

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS BUSINESS MEETING
FEBRUARY 7, 2019**

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, Neights, and Sorgini.
- b. Also in attendance were: John Rice, Township Solicitor; Don Delamater, Township Manager; Mike Mrozinski, Community Development Director; Tim Woodrow, Township Engineer; Casey Moore, township Traffic Engineer; Geri Golas, Assistant Township Manager; and Stanley Turtle, Chief of Police.

Chairman MacFarland announced that prior to the meeting an executive session was held to discuss real estate and legal matters.

1) Consent Agenda

- A) **MOTION:** Supervisor Neights made a motion to approve the consent agenda items 1(a) and 1(b) including moving the meeting minutes of January 17, 2019 into the record. Supervisor Sorgini seconded the motion.

2) Presentation

- A) Presentation to Lower Providence Township Fire Company, Police, EMS, Fire Marshal and Public Works for response to the fire at Salter's Ski Shop and Salter's Fireplace, Patio and Grill on January 26, 2019.
- B) Quarterly financial update.
 - i) Township Manager Don Delamater presented the quarterly financial update.
 - ii) Chairman MacFarland clarified the purpose of the fund balance.

3) New Business

- A) Amended conditional Use hearing – 3829 Yerkes Road.
 - i) Solicitor Rice reviewed the application.
 - ii) Carl Weiner, attorney for the applicant, reviewed the request for conditional use. He asked to incorporate the record from August 2018.
 - iii) Rolph Graf, project engineer, reviewed the wetland designation and how that affects the project, requiring an updated hearing. He said they are still working on the final subdivision plan with staff.
 - iv) Solicitor Rice advised the Board that a motion should contain the stipulation that the applicant will comply with the Township's riparian buffer ordinances.
 - v) **MOTION:** Supervisor Sorgini made a motion to approve the amendment to the previous conditional use adjudication subject to compliance with all Township ordinances. Supervisor Duffy seconded the motion. The motion *passed* 5-0.
- B) Review of amended land development plan for Samar/Featherbed Lane
 - i) Mr. Mrozinski reviewed the amended land development plan.
 - ii) Mr. Samar reviewed his revised plan.
 - iii) Mr. Woodrow confirmed that the lot frontage waiver would be require a zoning code amendment.

- iv) Supervisor Duffy asked if only the curbing was being waived. Solicitor Rice recounted all of the waiver requests including changing the material used for a sidewalk. Discussion was held regarding the type of material to be used and cost of sidewalk materials.
- v) The depth ratio of the lot was clarified.
- vi) Supervisor Eckman inquired as to whether the grading concerns had been mitigated. Mr. Woodrow said the plan as presented was more of an artist rendering rather than the official plan that will be submitted. He said that some of these concerns will be addressed on the actual plan.
- vii) Supervisor Neights asked if a rendering had been done to see how the house would fit in with the surrounding neighborhood. Mr. Samar said they have some design ideas. He said it would be bigger than the existing houses.
- viii) Chairman MacFarland said after personal observation that he feels it is imperative to have a sidewalk due the danger of the area. He said it was his opinion that if the applicant does not build two lots, they would not be able to afford to install sidewalks.
- ix) Public Comment
 - (1) Shaun Forser, Woods Edge Dr., said he met with Tim Woodrow at the site. He expressed concerns that the new plan did not completely mitigate the stormwater issues. He said that he believes that the neighborhood deserves curbs and sidewalks made from cement that would fit into the neighborhood and does not believe the applicant met the standards for a hardship. He said he will be submitting a letter to the Township with his concerns.
 - (2) Jonathan Shell, Woods Edge Rd., noted that there were three families that live close who drive to the bus stop because the road is too dangerous. He feels that a concrete sidewalk should be required and that asphalt is unacceptable for the neighborhood.
- x) Solicitor Rice said the plan would come back before the board for a resolution at the next meeting.
- C) Consideration of Resolution #2019-08 approving the land development plan for 28 Eagleville Road.
 - i) Solicitor Rice reviewed the resolution. He noted that McMahon & Associates needed to determine the traffic impact fee.
 - ii) Su Creveling, on behalf of the applicant, stated that the applicant will comply with all review letters. Casey Moore said issues in the traffic letter would be addressed.
 - iii) **MOTION:** Supervisor Duffy made a motion to approve Resolution #2019-08 approving the land development plan for 28 Eagleville Road. Supervisor Sorgini seconded the motion. The motion *passed* 5-0.
- D) Consideration of Resolution #2019-09 approving the land development plan for Eagleville Hospital.
 - i) Solicitor Rice reviewed the Resolution.
 - ii) Joe Clement, solicitor for the applicant, had no objection to the resolution and they will comply with all review letters with the exception of the requested waivers.
 - iii) Mr. Woodrow said that they have determined a figure to be paid in lieu of sidewalks and have found a location to make connectivity as a compromise.
 - iv) Supervisor Neights said he is in support of the project but expressed concern that they were rushing the approval as it could have an adverse impact on the surrounding neighborhood.
 - v) Chairman MacFarland noted that a clinic is permitted under the current use whether this land development is approved or not. Discussion was held regarding other methadone treatment facilities in the area and if they caused an increase in incidents requiring a police presence.

- vi) Supervisor Sorgini asked Solicitor Rice to confirm that the methadone treatment clinic is permissible by-right. Solicitor Rice said that it was.
- vii) Supervisor Neights said he did not disagree with the use but rather was in favor of exploring other alternatives and perhaps making it more palpable to the community.
- viii) Supervisor Duffy stated that Eagleville Hospital has been in the Township for 110 years and served the community in a very needed way.
- ix) Comment
 - (1) Ray Lotte, Indian Woods Lane, in favor of the project but is concerned about his property. He asked for clarification of the sidewalk issue. Solicitor Rice explained that Eagleville Hospital will contribute \$55,000 to sidewalks in the township.
 - (2) Jennifer Maslow, N. Grange Ave., asked if they were still changing the entrance to Prison Farm Road. Mr. Clements explained where the entrances would be located saying that most staff would be coming in Eagleville Road and most patients/visitors on Prison Farm Road. He explained where the sidewalks are currently located and how they would be utilized. She said that she feels sidewalks should be on Prison Farm Road. Solicitor Rice explained that the hospital does not own that property and they cannot compel the county to install sidewalks. Chief Turtle explained why the county would not install the sidewalk.
 - (3) Cara Coless, Windsor Road, express concern about the process of waiving sidewalks. She questioned how the money dedicated to sidewalks would be utilized, expressing concern that the funds would be used on sidewalks that would not benefit residents. Discussion was held regarding the location of the sidewalk, the challenges of residents not wanting a sidewalk abutting their property as well as possible crosswalks
- x) **MOTION:** Supervisor Duffy made a motion to approve Resolution #2019-09 approving the land development plan for Eagleville Hospital. Supervisor Sorgini seconded the motion. The motion *passed* 4-1 with Supervisor Neights in opposition.
- E) Conditional Use decision – Evansburg Winery, 3855 Germantown Pike
 - i) Solicitor Rice reviewed the Conditional Use decision.
 - ii) **MOTION:** Supervisor Neights made a motion to approve the conditional use decision for Evansburg Winery, 3855 Germantown Pike. Supervisor Sorgini seconded the motion. The motion *passed* 5-0.
- F) Consideration of Ordinance #657 amending the Defined Contribution Plan.
 - i) Mr. Delamater reviewed the ordinance.
 - ii) **MOTION:** Supervisor Sorgini made a motion to approve Ordinance #657 amending the Defined Contribution Plan. Supervisor Eckman seconded the motion. The motion *passed* 5-0
- G) Authorization to advertise an ordinance regulating the operation of spa/massage parlors.
 - i) Solicitor Rice reviewed the proposed licensing ordinance whereas any massage providers be required to have a license. Chief Turtle reviewed issues they've had in the past and how a new code will help them police any potential problems.
 - ii) **MOTION:** Supervisor Duffy made a motion to authorize the advertisement of an ordinance regulating the operation of spa/massage parlors. Supervisor Sorgini seconded the motion. The motion *passed* 5-0.
- H) Consideration of Resolution #2019-10 accepting traffic signal, Ridge and Germantown Pikes.
 - i) Mr. Delamater reviewed the resolution.
 - ii) Richard Jeffery Heist, who resides across from the intersection in question, expressed concerns about the viability of his driveway access. Mr. Moore said that his staff had

attempted to contact Mr. Heist. He explained the layout of the driveways and how PennDOT asked that the driveway be part of traffic signal itself. Mr. Moore reviewed PennDOT's suggested plan noting that if the property owner is not in agreement, they would notify PennDOT. Mr. Heist said that the driveway is not feasible for that use and that it would be dangerous for his tenants, stating he is not in favor of a signal.

- iii) Supervisor Duffy asked that they continue discussions with the Heists regarding River Road egress. Mr. Woodrow said they have had those conversations and Mr. Heist is not in favor.
- iv) **MOTION:** Supervisor Neights made a motion to approve Resolution #2019-10 submitting traffic signal plans to PennDOT. Supervisor Sorgini seconded the motion. The motion *passed* 5-0.

I) Consideration of Resolution #2019-11 authorizing Opens Space Grant application.

- i) Mr. Delamater reviewed the resolution.
- ii) Supervisor Eckman said they have received estimates from consultants as to the cost of the Open Space Plan and the estimate was \$75,000. She said further meeting will be held to fine tune the scope of the plan.
- iii) Supervisor Duffy asked what the proposed matching percentage would be. Mr. Woodrow believed it would be 20%.
- iv) Comment
 - (1) Cara Coless asked if the grant was just for the open space plan. Supervisor Eckman said the money is for a very detailed plan that involves meetings, evaluation and public comment. She said that cost of the plan depends on the scope of what the committee requests.
- v) **MOTION:** Supervisor Duffy made a motion to approve Resolution #2019-11 authorizing Open Space Grant application. Supervisor Neights seconded the motion. The motion *passed* 5-0.

4) Announcements

- A) Sewer Authority meeting – February 11 at 6 p.m.
- B) Parks and Recreation meeting – February 12 at 7 p.m.
- C) Library Board meeting February 12 at 7 p.m.

5) Comments and other Business

- A) Supervisor Neights reported on a digitalization conference he attended and discussed future trends the Township could be looking forward to addressing.

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 9:35 p.m.

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