#### LOWER PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING February 16, 2023

Call to Order: Chair Coless called the hybrid live/virtual meeting to order at 7:05 p.m.

#### Pledge of Allegiance

**Protocol for Hybrid Meetings:** Chair Coless provided an overview of the protocols for public participation for members of the public attending the meeting virtually over Zoom.

#### **Roll Call:**

- a. The following members were in attendance: Chair Coless, and Supervisors Sorgini, MacFarland and Neights. Vice-Chair Darby was absent.
- b. Also, in attendance were: E.J. Mentry, Township Manager; Mike Mrozinski, Community Development Director; Tim Woodrow, Township Engineer; Rich Lafiata, Finance Director; Joe Chillano, Director of Public Works; Michael Jackson, Chief of Police; Nicole Feight, Township Solicitor; and Kaitlyn Phan, Student Representative. Solicitor Michael Clarke was also present via Zoom.

#### **Chairman's Comments**

Chair Coless announced that there was an Executive Session held prior to the meeting discussing legal, personnel and land acquisition matters. There was also an Executive Session held prior to the February 2, 2023, meeting to discuss personnel and legal matters.

Chair Coless announced the passing of longtime Police Dispatcher Jason Connelly who passed away after a lengthy and courageous battle with cancer. A page will be set aside in the minutes in memory of Jason. A moment of silence in Jason's memory was held. Chief Jackson commented on the outpouring of support for Jason's family and wanted to thank everyone for their thoughts and prayers.

Chair Coless announced that Agenda Item 4.a. (Resolution 2023-11 Approving Audubon Square V Land Development Plan) will be tabled and scheduled for Board consideration at the March 2<sup>nd</sup> meeting.

#### 1) Presentations

- A. Student representative report Kaitlyn Phan
  - a. Student representative Kaitlyn Phan, Methacton High School Junior, provided an update on recent happenings and upcoming events in the High School.
- B. Year-End Budget Report Finance Director Rich Lafiata
  - a. Mr. Lafiata provided a brief update on how the Township finished the 2022 budget year, explaining that the annual audit will be conducted the week of February 27 and will provide final, official results. Although staff was projecting a surplus of approximately \$625,000 during the September budget workshops, the Township actually finished the year with an almost \$950,000 surplus. The main factors in this surplus were conservative budgeting and higher than expected real estate taxes, real estate transfer taxes, and earned income taxes.

#### 2) Consent Agenda

- A. Supervisor Neights noted one correction needed in the Board of Supervisors minutes from February 2, 2023 the correction of "Supervisor Gallagher" to "Solicitor Gallagher".
- B. **MOTION:** Supervisor Sorgini made a motion to approve the consent agenda items 2(a), 2(b), 2(c), and 2(d) including moving the amended meeting minutes of February 2, 2023, into the record, authorizing payment of the bills totaling \$893,171.90, approving Escrow Release for 109 River Road, Final Release in the amount of \$7,500.00, and approving the Supplemental Operation and Maintenance Agreement for EWP, 4008 Redwing. Supervisor Neights seconded the motion.
  - i. There was no public comment.
  - ii. The motion passed 4-0.

#### 3) Public Hearing – Comprehensive Plan

- A. Solicitor Feight stated that this was a continuation of the public hearing held on February 2, 2023, which had been duly advertised and that the board would be accepting public comment on the Comprehensive Plan. Following tonight's hearing, if the Comprehensive Plan is not adopted, the Board can consider adoption at a later date.
- B. **MOTION**: Supervisor Neights made a motion to open the public hearing, seconded by Supervisor Sorgini.
  - a. The motion *passed* unanimously, 4-0.
  - b. Supervisor MacFarland stated that he did not feel comfortable voting on the Comprehensive Plan at this time since it is still in draft form. He asked if the Montgomery County Planning Commission, the planning consultant for the plan, could be notified immediately of the need for an updated final draft incorporating the comments from the Lower Providence Planning Commission and SEPTA. Supervisor Neights agreed. The rest of the Board concurred and requested an updated final plan in advance of the March 2, 2023, meeting for consideration.
  - c. There were no public comments.
- C. **MOTION:** Supervisor Neights made a motion to close the public hearing, seconded by Supervisor Sorgini.
  - **a.** The motion *passed* unanimously, 4-0.
- D. **MOTION:** Supervisor MacFarland made a motion to table Resolution 2023-16 Adopting the Comprehensive Plan to the March 2, 2023 meeting with the expectation that the Montgomery County Planning Commission will provide an updated final draft for the Board's consideration. Supervisor Neights seconded the motion.
  - **a.** The motion *passed* unanimously, 4-0.

#### 4) Old Business

- A. <u>Consideration of Resolution 2023-11 approving Audubon Square VI Land Development Plan, Phase 2, 717 S. Trooper Road</u>
  - a. Chair Coless stated this issue will be tabled until the next business meeting scheduled for March 2<sup>nd</sup>, 2023.
- B. Appointments to Board/Commission/Council
  - a. E.J. Mentry discussed the request from the Environmental Advisory Committee regarding the appointment of three new committee members: Laura Winslow, Jeff Scott, and Richard Pastor.
  - b. **MOTION:** Supervisor Neights made a motion to appoint Laura Winslow to a two-year term, Jeff Scott and Richard Pastor, each to a one-year term, contingent on each

- candidate completing and submitting the Township Ethics Verification Form. Chair Coless seconded the motion.
- c. There was no public comment.
- d. The motion passed 4-0.

#### 5) New Business

#### A. Approval of MJ Builders Settlement Agreement

- a. Solicitor Feight introduced the settlement agreement which has been negotiated with the Solicitor's office and the applicant's attorney and is now ready for Board approval.
- b. **MOTION**: Supervisor Neights made a motion to approve the MJ Builders Settlement Agreement. Supervisor Sorgini seconded the motion.
- c. There was no public comment.
- d. The motion passed 4-0.

#### B. Authorization to Advertise 2023 Road Reconstruction bid.

- a. Mr. Mentry and Mr. Chillano explained the bidding process and the roads planned for reconstruction in 2023.
- b. The bids are scheduled to be opened March 16, 2023.
- c. **MOTION**: Supervisor Sorgini made a motion to authorize the advertisement of the 2023 Road Reconstruction bid, seconded by Supervisor Neights.
- d. There was no public comment.
- e. The motion passed 4-0.

#### C. Consideration of Request of Waiver of Auditorium Rental Fees

- a. Mr. Mentry presented the requests of the Mid Atlantic Amateur Radio Club (MARC) and the Philadelphia Area Repeater Association (PARA) seeking a waiver of auditorium rental fees for their respective organizations' meetings. Mr. Mentry explained that this is an annual request that the Board has historically granted, but that we still collect a refundable security deposit in the event of any damages.
- b. **MOTION:** Supervisor MacFarland made a motion to approve the request of waiver of Auditorium Rental Fees but not the security deposit for MARC and PARA. Supervisor Neights seconded the motion.
- c. There was no public comment.
- d. The motion passed 4-0.

#### D. Authorization to Advertise Zoning Ordinance Amendment

- a. Solicitor Feight presented the ordinance for advertisement which amends Chapter 143 "Zoning," at Article XX "Non-Conforming Uses," to modify the title of Article XX, and to amend such Article at Section 145 "Land," Subsection 3. Because this is an amendment to the Zoning Ordinance, it must be transmitted to the Lower Providence Planning Commission and Montgomery County Planning Commission for review and comment before Board consideration.
- b. **MOTION:** Supervisor Neights made a motion to authorize advertisement of the Zoning Ordinance Amendment, seconded by Supervisor Sorgini.
- c. There was no public comment.
- d. The motion passed 4-0.

#### E. Authorization to Advertise No Parking Ordinance

- a. Solicitor Feight presented the ordinance for advertisement which amends Chapter 138 "Vehicles and Traffic," at Article I "General Regulations," Section 3 "Temporary and Emergency Regulations," subsection 5 "Experimental Regulations," to allow the Chief of Police to establish temporary and/or emergency regulations and Article III "Parking Regulations," Section 23 "Parking Prohibited at All Times," to prohibit parking at all times on both sides of Van Buren Avenue between Adams Avenue and Jefferson Avenue.
- b. **MOTION**: Supervisor Sorgini made a motion to Authorize advertisement of the No Parking Ordinance. Supervisor Neights seconded the motion.
- c. There was no public comment.
- d. The motion passed 4-0.

#### F. <u>Approval to waive Zoning Hearing Board Application fee for the Lower Providence Fire Department</u>

- a. Mr. Mentry presented the LPFD's request for a waiver of the \$1700 Zoning Hearing Board application fee for their variance request for new signage at the fire station.
- b. **MOTION**: Supervisor MacFarland made a motion to approve to waive the Zoning Hearing Board Application fee for the Lower Providence Fire Department. Supervisor Neights seconded the motion.
- c. There was no public comment.
- d. The motion *passed* 4-0.

#### G. Approval of Resolution 2023-17 approving ARPA Fund Transfer

- a. Mr. Lafiata presented Resolution 2023-17 which memorializes the ARPA fund transfers already included in the 2023 adopted budget and authorizes staff to make the fund transfers as needed.
- b. **MOTION:** Supervisor Sorgini made a motion to approve Resolution 2023-17 for the ARPA Fund Transfers. Supervisor Neights seconded the motion.
- c. There was no public comment.
- d. The motion passed 4-0.

#### H. General Discussion of Board of Supervisors 2023 Strategy and Goals

a. Chair Coless provided an update on the activities of the newly resurrected Business Development Committee, including plans for an upcoming business open house at Park Pointe.

#### 6) Announcements/Meetings

- The Township Office will be closed on Monday, February 20 for Presidents Day
- Library Board Feb. 20 at 7:00 p.m.
- Parks and Recreation Board Feb. 21 at 7:00 p.m.
- Planning Commission Feb. 22 at 7:00 p.m.
- Zoning Hearing Board Feb. 23 at 7:00 p.m.

#### 7) Comments and Other Business

A. Supervisor Neights commended staff for the well organized meeting binders with tabbed dividers. He provided an update on the EAC's activities and announced that the EAC is working on a Bird Town PA designation for Lower Providence Township and would be presenting to the Board at an upcoming meeting.

- B. Supervisor MacFarland announced that the Lower Providence Fire Department Donut Sale would be this Saturday, February 18.
- C. Chair Coless provided an update on the partnership with the Methacton School District Art Department for the Lower Providence Parks Design Challenge. Several art classes will be participating and submitting designs for either Redtail Park, Eskie Park, Sherwood Park, or Eagleville Park to be included in the Spring Art Show at Methacton High School. The competition will also be open to the public.
- D. Mr. Mentry announced that representatives from the EPA and PA DEP would be attending the March 16 Board meeting to provide an update on the Moyers Landfill and the recent discovery of PFAS contamination.

#### 8) Courtesy of the Floor

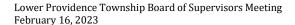
A. No public comment

#### 9) Adjournment

A. **MOTION:** Supervisor Neights made a motion to adjourn. Supervisor Sorgini seconded the motion. The motion *passed 4-0*. The meeting adjourned at 8:03 p.m.

Next Business Meetings: March 2, 2023

March 16, 2023



#### In Remembrance

#### This page is set aside in remembrance of

Jason J. Connelly (1980 - 2023)

Lower Providence Township Police Department Dispatcher 2007 - 2023

Lower Providence Volunteer Fire Department Firefighter

North Penn Volunteer Fire Company
Firefighter EMT
Assistant Engineer
Assistant Safety Officer

#### RESOLUTION FOR AMENDED PRELIMINARY LAND DEVELOPMENT PLAN APPROVAL

#### **RESOLUTION NO. 2023-11**

WHEREAS, Audubon Land Development (hereinafter referred to as "Applicant") has submitted an application for Amended Preliminary and Final Major Land Development approval of Phase II of Audubon Square 5, which would: expand Building 5 from 27,760 square feet to 144,000 square feet for use as a self-storage facility, expand Building 1 from 15,900 square feet (as approved via Resolution 2018-31) to 21,000 square feet for use as retail, add Building 10 with existing 21,340 square feet to the plan, add new Building 8 (approved by Resolution 2018-31 as a 3,856 square foot building for a restaurant use with drive through) for a 2,661 Restaurant and a 3,739 square foot Retail Use, and add Building 9 for a 7,350 square foot Restaurant Use (hereinafter referred to as the "Project") for the property at or near S. Trooper Road and Eisenhower Boulevard, fronting Trooper Road just South of Forge Avenue, Lower Providence Township, Montgomery County (hereinafter collectively referred to as the "Property" or "Properties"), as set forth in a 68-sheet set of plans entitled "Audubon Square 5" prepared by Bursich Associates, Inc., of Pottstown, Pennsylvania, dated June 13, 2018, last revised December 7, 2022 (hereinafter collectively referred to as "Plans"); and

WHEREAS, the Plans propose to develop the Property as set forth above, along with grading, utilities, landscaping, lighting, stormwater management facilities, and erosion control, as further depicted on the Plans; and

**WHEREAS,** the Township Engineer has issued a review letter dated January 11, 2023 and {01573937;V5}1

the Township Traffic Engineer has issued a review letter dated December 23, 2022 (collectively, "Engineering Review Letters"); and

**WHEREAS,** the Lower Providence Board of Supervisors has previously issued Preliminary and Final Major Land Development approval for the Property via Resolution 2018-03;

WHEREAS, the Lower Providence Planning Commission issued review comments dated
October 26, 2022; and

WHEREAS, the Board of Supervisors of Lower Providence Township (hereinafter referred to as "Board") is prepared to grant conditional approval of Applicant's Amended Preliminary and Final Major Land Development Application, subject to certain conditions.

**NOW, THEREFORE, BE IT HEREBY RESOLVED,** by the Board of Supervisors of Lower Providence Township this 2<sup>nd</sup> day of February, 2023, that said application for Amended Preliminary and Final Major Land Development Plan Approval is GRANTED, subject to the following conditions:

- Plans: The Board grants approval subject to the conditions described herein, to the Plans
  prepared by prepared by Bursich Associates, Inc. dated June 13, 2018 and last revised December
  7, 2022.
- 2. **Zoning Ordinance**. The Application is granted subject to the condition that Applicant obtain any and all necessary zoning relief and/or permits prior to commencing construction.
- 3. Required Permits and Outside Agency Approvals. The Applicant or its successors or assigns shall provide evidence of securing the following permits or approvals where needed:
  - a. Sanitary Sewer Permits from the Lower Providence Township Sewer Authority.

- b. Approved DEP Land Planning Module/Waiver.
- c. Receipt of Montgomery County Conservation District Adequacy Letter.
- d. NPDES Permit for Construction Activity.
- e. Approval of PA American Water or Audubon Water Company, as applicable.
- f. PennDOT Highway Occupancy Permit and/or Montgomery County Roads & Bridge Highway Occupancy Permit, if required.
- g. Building permits, construction permits, road opening permits, electrical permits.

  grading permits from Lower Providence Township, as applicable.
- h. Shop drawings for all materials associated with water, sanitary sewer and/or storm sewer utilities shall be submitted, reviewed and approved by the Township Engineer prior to commencement of construction.

#### 4. Conditions of Amended Preliminary and Final Land Development Approval.

Amended Preliminary and Final Land Development Plan Approval is GRANTED subject to the following conditions:

- a. Applicant shall comply with the provisions of the review letter of the Township Engineer, Woodrow & Associates, dated January 11, 2023 (or the latest revision thereof).
- b. Applicant shall comply with the provisions of the review letter of the Township Traffic Engineer, McMahon, dated December 23, 2022 (or the latest revision thereof). The Applicant shall pay a traffic impact fee of \$23,514.78
- c. Applicant shall comply with the provisions of the Lower Providence Planning

- Commission comments letter dated October 26, 2022.
- d. Applicant shall comply with the review comments of the Lower Providence Chief
   of Police dated September 26, 2022 (or the latest revision thereof).
- e. Applicant shall comply with the review comments of the Lower Providence Fire Marshal dated January 13, 2023 (or the latest revision thereof).
- f. Applicant shall provide "will serve" letters or other evidence that the premises are to be served by public water and sewer and shall submit signed agreements to the Township.
- g. All outstanding Township fees associated with the review and approval of the foresaid plan shall be paid in full prior to the recording of the final plan.
- h. Prior to plan recording, the Applicant shall verify that there are no existing easements, deed restrictions or covenants that would affect the proposed development.
- i. Applicant agrees to submit a final plan to Lower Providence Township and the Lower Providence Township Engineer for review and approval prior to recording. This plan shall indicate compliance with all conditions set forth in this Resolution and all Engineer review comments including those contained in the Woodrow & Associates and McMahon Associates, Inc., Engineering Review Letters (or the latest revision thereof).
- j. Prior to recording of the final plan, the Applicant shall provide the following executed agreements for recording in a form acceptable to the Township Solicitor, each of which shall be recorded concurrently with the final record

plans:

- i. Land Development Agreement. Applicant shall enter into a Land
   Development Agreement with the Township.
- ii. Escrow Agreement. Applicant shall enter into an Escrow Agreement and shall post adequate securities in order to construct public improvements, as determined by the Township Engineer.
- iii. Stormwater Operation and Maintenance Agreement. Applicant shall enter into a Stormwater Operations and Maintenance Agreement, in a form acceptable to the Township Solicitor, which provides ongoing maintenance obligations for the Stormwater Management BMPs for the lot owners or Home Owners' Association, as applicable. Facilities, areas or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and encumbered by the Applicant as deed restrictions or conservation easements that run with the land. The ownership and maintenance of these Stormwater Management BMPs shall be the responsibility of the individual Lot Owners and their heirs, successors or assigns.
- iv. Easement Agreements. Applicant shall provide all required Easement Agreements.
- k. The Applicant shall, within ninety (90) days from the date of Final Land

  Development Approval, if requested by Applicant and approved by the Board of

  Supervisors, submit final Mylars and papers to the Township for signature and

recording at the Montgomery County Recorder of Deeds. There shall be one (1) electronic and five (5) papers submitted. Following release and recording of the record plan, the Applicant shall notify the Township Manager and the Township Solicitor in writing of the plan book, page number and date of recording by the Montgomery County Recorder of Deeds.

- Applicant shall pay park and recreation fees in the amount of \$197,396.84
   (calculated as \$1.10/SF of Commercial, Retail and Restaurant Space, \$1.77/SF of Office Space, and \$0.76/SF of Warehouse Space). This fee shall be paid prior to recording of the final plan approval.
- m. Applicant shall attend a pre-construction meeting with the Township staff and appropriate consultants to be held prior to commencement of work.
- n. Prior to the development of each individual lot, the applicant shall apply to Lower Providence Township for a building permit. This shall include the submission of a grading plan showing the actual building footprint and driveway location.
- o. Construction shall not continue past the foundation stage until the owner/builder has submitted certification that the first floor and garage floor elevations of the proposed structure conform to the plans submitted with the grading permit application. The certification shall be submitted to the Township Engineer and shall be signed and sealed by the responsible registered professional land surveyor licensed in the Commonwealth of Pennsylvania.
- p. The applicant shall contact the Township Engineer to perform a final grading {01573937;V5}6

- inspection prior to issuance of an occupancy permit.
- q. The applicant shall submit one (1) electronic and five (5) paper final as-built plans to the Township for review and approval prior to the issuance of an occupancy permit. This plan shall include stormwater management facilities.
- r. Dead street trees or trees within 100 feet of impervious surfaces must be replaced by the property owner within 6 months.
- s. Prior to the issuance of any Certificate of Occupancy or Use and Occupancy permit, Applicant, at is sole cost and expense, shall complete all steps necessary to dedicate any facilities proposed for dedication to the Township as set forth on the Record Plans, including but not limited to dedication of any rights-of-way.
- t. All administrative, legal and engineering expenses owed to the Township for plan review and/or planning services shall be paid in full by the Applicant prior to release of signed record plans.
- u. The Applicant shall comply in all respects with the rules, regulations and requirements of all governmental agencies and/or bodies having jurisdiction with respect to this Application and shall assume all costs, expense and responsibility in connection therewith, without any liability whatsoever on the part of the Township.

#### 5. Waivers.

- a. Applicant is requesting, and the Board has approved, the following waivers of the Lower Providence Township Subdivision and Land Development Ordinance (hereinafter "SALDO" or "Ordinance"):
  - i. Section 123-31 Rights of Way, requiring that Applicant provide an Ultimate Right of Way on Rittenhouse Road. Applicant is requesting a waiver of this section of the ordinance with regard to Rittenhouse Road only, as future land development in the area will provide the required Right of Way at that time. Because of the nature of the Project and the future foreseeable development in the area, the Board of Supervisors has GRANTED this waiver from the Ordinance.
  - ii. Section 123-32 Curbs and Storm Sewers, requiring the provision of curbs and storm sewers along Rittenhouse Road and Egypt Road.
     Applicant is requesting a waiver of this section of the ordinance with respect to Rittenhouse and Egypt Roads only, as future land development in the area will provide the appropriate curbs and storm sewers. Because of the nature of the Project and the future foreseeable development in the area, the Board of Supervisors has GRANTED this waiver from the Ordinance.
  - iii. Section §123-33, which requires sidewalks to be constructed along Rittenhouse and Egypt Road. Applicant is requesting a waiver of this section of the ordinance with respect to Rittenhouse and Egypt Roads

- only, as future land development in the area will provide the appropriate sidewalks. Because of the nature of the Project and the future foreseeable development in the area, the Board of Supervisors has GRANTED this waiver from the Ordinance.
- iv. Section §123-36.A.(2)(d), which requires Access Drive C to be at least five (5) feet from the property line. Applicant has requested a waiver of this section to allow Access Drive C (which will be extended to Eisenhower Road) to be closer than 5' from the property line at its intersection with Norris Hall Road. Based upon the existing conditions at the Property and the location of the proposed improvements, the Board has GRANTED this waiver from this section of the Ordinance.
- v. Section 123-37.C Parking, which requires parking lot islands to be landscaped. Applicant is seeking a waiver of this section of the Ordinance with respect to the parking lots north of Buildings 5, 6 and 7, as those areas are within the Transco Gas Pipeline easement, and plantings are not allowed. Applicant has provided required trees south of the easement along the edge of the easement. Because of the location of the easement and Applicant's provision of additional trees elsewhere, the Board has GRANTED this waiver from this section of the Ordinance.
- vi. Section 123-37.L(2)(a) Planting Strip, requiring a planting strip between Buildings 8 and 9. Applicant is requesting this waiver from the Ordinance because the area is too narrow to add a landscape median without losing

- a row of parking spaces which are needed for the businesses. Due to the scope of the Project and the need for parking, the Board of Supervisors has GRANTED this waiver from this section of the Ordinance.
- vii. Section 123-37.M(2)(b) Driveway Width, requiring Access Drive D to be 28 feet wide. Applicant is requesting a waiver of this section of the Ordinance to allow Access Drive D to be 24 feet wide to match the existing width of this driveway. Based upon the existing conditions at the Property and the location of the proposed improvements, the Board has GRANTED this waiver from this section of the Ordinance.
- viii. Section 123-143 Land Use Design Manual, Section 1.1.4 Trails, requiring a 10 foot trail width. Applicant is requesting a waiver of this section of the Ordinance to construct the relocated trail along Access Drive C to match the previously constructed trail width of 8 feet. At the public meeting held on January 19, 2022, the Applicant amended its request to the following: An 8 foot wide asphalt trail exists today along Road C, and a portion of Road C will be relocated in order to connect into Eisenhower Avenue within the industrial park as depicted on the Plans. Applicant is requesting a waiver to reconstruct the existing 8 foot wide trail on the relocated portion of Road C as an 8 foot wide trail, with the understanding that any new trail constructed in later phases will be built to the 10 foot width as required. Based upon the existing conditions at the Property and the location of the proposed improvements, the Board

- has GRANTED this amended partial waiver from this section of the Ordinance.
- ix. Section 129-19.C(2) Pipe Materials. The applicant has requested a waiver to allow for HDPE pipe to be utilized in lieu of Class III reinforced concrete pipe. Based upon the existing conditions and the availability of materials, the Board has GRANTED this waiver from this section of the Ordinance.
- x. Section 129-19.C(6) Flow Velocity. The applicant has requested a partial waiver to allow for a less than 1.0% slope on terminal storm sewer runs and proposed to provide a minimum pipe slope of 0.50%. Based upon the existing conditions at the Property and the location of the proposed improvements, the Board has GRANTED this partial waiver from this section of the Ordinance.
- xi. Section 129-19.C.(12) Depth of Stormwater Pipes. The applicant has requested a waiver from this section to provide 12" rather than the required 18" minimum cover over all storm sewer pipes. Based upon the existing conditions at the Property and the location of the proposed improvements, the Board has GRANTED this waiver from this section of the Ordinance.
- xii. Sections 129-16G.(4)(a) and 129-19.G.(5)(b) Slopes. The applicant has requested this waiver permit the use of 3 to 1 slopes in lieu of 4 to 1 slopes. Based upon the existing conditions at the Property and the

- location of the proposed improvements, the Board has GRANTED this waiver from this section of the Ordinance.
- xiii. The waivers previously granted via Resolutions 2016-52, 2018-31 and 2019-17 are affirmed, except to the extent they are modified by the terms of this Resolution or the Amended Preliminary and Final Plans.
- b. The waiver set forth herein are subject to the following conditions of approval:
  - i. Applicant shall ensure that Norris Hall Road will be extended to Access
     Road C in Phase 2 and to Egypt Road by 2024.
  - ii. The revised plan includes sit-down restaurants, rather than drive-thru restaurants other than the drive-thru approved for Building 8 via Resolution 2018-31.
  - iii. A post-construction traffic study shall be completed for the intersection of Avenue D and Forge Avenue within three (3) months of the issuance of final Use and Occupancy certificates of all buildings, and Applicant shall comply with all recommendations contained therein.
  - iv. All other conditions of the approval set forth in Resolution 2018-31 remain in full force and effect unless modified herein.

BE IT FURTHER RESOLVED by the Board of Supervisors of Lower Providence Township that this preliminary plan approval is further conditioned upon acceptance of the conditions contained herein by the Applicant and signifying acceptance thereof by signing a copy of this Resolution. In the event that the execution of this Resolution is not delivered to the Township

within ten (10) days from receipt, it shall b	pe deemed that the Applicant does not accept
these conditions and approvals conditioned	d upon his or her acceptance are hereby revoked
and the aforementioned Applicant's plan is	considered to be denied for the reasons set forth
above.	
<b>RESOLVED</b> and <b>APPROVED</b> this 16 <sup>t</sup>	<sup>h</sup> day of February, 2023.
	BOARD OF SUPERVISORS OF LOWER PROVIDENCE TOWNSHIP
	Ву:
E.J. Mentry, Secretary	Cara Coless, Chair

#### **ACCEPTANCE OF CONDITIONS:**

Audubon Land Development, the Applicant and record owner of located at or near S. Trooper Road and Eisenhower Boulevard, fronting Trooper Road just South of Forge Avenue, Lower Providence Township, Montgomery County, does hereby acknowledge and accept the Amended Preliminary and Final Major Land Development Plan Approval issued by the Board of Supervisors of Lower Providence Township and accept the conditions contained herein as recited above.

Witness:	Applicant: Audubon Land Development	
Name:	Name:	
Title:	Title:	
Date:	Date:	

#### MONTGOMERY COUNTY, PENNSYLVANIA

#### **RESOLUTION # 2023-16**

#### A RESOLUTION OF THE TOWNSHIP OF LOWER PROVIDENCE, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING AND APPROVING THE LOWER PROVIDENCE 2040 COMPREHENSIVE PLAN

WHEREAS, pursuant to Article III of the *Pennsylvania Municipalities Planning Code*, Act 247, 53 P.S. §§ 10301-10307, municipalities are required, from time to time, to prepare, adopt, and update their comprehensive plan; and

WHEREAS, after careful consideration, the Lower Providence Township Board of Supervisors, with the assistance of a citizen steering committee and the Montgomery County Planning Commission, has completed a comprehensive plan that will serve as a guide for future growth and development; and

WHEREAS, comments received from the public at public hearings, and from the Montgomery County Planning Commission, adjacent municipalities, and the Methacton School District have been duly noted; and

WHEREAS, comments received from the Lower Providence Township Planning Commission and the Southeastern Pennsylvania Transportation Authority, as set forth in Appendix A attached hereto, have been duly noted and shall be incorporated into the Lower Providence 2040 Comprehensive Plan; and

WHEREAS, the Township's Planning Commission and the Township Board of Supervisors have reviewed and recommended the adoption of the comprehensive plan that addresses community objectives, existing and future land uses, infrastructure, the transportation network, environmental protection, and economic development; and

WHEREAS, the Lower Providence 2040 Comprehensive Plan proposed for adoption is dated February of 2023 and incorporates various maps, charts, data, and text with respect to demographics, land uses, environmental characteristics, housing, transportation, public water and sewer infrastructure, open space, and community facilities as set forth therein; and

WHEREAS, the Lower Providence 2040 Comprehensive Plan has been the subject of a duly advertised public hearing held by the Lower Providence Township Board of Supervisors on February 2, 2023 and February 16, 2023.

NOW THEREFORE, BE IT RESOLVED, that the Township of Lower Providence, County of Montgomery, Commonwealth of Pennsylvania, in accordance with and in furtherance of the powers granted to it, hereby does adopt the Lower Providence 2040 Comprehensive Plan, prepared by the Lower Providence Township Board of Supervisors with the assistance of a citizen steering committee and the Montgomery County Planning Commission, as the official comprehensive plan of Lower Providence Township.

RESOLVED at a duly convened mee	eting of the Board of Supervisors conducted on this
day of, 2023.	
	LOWER PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS
	Cara Coless, Chair
ATTEST:	
E. J. Mentry, Secretary	

#### TOWNSHIP OF LOWER PROVIDENCE

ORDINANCE NO. 676

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE, CHAPTER 138 – "VEHICLES AND TRAFFIC," AT ARTICLE I – "GENERAL REGULATIONS," SECTION 3 – "TEMPORARY AND EMERGENCY REGULATIONS," SUBSECTION 5 – "EXPERIMENTAL REGULATIONS," AND ARTICLE III – "PARKING REGULATIONS," SECTION 23 – "PARKING PROHIBITED AT ALL TIMES"

#### **CERTIFICATION**

I, E.J. MENTRY, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN LOWER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 676.

E.J. Mentry, Township Manager	
, 2023	
ENACTED:	

#### TOWNSHIP OF LOWER PROVIDENCE

#### ORDINANCE NO. 676

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE, CHAPTER 138 – "VEHICLES AND TRAFFIC," AT ARTICLE I – "GENERAL REGULATIONS," SECTION 3 – "TEMPORARY AND EMERGENCY REGULATIONS," SUBSECTION 5 – "EXPERIMENTAL REGULATIONS," AND ARTICLE III – "PARKING REGULATIONS," SECTION 23 – "PARKING PROHIBITED AT ALL TIMES"

**WHEREAS**, the Board of Supervisors of LOWER PROVIDENCE Township is duly empowered by the Second Class Township Code, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of LOWER PROVIDENCE Township; and

**WHEREAS**, the Board of Supervisors of LOWER PROVIDENCE Township has adopted an ordinance establishing regulations related to vehicles and traffic, which, inter alia, establishes procedures related to temporary and emergency regulations and establishes parking restrictions throughout LOWER PROVIDENCE Township; and

**WHEREAS**, the Board of Supervisors of LOWER PROVIDENCE Township have determined that the health, safety and welfare of the residents of LOWER PROVIDENCE Township would be best served by amending the Code of Ordinances at Chapter 138 – "Vehicles and Traffic," at Article I – "General Regulations," Section 3 – "Temporary and Emergency Regulations," subsection 5 – "Experimental Regulations," to allow the Chief of Police to establish temporary and/or emergency regulations and Article III – "Parking Regulations," Section 23 – "Parking Prohibited at All Times," to prohibit parking at all times on both sides of Van Buren Avenue between Adams Avenue and Jefferson Avenue.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED** by the LOWER PROVIDENCE Township Board of Supervisors that the Township's Code is amended as follows:

- Amendment to Chapter 138 "Vehicles and Traffic," Article I General Regulations, Section 3 "Temporary and Emergency Regulations," Subsection 5 "Experimental Regulations," which is amended as follows, with the stricken text indicating the deleted portions of the code and the underlined text indicating the added portions of the code:
- "A. The Board of Supervisors Chief of Police may, from time to time, designate places upon and along the highways in the Township where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective just as if they had been specified in this chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section.
- B. The purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking."
- Amendment to Chapter 138 "Vehicles and Traffic," Article III "Parking Regulations," at Section 23 "Parking Prohibited at All Times," to <u>add</u> the following restriction:

Side	Location
Both	between Adams Avenue and Jefferson Avenue

#### SECTION 3. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

#### SECTION 4. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4.	Effective Date.		
This Ordinance	shall become effective	e 5 days after enactment.	
ORDAINED ANI Board of Superv	<b>D ENACTED</b> thisisors of the Township	day of of LOWER PROVIDENCE.	_ 2023, by the
		TOWNSHIP OF LOWE PROVIDENCE, BOARD OF SUPERVI	
Attested by:		Cara Coless, Chair	
E.J. Mentry	ger & Secretary		



100 Parklane Drive • Eagleville, PA 19403 • www.lowerprovidence.org

Administration: 610 539-8020 • Fax: 610 539-6347 Police: 610-539-5901 • Fax: 610-630-2219



#### **MEMORANDUM**

TO: Board of Supervisors

FROM: E.J. Mentry, Township Manager

SUBJECT: 03/02/23 BOS Meeting – Agenda Items 4a and 4b – Electronic Message Board

Replacement

DATE: February 24, 2023

For your consideration at the upcoming March 2, 2023 Board of Supervisors meeting is a proposal from Signarama, a COSTARS approved sign vendor, for replacement of the Township's electronic message board (aka the marquee) located at the entrance to the Township campus at 100 Parklane Drive.

The issues with the existing marquee are well-documented and were discussed during the 2023 budget workshops, resulting in this project being included in the adopted 2023 budget. The project has been included in the Capital Projects Budget (Fund 30) with an appropriation of \$56,000, to be paid for with American Rescue Plan (ARPA) funds. The proposal from Signarama is for \$59,536.37, which is approximately \$3500 over budget. There is sufficient fund balance in Fund 30 to cover the overage. For reference, the existing marquee was installed in 2007 for a total cost of approximately \$54,000.

Prior to bringing this proposal to the BOS I requested the Zoning Officer to render a zoning opinion letter on the sign's conformity with the Township Zoning Ordinance. Unfortunately, the existing sign is non-conforming and therefore the replacement sign must be brought into compliance. In an effort to follow the proper channels and ensure consistency with the regulations we impose on all other property owners, the Township will be required to appear before the Zoning Hearing Board to seek relief before a permit can be issued for the new sign. Please find the Zoning Officer's determination attached to this memo.

In order to move forward with this project, I am requesting two actions from the BOS at the March 2 meeting:

- 1) Authorization for the Township Solicitor to submit application to the Zoning Hearing Board seeking sign relief.
- 2) Conditional approval of the Signarama proposal for the replacement electronic message board, subject to receiving the necessary relief from the Zoning Hearing Board.

Please let me know if you have any questions.



#### LOWER PROVIDENCE TOWNSHIP COMMUNITY DEVELOPMENT

100 Parklane Drive • Eagleville, PA 19403 • www.lowerprovidence.org

Administration: 610-539-8020

February 20, 2023

Lower Providence Township E.J. Mentry, Township Manager 100 Parklane Drive Eagleville, PA 19403

RE: proposed changes to free-standing sign

Dear E.J.:

In review of the proposal for the changes to the Township's free standing sign, near Ridge Pike and Parklane Drive, I note that existing sign is non-conforming, and that the proposed change from monochrome LCD illumination to multi-color LED illumination requires the sign to be brought into conformity due to the standards in §143-144.B(4) of the zoning ordinance. These standards state that all permanent signs shall be brought into conformance with the sign regulations when and if the following occurs: "A change in the mechanical facilities or type of illumination."

The Township Building is located within the R-1 Residential PFO -Public Facilities Overlay. The proposed sign will be 56.9 SF, 6'-10" high, and internally illuminated. The standards in R-1 PFO, § 143-141 and §143-144, limits signs to a maximum of 24 SF per sign face, 10' high, and external illumination. The proposal is non-conforming in sign area and type of illumination.

While the proposed sign is similar to the existing in both these standards, the degree of alteration requires zoning conformance or relief. Should the Township wish to pursue the proposed design, the matter should be taken to the Zoning Hearing Board for consideration of variances or interpretation. Thank you.

Respectfully,

Michael Mrozinski

Director of Community Development <u>Lower Providence Township</u> 100 Parklane Drive Eagleville, PA 19403

(610) 635-3514 (direct)

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JOB#\_NAME:

Lower Providence Township

MATERIAL:

EMC

SIZE:

SIDES:

Double

QUANTITY:

COLOR:

Digital

JOB DESCRIPTION:

Notes

ADDITIONAL NOTES:

Notes

DATE:	9/14/2022
REV 1:	1/23/2023
REV 2:	xx/xx/2022
REV 3:	xx/xx/2022
REV 4:	xx/xx/2022
REV 5:	xx/xx/2022
REV 6:	xx/xx/2022
REV 7:	xx/xx/2022
REV 8:	xx/xx/2022
391	

DESIGNED BY:

Phil White Phil@signarama-limerick.com

CUSTOMER APPROVAL:

DATE

THIS RENDERING IS INTENDED AS A SAMPLE ONLY. COLOR, TEXTURE, MEASUREMENTS, AND ACTUAL APPEARANCE MAY VARY SLIGHTLY FROM COMPLETED WORK AND IS CONSIDERED NORMAL AND USUAL. CHECK ARTWORK TO MAKE SURE CUSTOMER SUPPLIED FILES IMPORTED CORRECTLY. CHECK ALL SPELLING FOR ACCURACY. SIGNARAMA LIMERICK WILL NOT BE RESPONSIBLE FOR ANY MISSPELLED WORDS OR INCORRECT GRAPHICS AFTER APPROVAL. ADDITIONAL FEES TO PRODUCE THE ORDER AGAIN OR TO PRODUCE A FIX FOR THE ITEM AS IS WILL BE ADDED IF CUSTOMER APPROVED. IF NOT ITEMS MUST BE ACCEPTED AS IS.

# Build trust and profits with NEXT digital displays.









## Deal in terms of distinct value and superior service.

### Build trust with a digital sign built to last.

At NEXT, we understand working with humans who value quality products and service from a company they can trust.

It's why we support our dealers with dependable and profitable displays, active marketing support and streamlined service. We want to help you maximize your revenue potential using our products.

We've built our business based on our word. It's on that trust and loyalty that our dealers and their customers can consistently rely on us to do what we say we will do.

Our focus is always on human connection in the world of digital displays.



#### WHY CHOOSE A NEXT DISPLAY?

#### Premier Products

NEXT uses only the highest quality LED diodes, lamps, automotive-grade cables, power supplies, data and aluminum cabinetry to build products that work for the long haul.



#### Single bin LEDs

All of our LED's are sourced single bin to provide for the tightest uniform color appearance and higher brightness from day one. It also allows for more accurate color calibration later in life if a module must be replaced.

#### Lightning fast distribution

Our products are the fastest to market LED displays available – so your customers can get started generating traffic and boosting revenue right away.

#### · Ready to build

The unique modular STAX design makes assembly and installation of a high definition digital display easy for even a novice.



#### Versatile

Use in a controlled environment or use outdoors – our displays are built to best every environmental enemy out there.

#### Rapid resolution

We stock parts in distribution warehouses across the country and in our headquarters in Wichita, Kansas. We make sure that you can provide the fastest method of resolution on service calls to keep your customers happy.



A 5-year warranty on all parts (only labor for Onyx displays) makes sure that your customers get their investment's worth.

#### Ready to help immediately

Each of our dealers has a direct line to dedicated support technicians who are familiar with their accounts because we value accessibility, availability and a rapid response.









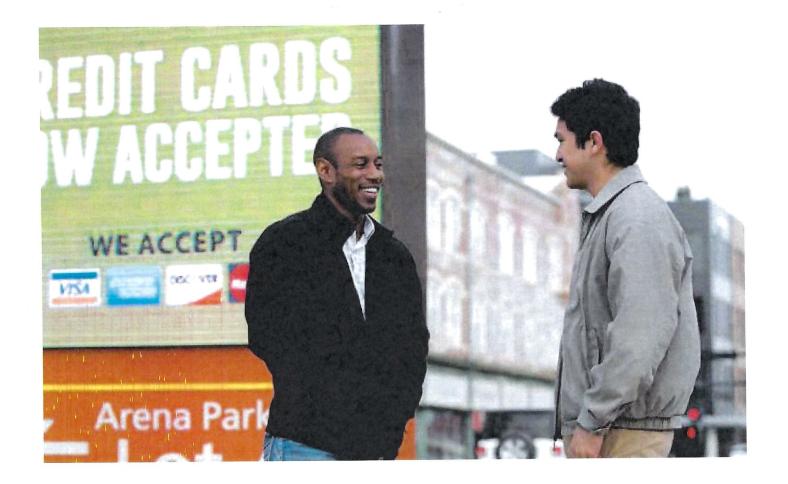
#### **Modular LED**

Designed for easy assembly and fast distribution, STAX will help build your brand with a superior user experience and support from the dedicated team at NEXT.





- Modular design
- Fast distribution
- Plug in and play



## Dynamic content is the key to LED signage.





Educating your customers on quality content generation will lead to more traffic and increased sales.

Don't allow your customers to underuse their digital display.

Combining the power of LED with the persuasion of timely and actionable content will augment their reach and increase profits.

Professional content from Project Content makes it easy for your customers to get the most out of their NEXT digital display with their simple cloud-based operating software.





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#### **MEMORANDUM**

TO: Members of the Board of Supervisors; E.J. Mentry, Township Manager

FROM: Rich Lafiata, Director of Finance

DATE: February 23, 2023

SUBJECT: Liquid Fuels Transfer

At the March 2, 2023, Board of Supervisors meeting, the Board will be presented with Resolution 2023-18 which authorizes Township staff to transfer Liquid Fuels dollars from the Liquid Fuels Fund (35) to the Liquid Fuels Loan Fund (21). Liquid fuels funds were received from the Department of Transportation in the amount of \$752,058.98 on March 1<sup>st</sup>, 2023. The transfer being proposed in Resolution 2023-18 is included in the 2023 Budget. The transferred funds will be used to cover the 2023 interest and principal payments for the 2016 PIB Loan as well as the 2014 Delaware Valley Regional Finance Authority loan.



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#### Lower Providence Township Montgomery County, Pennsylvania Resolution No. 23- 18

## A RESOLUTION OF THE LOWER PROVIDENCE TOWNHIP BOARD OF SUPERVISORS AUTHORIZING THE TRANSFER OF UNENCUMBERED MONEYS FROM ONE TOWNSHIP ACCOUNT TO ANOTHER

**WHEREAS**, Lower Providence Township is an organized Township of the Second Class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Board of Supervisors may by resolution transfer unencumbered moneys from one township account to another, pursuant to Section 3202 of Second Township Code:

**NOW, THEREFORE**, it is hereby **RESOLVED** by the Lower Providence Township Board of Supervisors, as follows:

1. The Board of Supervisors hereby authorizes the transfer of up to \$178,086 from the Liquid Fuels Fund to the Liquid Fuels Loan Fund as per the 2023 Budget.

**RESOLVED and APPROVED**, at the regularly scheduled meeting of the Board of Supervisors conducted on this 2<sup>nd</sup> day of March 2023.

LOWER PROVIDENCE TOWNSHIP

**BOARD OF SUPERVISORS** 

Attest:	
Mentry Township Manager	Cara Coless Chair



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#### **MEMORANDUM**

TO: Board of Supervisors

FROM: E.J. Mentry, Township Manager

SUBJECT: 2023 Board of Supervisors Goals and Strategy (3/2/23 Agenda Item 6a)

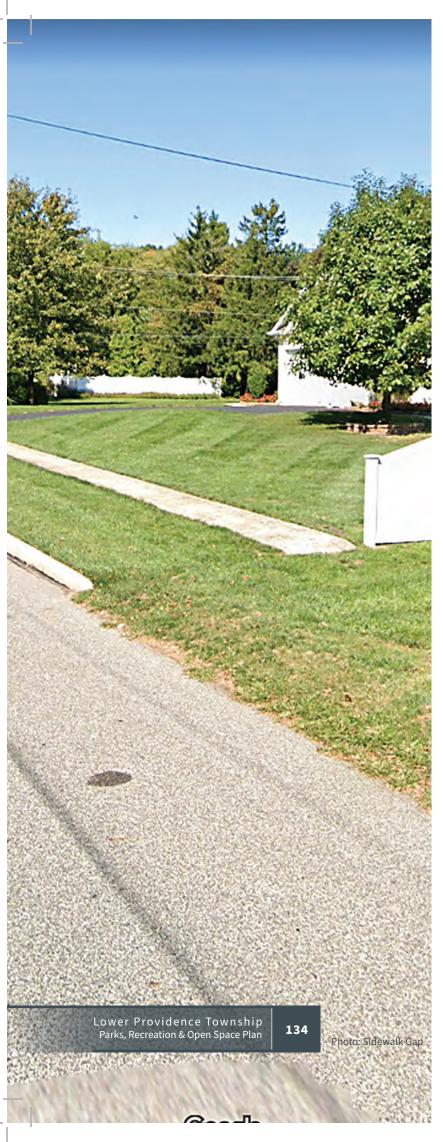
DATE: February 24, 2023

For the upcoming March 2 BOS meeting, the agenda once again includes "General Discussion of 2023 Board Goals and Strategies" (agenda item 6a). For this discussion, we would like to revisit the list of projects and priorities developed during last year's Strategic Planning workshops. Attached to this memo and included in your packets is the spreadsheet that was developed and organized by major initiative category based on the input from Supervisors during the workshops. As you review the spreadsheet, I'm sure you'll notice that several initiatives are either currently underway or have already been completed.

The purpose of the BOS meeting discussion is to identify the top 3-5 priorities/projects from the list so that staff and consultants have guidance on which grants to pursue this year. In an effort to help guide the conversation, I am providing a list of my recommendations on major categories that I think should be considered. The below list is in no particular order of importance.

- 1) Municipal campus/building improvements (RACP Grant application)
- 2) Stormwater Management
  - a. Stormwater fee study
  - b. *Identify a project from our MS4/TMDL plans and pursue a grant to construct.*
- 3) Parks & Recreation
  - a. *Identify a park project and pursue a DCNR grant for either planning or implementation.*
- 4) Pedestrian Connections
  - a. *Identify a high priority area from the PROS plan and pursue a transportation grant for sidewalks and/or crosswalks.*
  - b. One potential area, which could be pursued as one project/grant application, would be sidewalks on Ridge Pike between Trooper Road and Park Ave. (Rt. 363) and signalized crosswalks at the two major intersections (Ridge/Trooper and Ridge/Park).
  - c. Also attached to this memo is the "Sidewalk Inventory and Gaps" and "Proposed Sidewalks" section of the 2021 PROS Plan for reference.

I look forward to continuing these very impactful long-range planning conversations with the BOS. Please let me know if you have any questions in advance of the meeting.



#### **Sidewalk Inventory & Gaps**

Sidewalks are basic transportation infrastructure in any village or town. Sidewalks allow pedestrians to safely move between destinations, from home to work, to places of worship and to parks, to trails and civic spaces. Sidewalks are clustered in residential developments and are lacking connectivity to local destinations within Lower Providence Township.

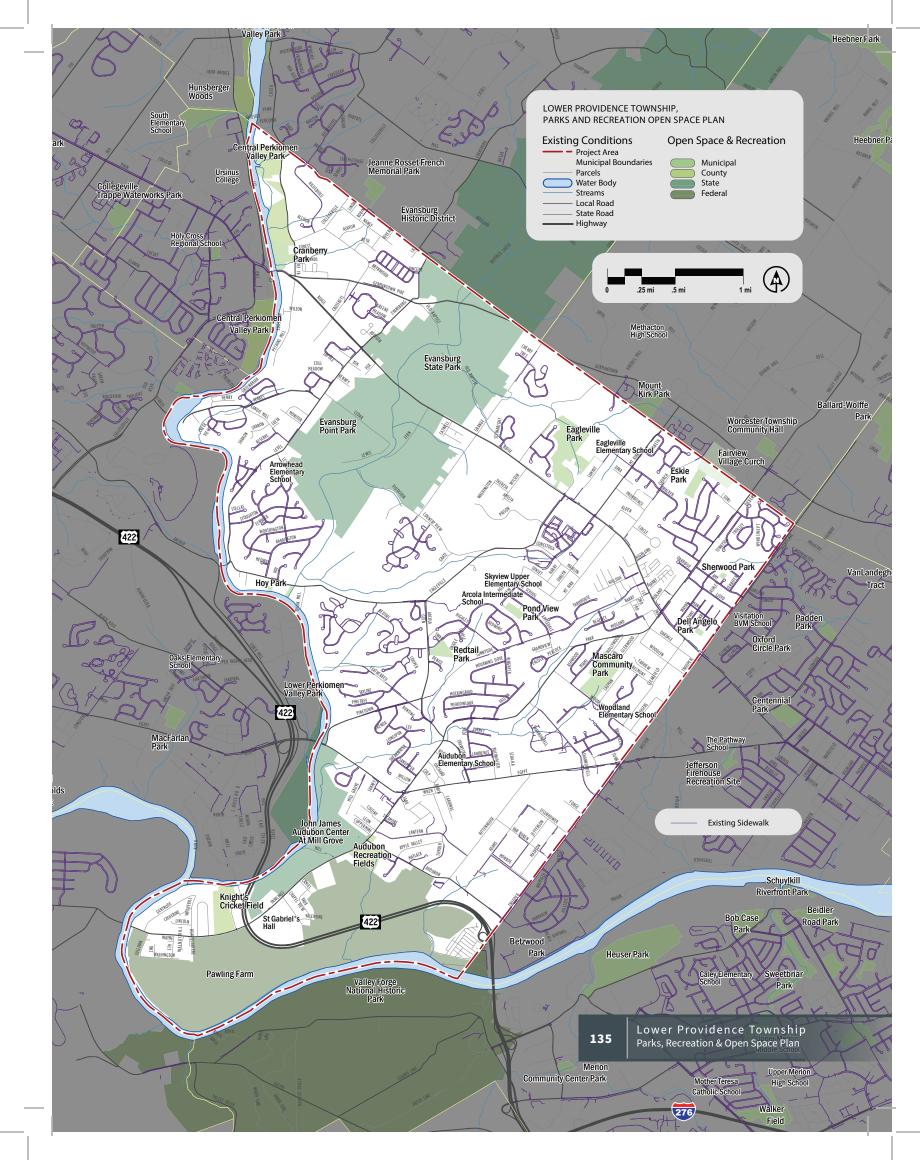
Sidewalk and pedestrian improvement priorities identified in the Greater Valley Forge (GVF) 2009 Bicycle and Pedestrian Infrastructure Improvement Plan have been incorporated into this plan, including:

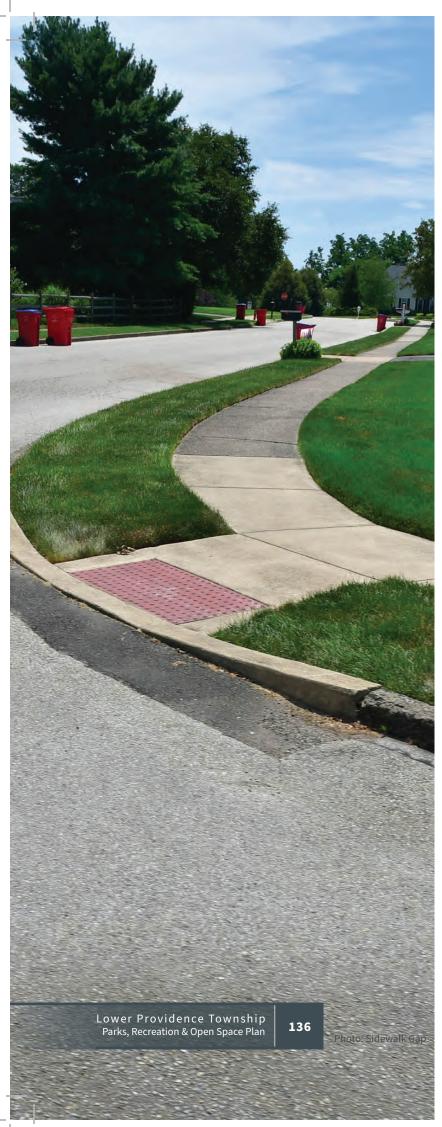
- Sidewalks along Ridge Pike between Hillside and Trooper.
- Connections to the Valley Forge Corporate Center.

While not financially feasible to propose sidewalks in all gaps, this plan takes a critical look at filling priority sidewalk gaps. Priority sidewalk gaps were determined by the following criteria:

Can the sidewalk gap provide:

- Connection to existing sidewalk infrastructure
- Connection to MSD school facility
- Connection to Township park and recreation facilities
- Connection to local commercial and civic destinations





## Proposed Sidewalks (Along Priority Sidewalk Gaps)

Sidewalks are proposed along routes that will serve the largest number of Township residents and improve accessibility to Town destinations such as parks, trails, open space, and commercial areas. Approximate locations of new sidewalks are based on site reconnaissance, a Township sidewalk inventory (completed with data from DVRPC, GVFTMA, committee members) and input from Township staff and the steering committee.

The backbone of the sidewalk recommendations plan contains 59,000 linear feet (LF) of sidewalks in priority gap locations.

Priority sidewalks are delineated on the map on the opposite page and include the following:

Audubon Road	3,050 LF
Pawlings Road (Between Audubon Rd & Egypt Rd)	985 LF
Thrush Lane	400 LF
Egypt Road	5,735 LF
Wedgewood Way	400 LF
Crawford Road	5,100 LF
Pinetown Road	1,900 LF
Arcola Road	7,000 LF
Level Road	5,730 LF
Ridge Pike	7,180 LF
Eagleville Road	2,300 LF
Visitation Road	3,300 LF
Marilyn Avenue	900 LF
Clearfield Avenue	4,100 LF
Appledale Road	1,400 LF
Miami Avenue	300 LF
N Park Avenue	860 LF
Church Road	2,700 LF
Summit Avenue	1,200 LF
Evansburg Road	2,500 LF
Germantown Pike	910 LF
River Road	600 LF
Collegeville Road	1,150 LF

Additional sidewalk gaps to be assessed for new sidewalk have been proposed by Montgomery County in previous planning studies along Ridge Pike and Germantown Pike:

Additional Ridge Pike (Per Montco Comp Plan)	11,300 LF
Additional Germantown Pike (Per Montco Comp Plan)	8,600 LF

The map on the opposite page identifies priority sidewalk gaps that can serve the greatest number of Township residents. Not all gaps depicted here.

This plan recommends the Township conduct a walk & bike connectivity plan based on these recommendations. Sidewalk gap prioritization based on cost and need recommended as a part of this process.

