

#12-2021
June 15, 2021

The regular meeting of the Whitpain Township Board of Supervisors was held virtually beginning at 6 p.m. on Tuesday, June 15, 2021. Supervisors Michele Minnick, Kimberly J. Koch, Frederick R. Conner, Jr., Jeffrey Campolongo and Joyce M. Keller were in attendance, along with Township Manager Roman M. Pronczak, P.E., Assistant Township Manager David J. Mrochko, Township Solicitor Michael P. Clarke, Esq., Police Chief Kenneth Lawson, Director of IT Nicole M. Leininger, Code Enforcement Officer Michael E. McAndrew, Public Works Director Thomas Farzetta, Finance Director Christine M. Bauman, HR Director Kathleen Yackin, Township Engineer James E. Blanch, P.E., Parks and Recreation Director Kurt W. Baker, and Recording Secretary Virginia Papale. Fire Marshal David M. Camarda was at a fire scene. There were eight remote attendees.

After an overview of the virtual meeting procedure by IT Director Nicole Leininger, Chair Michele Minnick welcomed everyone to the meeting and asked them to stand for the Pledge of Allegiance. She then announced that there was an active fire at the Henkels and McCoy warehouse, with fire and police personnel responding. Jolly Road was closed.

As advertised, Solicitor Clarke announced a public hearing on Conditional Use Application #43-21, ACTS Retirement-Life Communities, Inc., 9000 Twin Silo Drive, requesting a waiver of land development to construct a Porte' Cochere at its existing retirement community. He called for a motion to open the hearing. A motion was made by Vice-Chair Koch, duly seconded by Supervisor Conner to open the hearing. A roll-call vote was taken: Supervisor Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted to open the hearing.

A court reporter was present to record the proceedings, and the transcript will be made a part of these minutes.

A motion was made by Supervisor Conner, duly seconded by Supervisor Koch to close the hearing. Chair Minnick called a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried and the hearing was closed.

A motion was made by Supervisor Koch, duly seconded by Supervisor Keller to approve Conditional Use #43-21. Chair Minnick called for any questions. Supervisor Conner said this application was consistent with other conditional use requests for this property, and he heartily agreed to approve it. Chair Minnick called a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye, and Chair Minnick also voted in favor. The motion carried.

A motion was made by Supervisor Koch, duly seconded by Supervisor Campolongo to enact Ordinance No. 389, an ordinance amending the Code of the Township of Whitpain, Part II (General Legislation), Chapter 142 (Vehicles and Traffic), Section 142-12 (Traffic Signals at Certain Intersections) at Subsection A. Chair Minnick explained that this item is administrative, adding three new traffic signals to the list of locations of traffic signals in the Code. She called for any comment from the Board or the public. There was none. Chair

Minnick then called a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried.

A motion was made by Supervisor Koch, duly seconded by Supervisor Campolongo to approve the Consent Agenda as follows:

- a. Minutes of the Board of Supervisors' meetings of May 19 and June 1, 2021.
- b. May Voucher List in the amount of \$566,893.98, check sequence #73073 through #73324.
- c. April 2021 Treasurer's Report.
- d. Confirming Resolution #1457 to extend outdoor dining guidelines to September 11, 2021.
- e. Resolution Nos. 1458 through 1462, Emergency Declarations for the month of June.
- f. Grant a waiver request from the requirement of preparing a land development plan to ACTS Retirement-Life Communities, Inc. for the construction of a Porte' Cochere at Normandy Farms Estates – Assisted Living Facility located at 9000 Twin Silo Circle.

The waiver from land development is conditioned upon the review and approval of the site plan by the Township Engineer.

- g. Authorize the Board Chair and Township Manager to sign a Joint Intermunicipal Agreement with Ambler Borough, Amendment No. 2021-1 to the Agreement dated December 16, 1959, as previously amended, to allow for expansion of flows from Upper Dubin Township, subject to the review and approval of the Township Solicitor.
- h. Award the contract for Professional Land Planning Services to Land Concepts of Blue Bell, PA per their proposal submitted April 12, 2021. Services begin with any new applications that are submitted for review.
- i. Approve an agreement between Whitpain Township, Aqua Pennsylvania Wastewater, Inc. and Thomas Johnson, owner of a property located at 131 W. Township Line Road regarding acceptance of sanitary sewage into the Whitpain Township sanitary sewer collection system.
- j. Resolution No. 1464 authorizing the Chair of the Board of Supervisors to sign an Authorization to Sign and Submit Multimodal Transportation Fund Grant Application for improvements at Walton Road and Stenton Avenue. The

grant is administered by the Department of Community and Economic Development through funding provided by the Commonwealth Financing Authority.

- k. Authorize the Township Manager to sign the Montco 2040 Grant Funding Agreement between Whitpain Township and Montgomery County for the PECO Line Trail in the amount of \$196,300.

Chair Minnick called for Board comment. Supervisor Conner noted with item (h), the firm received a unanimous recommendation from the subcommittee to interview for land planners that includes Chair Minnick and Supervisor Conner, as well as Ken Corti and Rick Shorin from the Planning Commission. He is looking forward to their expertise as they work full time with the Township. He also expressed delight with the Montgomery County approval of the PECO Line Trail Grant - item (k). With no additional comments from the Board or the public, Chair Minnick called a roll-call vote to pass the Consent Agenda: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye, and Chair Minnick also voted in favor. The motion carried.

A motion was made by Chair Minnick, duly seconded by Vice-Chair Koch to consider approval of Resolution No. 1454, final plans titled "Preliminary/Final Subdivision Plans for 190 Plymouth Road" located at 190 Plymouth Road, Sheets 1 of 7 through 7 of 7, prepared by Robert E. Blue Consulting Engineers, plans dated March 19, 2021 in accordance with Section 509 (b) of the Pennsylvania Municipalities Planning Code conditioned upon execution of a Development Agreement, posting of financial security, planning module approval, receipt of all necessary permits from the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection, compliance with the recommendations contained in the motion from the Township Planning Commission and the resolution of items in the review letter from the Township Engineer dated April 2, 2021. Vice-Chair Koch asked Mr. Pronczak to provide an update to everyone after receiving communications from residents regarding this property. There seems to be confusion over the plans the residents were discussing and describing. Mr. Pronczak explained that a previous Zoning Hearing Board application to consolidate 170 and 190 Plymouth Road into one lot and then subdivide it into three lots required zoning relief. The application was withdrawn. The current application involves 190 Plymouth Road, with 170 Plymouth Road remaining an existing lot. The property was subdivided in the 1970s and is buildable, though for this application, only 190 Plymouth Road is involved. There is an existing home, and one new home to be built if the subdivision is approved. The applicant, Mr. Carroll, his engineer, Mr. Blue, and Mr. Blanch are available for comment if needed. Supervisor Conner said that late today the Board received communication, letters and videos showing stormwater runoff, with the property owners generally opposed to the development. He asked Mr. Pronczak to explain what is entailed in the approval process. Mr. Pronczak responded that the comments are related to stormwater issues, and there are some. The main cause is that the land was developed in the 1960s – 1970s before stormwater regulations were in place. Any new development beginning in the 1980s requires stormwater management, showing how water will be held back, or controlled. Another comment in the emails

addressed the tree canopy. An applicant has to comply with our ordinance governing tree canopies, and a detailed evaluation is made before any building permit is issued.

Chair Minnick called for any public comment. Resident Nicole Marcum Rife and her husband have an extreme vested interest in this subdivision, as their property at 210 Plymouth Road abuts this one. She is concerned that the development of this property, with the removal of trees, will create further flooding and be a detriment to quality of life. A response by Robert E. Blue, P.E., the applicant's engineer, summarized that there are 500+ acres that drain through the watershed, and this property is three or less acres – 1.87% of the entire watershed. The applicant is required by state law, besides complying with Township regulations, to file an NPDES permit which is administered by the Montgomery County Conservation District. They will review the impact for erosion and sedimentation control. Mr. Blanch will review and ensure compliance with Township regulations. Prior to any building permits being issued, all Township, county and state requirements must be met. Ms. Rife is not accepting of this explanation, asking how this could be a viable project without impacting anyone. Mr. Blue responded that the property will not be totally cleared, as they will be guided by the protective tree canopy ordinance. In addition, he explained that Ms. Rife's property is at an elevation of 272 ft., while the property she is opposing is at an elevation of 255 ft. It costs money to remove trees, and as a developer and resident, the owner does not want to take down 30 or more trees. Ms. Rife continued to add her thoughts regarding the state of the neighboring property and what she perceives to be ordinance violations. Supervisor Koch clarified that this review is related to the subdivision of the property with nothing else at present, and this is a by-right application. Solicitor Clarke confirmed this and added that no Township ordinance is being violated by the subdivision of this property as suggested. Any plan that will be reviewed has to be completely in compliance or will not be approved. Mr. Pronczak verified that once the property is subdivided it still has to go through detailed Township reviews for approvals. Supervisor Campolongo requested specifics to clarify what is actually being requested by the applicant. Mr. Carroll, the applicant, explained that this is a minor subdivision of 190 Plymouth Road where there is an existing home shown as Lot #1 on the new subdivision plan. Tonight's request is to subdivide this property into two lots. It is possible that in the future the house on Lot #1 could be torn down and another built. Currently, there are no applications for homes to be built on either lot. Supervisor Campolongo appreciated the explanation, though noted that the intent would be at some point to build on one or two lots. He also recognized Ms. Rife's concerns, and is aware that the stormwater runoff is significant, but is mindful of the impact in the Township with deference to the ordinances. Supervisor Campolongo thanked the residents for their input. Chair Minnick thanked everyone for their clarification of the facts, confirming that it is a by-right application. At the previous meeting, this item was tabled because of communication issues that have since been examined and addressed. The vote needs to take place this evening, as the property owner has the right to this subdivision. She called for any additional comments. There were none. Chair Minnick called for a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried. Chair Minnick again thanked everyone for their input.

A motion was made by Supervisor Campolongo, duly seconded by Supervisor Keller to pass Resolution No. 1463 to approve the final plans titled "Preliminary/Final Minor Subdivision Plans for 203-207 Mt. Pleasant Avenue" located at 203-207 Mt. Pleasant Avenue, Sheet 1 of 1, prepared by ProTract Engineering Inc., plan dated December 30, 2020 and last revised April 23, 2021 in accordance with Section 509 (b) of the Pennsylvania Municipalities Planning Code conditioned upon execution of planning module approval, receipt of all necessary permits from the Pennsylvania Department of Environmental Protection, compliance with the recommendations contained in the motion from the Township Planning Commission and the resolution of items in the review letters from the Township Engineer dated February 2, 2021 and May 25, 2021. Chair Minnick called for any questions or comments from the Board or the public. There were none. She called a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried.

Chair Minnick turned the meeting over to Vice-Chair Koch for the next agenda item. Supervisors Koch and Campolongo are members of the subcommittee to interview candidates for positions on boards and commissions. Vice-Chair Koch expressed how wonderful it was to meet several residents who met with her and Supervisor Campolongo to be interviewed. There were six interviews for four appointments.

A motion was made by Supervisor Campolongo, duly Seconded by Supervisor Koch to appoint Marie Golson to the Planning Commission as Alternate #2 with a term expiring December 31, 2021 and Peter Kreher as Alternate #3 to the Planning Commission with a term expiring December 31, 2023. Chair Minnick called for any discussion. Supervisor Campolongo confirmed that Ms. Golson's term is expiring at the end of this year because she is fulfilling a vacancy but would be reappointed in the coming year. There were no additional comments. Chair Minnick called a roll-call vote: Supervisor Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried.

Chair Minnick turned the meeting over to Supervisor Campolongo for the next agenda item to appoint members to the Shade Tree Commission. Supervisor Campolongo is pleased to invite Nilza Lozada and Timothy Knowles to join the Shade Tree Commission as alternate members. After an extensive search, he is pleased with the candidates who applied and offered thanks and gratitude to all who expressed interest. Additionally, he asked them to stay involved and seek out other opportunities that may come up.

A motion was made by Supervisor Koch, duly seconded by Chair Minnick to approve the recommendation of Nilza Lozada as Alternate #2 and Timothy Knowles as Alternate #3 to the Shade Tree Commission with terms expiring December 31, 2024. Chair Minnick called for any discussion from the Board or the public. There was none. She took a roll-call vote: Vice-Chair Koch, aye; Supervisor Conner, aye; Supervisor Campolongo, aye; Supervisor Keller, aye and Chair Minnick also voted in favor. The motion carried. Chair Minnick welcomed everyone aboard.

The Board took no action on the following Zoning Hearing Board cases scheduled to be heard June 17th:

NO. 2274-21 – MOO PROPERTIES, LLC requests an amendment of Whippain Township Zoning Hearing Board Decision No. 1761-07, section G, with respect to its property located at 1533 Skippack Pike, Blue Bell, PA in the Township's R-1/R-2 Residential District. Applicant's requested relief, if granted, will permit the Applicant to install a driveway through the berm along Whitney Drive which will decrease the continuous visual barrier between the subject property and Whitney Drive that the prior zoning decision obligated Applicant to maintain.

(Revised) NO. 2277-21 – ALEXANDER A. SALOMON request variances from Article VII, Section 160-36 related Rear Yards and Article XXVIII, Section 160-204 related to Residential Rear Yard Intrusions with respect to Applicant's property located at 1440 North Wales Rd., Blue Bell, PA in the Township's R-2 Residential District. Applicant's requested relief, if granted, will allow Applicant to construct an addition on the property which will: (1) reduce the rear yard setback to 20 feet when the Ordinance requires a minimum of 50 feet; and (2) project into the rear yard when the Ordinance prohibits same.

(Revised) NO. 2285-21 – RICHARD J. FORISH, JR. requests variances from Article V, Section 160-15 related to Front Yards, Article V, Section 160-17 related to Side Yards for Single Family Dwellings, Article XXVIII, Section 160-202 related to Residential Projections into Front Yards and Article XXVIII, Section 160-203 related to Residential Projections into Side Yards with respect to his property located at 1180a Parkwood Rd., Blue Bell, PA in the Township's R-1 Residential District. Applicant's requested relief, if granted, will allow Applicant to construct a 27'6" by 38'8" two story addition onto his residence which will: (1) project into the front yard and side yard when the Ordinance prohibits same; and (2) reduce one side yard width to 28 feet when the Ordinance requires a minimum of 50 feet; and (3) reduce the aggregate side yard width to less than 100 feet when the Ordinance requires a minimum of 100 feet; and (4) reduce the front yard to 45 feet when the Ordinance requires a minimum of 50 feet.

NO. 2286-21 – STEFANIA LUCIANI requests variances from Article V, Section 160-33 related to Front Yards on Corner Lots, Article V, Section 160-36 related to Rear Yards, Article XXVIII, Section 160-202 related to Residential Projections into Front Yards and Article XXVIII, Section 160-204 related to Residential Rear Yard Intrusions with respect to the property located at 1422 Daws Rd., Blue Bell, PA in the Township's R-2 Residential District. Applicant's requested relief, if granted, will allow Applicant to construct an addition onto an existing garage which will: (1) project into the front and rear yards when the Ordinance prohibits same; and (2) will reduce the rear yard setback to 44 feet when the Ordinance requires a minimum setback of 50 feet and (3) will reduce the front yard depth to 44'6" when the Ordinance requires a minimum depth of 50 feet.

Supervisor Conner offered comments regarding the 1533 Skippack Pike and 1440 North Wales Road, Zoning Hearing Board cases that came before the Board previously. The Board voted to send the Solicitor in opposition to the original application for 1440 North Wales Road, although the property owner then submitted a new application that contains essentially the same concept but with an addition connected to the house instead of a separate unit. He is confident the Zoning Hearing Board will hear the facts and make the appropriate decision. He also advised that any resident who has an interest in any of these cases should tune in to the Zoning Hearing Board meeting Thursday night.

Chair Minnick announced that we are in receipt of a generous \$2,013,835.64 allocation of The American Rescue Plan Act of 2021, funds that the Township will include in the general fund for stormwater improvements, sanitary sewer improvements and replacement of any lost revenue due to Covid-19 shortfalls.

Chair Minnick turned the meeting over to Vice-Chair Koch for public comment. There was no public comment, and the meeting was turned back to Chair Minnick who asked if the Board had any closing comments. She offered congratulations, best of luck and best wishes to residents/recent graduates of any school attended, especially high school graduates who persevered during Covid.

Vice-Chair Koch announced that Whippain Township will be closed Friday, June 18th to commemorate Juneteenth, our country's second day of independence. It is the 156th anniversary of the union troops reaching Galveston, TX to announce to the slaves they were free by executive decree. The Emancipation Proclamation and 13th Amendment that was passed in 1863 stating that all slaves were free could not be implemented while there were still areas under Confederate control. Today, the US Senate approved that Juneteenth is a legal public holiday, and Vice-Chair Koch encouraged everyone to use the day for reflection and education on the rich histories of the Black community.

Mr. Pronczak announced that the Board will retire to executive session after this meeting to discuss a real estate matter.

With no further comments, a motion was made by Vice-Chair Koch, seconded by Supervisor Campolongo to adjourn the meeting at 7 p.m.

Respectfully submitted,


Frederick R. Conner, Jr.
Secretary