

#04-2021
February 16, 2021

The regular meeting of the Whitpain Township Board of Supervisors was held virtually beginning at 6 p.m. on Tuesday, February 16, 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, Solicitor Alex M. Glassman, Esq., Police Chief Kenneth Lawson, Director of IT Nicole M. Leininger, Fire Marshal and Emergency Management Coordinator David M. Camarda, 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. There were approximately 36 remote attendees.

Director of IT Nicole Leininger gave a brief overview of the virtual meeting for those who are new to the process. Throughout the meeting, participants will be given the opportunity to speak. She turned the meeting over to Chair Michele Minnick who asked everyone to join in the Pledge of Allegiance. Following this, Chair Minnick called roll and turned the meeting over to Solicitor Glassman to open the public hearing.

As advertised, a public hearing was held on Ordinance #4-254, an Ordinance amending the Township Zoning Ordinance by (1) adding a definition for "Independent/Assisted Living Facility/Personal Care Home" to Article II, Section 160-7 [Definitions/Word Usage and Definitions]; (2) adding Article XXXIX entitled "I/AL – Independent/Assisted Living Overlay"; (3) adding the "I/AL – Independent /Assisted Living Overlay" to Article IV, Section 160-11 [Zoning Districts/Enumeration of Districts]; and (4) adding the "I/AL – Independent/Assisted Living Overlay" to the Zoning Map, as incorporated into the Township Zoning Ordinance Article IV [Zoning Districts/Zoning Map] and applying it to three properties identified as Montgomery County Tax Map Parcel Numbers 66-00-06340-00-2, 66-00-06334-00-8, and 66-00-06337-00-5.

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 Chair Minnick, duly seconded by Supervisor Conner to close the public hearing. Chair Minnick called roll: 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 Conner, duly seconded by Vice-Chair Koch to enact Ordinance #4-254. Chair Minnick called for any discussion. Supervisor Campolongo thanked the applicant and the client for the long process and the extra time and effort that was put into the presentation. Supervisor Conner shared agreement with those comments adding that it has been more than 20 years that the transformation of the property has been discussed. This proposal is a good fit. The property will be developed in keeping with the

Comprehensive Plan and has his full support. There were no additional comments from the Board, and no public comments were offered. Chair Minnick called roll: 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 Vice-Chair Koch, duly seconded by Supervisor Campolongo to approve the Consent Agenda as follows:

- a. Minutes of the Board of Supervisors' meetings of January 19, 2021 and February 2, 2021.
- b. January Voucher List totaling \$645,889.08, check sequence #72227 through #72393.
- c. December 2020 Treasurer's Report.
- d. Resolution No. 1423 authorizing the submission of a grant application for the 2021 Round of the Montco 2040 Implementation Grant Program for the construction of the PECO Trail, a .75-mile trail that will provide a connection from the Core Township Trail to the Route 202 Corridor.
- e. Resolution Nos. 1424 through 1427, Declarations of Emergency for February.
- f. Resolution No. 1428, waiver of credit card fees for sewer payments for the first and second quarterly billing cycles of 2021.
- g. Confirm passage of Resolution No. 1430, authorizing intergovernmental cooperation with Lower Gwynedd Township, Upper Dublin Township and Whitmarsh Township and approving joint defense and joint privilege of litigation and defense efforts in connection with intervention before the PA Public Utility Commission.
- h. Certify that the following have met the Qualifying Volunteer criteria to receive the Volunteer Local Property Tax Credit for 2020, subject to the confirmation by the Centre Square Fire Company Chief: Jessica Brunner, Sharon Brunner, Michael DiDomenico, Sr., Antoinette Dowds, Theodore Fonash, Thomas Kozeniewski, Paul Lusch, John Posen and Scott Tiffany.
- i. Certify that the following have met the Qualifying Volunteer criteria to receive the Volunteer Earned Income Tax Credit for 2020, subject to the confirmation by the Centre Square Fire Company Chief: Joseph Bradley, Jessica Brunner, Sharon Brunner, Zayne Brunner, Michael DiDomenico, Sr., Antoinette Dowds, Theodore Fonash, Matthew Kozeniewski, Thomas Kozeniewski, Paul Lusch, Nelson Lee Miller, John Posen, Mark Thompson and Scott Tiffany.

j. Sign an Agreement for Determining Hydric Floodplain Boundaries between Whitpain Township and Marc and Lisa Salamone d/b/a 711 Kyle Lane, LLC, the equitable owners of 449 Holly Drive, Blue Bell, PA.

k. Approve the tax assessment appeal stipulation for parcel #66-00-04861-00-5 (1070 North Wales Road); said settlement will result in the Township providing a refund of approximately \$263.62.

l. Authorize the Chair and Secretary to sign on behalf of the Township an Extinguishment of Access Easement Agreement between Dilep Sheth & Rita Sheth and Whitpain Township for the extinguishment of the existing access easement at 355 Brentwood Drive (TMP #66-00-04279-02-7).

m. Approve a request from WRA for a waiver from the requirement of preparing a land development plan to install a new shed at Wentz Run Park (near the baseball fields) located at 960 Wentz Road. The waiver from land development is conditioned upon the review and approval of the site plan by the Township Engineer.

n. Confirm the release of \$39,583 (Release #3) from the escrow fund for 334 Railroad Avenue subdivision located at 334 Railroad Avenue.

o. Confirm the release of \$124,396.53 (Release #5) from the escrow fund for 209-229-249 Stenton Avenue subdivision project.

p. Confirm the authorization for Environmental Standards to proceed with Phase II Environmental Site Assessment at 1002 Jolly Road (Mermaid Lake) in accordance with their proposal dated January 26, 2021 in an amount not to exceed \$16,281.

Chair Minnick called for any questions or comments from the Board. Supervisor Conner offered a "shout out" to the Centre Square Fire Company, recognizing the volunteers by offering tax credits for property and earned income. Whitpain was one of the first municipalities in Montgomery County and in Pennsylvania to enact the legislation. It would be great if reciprocity occurs so those who live outside of Whitpain Township can also benefit. There were no additional comments from the Board or the public, and 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.

Prior to calling for a motion on the next agenda item, Chair Minnick noted that Vice-Chair Koch and Supervisor Campolongo served on a subcommittee of the Board to interview for the vacancy on the Shade Tree Commission and asked for their comments. Supervisor Campolongo said he is privileged to serve with Vice-Chair Koch on the Boards and Commissions interview committee, and he enjoys getting to know volunteers. He gave an overview of the Shade Tree Commission mission statement, adding that the Township has earned a growth award each year since 1999, and in 2009 was awarded the prestigious

Sterling Growth Award, one of eight communities in Pennsylvania to receive it. The Township has also been named Tree City USA since 1994, due to the valuable role of the Shade Tree Commission. Township staff formulated the questions to be used for the interview process, with one dealing with sometimes tensions that can arise when seeking preservation and keeping safety a priority. He thanked all of the candidates who interviewed for the position.

A motion was made by Vice-Chair Koch, duly seconded by Chair Minnick to appoint Celia Cameron, PhD to the Shade Tree Commission to fulfill a vacancy with a term expiring December 31, 2024. Chair Minnick called for public comment. There was none. With no further discussion, 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. Chair Minnick welcomed Dr. Cameron to the Shade Tree Commission.

A motion was made by Supervisor Conner, duly seconded by Vice-Chair Koch to pass Resolution No. 1429 to approve plan titled "Preliminary/Final Approval - Amended Land Development Plans for Wings Field Hangar '4A'", Sheets 1 of 9 through 9 of 9, prepared by Metz Engineers & Land Concepts Group, plans dated October 8, 2019 and last revised January 25, 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, 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 November 4, 2019. Chair Minnick called for questions from the Board or public. There were none. Mr. Pronczak summarized the plan noting this is a minor amendment to a previously approved Land Development plan. This amendment includes approximately a 500 sq. ft. bump out, and is conditioned upon the final review for compliance by the Township Engineer. With no comments from the Board or the public, Chair Minnick called roll: 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 Campolongo, duly seconded by Chair Minnick to pass Resolution No. 1431 to approve plan titled "Preliminary/Final Approval - Subdivision Plans for 1870 Yost Road" located at 1870 Yost Road, Sheets 1 of 7 through 7 of 7, prepared by Woodrow & Associates, Inc., plans dated October 7, 2020 and last revised January 29, 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, 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 November 25, 2020. Chair Minnick called for questions from the Board or the public. There were none. Mr. Pronczak gave a brief overview noting that this is a two-lot subdivision at 1870 Yost Road with a Victorian home and one added lot. The applicant was granted zoning relief, and this is the final step for the two-lot subdivision. With no comments from the Board or the public, Chair Minnick 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.

A motion was made by Supervisor Keller, duly seconded by Supervisor Campolongo to pass Resolution No. 1432 authorizing the Chair and Secretary to sign on behalf of the Township, a Master Casting Agreement with PennDOT for the adjustment of incorporated utility facilities for the years 2020 through 2029. Chair Minnick called for any discussion from the Board. There was none. She asked if the public had any questions or comments. There were none. 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.

The Board took no action on the following Zoning Hearing Board cases scheduled for February 18, 2021 and February 25, 2021:

NO. 2266-21 – CAROL STUART-BUTTLE AND RUSSELL HUNT request variances from Article V, Section 160-21 relating to Accessory Buildings or Structures and Article XXVIII, Section 160-203 relating to Residential Projections into Side Yards to construct a single story, 32 foot by 24-foot detached garage on their property located at 281 Batleson Rd., Ambler, PA 19002 in the Township's R-1 Residential District. Applicant's requested relief, if granted, will allow the said detached garage, which has a height in excess of 10'0', to be located within 10 feet of the lot line and project into the side yard when the Ordinance prohibits same.

NO. 2267-21 – JOHN E. BURKE requests a variance from Article XXV, Section 160-172.B relating to Prohibited Uses and a special exception and variance pursuant to Article XXV, Section 175.G relating to Uses Permitted by Special Exception regarding his property at 755 Lantern Lane, Blue Bell, PA. Applicant's requested relief, if granted, will allow: (1) Applicant to deposit fill in the Flood Plain Conservation District when the Ordinance prohibits same; and (2) allow Applicant to perform grading, re-grading and stormwater improvements in the Flood Plain Conservation District when the same is permitted only by special exception; and (3) relieve Applicant of his obligation to submit detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, submit an application for amending the boundaries of the Floodplain Conservation District if the boundaries are affected by the grading or regrading of land and provide a plan indicating the deposition of any fill or materials proposed to be deposited by the grading or regrading of land, all of which are required by the Ordinance.

NO. 2268-21 – BRAD S. TABAKIN AND DEBRA TABAKIN request the following variances from Article XII, Section 160-61.C, 160-61.E, 160-61.F and 160-61.G relating to Area Regulations and a variance from Article XXVII, Section 160-203 relating to Residential Projections into Side Yards and Article XXVII, Section 160-204 relating to Residential Rear Yard Intrusions to allow them to add a additions

onto their residence located at 801 Morris Rd., Blue Bell, PA in the Township's R-5 Agricultural-Rural District. Applicant's requested relief, if granted will permit: (1) the present non-conforming lot area to be 37,035 square feet when the Ordinance requires a minimum of 80,000 square feet; and (2) the present non-conforming rear yard depth to be 41 feet when the Ordinance requires a minimum of 75 feet; and (3) the aggregate side yard width to be less than 100 feet when the Ordinance prohibits same; and (4) the side yard width to be 17.90 feet when the Ordinance requires a minimum of 40 feet; and (5) the new additions to project into the side and rear yards when the Ordinance prohibits same.

NO. 2269-21 – NATHAN EVANS requests variances from Article XXV, Section 160-172.A relating to Prohibited Uses and Article XXV, Section 176 relating to Application for Special Exception or Variance regarding his property at 1585 Forest Creek Drive, Blue Bell, PA in the Township's R-2 Residential District. Applicant's requested relief, if granted, will allow Applicant to build a new storage shed within the flood plain conservation district on his property when the Ordinance prohibits same.

NO. 2270-21 – DOUGLAS THOMAS AND PATRICIA McNICHOLAS d/b/a CENTRE SQUARE MONTESSORI SCHOOL request variances from Article VII, Section 160-13 relating to Use Regulations in the R-1 Residential District and Article V, Section 160-30 relating to Use Regulations in the R-2 Residential District with respect to the residence located on their property at 1755 Skippack Pike, Blue Bell, PA in the Township's R-1 and R-2 Residential Districts. Applicants' requested relief, if granted, will allow Applicants to utilize the residence as a school and day care center for children when the Ordinance prohibits same.

NO. 2264-20: 720 PENLLYN PIKE, LLC (REVISED) requests the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article V, Section 160-14 relating to lot area and width requirements in the R-1 Residence District; (2) Article V, Section 160-15 relating to front yard setback requirements in the R-1 Residence District; (3) Article V, Section 160-17 relating to side yard requirements for single family dwellings requirements in the R-1 Residence District; (4) Article XXIII, Section 160-157 relating to IN Institutional District use regulations; (5) Article XXIII, Section 160-158(A) relating to area and width regulations requirements in the IN Institutional District; (6) Article XXIII, Section 160-158(D)(4) relating to required setbacks in the IN Institutional District when abutting a residential use or district; (7) Article XXIII, Section 160-158(E) relating to required buffering of parking in the IN Institutional District; (8) Article XXIII, Section 160-160 relating to IN Institutional District additional controls for exterior lighting and setbacks; (9) Article XXXI, Section 160-241 relating to expiration of special exceptions and variances and Article XXVIII, Section 160-216.B.&D. relating to flag lots

Applicant proposes a 4-lot residential subdivision and development on the property located at 720 and 730 Penllyn Pike (further identified as Tax Parcel Nos. 66-00-05374-00-5 and 66-00-05371-00-8) within the Township's R-1 Residence and the IN Institutional Districts. Proposed lots 1 and 2 shall be located partially in the R-1 District and partially in the IN-Institutional District. Proposed lots 3 and 4 shall be located in the IN District.

Applicant's requested relief, if granted, will:

1. Allow Lot 1 to have a lot width of 141 feet when the Ordinance requires a minimum lot width of 150 feet;
2. Allow Lot 2 to have a minimum front yard width of 30 feet when the Ordinance requires a minimum of 50 feet;
3. Allow Lots 1 and 2 to have a minimum side yard width of 30 feet when the Ordinance requires a minimum of 45 feet and an aggregate side yard width of 60 feet when the Ordinance requires a minimum of 100 feet;
4. Allow all four lots to be used for single family detached dwellings when the Ordinance prohibits same in the IN-District;
5. Allow Lot 4 to have 31,823 s.f. of developable acreage when the Ordinance requires a minimum of 4 acres and Lots 3 and 4 to have 142 feet of lot width when the Ordinance requires a minimum of 150 feet;
6. Allow all four lots to have less than the required 100-foot setback from a residential use district;
7. Allow no buffering between like uses when the Ordinance requires 50 feet along residential zoned districts;
8. Allow for R-1 Residential District lighting regulations to apply instead of the IN-District lighting regulations;
9. Allow Lots 2 and 3, which are both flag lots, to have a lot area of less than 1.5 times the minimum required for the zoning district and allow Lot 2 to have an area of 39,002 s.f. when the Ordinance requires a minimum of 45,000 s.f. and Lot 3 to have an area of 34,668 when the Ordinance requires a minimum of 6 acres;
10. Allow the Applicant to have 18 months to obtain a building permit instead of the 6 months provided for in the Ordinance.

Chair Minnick called for any public comment. There was none.

Chair Minnick turned the meeting over the Vice-Chair Koch for the public comment portion of the meeting. Vice-Chair Koch then called for public comment. There were no comments from the public, and the meeting was returned to Chair Minnick who asked if the Board had any old or new business to discuss. Vice-Chair Koch praised the Public Works Department for its excellent handling of assorted weather since the beginning of December, offering deep thanks and gratitude for the conditions of the roads; the work is impressive.

With no further comments, a motion was made by Supervisor Conner, seconded by Vice-Chair Koch to adjourn the meeting at 6:42 p.m.

Respectfully submitted,



Frederick R. Conner, Jr., Secretary

/v