

WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS' AGENDA #04-2019
February 19, 2019
8:00 PM

1. Salute to the Flag.
2. Mission Moment Philly Pretzel Factory – Ethan Riley
3. As advertised, a public hearing to consider enactment of Ordinance No. 4-252, an Ordinance amending the Zoning Ordinance by (1) Adding new definitions of “Family”, “Group Home”, and “Single Housekeeping Unit” to Article II, Section 160-7 [Word Usage and Definitions]; and (2) Striking the reference to “Park and Recreation District” in Article VI, Section 166-27(F)[Park and Recreation Overlay/Development Regulations/Screening].
4. Consent Agenda:
 - a. Motion to approve the minutes of the Board of Supervisors’ meeting of February 5, 2019.
 - b. Motion to pass Resolution No. 1273 establishing sanitary sewer rates to be charged commencing April 1, 2019.
 - c. Motion to pass a Proclamation honoring the dedicated service of Officer Georgette (Sissy) Hill who retired February 18, 2019.
 - d. Motion to authorize the Township Manager to advertise for bids for the flat roof replacement on the Public Works highway garage.
 - e. Motion to authorize the Township Manager to advertise for bids for the replacement of the emergency generator at the Township Line Pump Station.
 - f. Motion to pass Resolution No. 1274 authorizing the submission of a grant application for the 2019 Round of the Montco 2040 Implementation Grant Program to provide funding for alterations to Wissahickon Park and the Wissahickon Valley Boys & Girls Club.

- g. Motion to authorize the Township Manager to advertise Ordinance No. 4-254, an Ordinance pursuant to Article VI of the PA Municipalities Planning Code amending the Whitpain Township Zoning Ordinance of 1950, as amended, by adopting new provisions for independent and assisted living facilities and associated uses within a new independent and assisted living overlay district.
- h. Motion to authorize the Township Manager to advertise Ordinance No. 4-255, an Ordinance pursuant to Article VI of the PA Municipalities Planning Code amending the Whitpain Township Zoning Map to create an IL/A-Independent/Assisted Living Overlay District over designated properties.
- i. Motion to approve and authorize the Chair and Secretary to sign on behalf of the Township an Agreement of Sale (fee simple), Deed (fee simple), Temporary Easement for Construction Purposes and Final Settlement between the Pennsylvania Department of Transportation and Whitpain Township for the acquisition of right of way and a temporary construction easement along Skippack Pike (TMP #66-00-00757-00-6 & #66-00-00760-00-2). This acquisition is related to the SR 202 Section 6SM roadway improvement project.
- j. Motion to authorize McMahon Associates to proceed with traffic signal construction services related to the Traffic Signal and Pedestrian Improvement Project in accordance with their proposal dated February 12, 2019 at a cost not to exceed \$20,660.00 (Tasks include Construction Coordination Meetings, Shop Drawing Reviews, Construction Observation and Grant Reimbursement Assistance).
- k. Confirming motion to release \$210,000.00 (Release #1) from the escrow fund for 1710 DeKalb Pike Land Development located at 1710 DeKalb Pike.
- l. Motion to certify that the following have met the Qualifying Volunteer criteria to receive the Volunteer Local Property Tax Credit for 2018, subject to the confirmation by the Centre Square Fire Company Chief: Jessica Brunner, Sharon Brunner, Robert Celia, Michael DiDomenico, Sr., Theodore Fonash, Thomas Kozeniewski, Paul Lusch, and John Posen.

- m. Motion to certify that the following have met the Qualifying Volunteer criteria to receive the Volunteer Earned Income Tax Credit for 2018, subject to the confirmation by the Centre Square Fire Company Chief: Jessica Brunner, Sharon Brunner, Zayne Brunner, Robert Celia, Leon Clemmer, Michael DiDomenico, Sr., Christian Dobush, Katherine Dobush, Theodore Fonash, Matthew Kozeniewski, Thomas Koseniewski, Paul Lusch, Nelson Lee Miller, Susan Miller, Chris O'Brien, John Posen, Thomas Strosser, Paul VanFossen, and David Patrick Wilson.
5. Does the Board of Supervisors wish to make any comment on the following Zoning Hearing Board cases scheduled to be heard February 21, 2019?

NO. 2175-19: CHRISTINA HAYES AND ANDREW GAJAN request variances from Article XXIX, Section 160-222 relating to Building, Article XXIX, Section 160-225 relating to Extension of Non-Conforming Use, Article V, Section 160-15 relating to Front Yards and Article XXVIII, Section 160-202 relating to Residential Projections into Front Yards with respect to their property located at 383 School Rd., Blue Bell, PA in the Township's R-1 Residential District. In addition, Applicants request a determination by the Zoning Hearing Board pursuant to Section 160-224, Discretion of Zoning Hearing Board, that the construction of a 230 square foot addition onto the residence at the property will not impermissibly change or alter the existing non-conforming front yard setback dimension along Morris Road in violation of the Ordinance. Applicant's requested relief, if granted, will allow Applicant to construct the said addition onto the residence which will project into the front yard when the Ordinance prohibits same and will reduce the front yard setback along School Road to 30.5 feet and the setback along Morris Road to 35 feet when the Ordinance requires a minimum of 50 feet. Applicants' requested relief, if granted, will also result in a determination by the Zoning Hearing Board that the present non-conforming front yard setback along Morris Road is not impermissibly changed or altered by the construction of the addition in violation of the Ordinance.

NO. 2176-19: D. TUFILLARO & SONS, INC. requests the following relief with respect to the property located at 1700 DeKalb Pike, Blue Bell, PA in the Township's C-Commercial District:

- A. Applicant requests variances from Article XXVII, Sections 160-192.B.1 and 160-192.B.2.i related to Required Off Street Parking Facilities, Article XXIX, Section 160-189.B related to General Regulations, Article XXVII, Section 160-121.C related to Area, Width and Yard Regulations, Article XXVII, Section 160-214.C.1 related to Green Area Regulations and Article XXIX, Section 160-189.B related to signage.

- B. Alternatively, Applicant seeks a determination by the Zoning Hearing Board pursuant to Article XXIX, Sections 160-222 related to Buildings, Section 160-225 related to Extension of Non-Conforming Uses and Section 160-228 related to Registration of Non-Conforming Uses and Structures that the property shall, after a taking by the Pennsylvania Department of Transportation, continue as an existing non-conforming property with respect to: (a) the number of required parking spaces; (b) the depth of the front yard set-back; and (c) the percentage of Green Space; and (d) the location of a replacement sign.

Applicant's requested relief, if granted will result in the Applicant being permitted to continue to use the property after the PennDOT taking: (a) with only 11 parking spaces when the Ordinance requires a minimum of 19 spaces; and (b) with a Green Space of 17.92% when the Ordinance requires a minimum of 35%; and (c) with a front yard setback of 22.3 feet when the Ordinance requires a minimum of 25 feet; and (d) with a replacement sign located within the Route 202 right-of-way when the Ordinance prohibits same.

NO. 2177-19: ELU BEACHCOMBER, LLC requests variances from Article XXV, Sections 160-175.C and 160-175.E relating to Uses Permitted by Special Exception and Article XXXI, Section 160-241 relating to Expiration of Special Exceptions and Variances to allow the construction of a culvert and roadway upon the premises located at 652 DeKalb Pike, Blue Bell, PA, in the Township's R-3B Residential/Floodplain Conservation District more than six months after the requested relief, if granted, is approved. Applicant's requested relief, if granted, will permit the Applicant to construct the culvert and roadway in a floodplain conservation district when the Ordinance allows such improvements to be constructed only by the grant of a Special Exception. Further, Applicant's requested relief, if granted, will allow Applicant a total of eighteen months within which to obtain a building permit to construct the culvert and roadway when the Ordinance allows only six months from the date the requested relief is granted.

NO. 2178-19: CA SENIOR LIVING HOLDINGS, LLC requests variances from Article XXVII, Sections 160-192.B and 160-192.B(1)(f) relating to Required Off-Street Parking Facilities to allow Applicant to construct 90 parking spaces and hold 45% of those spaces in reserve on the property located at 435 Skippack Pike, Blue Bell, PA, in the Township's IN-Institutional District. Applicant's requested relief, if granted, will permit the Applicant to build 90 parking spaces when the Ordinance requires a minimum of 160 spaces and hold 45% of the parking spaces in reserve when the Ordinance permits a maximum of 25% of the spaces to be held in reserve.

NO. 2179-19: GARY J. KUSTRA requests variances from Article V, Sections 160-17 relating to Side Yards for Single Family Dwellings and Article XXVIII, Section 160-203 relating to Residential Projections into Side Yards to allow the construction of an addition to the residence located at 942 Valley Rd., Blue Bell, PA, in the Township's R-1 Residential District. Applicant's requested relief, if granted, will allow the Applicant to construct the addition which will project into the side yards when the Ordinance prohibits same. Applicant's requested relief, if granted, will also reduce one side yard to a width of 42.4 feet and the other side yard to a width of 23.9 feet when the Ordinance requires a minimum width of 45 feet and will reduce the aggregate side yard width to 66.1 feet when the Ordinance requires a minimum of 100 feet.

NO. 2180-19: BARBARA AND RAYMOND SOLY requests variances from Article V, Sections 160-17 relating to Side Yards for Single Family Dwellings, Article V, Section 160-19 relating to Rear Yards, Article XXVIII, Section 160-203 relating to Residential Projections into Side Yards and Article XXVIII, Section 160-204 relating to Residential Rear Yard Intrusions to allow the construction of a 24' by 30' two car garage onto the residence located at 1315 Lee Rd., Blue Bell, PA, in the Township's R-1 Residential District. Applicant's requested relief, if granted, will: (a) allow the Applicant to construct the addition which will project and intrude into the side and rear yards when the Ordinance prohibits same; and (b) reduce one side yard to a width of 26 feet when the Ordinance requires a minimum width of 45 feet and will reduce the aggregate side yard width to 70 feet when the Ordinance requires a minimum of 100 feet; and (c) reduce the minimum required rear yard depth of 75 feet to 48 feet.

NO. 2181-19: MATHERS ROAD, LP requests variances from Article XII, Section 160-61.G relating to Area Regulations to allow the construction of a single story addition to the residence located at 299 Mathers Rd., Blue Bell, PA, in the Township's R-5 Agricultural/Rural Residence District. Applicant's requested relief, if granted, will allow the Applicant to construct the one story addition which will reduce the required minimum side yard width from 40 feet to 28.4 feet.

NO. 2182-19: ABP INVESTMENTS, INC intends to subdivide its property located at 334 Railroad Ave., Blue Bell, PA in the Township's R-4 Village Preservation District into five separate lots and, in connection therewith, requests variances from Article XI, Section 160-56.A relating to Developmental Regulations, Article XXVIII, Section 160-214.C.1 relating to Green Area Regulations and Article XXVII, Section 160-197 relating to Parking Set Back from Ultimate Right of Way with respect to the property. Applicant's requested relief, if granted, will:

- A. Allow Lots 2 and 5 to have a minimum lot area of 1,955 square feet and Lots 3 and 4 to have a minimum lot area of 1,710 square feet when the Ordinance requires a minimum lot area of 3,000 square feet; and
 - B. Allow for no rear yard on Lot 2 and a 5 foot setback on Lots 3, 4 and 5 when the Ordinance requires a minimum of 35 feet; and
 - C. Allow a 3.7 foot front yard setback for Lots 2 and 5 and a 4.87 foot front yard setback on Lots 3 and 4 when the Ordinance requires a minimum of 10 feet; and
 - D. Allow Lots 2 and 5 to have 48.7% building coverage and Lots 3 and 4 to have 56.14% building coverage when the Ordinance prohibits more than 40% building coverage; and
 - E. Allow Lot 1 to have a side yard width of 8 feet when the Ordinance requires a minimum of 15 feet; and
 - F. Allow 39.8% green area on Lot 1, 34.9% green area on Lot 2, 27.5% green area on Lots 3 and 4 and 33.1% green area on Lot 5 when the Ordinance requires a minimum of 50% green area; and
 - G. All parking spaces on the property to be within 5 feet of the ultimate right-of-way line.
6. Public Comment
7. Old Business/New Business/Closing Comments (Supervisors).