

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

**COMMUNITY DEVELOPMENT & PUBLIC WORKS COMMITTEE
MEETING MINUTES**

May 29, 2007

CALL TO ORDER – Comm. Martin called a meeting of the Community Development & Public Works Committee to order at 7:50 p.m.

ROLL CALL – Comm. Martin, Chairman took roll call. Present: Commissioners James Hotchkiss and Michael Crilly.

Others: David Dodies, Township Manager, Robert Kerns, Township Solicitor, Paul Purtell, Director of Code Enforcement, Jack Snyder, Director of Public Works and Lonnie Manai, Township Engineer.

APPROVAL OF MINUTES:

Comm. Martin accepted the minutes of the April 16, 2007 Community Development & Public Works Committee meeting into the record as submitted.

REPORTS:

Code Enforcement Department:

Comm. Martin said the report showed the monthly activity for code enforcement increased significantly compared to the last few months. What is the reason for it?

Mr. Purtell replied it is due to the Walmart and Giant projects.

There were no questions concerning the Public Works Dept. report.

Public Works Recycling Report:

Comm. Martin said the recycling efforts for this month saved the taxpayers \$33,000. We also collected \$5,000 in revenues for our paper sellbacks.

Comm. Hotchkiss complimented our Trash and Refuse Dept. for doing a good job.

LAND DEVELOPMENT APPLICATIONS:

2900 Terwood Road, Upper Moreland School District Land Development:

Comm. Martin said this is a proposed building expansion and renovation of Upper Moreland High School. The School District is requesting one waiver. He introduced Michael Braun, Upper Moreland School District and Deborah Nemiroff, Project Engineer, of Hunt Engineering Company. Our consultants, staff, and our APA have met with the applicant's engineer and the School District's representatives over the last few months and recommend approval. Our Engineer and Lighting Engineer recommend approval with no conditions. Our Landscape Architect recommends approval with design comments and asked that the applicant pay a fee of \$9,350 in-lieu-of a screen buffer along Brooks Street and the residential properties. Our Traffic Engineer recommends approval with design comments and there is no traffic signal being asked for by McMahan. The MCPC sent a letter dated February 12, 2007, and there is only one condition regarding the walking trail.

Mr. Braun said we coordinated the Cold Spring demolition project with this project and we will not rebuild on that land.

Ms. Nemiroff said the high school is located on Terwood between York and Davisville Roads. After the demolition of Cold Spring, the parking lot will remain and the building will be converted into fields and a lawn area. We propose a new administrative addition, a new music addition and a new science addition that will require the relocation of the existing driveway. We are also proposing a future gym addition at the back end of the school. The proposed additions and the relocation of the road will require utility work and we will incorporate stormwater management as part of this project. In front of the school, there is a lawn area and we will incorporate a rain garden in that area to address stormwater runoff as well as provide an underground stormwater infiltration and detention. The demolition of the Cold Spring School will reduce the impervious on the entire site. We have a provision for the multi-use trail, which is shown on the plan as an easement.

Mr. Braun added that we do not want a macadam trail.

Comm. Martin asked will it be a 20 foot wide trail?

Ms. Nemiroff replied yes.

Comm. Martin noted that our Landscape Architect provided design comments and asked the applicant if this will comply with those comments.

Mr. Braun replied yes.

Comm. Martin said there is a recommendation by our Landscape Architect that we collect a fee in-lieu-of a screen buffer.

Mr. Braun said we didn't want a screen buffer because we don't want kids to be able to hide out on the fields. He does not have the authority to approve a \$9,000 expenditure, but he will bring it back to the School Board.

Comm. Martin said, personally, he feels it is unfair to charge the fee-in-lieu of a screen buffer to our own School District.

Comm. Hotchkiss agreed, and suggested that perhaps that money could be used for something else.

Ms. Nemiroff commented that this is a preliminary/final plan.

Comm. Martin asked will the applicant comply with our Traffic Engineer's request that the school's flashing system be upgraded to comply with PennDOT's specifications.

Mr. Braun replied there are traffic signals that are working, but he is not clear on what PennDOT wants.

Mr. Dodies replied the lights do not meet PennDOT's specifications at this time.

Mr. Braun asked should we take the Byberry Road lights out?

Mr. Dodies replied yes.

Comm. Martin asked about additional athletic fields.

Mr. Braun replied if we have enough money after demolishing the building, we want to bring topsoil in and finish the fields.

Comm. Crilly asked are we getting the easement on the south side of the property.

Solicitor Kerns replied yes.

Comm. Crilly asked if the committee is waiving the fee-in-lieu of a screen buffer fee.

Comm. Hotchkiss said he feels the School Board can put the trees and shrubs someplace else on the property.

Comm. Martin said the amount is what needs to be worked out.

Mr. Dodies said the amount was based on McCloskey & Faber's estimate of the value of the landscaping required. We can compromise and have the school give us back the money and we will put the trees on their property.

Comm. Crilly said that money could be used for materials to bring some of the fields up to condition.

Solicitor Kerns said the condition should be written as such that a waiver is granted, but up to \$9,000 be put into development onto school property relative to open space use.

Mr. Manai asked is the grading of the fields under the NPDES permit Phase I?

Mr. Braun replied we will know that when the bids come in.

Ms. Nemiroff added the permit includes all of the field work.

Comm. Booth said he would like to see trees and shrubs placed on school property instead of topsoil.

Comm. Romaniello added that they also enhance the environment.

Comm. Martin said we will move this for action at our next Regular Board meeting.

318 Davisville Road, Settlement Music School:

Comm. Martin introduced Robert Capanna, Director of the Settlement Music School and Marianne Garber of the Settlement Music School along with Gary Tilford, Engineer with the firm of Charles E. Shoemaker, and said the new facility proposed is three stories high with classrooms, offices and an employee area. The new building will be about 12,000 sq. ft. with 112 parking spaces and there are nine waiver requests. The applicant received a variance from the ZHB for the building height of 41 feet in July, 2006. Our Township Engineer, Traffic Engineer, and Landscape Architect recommend approval with some design changes. Our Lighting Engineer asked for the plan to be revised and that is being worked on. This is a preliminary plan so we will look at it again next month.

Ms. Garber replied we asked for the plan to be considered preliminary/final since this plan has been revised. We are looking for a recommendation by the committee for a preliminary/final plan.

Comm. Martin noted the MCPC has made comments along with the APA, who expressed concerns about the building facing Davisville Road and the plan was revised to include some of their comments.

Ms. Garber said she represents the Settlement Music School and the School has six branches. We want to construct a new branch at 318 Davisville Road, which will replace the branch on Jenkintown Road. The property is located in the CC - Commercial Core District and meets all of the zoning requirements in the ordinance with the exception of the height. The property slopes from the front to back downward. We were granted a variance from the ZHB in July, 2006. We are here this evening to seek a recommendation for preliminary/final land development approval. We have addressed all of the various comments in the review letters and introduced Gary Tilford, Civil Engineer, and Robert Capanna, Executive Director, of the Settlement Music School.

Mr. Tilford said the property is located on Davisville Road with 275 feet of frontage and an average depth of 245 feet. It will be a three-story building and appear as a 2 ½ story building with the main entrance on the rear side of the property. We will provide parking for 108 vehicles onsite. With regards to stormwater management and existing impervious paving that was present when the former building was there; the paving is still on the site and there is no existing stormwater management on site. We are adding stormwater detention facilities and infiltration aspects to the design. There will be two entrances on the property with one-way in and one-way out. The school buses will enter and pull up against the curb cut in front of the door. There are provisions for trash and storage and an enclosed shed. The railroad sits lower than the property and there will be a retaining wall and the property will be fenced in for aesthetics and security purposes.

Comm. Martin said the MCPC recommended a 6 ft. high wooden fence with gates instead of a chain-link fence.

Mr. Tilford replied it is more ornamental than a wooden fence is. Some of the amenities include a pedestrian entranceway within the streetscape with benches and landscaping. The facade has angles in it.

Comm. Martin said the zoning calls for a parking setback of 15 feet from any property line and the County recommends compliance or the applicant can seek relief from the ZHB.

Mr. Tilford replied the CC - Commercial Core District is a complicated district, which promotes multiple uses onsite. This is a single use onsite and within the CC code, it reverts to O-Office and we also have certain non-existing conforming conditions.

Mr. Purtell said he spoke to the County Planner and it is not an issue.

Comm. Hotchkiss asked if Joe O'Neill was concerned about the fencing and access to the building.

Mr. Purtell replied yes. He has been involved in staff review plans and requested that a lockbox be placed on the gates. He is satisfied with emergency access around the building.

Mr. Tilford said the driveway is one-way, but has a width that is equivalent to two-way traffic.

Public Comments:

There were none.

Land Development Waiver Requests:

Waiver #1 – Waiver from S.O. 4.04.1(c) Sidewalks – portion of the concrete walk along Davisville Road does not provide the required four (4) foot grass strip between curb and sidewalk. Modifications are needed to match existing conditions at both ends of property frontage.

Comm. Martin said the APA recommends approval and he agrees to waive this requirement. We will move this for action at our next Regular Board meeting.

Waiver #2 – Waiver from S.O. 5.04D(1)(b) – Parking Area Landscaping – the requirement to provide 10% landscaped area to any parking facility over 5,000 square feet in gross area. The applicant proposed 7.7% parking area landscaping.

Comm. Martin said the applicant proposes a 7.7% landscaped area within the parking area and he recommends approval of this waiver.

Comm. Crilly asked why is the applicant going from 10% to 7.7% landscaping?

Mr. Tilford replied for the parking area. If the 10% is reached, we would have to implement additional islands and we have no more than 10-12 spaces in a row.

Comm. Martin said the applicant is putting two rows of trees in, which was a recommendation from the APA.

Mr. Tilford said we have a symmetrical layout and it does not reach the 10%. It is important to the school to have extra parking spaces.

Comm. Romaniello commented she has no problem with this waiver.

Comm. Martin said we will move this for action at our next Regular Board meeting.

Waiver #3 – S.O. 4.05A.7 – Concrete Curb Reveal – The requirement to provide curbing is in accordance with the specifications set forth in Title 8 “ Streets and Highways” Chapter 1 Curb and Sidewalk Construction. Proposed curb within the property to have 6’ reveal in lieu of 8” reveal as specified.

Comm. Martin asked why the applicant cannot reach the 8 inch requirement?

Mr. Tilford replied this will help access to the site.

Comm. Martin said we will move this for action at our next Regular Board meeting.

Waiver #4 – S.O. 7.03.3(a) – Existing Roads – the requirement to show location, names, widths and surface conditions of existing roads and proposed road utilities right-of-way width within 400 feet of the tract boundary.

Comm. Martin said he recommends approval of this waiver, and we will move this for action at our next Regular Board meeting.

Waiver #5 – S.O. 7.04.3(d) – Tentative Grades – the requirement to show tentative grades to existing roads to point 400 feet beyond the boundaries of the property being subdivided or developed.

Comm. Martin said he recommends approval of this waiver, and we will move this for action at our next Regular Board meeting.

Waiver #6 – S.O. 5.04.B – Softening Buffer – the requirement to provide softening buffer landscaping along the perimeter property lines.

Waiver #7 – S.O. 5.06.A – Replacement Trees – the requirement to provide replacement trees with the consideration of a fee in-lieu-of the required replacement trees according to Section 5.09.

Comm. Martin said the Township Landscape Architect approves this as long as the Township collects a fee in lieu of the required landscaping. The Architect has calculated the fee to be \$9,600. Will the applicant pay the fee?

Mr. Tilford replied in the McCloskey & Faber review letter, their calculations to-date are 23 shade trees at \$300 each and the total amount is \$9,600. He suggested that because there are 2-3 remaining issues that may affect the quantity, but we agree to pay \$300 per tree.

Comm. Martin replied the \$9,600 is not just for trees, but also a buffer that was supposed to be put in.

Ms. Garber corrected the amount to be \$6,900, which was transposed in the letter.

Mr. Tilford said we should leave it open until we have the correct amount of trees.

Ms. Garber said we agree to pay \$6,900.

Comm. Martin said we will move this for action at our next Regular Board meeting with the condition that the applicant pays the fee in lieu of amount of \$6,900. In addition, the applicant has agreed to plant a double row of trees along the front of the property, a walkway in the front of the property, and an attractive metal fence will be erected.

Comm. Martin moved Waivers 6 and 7 for action at our next Regular Board meeting.

Waiver #8 – Title 8, Chapter 3, Section 1.05 (a) – Driveway width at street edge – the requirement that the maximum width of driveway at the outer or street edge of the sidewalk be thirty-five (35) feet. The proposed width of both driveways at the curb line equals forty-seven (47) feet.

Comm. Martin said Mr. Tilford explained about the two entranceways and together the two driveways are 47 feet and he recommends approval.

Comm. Martin said we will move this for action at our next Regular Board meeting.

Waiver #9 – S.O. – 4.01.6(g) – Curb Radii – The minimum curb radii at intersections shall be 35 feet for roads classified as secondary roads. The proposed curb radii for the driveway entrance and exit equal thirty (30) feet.

Comm. Martin said he recommends approval because there are two entranceways.

Mr. Tilford said we are taking the standard apron and modifying it to a 36 radius.

Mr. Manai said it is acceptable because it has two entranceways.

Comm. Martin said we will move this for action at our next Regular Board meeting.

UNFINISHED BUSINESS:

Acme Corrugated Box Company:

Solicitor Kerns said we will discuss this matter in Executive Session.

OLD BUSINESS:

Need for Sidewalks on Easton Road from Maryland to Blair Mill:

Comm. Martin said this is pending due to the possible development near the new Home Depot site. He would like to remove this from the agenda until we have more information on it.

Comm. Romaniello asked for the proper procedure for a developer who wants to create a new district with regards to the zoning ordinance.

Mr. Dodies replied the process is to go to APA, the MCPC and then the Commissioners schedule a public hearing.

Comm. Martin asked has Abington Memorial Hospital filled out a land development application yet?

Solicitor Kerns replied no.

Comm. Romaniello asked that the Community Development Committee look at the proposal by Abington Memorial Hospital before sending it to the County.

Solicitor Kerns said Abington Hospital went before the APA and requested a development review of a plan with the idea of going before the ZHB. They have not made an application, it is just a review. The Commissioners have a copy of it and are welcome to comment on it.

Status of holiday tree platform at Easton Road and Rt. 611:

Comm. Martin said he asked for the removal of the deadline of June 1st. He would like to have another Christmas tree ceremony for the troops this year. He will repaint the platform and he asked that we discuss this next month.

NEW BUSINESS:

Stormwater drainage onto public streets:

Comm. Martin said this matter was brought up at our last meeting by Denis Hurley about whether the Township has guidelines for when the homeowner has to drain stormwater down their front yard into the street. He asked the Township Engineer to address it.

Mr. Manai replied stormwater discharge under the sidewalk is not permitted. It has to be connected by some type of storm sewer line to an inlet in the street.

Denis Hurley said he was asking to alleviate the water from his property.

Comm. Crilly asked Solicitor Kerns is there any legal reason why we could not allow Mr. Hurley to place a storm pipe from the back of his property under the sidewalk through the curb.

Solicitor Kerns replied he does not know what the ordinance says. The issue is whether it is appropriate to discharge the stormwater into the street directly.

Mr. Manai said it is not appropriate because in the winter that discharge will ice and in the summer, it will flood the street and cause roadway damage.

Request for Waiver from Subdivision Requirements – Blair Mill and Commerce:

Comm. Martin said this is a minor item involving the retail development located at Blair Mill and Commerce. There is a land command required where a strip of land must be turned over to PennDOT by the current owner. Our Township Engineer has reviewed the request and recommends approval.

Mr. Manai said the Township has our letter dated May 23, 2007, which explains the details.

Comm. Martin said he agrees with this waiver request and we will move this for action at our next Regular Board meeting.

Beechwood Road – Township liability/responsibility related to stormwater runoff:

Mr. Manai said he will contact the property owner and setup a meeting with them to evaluate the situation.

Consider date for public hearing regarding adopting of new zoning map to reflect parcels which were rezoned to RC- Recreational Conservation:

Comm. Romaniello suggested the public hearing be on a Regular Board meeting night.

Comm. Crilly said we will have the public hearing at the August Regular Board meeting.

VISITOR COMMENTS:

Glenn Martin, resident, said last time we met, the Solicitor rendered an opinion regarding the pipe that goes through his property, which says, “Even though the Township replaced the drainage pipe there is no increase of flow into his property.” That is incorrect.

Comm. Martin said we have a letter dated May 10, 2007, and a statement from a neighbor who lives across the street from Mr. Martin. He requested that our Solicitor review this and give another opinion.

Comm. Crilly asked are there sink holes on the property?

Mr. Martin replied yes.

Comm. Crilly asked for clarification of Mr. Martin's photos.

Mr. Martin indicated the end of the pipe and the force of the water coming from it is so great; he cannot even put stone there.

Comm. Crilly said there are sink holes because that pipe is corroded and starting to fail.

Mr. Martin said that is correct.

Comm. Crilly said Mr. Martin created this situation and it is not the Township's problem. The pipe is the problem and not the flow. The pipe has failed and created sink holes.

Mr. Martin said the Township's code book says, "Discharge of stormwater over private property an easement must be obtained." How do you get around that?

Solicitor Kerns replied this has been reviewed and we came to the conclusion it is not a Township problem.

Mr. Martin said the Solicitor's statement says, "Because we did not increase the flow of stormwater on Mr. Martin's property; therefore the Township is not liable." That statement is incorrect.

Comm. Hotchkiss said he wishes there were something he could do, but he concurs with Comm. Crilly.

Comm. Martin said we have an infrastructure that is hooking into it and that is why he is siding with Mr. Martin; however, we have exhausted all options and there is no support from the other committee members.

COMMISSIONER COMMENTS:

Comm. Romaniello commented the best environmental solution for Mr. Martin's property would be to return it to a natural creek bed and discharge the solution from the stream and let it filter across the rocks.

Comm. Martin said he asked our Solicitor to research whether or not relief in the form of a variance or special exception granted by the ZHB follows suit to another entity.

Solicitor Kerns replied he will look into the cell tower issue and report back next month.

Comm. Martin said he asked last week for a copy of the EIT audit that was done in 2002.

Mr. Dodies replied Mr. Crawford is trying to put that information together.

Comm. Martin said we approved a land development application for Charles Gallub to construct a new hotel and two restaurants near the new Home Depot site; when was that approved?

Mr. Dodies replied he will look into it.

Mr. Purtell added possibly in 2004-2005.

Comm. Martin asked what is the holdup on the project?

Mr. Purtell replied he was told nothing will happen until the spring.

ADJOURNMENT: 9:55 p.m.

Respectfully submitted,

S. Elizabeth Vile