

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

**COMMUNITY DEVELOPMENT COMMITTEE
MEETING MINUTES**

March 10, 2008

CALL TO ORDER: Commissioner Lavalley called a meeting of the Community Development Committee of the Board of Commissioners of Upper Moreland Township to order at 7:05 p.m.

A MOMENT OF SILENCE WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENTATIONS/ANNOUNCEMENTS: None

ROLL CALL: Commissioner Lavalley, Chairman, took roll call. Present: Commissioners Hotchkiss and Spearing.

Others: David Dodies, Township Manager, Catherine Harper, Township Solicitor, Joe Hanna, Township Engineer, Paul Purtell, Director of Code Enforcement and Jack Snyder, Director of Public Works.

Approval of Minutes:

Commissioner Lavalley accepted the minutes of the February 11, 2008 Community Development meeting as submitted.

REPORTS:

Code Enforcement Department Report:

Mr. Purtell reported for February, 2008, we issued 42 construction permits and the revenue from the permits was \$27,915.00.

Public Works Dept. Report:

Commissioner Spearing asked how much time was spent on snow removal.

Mr. Snyder replied he does not have the exact figures at this time.

Public Works Recycling Report:

There were no questions or comments.

LAND DEVELOPMENT APPLICATION:

3855 Blair Mill Road:

Brad Aurand, Project Engineer, introduced Mike Weaver from S&F Development who is the owner/manager of Blair Mill Apartments. The proposal is to construct a new 3,200 square foot one-story fitness center and leasing office. We appeared before the ZHB, and they ruled the fitness center and office use are accessory to the apartment complex use and will be used for residents only. We received positive feedback from Township consultants.

Commissioner Spearing asked about the .66 acre area.

Mr. Aurand replied that is the disturbance area and the parcel is larger.

Commissioner Spearing asked whether Best Management Practices will be incorporated.

Mr. Aurand replied we submitted plans to the Township with a revision date of 3/3/08, which were reviewed by Township consultants, and Mr. Chambers had a few last minute comments regarding rain gardens around the inlets, and we included Best Management Practices.

Commissioner Lavalley asked is there any waiver requests?

Mr. Purtell replied there is one waiver request for landscaping from Section 504.2.D. and the Township Landscape consultant is in favor of that waiver, which is a waiver to not provide a landscaped parking island every six parking spaces.

Commissioner Spearing asked is there any exterior lighting on the parking lot?

Mr. Aurand replied yes, there are two new light poles.

Commissioner Spearing asked about the elevation grade.

Mr. Aurand replied we will do swales on both sides of the building to direct water around the building and it will be at the same elevation.

Commissioner Lavalley asked will landscaping be proposed in the final plan?

Mr. Aurand replied yes.

Commissioner Lavelle asked is the fitness center one-story?

Mr. Aurand replied yes.

Commissioner Lavelle said we will move this item for action at our next Regular Board meeting.

OLD BUSINESS:

Request for subdivision of 2105 Huntingdon Road:

Commissioner Lavelle said we will continue this matter until next month.

Storm Water Management Ordinance:

Mr. Hanna said this ordinance is to get the Township codes updated to State regulations.

Commissioner Spearing referred to Item 1 of the proposed changes by Chambers & Associates, and said it is vague and should be more specific.

Mr. Hanna replied we recommend that any kind of stone is 100%.

Mr. Purtell added the code requires that a driveway be paved according to Township specs.

Commissioner Hotchkiss asked for clarification on Item 2.

Mr. Hannah replied there are permit approvals through the State, but the preference is to keep it an open channel.

Commissioner Hotchkiss referred to Item 5, and asked does it mean that the water will be tested in some places.

Mr. Hannah replied this is to be consistent with State regulations.

Solicitor Harper added that we are trying to incorporate water quality features so the water will be cleaner.

Commissioner Lavelle said Items 4 and 8 are current standards that are typical in the industry in most developments and Upper Moreland Township is in need of these standards.

Commissioner Hotchkiss said he is concerned about Item 10.

Mr. Purtell said the ordinance only allows a 4 ft. fence so that would need a variance by the ZHB.

Commissioner Spearing asked is a 6 ft. fence a standard by the State and what would DVIT say about fences around basins.

Mr. Hannah replied he will look into it.

Commissioner Hotchkiss referred to Item 11, and said he is not sure he wants this item to be included.

Mr. Hanna replied that recommendation came from our experience with having a problem enforcing a developer to maintain a basin, but it is a policy decision by the Board.

Commissioner Efkwitz asked for an explanation on Item 9.

Mr. Hanna replied that is a conservative approach to stormwater management.

Commissioner Efkwitz referred to Item 10, and said she does not know why there would be fencing in a detention area and it should be removed. Item 11 should remain in the ordinance. What will be the impact on the homeowner if we are to adopt this stormwater management policy.

Mr. Hanna replied if the ordinance is adopted, we will provide a couple of scenarios to the Board to review.

Comm. Romaniello asked were any suggestions used for this ordinance from the Temple University Study?

Mr. Hanna replied he does not know at this time.

Solicitor Harper added that Mr. Chambers looked at the Temple study and revised the existing Upper Moreland Ordinance by adding in more stringent standards and Best Management Practices.

Commissioner Romaniello asked does Item 8 refer to the rezoning area?

Mr. Hanna replied yes.

Commissioner Romaniello referred to Item 9, and suggested a sliding scale.

Mr. Hanna replied we will take a look at it.

Commissioner Spearing said Item K in the ordinance is vague, and there should be criteria that say that all BMP's have been exhausted before allowing it.

Commissioner Lavalle asked is the fence around the detention basin for liability purposes?

Mr. Hanna replied yes.

Mr. Dodies added most Townships do not require fencing around detention basins.

Commissioner Lavalle said this item will remain on the agenda.

NEW BUSINESS:

Proposal from Arro Consulting for stormwater outfalls screening as required:

Mr. Purtell said the Township Manager asked him to get prices for the sampling of our outfalls in the Township that is required by DEP. Arro Consulting Company was referred by the Township Engineer.

Commissioner Efkwitz asked does this project need to go out for bid?

Mr. Dodies replied no. It is professional services. This company has done this type of work for many municipalities. The price quote is a variable because it depends on the amount of sampling that will result from the testing of the outfalls.

Commissioner Hotchkiss asked what determines the sampling?

Mr. Dodies replied that is technical criteria.

Commissioner Valenza asked how often does this need to be done?

Mr. Dodies replied he does not know, but we have to do it this year. The criteria are set by DEP, and we have to follow their protocol.

Commissioner Lavalle said we will move this item for action at our next Regular Board meeting.

Proposed Amendment to UDC Zoning District:

Solicitor Harper explained that this amendment will settle a zoning challenge to the ordinance. The Unified Development Commercial District Ordinance was passed, and an appeal was taken by a nearby property owner, and this would settle that if we make it explicit that gas stations are not permitted in that district.

Commissioner Efkwitz asked do we need a public hearing for this matter?

Solicitor Harper replied yes, and it needs to be sent to the MCPC for review.

Mr. Dodies suggested that the Solicitor prepare the amendment for the Board to take action to set a date for the Public Hearing at the April 7, 2008 Regular Board meeting.

Commissioner Romaniello referred to the ordinance, and said that five out of six MCPC review comments were never addressed from the initial review, and the committee should consider reviewing those comments made by the County.

Commissioner Spearing said this ordinance was passed as law with this amendment.

Solicitor Harper replied it was passed as law without this amendment and that is what is on appeal. There is urgency because the Township does not want to spend money defending an appeal that can be easily fixed.

Commissioner Efkwitz said this ordinance was passed last December, and the problem regarding the gas station needs to be resolved. At the original public hearing, the Board agreed, prior to approving this ordinance that we did not want to see a gas station or greenhouses and this item is in response to a lawsuit. If the committee chooses to review that MCPC letter and address their concerns at a later date, we can do that.

Commissioner Lavallo said we will move for action to set a date for a Public Hearing at our next Regular Board meeting on April 7th.

10 Park Avenue –Request for Waiver to demolish an existing building and construct a new one:

Paul Wolenski, Sterling Jewelers Inc., said we are requesting a waiver from the SALDO for redevelopment of the Macaroni Grill Restaurant in Willow Grove that we propose to demolish to reconstruct a 6,000 sq. ft. retail jewelry store. We propose to replace the walkway to the existing building, but there will be no changes to the configuration of the site.

Commissioner Lavallo asked about the parking requirements.

Adam Benosky, Engineer with Bohler Engineering, replied the overall plan was for the shopping center that we are part of and the ratio is 4:1 per thousand for the overall shopping center. We are taking a restaurant use and turning it into a retail use which is less parking, and we do meet the code for the overall shopping center.

Commissioner Hotchkiss asked the applicant if they have reviewed comments from Mr. Chambers.

Mr. Benosky replied yes, we revised the plan, and we have a clean letter from Chambers dated 3/4/08 in which all comments have been addressed. Regarding stormwater management, we have reduced the impervious coverage for the site.

Commissioner Spearing asked Jody- Holton if she has reviewed this as it is in the redevelopment area.

Ms. Holton replied no.

Mr. Wolenski commented that this proposed plan is in compliance with the town center zone.

Commissioner Hotchkiss said we have a developer who wants to take a vacant building where we are collecting minimal revenue on and make it smaller and has agreed to stormwater management improvements and landscaping improvements. Why should we delay it?

Commissioner Lavalley agreed, and indicated that for any future development in the town center, Ms. Holton should be involved.

Commissioner Spearing said he is concerned about the precedent that we are setting by waiving land development in the town center zoning.

Mr. Wolenski replied that we are not changing the site plan significantly. The only reason we wouldn't consider using the current restaurant is because of the configuration of the space.

Mr. Hanna commented that we looked at the plan and the developer is providing stormwater management for impervious coverage even though they are reducing impervious coverage in their footprint. They are also providing landscaping and, on that basis, we recommended a waiver from land development.

Commissioner Spearing asked Mr. Hanna if he agrees with the applicant's stormwater calculations.

Mr. Hanna replied yes.

Commissioner Lavalley asked the Solicitor for her opinion on whether the Township will be setting a precedent by waiving the land development process.

Solicitor Harper replied no, but the Board should ask to see everything in the town center zone. Just because the Board gives one applicant a waiver, does not obligate the Board to give any other applicant a waiver.

Commissioner Spearing asked what is the hardship for going through the land development process?

Mr. Wolenski replied there is no hardship, but we prefer a waiver from a timing standpoint. It would speed up our permit process and able us to be under construction by the summer and open by the next holiday season.

Mr. Dodies asked Mr. Hanna if there is any information regarding the land development process for this project that would be pertinent that he does not have now.

Mr. Hanna replied no.

Commissioner Efkwitz asked could we require the applicant to begin construction before the end of this year?

Solicitor Harper replied it can be offered by the applicant as a condition of the waiver of land development.

Mr. Wolenski agreed to start construction by no later than mid-July, 2008.

Solicitor Harper said the Board could adopt a resolution waiving land development contingent upon satisfying any outstanding concerns by Mr. Chambers' letter dated 3/4/08 and reference a specific plan and a condition that construction will begin no later than December 31, 2008.

Commissioner Lavallo asked for any comments from Commissioners.

Commissioner Romaniello commented that she has no problem with granting the waiver and feels we are not setting a precedent.

Commissioner Lavallo asked for any public comments.

Russ Hamel, Cherry Street, commented that this building does not look different than the Macaroni Grill building. Why can't they use the same building?

Commissioner Spearing replied the applicant is proposing a smaller building.

Former Commissioner, Richard Booth commented that that Board should consider a waiver from land development because they have solved the water problem and contributing to stormwater runoff and cutting down the size of the building is a plus.

Commissioner Lavallo said we will move this item for action at our next Regular Board meeting.

OTHER ITEMS:

Capital Item for Public Works Dept., Pick Up Truck:

Commissioner Lavalley said we have a proposal for a pickup truck, which is a budgeted item in the amount of \$17,500.00. We will move this item for action at our next Regular Board meeting.

REDEVELOPMENT:

Approval of Minutes:

Commissioner Lavalley accepted the minutes of the February 11, 2008 Redevelopment Committee meeting as submitted.

REDEVELOPMENT DEPARTMENT REPORT:

Kise Straw & Kolodner Monthly Status Report:

Jodi Holton said we had a joint workshop with the Upper Moreland School District Board and Upper Moreland Board of Commissioners to discuss TIF, and Bruce Nicholson, Redevelopment Authority gave a summary on what tax incremental financing is. A TIF committee will be formed consisting of the Board of Commissioners and School Board members to create guidelines that are nonbinding but give a sense of framework to developers as to what level of commitment and contribution the public side could give to a public/private partnership in terms of funding.

She made modifications to the website and added upcoming events including the Willow Grove Chamber of Commerce Revitalization Committee meetings. They meet on Wednesdays at the VFW at 6 p.m. She will put the TIF presentation by Bruce Nicholson on the website as well.

We have a grant from Montgomery County to begin the York Road Streetscape Pilot Project and she will request budgets from our engineer, landscape architect and traffic engineer.

Commissioner Lavalley asked for the deadlines of the grant.

Ms. Holton replied December, 2009 is the deadline for this grant and there is no acquisition involved.

Commissioner Spearing asked is street lighting proposed for War Memorial Park Drive?

Ms. Holton replied yes. Ron Smith is the lighting consultant and pedestrian lighting and overhead lighting will be incorporated.

Commissioner Efkwowitz said she will get in touch with the President of the School Board to see when they will discuss TIF. We can discuss that at our next Finance & Administrative Committee meeting and also address the resolution to establish the TIF Committee.

Commissioner Romaniello gave a copy of top ten suggestions for the Community Development Committee to consider next month. (See attached to minutes).

Commissioner Lavalley commented that it is important to look at our town center zoning before waiving land development. If we approve waivers with resolutions, we could go a long way in upgrading our streetscape and our infrastructure in the town center area. An Architectural Review Board is of utmost importance for the redevelopment area and, if we have an advisory board to review revitalization/redevelopment plans, they can make a recommendation to the full Board.

After discussion, the committee agreed to take those suggestions into advisement.

Commissioner Lavalley asked for any public comments.

Jonathan deJonge, APA member, commented that the APA looks at architectural renderings and the ascetics of buildings.

OLD BUSINESS:

Draft Policy Development Information Request:

Ms. Holton said she gave a copy of the draft policy to the Willow Grove Chamber of Commerce Redevelopment Committee. This policy is for only developers who seek financial incentives from the Township.

Commissioner Lavalley said Mr. Chambers issued a list of criteria for developers who are not seeking TIF or grants and that list should be distributed to the full Board.

Solicitor Harper said the Township, County and School District have agreed they may make TIF available for the appropriate project.

Commissioner Lavalley asked for any public comments.

Arthur Hall Adams, Willow Grove Chamber of Commerce Revitalization Committee, said we have been interviewing some local developers to get their feedback. We asked for their assessment of where we have been today; what the community could do to move redevelopment ahead; and what they think the Chamber of Commerce can do to move redevelopment forward. We will put together a “white paper” of the developer’s response to help inform the Board of Commissioners in their effort to engage redevelopment in our community. We would like to participate in the creation of TIF guidelines, and those guidelines are the most important aspect for redevelopment effort. We are looking at financial options, and Abington Township has a financial mechanism in place that they recommend. We need to clearly define the RFP process for developers to work in this community and, as part of our “white paper” summary; we will recommend what we think the process should be. He suggested that the Board of Commissioners and APA work together on setting up architectural guidelines. The Willow Grove Chamber of Commerce is developing a website to inform the community about upcoming activities and suggested that website be linked to the Township’s website for information on the redevelopment effort.

Jack Tarman, Willow Grove Chamber of Commerce, and serving on the redevelopment committee, said our dialog with developers is to get their input on what they think this community should be doing to support redevelopment. TIF guidelines are important for the private sector to get involved with redevelopment.

Mr. Adams said at the present time, there is no clear definition in this community about what we expect from developers in the redevelopment area. This process needs to be defined.

Commissioner Romaniello said there are three buckets of development: infill; development that requires assistance by the Township and public funding; and development that can happen on its own. Development can happen downtown and proposals have been proposed to the Township and there is a proposal on the table today.

Commissioner Lavallo said the dialog with the School District still has to occur and continue and, once guidelines from the School District are received, then we can move forward with putting policies in place.

Commissioner Romaniello referred to Title 10, which says, “It is recommended that the applicant submit an informal sketch plan that will be reviewed by the Township Manager and consultants. It is the intent of the Township to see any plans as early as possible in order to save the applicant unnecessary costs.”

Commissioner Lavalle said when we get these guidelines in place and when this development request form is in place, if this committee needs to meet more than once a month, he feels we should do that, but he does not know how the committee feels about that.

Roger Myers, Vice President, Willow Grove Chamber of Commerce, commented that we want to see redevelopment and need to work together on it and we support the Board.

Memorial Park Drive - Status –

Deadline on contracts awarded for demolition and construction:

Mr. Hanna said KC Construction is interested in extending their contract, but we have nothing in writing yet.

Required subdivision application on behalf of Township with Montgomery County:

Solicitor Harper said it appears we will have the buildings unoccupied by the end of April and then demolition can begin. SEPTA will file the subdivision plan where they will swap land with the County and deed a piece of land to the Township. The only obstacle is the lot that SEPTA wants to carve out and give to the County will be too small so it will require a variance from the ZHB, and they will expect that the Township will support their efforts at the ZHB.

Commissioner Hotchkiss asked if the contractor extends the contract; will they do it at the same price?

Mr. Hanna replied he does not know at this time.

Design and Permit Summary; Fees for additional services:

Joseph DeSantis, McMahon Associates, said he put a summary together for the Board. We are trying to get the DEP permit for the culvert and should have it by the end of May. We are working with PennDOT on making the repairs to that culvert and we put together a bid package with alternatives for it. We probably will not get PennDOT approvals until we get DEP approval.

Commissioner Spearing asked has any utility contractors been contacted.

Mr. DeSantis replied we had contacts with utility companies throughout the project and all of the utilities are on the plan, but we have not asked the contractors to do anything to the culvert and most of the utilities cross over the culvert.

Commissioner Romaniello said when PennDOT issued their first HOP permit, why didn't they pay the additional cost for the new culvert?

Mr. DeSantis replied the HOP for the intersection did not include anything on the culvert because it did not affect it.

Commissioner Romaniello asked can we recoup those costs from PennDOT?

Mr. Dodies replied we will ask for help from Senator Greenleaf and State Representative Tom Murt. This project triggered PennDOT's attention to the structure and they came to the conclusion that it needs to be replaced. We have two choices. We can wait for PennDOT to absorb the entire cost to replace the culvert and then we can proceed with our project or we can absorb the cost, do the work and try to get reimbursed by PennDOT.

Commissioner Lavalley said we will move the additional scope of work from McMahon for action at our next Regular Board meeting.

VISITOR COMMENTS:

Glen Martin, 2366 Stairway Road, commented there are several storm drains in his area that collect water and, through various pipes and waterways, end up on his front yard. On his front yard, there is a 60 inch diameter pipe that transports that water down to the country club. The pipe is 30 years old and needs to be replaced. He gave a copy of a report to the Board by an independent engineer. As a homeowner, he does not feel it is his responsibility to replace the pipe at his expense when the purpose of this pipe is to transport only storm water and he asked the Township to accept responsibility for this matter and replace that pipe.

Commissioner Hotchkiss replied at a meeting on April 16, 2007, an opinion was given by our previous Solicitor. The question was asked, "Is Upper Moreland Township responsible for repairing this drainage problem on private property." Solicitor Watt replied, "He had met with John Chambers and discussed the history of the matter and, based on the discussions with Mr. Chambers, it is his conclusion that the Township has not increased the flow of storm water that eventually goes to Mr. Martin's property. It is storm water that naturally flows through his property. It was an open channel prior to 1970 when Mr. Martin installed the current drainage pipe. The Township has not increased the velocity or the volume of the storm water flow to his property and the Township does not have a legal responsibility to reconstruct the pipe."

Mr. Dodies added that this has been discussed at length throughout last year, and the conclusion that was reached at staff level and confirmed by the Township Engineer's office and confirmed by the previous Solicitor and then ratified by the Board of

Commissioners were that this is a private matter. He cautioned the committee about getting involved in matters of a private nature.

Solicitor Harper agreed, and said the Township has a responsibility to spend tax dollars in a way that will benefit the public.

Commissioner Romaniello said from an environmental and quality of life standpoint, she does not feel the Township should turn their back on this matter. Maybe there are grants available to help this situation or funding from the Growing Greener Program and she asked the committee to continue this matter until next month.

After further discussion, the committee decided against placing this matter on next month's agenda.

COMMISSIONER COMMENTS:

Commissioner Spearing commented that regarding stormwater - Township-wide, last year, the Board of Commissioners directed staff to prioritize a list of problem areas that the Township is responsible for and he would like to see that list.

Mr. Dodies replied he will prepare a list.

ADJOURNMENT: 11:02 p.m.

Respectfully submitted,

S. Elizabeth Vile

