

WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS' AGENDA #16-2019
October 2, 2019
8:00 PM

1. Salute to the Flag.
2. Mission Moment Civilian Commendations – Blue Bell Woods Fire
3. Consent Agenda:
 - a. Motion to approve the minutes of the Board of Supervisors' meeting of September 17, 2019.
 - b. Motion to approve the September Voucher List in the amount of \$1,442,842.48, check sequence #68154 through #68390.
 - c. Motion to approve the August Treasurer's Report.
 - d. Motion to authorize the Township Manager to advertise the Budget Work Sessions for the 2020 Budget scheduled for October 15, 2019 at 8 p.m. (during the regularly scheduled Board meeting), October 22 at 3 p.m. and November 13 at 8:30 a.m. All Budget Work Sessions will be held in Meeting Room A of the Township Administration Building.
 - e. Motion to acknowledge that the Board of Supervisors has received the 2020 Minimum Municipal Obligation for the Police and Non-Uniformed Pension Plans, and the Defined Contribution Plan for Whitpain Township as per Act 205 of 1984.
 - f. Motion to pass Resolution No. 1312 authorizing the 2019 allocation of \$609,339.38 from the General Municipal Pension System State Aid Program to be deposited to the various Pension Plans as follows:

\$296,988.94 to the Police Pension Plan
\$312,350.44 to the Non-Uniformed Pension Plan
 - g. Motion to authorize the release of \$172,626.10 to the Centre Square Fire Company Relief Association which represents one hundred percent (100%) of the 2019 allocation to Whitpain Township from the Pennsylvania Foreign Fire Insurance Premium Tax.

- h. Supervisors to consider a request from the WVWA for a waiver from the requirement of preparing a land development plan to install a pedestrian bridge on the Briar Hill Preserve parcel located at 700 Lewis Lane. The waiver from land development is conditioned upon the review and approval of the site plan by the Township Engineer.
 - i. Motion to approve Change Order #1 for the Traffic Signal & Pedestrian Improvement Project revising the final total contract amount with Wyoming Electric & Signal Co. of Wyoming, PA from \$508,298.55 to \$538,643.55. Change Order #1 provides for the installation of a replacement base mount traffic signal cabinet (material, labor and equipment included) at the intersection of Walton Road, Norristown Road and Township Line Road.
 - j. Confirming motion to authorize the Township Manager to send Ordinance No. 4-257 to the Montgomery County Planning Commission and the Township Planning Commission for review. Ordinance No. 4-257 is an Ordinance amending the Township Zoning Code by amending Article XXX, Section 160-235 [Applications to Zoning Hearing Board] to (1) add a requirement that certain information must be included with any Conditional Use Application; and (2) to remove certain requirements for the submission of plans and other materials as part of Conditional Use Applications.
- 4. Motion to consider Resolution No. 1311 to approve plan titled “Preliminary/Final Approval - Land Development Plans for Creekside at Blue Bell”, Sheets 1 of 27 through 27 of 27, prepared by Holmes Cunningham LLC, plans dated January 7, 2019 and last revised July 2, 2019 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 Environmental Protection and the Pennsylvania Department of Transportation, 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 26, 2019, June 18, 2019 and July 30, 2019 and McMahon Associates dated July 15, 2019. The property is located at 652 DeKalb Pike (former Beachcomber site).
- 5. Motion to accept the resignation of Elizabeth Schoendorfer from the Park and Open Space Board.
- 6. Motion to appoint _____ to the Park and Open Space Board to fill the vacancy with a term ending December 31, 2019.

7. Motion to appoint David J. Mrochko to the East Norriton-Plymouth-Whitpain Joint Sewer Authority as the Township representative, to fill the vacancy left by Tony Greco with a term ending December 31, 2022.
8. Does the Board of Supervisors wish to take any action on the following Zoning Hearing Board cases scheduled to be heard October 17, 2019?

NO. 2199-19: SENTRY 660, LLC requests a variance from Article XXVI, Section 160-191.F related to Schedule of Sign Regulation to allow Applicant to install a 54 square foot, internally illuminated façade sign on the southwest façade of Unit 660 located at 350 Sentry Parkway, Blue Bell, PA in the Township's A-R Administrative-Research District. Applicant's requested relief, if granted, will permit Applicant to install the said façade sign when the Ordinance prohibits such signs being more than 16 square feet.

NO. 2201-19: RAFAELA MIETT requests the following relief with respect to her property located at 1127 Fairview Ave., Blue Bell, PA in the Township's R-1 Residential District: (1) a determination by the Zoning Hearing Board that the use of Applicant's property to provide specialized care for dogs is a permitted use as an approved Home Occupation under Article XXVIII, Section 160-212 related to Standards for Home Occupations; (2) a determination by the Zoning Hearing Board that the use of Applicant's property to provide specialized care for dogs is a permitted use under Article XXVIII, Section 160-213 related to No-Impact Home Based Businesses; (3) a variance from Article XXVIII, Section 160-212 related to Standards for Home Occupations to allow Applicant to use the property for the specialized care of dogs when the Ordinance prohibits same; (4) a variance from Article XXVIII, Section 160-213 related to No-Impact Home Based Businesses to allow Applicant to use the property for the specialized care of dogs when the Ordinance prohibits same; and (5) an appeal of the Zoning Officer's determination that the Applicant's above-described use of her property is not a permitted accessory use allowed under Article V, Section 160-13.E.2 or .3

NO. 2206-19: HUNG SIK MIN AND SOMIE MIN, request the following zoning relief related to the property located at 1339-1353 Township Line Rd., Blue Bell, PA, in the Township's C-Commercial District:

1. An appeal from the Whitpain Zoning Officer's Determination that the Applicants are required to obtain the following zoning relief from the Township's Zoning Ordinance, as amended: (a) a variance to permit fewer parking spaces than the required parking on the property; (b) a variance to permit some of the required parking spaces to be located, by way of a shared-parking agreement, on an adjacent shopping center property located at 1750 DeKalb Pike, owned by The Regency Blue Bell LP, and known as The Shops at Blue Bell; (c) a special exception to permit such a

shared-parking arrangement; and (d) a variance from Article XIX, Section 160-121 relating to Area, Width, and yard Regulations; or

2. Alternatively, Applicants request the following zoning relief from the Township's Zoning Ordinance, as amended: (a) a variance from Article XXVII, Section 160-192 to permit fewer parking spaces than are required under the Ordinance; (b) a variance from Article XXVII, Section 160-193 to permit some of the required parking spaces to be located on the adjacent Shops of Blue Bell property by way of a shared-parking agreement with the adjacent property owner; and (c) a special exception under Article XXVII, Section 160-193, relating to Parking Facilities for Two or More Establishments, to permit such a shared-parking arrangement; (d) a variance from Article XIX, Section 160-121 relating to Area, Width, and yard Regulations; or
3. Alternatively, a Zoning Hearing Board Determination that, under Article XXIV, Section 160-221 relating to Land, Section 160-222 relating to Building and Section 160-225 relating to Extension of Non-Conforming Use, of the Township's Zoning Ordinance, as amended, the Applicants' strip-center on the property is a non-conforming use and, as such, Applicants are entitled to continue to such use on the property without the alternate requested zoning relief for parking.

NO. 2207-19: REGENCY BLUE BELL, LP, requests the following relief related to the property located at 1750 DeKalb Pike, Blue Bell, PA, in the Township's C-Commercial District:

1. An appeal from the Whippain Zoning Officer's Determination that the Applicant is required to obtain the following zoning relief from the Township's Zoning Ordinance, as amended: (a) a variance to permit fewer parking spaces than the required parking after the Pennsylvania Department of Transportation's eminent domain taking of a portion of the property located at 1339-1353 Township Line Rd., Blue Bell, PA; (b) a special exception to permit such a shared-parking arrangement by way of a shared parking agreement; and (c) a variance to permit a green area less than the minimum required green area; or
2. Alternatively, Applicant seeks the following zoning relief from the Township's Zoning Ordinance, as amended: (a) a variance from Article XXVII, Section 160-192 to permit fewer parking spaces than are required under the Ordinance; (b) a special exception under Article XXVII, Section 160-193, relating to Parking Facilities for Two or More Establishments, to permit such a shared-parking arrangement; and (d) a variance from Article XIX, Section 160-121 relating to Area, Width and yard Regulations and

Article XXVIII, Section 160-214 relating to Green Area Regulations to permit Applicant to have less green area than is required under the Ordinance; or

3. Alternatively, a Zoning Hearing Board Determination that, under Article XXIV, Section 160-221 relating to Land, Section 160-222 relating to Building and Section 160-225 relating to Extension of Non-Conforming Use, of the Township's Zoning Ordinance, as amended, the Applicant's shopping center on the property is a non-conforming use and, as such, Applicant is entitled to continue such use on the property without the alternate requested zoning relief for parking and green area.

NO. 2210-19: CARINA SEIDEL AND IAN CARNEY-JONES request a variance from Article V, Section 160-16 related to Front Yards on Corner Lots and Section 160-19 related to Rear Yards and a variance from Article XXVIII, Section 160-203 related to Residential Projections into Side Yards and Section 160-204 related to Residential Rear Yard Intrusions. Applicant's requested relief, if granted, will permit the Applicants to construct a 40 foot 10 inch by 47 foot 9 inch one story addition to the side of the Applicant's residence located at 1658 Larchwood Drive, Blue Bell, PA in the Township's R-1 Residential District which will: (1) reduce the side yard width to 10 feet 10 inches when the Ordinance requires a minimum width of 45 feet; and (2) will reduce the aggregate side yard width to 60 feet 10 inches when the Ordinance requires a minimum of 100 feet; and (3) will reduce the minimum rear yard to 47 feet when the Ordinance requires a minimum of 75 feet.

NO. 2211-19: SIGNANT HEALTH requests a variance from Article XXVI, Section 160-191.F related to Schedule of Sign Regulations. Applicants request relief, if granted, will allow Applicant to install one 25 square foot sign for a tenant occupying more than 50% of the floor area of Applicant's facility located at 785 Arbor Way, Blue Bell, PA in the Township's R-E Research and Engineering District when the Ordinance prohibits a sign for such a tenant greater than 16 square feet.

NO. 2212-19: JOHN McDEVITT requests a variance from Article XXXIII, Section 160-204.D related to Residential Rear Yard Intrusions. Applicant's requested relief, if granted, will permit the Applicant to construct an 8 foot by 6 foot shed in the rear yard of his property located at 1110 Dairy Lane, Blue Bell, PA, in the Township's R-7 Residential District within 2 feet of the principal building when the Ordinance only permits an accessory building to be in the rear yard if it's entirely separated from the principal building by no less than 10 feet.

NO. 2213-19: 720 PENLLYN PIKE, LLC 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 V, Section 160-19 relating to rear yard setback requirements in the R-1 Residence District; (5) Article XXIII, Section 160-157 relating to IN Institutional District use regulations; (6) Article XXIII, Section 160-158(A) relating to area and width regulations requirements in the IN Institutional District; (7) Article XXIII, Section 160-158(D)(1), (2), (3) relating front yard, side yard, and rear yard requirements in the IN Institutional District; (8) Article XXIII, Section 160-158(D)(4) relating to required setbacks in the IN Institutional District when abutting a residential use or district; (9) Article XXIII, Section 160-158(D)(5) relating to required space between buildings in the IN Institutional District; (10) Article XXIII, Section 160-158(E) relating to required buffering in the IN Institutional District; (11) Article XXIII, Section 160-159(B) relating to off-street parking requirements in the IN Institutional District; (12) Article XXIII, Section 160-160 relating to IN Institutional District additional controls for exterior lighting and setbacks; (13) Article XXV, Section 160-172 relating to FP – Floodplain Conservation District uses permitted by special exception; and (14) Article XXXI, Section 160-241 relating to expiration of special exceptions and variances.

Applicant proposes an 11-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 1-5 shall be located in the R-1 District and proposed lots 6-11 shall be located in the IN District.

NO. 2214-19: ALECIA N. YOUNGBLOOD AND PAMELA J. SCHLENDER-YOUNGBLOOD request variances from Article VII, Section 160-33 related to Front Yards on Corner Lots, and Section 160-36 related to Rear yards and Article XXVIII, Section 160-202 related to Residential Projections into Front Yards and Section 160-204 related to Residential Rear Yard Intrusions. Applicants' requested relief, if granted, will: (1) allow Applicants to construct a 35 foot by 40 foot one story addition on the south side of their residence located at 1602 Muhlenburg Dr., Blue Bell, PA in the Township's R-2 Residential District which will project into the rear yard area and will reduce the rear yard width to less than 50 feet when the Ordinance prohibits same; and (2) allow Applicants to construct a 20 foot by 27 foot one story addition on the east side of the said residence which will project into the front yard area and will reduce the front yard width to less than 50 feet when the Ordinance prohibits same.

NO. 2215-19: BAT-PA ASSOCIATES, LP requests the following variance relief from the Whitpain Township Zoning Ordinance, as amended: (1) Article

XIX, Section 160-119 relating to C-Commercial District use regulations; (2) Article XIX, Section 160-121 relating to area, width, and yard requirements in the C-Commercial District; (3) Article XIX, Section 160-125 relating to off-street parking and loading requirements in the C-Commercial District; (4) Article XIX, Section 160-222 relating to accessory dwelling units in the C-Commercial District; (5) Article XIX, Section 160-223 relating to prohibited uses in the C-Commercial District; (6) Article XIX Section, 160-224 relating to required screening in the C-Commercial District; and (7) Article XIX, Section 160-225(B) prohibiting nonconforming use expansion above the first floor level in excess of the applicable yard setbacks in the zoning district.

Applicant proposes to install a 2nd story deck (above an existing 1st story deck), pergola, associated parking, and outdoor music for the restaurant on the property located at 901 West Butler Pike, (further identified as Tax Parcel No. 66-00-06583-00-2) within the Township's C-Commercial District.

9. Public Comment
10. Old Business/New Business/Closing Comments (Supervisors).