a dusk to dawn rule. Supervisor Duffy said the ordinance cannot be tailored to a particular property. She expressed concern that no studies have been conducted as to what roads can handle the traffic due to recreational development and that conducting them after the fact is too late. Ms. O'Donnell asked about the acquisition of property. Supervisor Duffy said the Township would not be acquiring titles, but the Township would be gaining recreational facilities, which are an asset to the community. She feels the ordinance is written so a facility such as the YMCA could come into the Township and even if it is a great feature she does not feel it belongs in the middle of a neighborhood. Supervisor Eckman stated that a motion has been made to table and send back to the Planning Commission. Supervisor Thomas withdrew his objection to the motion. Ms. O'Donnell said that because the Planning Commission meetings are not broadcast and the minutes are put out a month after the meeting, residents may not be aware of this issue.
- (h) Mike Comroe, Pinetown Road, asked if the Board of Supervisors had reviewed the minutes from the last Planning Commission meeting. Supervisor Eckman said the Board does not get the minutes until they are approved by the Planning Commission. Chairman Sorgini stated they are aware of the comments made at the meeting. He feels that with the Planning Commission's concerns that the ordinance is not ready for approval.

The motion *passed* 4-1 with Supervisor Duffy in opposition.

D) Authorization to advertise Electronic Sign Ordinance

- i) Solicitor Rice reviewed the ordinance. Any sign would have to comply with Traffic Engineer recommendations. He noted this has been before the Planning Commission twice.
 - (1) Supervisor Eckman stated that the Montgomery County Planning Commission made a comment in review that the potential existed that other institutional uses, in addition to the Township or School District, in the PFO could ask to have digital signs. Solicitor Rice said that they could make the request but the ordinance would need to be amended to allow that use and only two public entities get the benefit of this ordinance. Discussion was held regarding standards for electronic signs.
 - (2) Chairman Sorgini said that the Township has zoning districts where this is allowed and processes for granting the placing of such signs. He feels allowing School District is an overreach and he is not in favor of the proposal.

(3) Supervisor Eckman said that because most of the PFO are in the residential overlay that they would be putting signs in residential districts. While she can see a need she is not a fan of seeing these signs outside of the business district.

ii) No motion was made

E) Discussion and consideration of preliminary/final plan approval for Tierpoint minor land development, 1000 Adams Avenue, LD-15-01

i) Mike Mrozinski reviewed the plan.

ii) Matt Sterchack, REL Design, Inc., on behalf of Tierpoint discussed the plan to build a storage facility on the property. The facility would only be used to store equipment. He reviewed the waivers and deferrals requested for the project. Discussion was held clarifying the deferrals and the timing of approval.

iii) **MOTION:** Supervisor Zimmerman made a motion to approve a waiver for Section 123.9.C(1)(a), to allow for the project to be reviewed as a minor land development. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

iv) **MOTION:** Supervisor Zimmerman made a motion to approve a waiver for Section 123.32, to allow land development without curbs and storm sewers along Rittenhouse Road. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

v) **MOTION:** Supervisor Zimmerman made a motion to approve a waiver for Sections 123.10.A(2)(C), 123.146B(6)(c), deferral from submitting erosion and sediment control plan, landscape plan, the construction of sidewalks along Rittenhouse Road and installing replacement trees until December 31, 2015. Supervisor Thomas seconded the motion. The motion *passed* 5-0.

vi) **MOTION:** Supervisor Zimmerman made a motion to grant preliminary/final approval for Tierpoint minor land development, 1000 Adams Avenue, LD-15-01. Supervisor Thomas seconded the motion. The motion *passed* 5-0

F) Discussion and consideration of preliminary/final approval for Sycamore Farms lot line change, 18 Pheasant Road, S-14-03

i) Mr. Mrozinski reviewed the project.

ii) Mr. Rubenstein, on behalf of the applicants, said that the Planning Commission and the Zoning Hearing Board have heard the plan and recommended approval. He stated no waivers or deferrals are requested and the applicant will comply with the Township Engineer's review letter.

iii) **MOTION:** Supervisor Zimmerman made a motion to grant preliminary/final approval for Sycamore Farms lot line change, 18 Pheasant Road, S-14-03. Supervisor Eckman seconded the motion. The motion *passed* 5-0.

5) Announcements:

A) The Sewer Authority will meet on April 15 at 7:30 p.m.

B) The Parks and Recreation Board will meet on April 14 at 7 p.m.

C) The Library Board of Trustees will meet on April 20 at 7 p.m.

D) The Business Development committee is hosting a business roundtable on April 29. Business owners, developers and brokers interested in taking part in this informal discussion should contact Bill Roth at broth@lowerprovidence.org.

6) Comments and other Business

A) Hailey O'Donnell stated that a blood drive will be held at Methacton High School on April 10 blood drive from 2:30 to 7 p.m.

- B) Mr. Gestrich noted that there was an opening on the Sewer Authority Board. Chairman Sorgini said that the Board of Supervisors will move forward with appointing a new board member at the next meeting.
- C) Chief Carroll said that on April 19, from 9 a.m. to 11 a.m., the Police Department, in collaboration with State Representative Mike Vereb, will hold a shredding event and drug take back event at IPEW Local 380 facility at Ridge Pike and Crosskeys Road. On Saturday, April 25 the Police Department will hold an independent drug take back event at the Township building between 10 a.m. and 2 p.m. On April 27 at 9:30 a.m., in conjunction with Montgomery County District Attorney's Hero Plaque Program, a plaque will be placed in memory of John J. Culp who died in the line of duty on December 25, 1963. The ceremony will take place at the Township Building at the Police Department entrance. Chief Carroll invited the community to take part in the solemn occasion.

7) Courtesy of the Floor

- A) Tom Borai, Brenda Lane, thanked the Board for approving the alternate to the Zoning Hearing Board. He also asked the Board to consider a second applicant. The Board has reached out to a second applicant and is waiting to discuss the position with the applicant. He expressed approval to the Board for not moving forward with the electric sign ordinance, stating it would have tied the hands of the Zoning Hearing Board.
- B) Kathie Eskie, Highgate Road, thanked the Board for being silent on the sign ordinance.
- C) Marie Altieri asked why the library plan wasn't approved since it was self-funded and no significant changes are being made to the interior. Chairman Sorgini stated it would have been premature to vote without additional documentation and information and that tonight was the first time the Board had an opportunity to discuss the plans. Ms. Altieri, clarified what the Library Board would need to present to the Board of Supervisors prior to the next meeting in order to have the plan approved.
- D) Mike Comroe, Pinetown Road, thanked the Board for allowing the sign ordinance to die.
- E) Candi Allebach, Eagleville Road, thanked the Board for allowing the sign ordinance die. An LED sign would have had a direct impact on neighbors. She asked the Township to clean up the lawsuit against the Township by the School District. She discussed alternate ways the School District can disseminate information.
- F) Tom Borai, Brenda Lane, thanked the board for repairs on Pinetown Road. He discussed the sign currently at the Township building, which he said was donated by Senator Rafferty. He also discussed the issue of sidewalks on Rittenhouse Road.

8) 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 9:30 p.m.

Next Business Meeting: April 16, 2015
May 7, 2015

Respectfully submitted:

Richard Gestrich, Township Manager