

WORK SESSION

January 20, 2009

A Work Session of the Whitpain Township Board of Supervisors was held on Tuesday, January 20, 2009 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA at 7:30 PM for the purpose of reviewing the agenda of the January 20, 2009 Supervisors' Meeting. Chairman Joseph J. Palmer was present with Supervisors Brian W. Young, Anthony F. Greco and Adam D. Zucker. Township Solicitor James G. Garrity, Assistant Township Manager/Township Engineer Roman M. Pronczak, Director of Finance John Marcarelli, Director of Public Works Ronald J. Cione, Fire Marshal David M. Camarda, Lieutenant Jeffrey Franck, and Assistant Township Engineer James Blanch were also present. Supervisor William L. McKernan III, Township Manager Phyllis C. Lieberman, Chief Mark A. Smith, Director of Code Enforcement Michael McAndrew, and Parks and Recreation Director Kurt W. Baker were absent. Six residents were present.

The Supervisors reviewed the agenda discussing approval of the minutes of the January 5, 2009 Supervisors' Meeting, approval of the Treasurer's Report for the month of December, 2008, authorizing the Township Manager to advertise for bids for the 2009 Road Resurfacing Program, piggybacking the Montgomery County Consortium of Communities and/or any individual Consortium municipality for the purchase of materials and supplies they bid in 2009, piggybacking the PA General Services Contract Program and the PA Capital Cities Contract Program for the calendar year 2009, allowing Whitpain Township to exercise its rights to extend the root control contract with Dukes Root Control for one year, per the contract documents, disposal of Township personal property by public auction for the calendar year 2009, utilizing JJ Kane Auctioneers or the on-line auction service of the Commonwealth of Pennsylvania, final release (Release #8) of all remaining funds in the amount of \$42,755.96 from the financial security posted for the Broad Axe Tavern, 901 W. Butler Pike (LD-3-06), the release of \$35,629.20 (Release #3) from the financial security posted for the office building at Village Square at Blue Bell /Beachcomber, approval of Change Orders 5 and 6 for the Morris Road and Penllyn Blue Bell Pike Intersection Improvement Project revising the total contract price from \$705,784.04 to \$777,892.22 and revising the contract completion date to April 30, 2009, adoption of Resolution No. 882, allowing Whitpain Township to enter into an agreement with the Central Westmoreland Council of Governments (COG) to participate in the vehicle purchasing program through September 30, 2009, and the introductory presentation regarding a potential development proposal for the Leoni property located on the southeastern quadrant of the intersection of DeKalb and Skippack Pikes (202 & 73).

The Supervisors discussed a request from Mr. Jack Zarra, Adjutant, Continental Light Dragoons, regarding the possibility of another re-enactment at Prophecy Creek Park in 2010 or 2011. It was agreed that as long as all expenses associated with the event are covered by the participants, the Township would not have any objections. It was decided that a committee consisting of Supervisors Young and Greco and staff would be formed to meet with Mr. Zarra to discuss this further.

Mr. Pronczak informed the Supervisors that two land development applications have been received for the COPT property (formerly Unisys). Both applications deal with renovations to existing buildings and modifications to the parking lots. The buildings being renovated are on Parcels "A" and "B". The planning commission will review these applications on February .

At approximately 7:45 PM the work session was adjourned and the Supervisors discussed a legal matter pertaining to the zoning violations on Penllyn Blue Bell Pike. The Supervisors then left for the public meeting.

Roman M. Pronczak, P.E.
Whitpain Township Engineer/
Assistant Township Manager

#2-2009

The second monthly meeting of the Whitpain Township Board of Supervisors was held Tuesday, January 20, 2009 at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA. Supervisors Joseph J. Palmer, Brian W. Young, Anthony F. Greco, and Adam Zucker were present. Township Engineer/Assistant Township Manager, Roman Pronczak, Township Solicitor, James J. Garrity, Director of Finance, John Marcarelli, Police Lieutenant Jeff Franck, Director of Public Works, Ronald J. Cione, Fire Marshal, David M. Camarda, and Recording Secretary, Michele Alifano were also present. Supervisor William L. McKernan, Township Manager, Phyllis C. Lieberman, Code Enforcement Officer, Michael E. McAndrew, Park and Recreation Director, Kurt W. Baker, and Police Chief, Mark A. Smith were absent. Members of the Whitpain Township Planning Commission were in attendance at the meeting, as well as approximately 50 members of the public.

Following the Pledge of Allegiance the meeting was called to order at 8:00 PM.

An announcement was made regarding the dates for the upcoming regular Board of Supervisors' meetings which are scheduled for Tuesday, February 3, 2009 and Tuesday, February 17, 2009 at 8:00 p.m.

A motion was made by Mr. Young, duly seconded by Mr. Zucker, and unanimously passed to approve the minutes from the January 5, 2009 Board of Supervisors' meeting.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, and unanimously passed to approve the Treasurer's Report for the month of December, 2008.

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, and unanimously passed to authorize Manager to advertise for bids for the 2009 Road Resurfacing Program, to include Novchip, Ralumac, Hot Mix Paving, Crack Sealing and Milling. This motion will also allow the Montgomery County Consortium of Communities and/or any individual Consortium municipality to piggyback our bid in 2009.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco, and unanimously passed to authorize Whitpain Township to piggyback the Montgomery County Consortium of Communities and/or any individual Consortium municipality for the purchase of materials and supplies they bid in 2009. This motion will allow the same communities to piggyback our bids in 2009.

A motion was made by Mr. Young, duly seconded by Mr. Greco, and unanimously passed to authorize Whitpain Township to piggyback the PA General Services Contract Program and the PA Capital Cities Contract Program for the calendar

year 2009. This will include the purchase of highway materials, vehicles and supplies, as needed.

A motion was made by Mr. Zucker, duly seconded by Mr. Young, and unanimously passed to allow Whitpain Township to exercise its rights to extend the root control contract with Dukes Root Control for one year, per the contract documents.

A motion was made by Mr. Greco, duly seconded by Mr. Young, and unanimously passed to authorize Whitpain Township to dispose of Township personal property by public auction for the calendar year 2009, utilizing JJ Kane Auctioneers or the on-line auction service of the Commonwealth of Pennsylvania. This motion will also allow the Montgomery County Consortium of Communities and/or any individual Consortium municipality to piggyback our signed contract with either service.

A motion was made by Mr. Young, duly seconded by Mr. Greco, and unanimously passed to authorize the final release (Release #8) of all remaining funds in the amount of \$42,755.96 from the financial security posted for the Broad Axe Tavern, 901 W. Butler Pike (LD-3-06).

A motion was made by Mr. Greco, duly seconded by Mr. Zucker, and unanimously passed to release \$35,629.20 (Release #3) from the financial security posted for the office building at Village Square at Blue Bell / Beachcomber.

A motion was made by Mr. Greco, duly seconded by Mr. Young, and unanimously passed to approve Change Orders 5 and 6 for the Morris Road and Penllyn Blue Bell Pike Intersection Improvement Project revising the total contract price from \$705,784.04 to \$777,892.22 and revises the contract completion date to April 30, 2009. These change orders involve adjustments for actual quantities of material installed and an escalator for asphalt price increases. They also include additional costs associated with adding an inlet and extending a storm sewer for improved drainage and modifications to handicapped ramps as required by PennDOT. The project will still be within the amount budgeted.

A motion was made by Mr. Zucker, duly seconded by Mr. Greco, and unanimously passed to adopt Resolution No. 882, allowing Whitpain Township to enter into an agreement with the Central Westmoreland Council of Governments (COG) to participate in the vehicle purchasing program through September 30, 2009.

At this time, Vice-Chairman Young called for any old or new business from the Board or members of the audience. There was none.

Chairman Palmer gave a brief introduction regarding a potential development proposal of the Leoni property, which is located on the southeastern quadrant of the intersection of DeKalb Pike and Skippack Pike. He explained that the presentation is for informational purposes only, and that no applications have been filed at this point in time.

Once a formal application is filed, it would follow the formal review process of land development and subdivision. Chairman Palmer provided some history on the parcel stating that it is 27.54 acres overall, with the Leoni family owning 19.32 acres. Center Square Fire Company owns 4.53 acres, and the rest of the acreage is owned by other individuals. Over the years, the property has been developed piecemeal rather than by following a focused plan, and the Township's Comprehensive Plan indicated that the area's residential and retail space is underdeveloped. Chairman Palmer stated that in order to protect the integrity of the residential area, a significant buffer would need to be constructed between the two areas. Also, he indicated that the expansion and construction of DeKalb Pike and Skippack Pike, and the increased traffic flow that it will bring, all need to be taken into account.

Marc Jonas, Esquire of Eastburn & Gray was in attendance for the Leoni family, and he provided information for the benefit of the residents and Township staff regarding a proposal for land development at the site. He stated the property has frontage on two major roadways, and it encompasses three different types of zoning districts. Mr. Jonas commented that the purpose of the plan was to enhance the economic base and the mixture of businesses at the location, while creating a buffer zone from the residential section, as well as ensuring that they would be able to accommodate the PennDOT work that is still pending.

Mr. Ken Amey, AICP, who is the Planning Consultant for the project, provided information regarding the goals for the project which are to improve the aesthetics, elevate the quality of the shopping center, improve traffic flow, and protect the surrounding residential properties. He stated there are six separate parcels, consisting of approximately 20 acres of land. There are three types of zoning on the property including "C" Commercial, "SC" Shopping Center, and "R-1" Residential. Mr. Amey specified that the Comprehensive Plan identifies this intersection of Routes 202 & 73 as a special study area. It presently has no architectural plan or pattern, confusing traffic patterns, and uncontrolled access to the site. Mr. Amey stated that the proposed plan includes creating a new zoning district to be used as an overlay. The retail use would be extended throughout the site, and there would be an access roadway to prevent curb cuts. Also, a vertical buffer would be constructed to shield the adjacent residential neighborhood. Mr. Amey stressed that the Comprehensive Plan does not recommend "R-1" Residential development as being viable or consistent with the site. A mixed development would be a more appropriate use.

Mr. John Zaharchuk of Summit Realty stated that the most significant challenge to the development of this property is the pending placement of concrete median barriers on routes 73 & 202, that will prevent left turns in or out of the site. Without a solution to the problem of access, there is no economic incentive for owners to go ahead with a proposal. Mr. Zaharchuk stated that the solution to the problem would be the design of a loop roadway. Also, he stated he thought that it would be possible to obtain permission to have a traffic light installed at the Wawa intersection on Route 202.

Mr. Amey then took questions from the Board of Supervisors. There were a series of comments and concerns regarding traffic circulation, lighting, preservation of residential integrity, and the installation of a buffer between the commercial portion of the property and the residential portion.

Mr. Amey then took questions from the Whitpain Township Planning Commission. Mr. Rieker had specific questions about the total height of the vertical buffer between the commercial and residential areas. Also, he commented that there will have to be a plan to control ambient light. Mr. Corti expressed his concern over keeping the speed down within the shopping area, as well as what measures would be taken to reduce the amount of cut-through traffic at the site. Mr. Felici asked if the owners would wait for PennDOT to make road improvements or if the owners/developers would make some improvements of their own.

At this time questions and comments were heard from members of the audience.

Mrs. Sharon Schiable, 1001 Grant Avenue, stated that surrounding residents were approached almost twenty years ago with what seems to be the same proposal. She stated that she has in her possession a petition that was signed by the local residents that indicates they are opposed to a change in zoning being granted for that property. It was her opinion that the zoning should not be changed just because the Comprehensive Plan may indicate that it should.

Chairman Palmer remarked that the Comprehensive Plan is developed by a group of professionals that objectively evaluate the potential use of land in the Township, and that it should be used as a guide for presenting ideas for a concept that might work at that location. Also, he stated that development is driven by economics.

Mr. Patrick Rafferty, 1256 Grant Avenue, thanked Mr. Leoni for taking the time to meet with the residents and to listen to their concerns. He stated that Mr. Leoni has a right to develop his land, and that he is for the development, but he would like to see that it would be kept with the character of a residential area.

Mr. Greg Geske, 1052 Grant Avenue, was concerned with the flow of traffic in the area, and he stated that it would be easier to determine an accurate view on how to proceed if there was a definite time frame on when the PennDOT work would commence. He also expressed his concern over the buffer area being a breeding ground for criminal activity, since it is well hidden from view.

Ms. Kelly McGowan, 905 Valley Road, was concerned that if the restaurant was not to succeed, the owners would request another change in zoning.

Ms. Mary Martin, 1327 Lee Road, remarked that it is the surrounding residents of the parcel that keep the rear portion maintained. She asked if a maintenance agreement would be a requirement of the owners of the property, and what guarantee would there be that they would adhere to it.

Chairman Palmer stated that the Giant Shopping Center at Township Line Road and Route 202 had a maintenance clause. He stated that part of the reason the Board wanted to have an informational session was so that potential issues such as this could be identified.

Mr. Wayne Schiable, 1001 Grant Avenue, stated that Whitpain Township is a residential community, and it should not come to be known for its shopping centers. He conveyed his fear that property values would decline.

Mr. Charlie Sowers, 1337 Lee Road, expressed his concern over the noise that would be generated by trash removal, as well as concerns for the increased traffic.

Mr. Lex Nugent, 1027 Grant Avenue, specified the commercial “eyesores” that people encounter upon entering the Township. He felt that those properties should be cleaned up before the initiation of any new projects.

Marc Jonas, Esquire stated that this proposal is about how the property could potentially be developed under a strict set of guidelines.

Chairman Palmer summarized by saying that all of the parties involved need to find common ground by reviewing what we have been presented with, and what potential issues can be resolved. This may involve having another meeting, but he stressed the importance of being able to reach a compromise.

There being no further business to come before the Board, on motion made by Chairman Palmer the meeting was adjourned at 10:10 PM.

Respectfully submitted,

Anthony F. Greco, Secretary