

**LOWER PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS BUSINESS MEETING  
January 17, 2019**

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

**Pledge of Allegiance**

**Roll Call:**

- a. The following members were in attendance: Chairman MacFarland, Supervisors Duffy, Eckman, Sorgini and Neights.
- b. Also in attendance were: John Rice, Township Solicitor; Don Delamater, Township Manager; Mike Mrozinski, Community Development Director; Tim Woodrow, Township Engineer; Geri Golas, Assistant Township Manager; and Stanley Turtle, Chief of Police, Matthew Matour, Student Representative.
- 1) Chairman MacFarland announced that prior to the meeting an executive session was held to discuss legal matters.
- 2) **Consent Agenda**
  - A) **MOTION:** Supervisor Duffy made a motion to approve the consent agenda items 1(a), 1(b), and 1(c) including moving the meeting minutes of December 20, 2018 and January 7, 2019 into the record. Supervisor Neights seconded the motion.
    - i) Supervisor Neights noted that the Community Development Report noted a conditional use hearing had already occurred that was being held that evening.  
The motion *passed* 5-0.
- 3) **New Business**
  - A) Conditional Use hearing – Backyard Winery, 3835 Germantown Pike.
    - i) Solicitor Rice reviewed the procedures of the hearing and reviewed the application.
    - ii) Brad Grauel, engineer and Mr. Blatt, the applicant, were sworn into testimony.
    - iii) Solicitor Rice entered the documents into record
    - iv) Mr. Grauel reviewed the project
      - (1) Chairman MacFarland asked for clarification of the location of the driveway.
    - v) Mr. Blatt reviewed his business model.
      - (1) Supervisor Neights asked if he had plans to serve food. Mr. Blatt said light food but not a full-service restaurant. He said his main business purpose is to sell wine.
      - (2) Supervisor Duffy asked how many bottles produce per year. Mr. Blatt said 3,000 gallons which is approximately 15,000 bottles the first year. They hope to grow to 5000-6000 gallons but 30,000 bottles would be their maximum.
    - vi) Solicitor Rice asked if the architectural style would meet the requirement of the conditional use ordinance. Mr. Grauel said the style would be consistent with the existing horse barn and not visible from Germantown Pike. He said there would be some exterior lighting which has been reviewed by the lighting consultant. He said there is a sidewalk from the doorway of the residential building and they are proposing to install sidewalk along the Germantown Pike frontage.
    - vii) Mr. Blatt said they would be planting on one acre of the property and that the first grapes would produce in 3-4 years. He described his background in winemaking and the use of other grape sources for the proposed winery. He discussed the process for making the wine and the use of the buildings on the property. Potential hours, based in foot traffic would be

Wednesday through Sunday, 12 to 9 p.m. Mr. Blatt said that the state licensing process has been started and that the operation will be open year-round, and they may consider live music on weekends in the future.

- viii) Discussion was held regarding the type of equipment necessary for harvesting.
- ix) Supervisor Neights asked if there would be any issues with impervious surface. Mr. Woodrow said there were not but that they will have to comply with all storm water regulations.

x) In response to Chairman MacFarland, Mr. Grauel reviewed the cartway on the plan.

xi) Public Comment:

- (1) Jennifer Maslow, Grange Ave., asked what the name of the winery would be. Mr. Blatt said they have changed the name from Backyard Winery to Evansburg Winery and that they will be growing chardonnay grapes.

xii) Solicitor Rice closed the hearing and said a decision will likely be rendered at the next meeting.

**B) Conditional Use hearing – Amended Conditional Use, 3829 Yerkes Road subdivision.**

- i) Solicitor Rice reviewed the application stating that the applicant has requested that the hearing be postponed until February so the applicant can file a revised conditional use and land development plan.
- ii) **MOTION:** Supervisor Neights made a motion to postpone the hearing until February. Supervisor Sorgini seconded the motion. The motion *passed* 5-0.

**C) Conditional Use decision – Eagleville Hospital**

- i) **MOTION:** Supervisor Neights made a motion to approve the conditional use. Supervisor Sorgini seconded the motion.
  - (1) Supervisor Neights read a statement regarding his support for the project and his concerns regarding the installation of sidewalks and Finding of Fact #11. He then amended his motion.
  - (2) **MOTION:** Supervisor Neights made an amending motion to amend Finding of Fact # 11 to reflect that there may be adverse impact and conduct an impact study which would vet the safety and other concerns that have been raised by the applicant and based on expert input. The motion did not receive a second.
    - (a) Chairman MacFarland said there isn't a mention of sidewalks in the conditional use but it will be brought up in the land development. He said it is not part of this application. Discussion was held regarding outpatient services. Solicitor Rice said that those uses fall within the conditional use of a hospital.
  - (3) Supervisor Eckman asked if Eagleville pre-dating zoning affects approval. Solicitor Rice said that it was zoned for its use.
  - (4) Public Comment:
    - (a) Shane Pulley said that it is very important to include sidewalks for treatment patients. She described her relationship with inpatient treatment and how sidewalks are important.
    - (b) Jennifer Maslow, Grange Ave., asked for an update of the activity on Eagleville Hospital that appears to be a spill. Mr. Clement said there was a leak from a generator and a remediation company came in and addressed the issue. He said one of the goals of this project is to update facilities, so this does not happen in the future.

The original motion to approve Conditional Use *passed* 4-0-1 with Supervisor Neights abstaining.

- (5) Supervisor Neights said he is abstaining because he supports the Conditional Use but not the wording of Finding of Fact # 11. Chairman MacFarland questioned whether he can refuse to vote on his own motion. Solicitor Rice explained the rules of abstaining from a vote. Solicitor Neights amended his vote to approve with the exception of Finding of Fact # 11.

D) Review of land development – Samar Featherbed

- i) Mr. Mrozinski reviewed the application.
- ii) Mr. John Samar reviewed the plan and the need for the four waivers requested.
  - (1) A discussion was held regarding the installation of sidewalks.
  - (2) Mr. Woodrow said he feels stormwater issues will be adhered to, but site lines needed improvements which could be created by the removal of vegetation
  - (3) Discussion was held regarding sidewalks adjacent to the property and stormwater run-off.
  - (4) Mr. Samar state that the property was being developed for sale. He said that neighbors were initially in favor of the improvements but have had some objections due to the proposed removal of trees affecting privacy.
  - (5) Discussion was held regarding the curbing on the property and the waiver requests.
- iii) Public Comment
  - (1) William Brooke expressed concern that plans were being voted on when the minutes from the Planning Commission, which included the Commission's comments on these matters, had not yet been approved. Supervisor Duffy said that Mr. Mrozinski had presented a write-up to the Board regarding the Commissions determinations.
  - (2) Joe Ferrara expressed concerns about the presentation of the project feeling that it is being misrepresented by the applicant. He stated that sidewalk was necessary for both safety purposes and to keep the property in accordance with the surrounding neighborhood. He strongly advocated for sidewalks.
  - (3) Shaun Forster, owner of the neighboring property said that he wrote a letter in support of the sidewalks, and the issues of storm water in the area. He also questioned why curbs wouldn't be installed as they are existence in the neighborhood. He said it is a dangerous neighborhood to walk and advocated for sidewalks over asphalt. He said he had no problem with building a new home and increasing the footprint, but subdivision will drastically change the neighborhood and asked that they adhere to the zoning and not grant the land development.
  - (4) Kiersten Trump and Virginia Hauser, owners of the neighboring property, said the applicant had never spoken to them. Ms. Trump said Featherbed is a heavily traveled road and expressed support for a sidewalk for safety purposes. Ms. Hauser disagreed with the applicant's statement that it would increase the property value and expressed concern about drainage issues.
  - (5) Jonathan Shelton expressed concern about the lack of sidewalks, disagreed with the statement that it is not a busily travelled road, expressed concerns about the safety of children in the neighborhood - will only benefit the developer.
  - (6) Mr. Samar said it was distressing to him that he is being characterized as a greedy developer exploiting the neighborhood. He said they only build a few homes a year. He said the property was on the market for a year and half but the cost of developing was too high. He feels they figured out a way to make the numbers work by getting the second lot. If they don't get to develop the second lot they will develop the lot as is and sell. He

said he spoke with Mr. Trump. He said that the only reason they are placing the house where it is due to existing zoning.

- (7) Chairman MacFarland said this was only reviewing the land development. Solicitor Rice said it will be back on the agenda the beginning of February for resolution. He advised the applicant that if he had anything to discuss with the neighbors, he suggests he do so between now and then.

E) Review of land development – Eagleville Hospital

- i) Mr. Clement reviewed the project. He said they will comply with all review letters with the exception of the waivers requested.
  - (1) Mr. Woodrow said the waivers are in line with the scope of the project.
  - (2) Supervisor Sorgini clarified that the Louchheim will be removed once the other residential buildings on site are functional.
  - (3) Supervisor Neights clarified what buildings would be coming down. Discussion was held regarding access to the facility
  - (4) Chairman MacFarland clarified the number of waivers that are being requested.
  - (5) Discussion held was regarding the difference between a waiver and granting relief as well as regarding the remediation of storm water issues in light of future rainfall projections and current issues on the property.
- ii) Mr. Clement discussed security on the property and reviewed the waiver request for sidewalks.
  - (1) Supervisor Neights advocated for sidewalks and connectivity in the Township.
  - (2) Discussion was held regarding the feasibility and appropriateness of sidewalks for this project.
  - (3) Chairman MacFarland said he was in favor of a waiver of sidewalks with a fee in lieu of for sidewalks to be place elsewhere in the Township. Solicitor Rice suggested that the fee could be spread out over time. Discussion was held regarding calculating the amount of the fee in lieu of.
- iii) Solicitor Rice said this matter would be before the Board of Supervisors in February.
- iv) Public Comment:
  - (1) Kathie Eskie confirmed that there will be a guardhouse and a gate.
  - (2) William Brooke discussed potential sidewalk solutions.
  - (3) Shane Pulley discussed the burden of responsibility for ADA access and how a sidewalk could best serve residents.
  - (4) Cara Coless expressed concerns about fees in lieu of sidewalks not being appropriately applied to assist residents. She asked that fees be dedicated to a specific site, rather than the general fund, noting that if builders don't comply with the law then the taxpayers are responsible for paying for desired sidewalks.

F) Review of land development – 28 Eagleville Road

- i) Mr. Mrozinski reviewed the application.
- ii) Su Creveling reviewed the project stating that the applicant will comply with all review letters with the exception of the requested waivers. She said she will be working with Mr. Mrozinski to clean up the list to reduce the waivers based on discussions with the planning commission.
  - (1) Ms. Creveling reviewed the waivers requested as detailed in the Graf Engineering letter December 19, 2018, noting several waivers are no longer being requested.

- (a) Section 123-32 – The applicant is requesting to defer curbing until further road improvements are installed.
- (b) Section 123-34.F – The applicant is requesting a 50-foot site triangle.
- (c) Section 123-34.H – The applicant is requesting a 15-foot radius arc at the intersection of the pavement edge/curb line.
- (d) Section 123-37.C – The applicant is requesting relief from installing curbed parking islands.
- (e) Section 123-37.E – The applicant is proposing parking located five feet from the property boundary and within 10 feet from the building.
- (f) Section 123-37.L(4) - The applicant is seeking a waiving but will place a tree elsewhere on the property.
- (g) Section 123-37.O: The applicant is requesting a reduction of the drive aisle width to 20.0 feet.
- (h) Section 123-037.P – The applicant is requesting relief from providing and off-street loading area.
- (i) Section 123-50.C(1) – The applicant is requesting relief from providing a double row of evergreen trees due to the limited space from the proposed stormwater management basin.
- (j) Section 123-110.H(1): The applicant is requesting a waiver from connecting the street frontage sidewalk to the front building entrance, parking areas, central open space and other destination that generates pedestrian traffic.
  - (i) Mr. Mrozinski said during the Planning Commission it was discussed that a short section of sidewalk would be wrapped to reach an existing sidewalk. Ms. Creveling agreed.
- iii) Supervisor Eckman asked for clarification and an update on a previously approved Gambone project in the Ridge Pike Business district. Ms. Creveling said that this project, when completed, will be mixed use with first floor offices and two apartments on the second floor.
- G) Authorization to advertise Ordinance #657 amending the Defined Contribution Plan
  - i) Mr. Delamater reviewed the draft ordinance to implement what was already approved as part of the AFSCME contract.
  - ii) **MOTION:** Supervisor Neights made a motion to authorize advertisement of Ordinance #657 amending the Defined Contribution Plan. Supervisor Sorgini seconded the motion. The motion *passed 5-0*
- H) Traffic signal and street light maintenance bid award
  - i) Mr. Delamater reviewed the bid process for the traffic signal and street light maintenance. He said three contractors submitted bids and recommended the Township award the contract to Charles Higgins & Sons for a three-year term beginning February 1, 2019.
    - (1) Supervisor Duffy asked how the bids compared to the current contractor as the recommended bid came in slightly lower. Mr. Delamater reviewed the costs and how the Township would be billed. Discussion was held regarding the contractor's scope of work.
    - (2) **MOTION:** Supervisor Duffy made a motion to accept the Township Manager's recommendation and award the Traffic signal and street light maintenance bid to Charles Higgins & Sons. Supervisor Sorgini seconded the motion.
      - (a) Joe Ferrara asked if any of the bidding companies were union. Mr. Delamater said he did not believe they were, but it was an open bid for any company to submit.

I) Termination of Historical Society lease.

- i) Mr. Delamater said that the Township currently has a lease with the Historical Society to use the Castlebury House. The Historical Society asked to have the lease terminated as they do not use the property. He said he and the solicitor are looking in to options to work with an outside party to restore the property.
- ii) **MOTION:** Supervisor Duffy made a motion to approve the termination of the Historical Society lease. Supervisor Neights seconded the motion.
  - (1) Supervisor Neights asked if the house is on the National Historic Registry. Supervisor Sorgini said it was not but recounted the apocryphal history of the house.The motion *passed* 5-0.

4) **Announcements**

- A) Library Board meets January 21 at 7 p.m.
- B) Planning commission meets January 23 at 7 p.m. – cancelled
- C) Zoning Hearing Board meets January 24 at 7 p.m.

5) **Comments and other Business**

- A) Matt Matour reported that Methacton High School going through midterms. He also announced that on Monday, January 22 the Martin Luther King Day of Service will be held.
- B) Supervisor Neights announced he is presenting at the Driving Digital Transformation in Industry and Cities conference and would like to use the platform to highlight Lower Providence Township. He requested that Mr. Delamater put together bullet points on what Township's digitization projects and he will work that into presentation.
- C) Supervisor Eckman said that Open Space Committee met last week and will be preparing to submit to DCNR for a grant that will update the Open Space Plan, enabling the Township to pursue grants to complete the connection points they've been working on.
- D) Supervisor Eckman said the Business Development Committee met on Monday to discuss projects in 2019. She reviewed current projects in the Township and said they are hoping to schedule an open house in the fall of 2019. Supervisor Duffy discussed the transfers of property in Park Point and the benefit of those fees to the Township.

6) **Adjournment**

- A) **MOTION:** Supervisor Neights made a motion to adjourn. Supervisor Sorgini seconded the motion. The motion *passed* 5-0. The meeting adjourned at 10:50 p.m.

Next Business Meeting: February 7, 2019  
February 21, 2019

Respectfully submitted:

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Donald D. Delamater, Secretary