

**UPPER MORELAND TOWNSHIP  
BOARD OF COMMISSIONERS**

**COMMITTEE MEETING MINUTES**

*September 24, 2007*

**CALL TO ORDER** – Comm. Crilly called a meeting of the Board of Commissioners of Upper Moreland Township to order at 7:00 p.m.

**A MOMENT OF SILENCE WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

**PRESENTATIONS/ANNOUNCEMENTS:**

Comm. Crilly announced the Board will have an Executive Session between the Community Development and Redevelopment Committees to discuss a personnel matter.

**COMMUNITY DEVELOPMENT & PUBLIC WORKS COMMITTEE:**

**CALL TO ORDER** – Comm. Martin called a meeting of the Community Development and Public Works Committee of the Board of Commissioners of Upper Moreland Township to order at 7:01 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 Manager, Lonnie Manai, Township Engineer, Paul Purtell, Code Enforcement Director, and Jack Snyder Director of Public Works.

**APPROVAL OF MINUTES:**

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

**REPORTS:**

Code Enforcement Department:

Comm. Martin said the monthly activity for building permits is still very good despite the slowing of the housing economy. We collected \$480,000 in permit fees this year so far.

Public Works Department:

Comm. Martin said our recycling efforts are paying off. In 2007, we saved \$400,000 in trash dump fees because we recycle. Recycling is a cooperative effort that pays off in the form of lower taxes for our residents.

**SUBDIVISION APPLICATIONS:**

2105 Huntingdon Road and 2600 Horsham Road:

Comm. Martin said he received several complaints from neighbors regarding the lack of public notice of tonight's meeting. The notice was inaccurate, not posted at all, or not visible to the general public. They should be posted within 10 days of the meeting. He visited the property at 2105 Huntingdon Road and could not find any signs, and at 2600 Horsham Road, there was a sign posted, which was difficult to read because it was attached to a fence located on a steep hill. He suggested that both subdivision plans be preliminary plan reviews to allow for sufficient time for the public to be notified so the public can attend the meeting to be held on October 15<sup>th</sup>.

Mr. Purtell said the applicant is seeking preliminary approval at this time.

**2105 Huntingdon Road -**

Brian Corner, Protract Engineering, said the subdivision at 2105 Huntingdon Road is a minor subdivision to create two lots. The existing lot has frontage on Huntingdon Road and is also a private street. The second lot will have access to the private street. We received reviews from Chambers & Associates, McCloskey & Faber and the MCPC and there were a number of comments.

Comm. Martin said the only concern of the MCPC is that the subdivision plan doesn't show the exact location of the driveway access point for Lot #2. It should be shown on the plan.

Mr. Corner replied that the applicant has not proposed to build on this parcel now, but we could show a conceptual driveway location.

Comm. Martin asked Mr. Purtell to post a notice at the approximate location where this new driveway will be installed.

Mr. Purtell replied the ordinance states that it is the applicant's responsibility to post the property.

Comm. Martin asked the applicant to post a notice of a public meeting for October 15<sup>th</sup>. The landscape architect recommends approval with the condition that a tree removal permit be submitted at the building permit stage along with a tree replacement schedule.

Mr. Corner replied we will comply.

Comm. Martin said the APA recommends approval and our Township Traffic Engineer had no comments or conditions. The nearby neighbors expressed that they support the plan, but they ask that the applicant preserve the trees on the lot. Are there any construction plans being proposed at this time?

Mr. Corner replied no.

Comm. Hotchkiss commented the site lines coming out of the driveway of the existing house are poor and asked for it to be cleaned up. What type of sewer system is proposed?

Mr. Corner replied he knows tests have been done and it will be a sand mound.

Comm. Martin said the applicant is proposing to subdivide a two acre lot.

Solicitor Kerns asked is the applicant coming back for the committee to review the plan so the public can comment on it.

Comm. Martin replied yes. November 13<sup>th</sup> will be when the Board will vote on final approval for both subdivision plans.

Mr. Manai recommended that the applicant provide grading, stormwater management and other types of improvements to Lot #2 on the plan prior to final approval or defer those improvements to the building permit stage of the application process.

Mr. Corner replied he will defer it to the building permit stage.

Comm. Martin said that will be a condition for approval.

Mr. Corner said we will comply. He asked to clarify Item #4 for site improvements in the Township Engineer's review letter, and requested a waiver.

Mr. Manai said his letter dated August 16, 2007, indicates that curbs, sidewalks, storm sewer and street trees are not proposed on the Huntingdon Road frontage. It is the discretion of the Board whether those improvements are to be made by the applicant or not. It is an existing road and the Board needs to decide whether these improvements are appropriate or not.

Comm. Martin said we will continue that until the meeting of October 15<sup>th</sup> and he asked for copy of the Township Engineer's review letter.

Comm. Efkwitz noted that the application was submitted on July 19<sup>th</sup>. Can it be delayed until November?

Solicitor Kerns replied Mr. Purtell would keep the time on it and, proper posting is the applicant's problem.

Mr. Purtell added the applicant agreed to come to the September Community Development meeting and, if they agree to come back for the meeting on October 15<sup>th</sup>, they need to agree to additional time.

Solicitor Kerns said to Mr. Corner that we need a time waiver until November 30, 2007 in writing to be provided to Mr. Purtell.

Mr. Corner said a proper notice was posted three weeks prior to tonight's meeting in the center of Huntingdon Road on a tree.

Solicitor Kerns replied it has to be posted on the perimeters of the property.

Comm. Martin said the residents who are interested in this subdivision are those who live along the private lane and he asked for a posting to be there as well.

Jonathan deJonge commented that he went out to the property and he saw a notice posted.

Comm. Martin suggested a sign be placed on the grassy part of the property.

Mr. Manai said if the applicant requests any waivers for this project; a note must be put on the record plan for the requested waivers and, if the waivers are granted by the Board, the plan must be changed to state that the waivers were granted and what action the Board took and what the date the Board took action on those waivers.

### **2600 Horsham Road –**

Comm. Martin said Ed Mortimer is the applicant and Nick Rose is the Engineer for the project. This is a preliminary plan review and we will continue this until October 15<sup>th</sup> for a final review and then the Board will vote on it on November 13<sup>th</sup>.

The applicant proposes to subdivide the existing lot into two equal-sized lots. The property is zoned R-4, which requires a minimum lot size of 6,000 sq. ft. and the property borders a paper street, which now serves as a pedestrian trail through a neighborhood trail called Fair Oaks. The application was submitted on May 30, 2007 and our Township staff has reviewed the plan.

The MCPC review letter dated June 15<sup>th</sup> indicates their approval provided that we work out some issues. One of them is the lot setbacks and the definition of exactly where the Township's right-of-way is located. The County recommends that we measure the setbacks from the ultimate right-of-way, but the plan dated May 18<sup>th</sup> shows the setbacks measured from the existing right-of-way and there is a difference of a few feet. The applicant asked for a waiver from the requirement to measure from the ultimate right-of-way.

Mr. Manai said the setbacks are measured from the ultimate right-of-way and that may create a non-conforming yard.

Comm. Martin suggested denying the waiver request and asked the applicant to update the plan showing the ultimate right-of-way.

Comm. Crilly agreed. How is a non-conforming yard addressed?

Mr. Manai replied if it is existing and non-conforming there is not much we can do about it. If it creates non-conformity, then the applicant needs to go before the ZHB for a variance.

Comm. Martin said we will deny the waiver request for the setbacks being measured from the existing right-of-way. The plans have to be revised to show the setbacks from the ultimate right-of-way instead of the existing right-of-way as it is now. The County recommends that the applicant dedicate the area between the ultimate right-of-way and the existing right-of-way. Since we are using the ultimate right-of-way, the applicant will have to comply with this dedication.

Mr. Corner replied the dedication of the right-of-way of Horsham Road will be an insufficient area for the subdivision to take place.

Comm. Martin said we decided to use the ultimate right-of-way.

Solicitor Kerns said the code says the applicant has to go to the ultimate right-of-way for setbacks and the applicant is in violation of it so the plans have to be revised in order to show that it conforms to the code or go before the ZHB to get relief. In the meantime, we have to get an unlimited extension because we don't know how much time it will take for the applicant to go to the ZHB to get that resolved.

Comm. Martin said the County recommends that the applicant install sidewalks along both Horsham and Skrobul to provide safe pedestrian access to the adjoining Fair Oaks Park and the applicant is asking for a waiver to install sidewalks and the committee will not move that for approval.

Comm. Crilly said he would require sidewalks along Skrobul Avenue to allow children to stand while waiting for the bus. He would not require sidewalks along Horsham Road because there are no sidewalks there and it would not be consistent with the development pattern along that road.

Mr. Corner said there are a lot of trees on Skrobul Avenue and a steep embankment.

Comm. Hotchkiss said he has received many calls about the hazardous situations of Horsham Road because there are no sidewalks there, but he would like to see sidewalks on Skrobul.

Comm. Martin said the committee agrees that sidewalks will be installed on Skrobul Road. Our landscape architect recommends approval, but is concerned about the installation of streets trees and replacement trees. Does the applicant comply with the landscape architect's comments?

Mr. Corner replied yes.

Comm. Martin asked for any public comments.

Mr. Moritmer said the driveway will not be steep and he does not see the need for sidewalks.

Comm. Martin said the County makes the recommendation because there is a park and bus stop there.

Denis Hurley, APA, said there are sidewalks all the way down one side of Skrobul and sidewalks all the way up to the applicant's property.

Comm. Martin said we will continue this until October 15<sup>th</sup>.

**NEW BUSINESS:**

Review Ordinance creating a Unified Commercial Development District:

Comm. Martin said this is a review of an ordinance that, if approved, will create a special unified development commercial district. The draft ordinance that is proposed will allow for a 10 acre parcel which is currently zoned institutional to be rezoned as a UDC – Unified Development Commercial District. The property is owned by Abington Hospital, and it is located where the new Home Depot site is near the PA Turnpike. Bruce Goodman will make a presentation this evening. There were a few pre-application meetings that our Solicitor attended with the applicant as this is proper procedure to discuss any preliminary issues that might arise. This is the first step of the public process, and there is a Public Hearing scheduled for October 15<sup>th</sup>.

He feels this is a perfect opportunity for our Township to create a new area with superb state-of-the-art public amenities. There will be traffic improvements to this congested area and a change in zoning to this UDC designation at this location and could lay the groundwork to usher in an attractive first-rate eye-catching commercial entryway to our Township as people enter/exit the Willow Grove Interchange of the Turnpike. He introduced Bruce Goodman to present the plan.

Bruce Goodman said he is here on behalf of Abington Hospital as he is a former trustee of the hospital and he is presently on the Property Committee. This 10 acre parcel is located at the Turnpike, Maryland Road and Rt. 611. A year ago, we started the process to attempt to rezone this property to a C-2 Commercial District, which it used to be, and would be a consistent use with the adjacent Home Depot use. We applied for rezoning and met with the APA and they thought this was a good idea. The Board of Commissioners of Upper Moreland Township thought it would be a better idea for a unified development controlled by them. Marc Jonas, Attorney representing the hospital drafted an ordinance. He is here not as a developer, but strictly as a committee member of the hospital. The ordinance was submitted to Bob Kerns, and we had many meetings about this ordinance. If this ordinance is approved by the Board of Commissioners, any type of use will need a conditional use hearing.

We want to use this site for hotels, restaurants and retail, which is consistent with the C-2 section and, this ordinance permits these uses on this site. Any land development issues are not part of this. If and when this ordinance passes, we are looking to have a conditional hearing to permit these uses.

Comm. Martin said we asked Abington Hospital if they would consider this type of zoning and they obliged. The overall goal for our Township is to maintain the maximum amount of control for what gets built in this newly created commercial district.

Solicitor Kerns said when this first came in, the applicant submitted an application to the APA and, it was reviewed by them for a C-2 Commercial District. If the APA recommended it and the Board changed it to a C-2; there would probably be zoning issues that would need relief. The Board requested that we look at a different type of ordinance, which is a UDC ordinance; which through a conditional use; it would be their review process as opposed to a split review by them and the ZHB. This ordinance allows for a conditional use to be applied for by the applicant to come back before the Board. The uses are C-2 uses with certain changes such as the applicant has to come before the Board for a conditional use hearing and the Board can place reasonable restrictions on it. They want to see this ordinance developed in a way that is harmonious with the surrounding properties. Tolson DeSa, the County and Township Planner made language and text changes to the ordinance.

Comm. Martin asked is it possible for the new UDC District to include more than the original 10 acres?

Mr. Goodman replied no, not at this time.

Comm. Martin said the County recommends that this new UDC District be expanded to include all 28 acres.

Mr. Goodman replied it is 10 acres.

Comm. Martin said Abington Hospital asked the Board to waive the application requirements for a reverse subdivision, which involved ownership termination of the office condominiums located on the same property. We unanimously approved this waiver request on the legal advice of our Solicitor, Bob Kerns. Is there any connection with that matter and this ordinance?

Mr. Goodman replied it is not the same exact property. That was contiguous property and not part of this application.

Solicitor Kerns added last year, Jim Garrity, who represents Abington Hospital, wrote a letter to him asking for an interpretation relative to a reverse subdivision. This had nothing to do with this site.

Comm. Martin said the area in the back of the Home Depot parcel is owned by Charles Gallub, which is in limbo at the present time. Why is it in limbo?

Mr. Goodman replied he has no idea.

Comm. Martin asked would this 10 acre parcel allow access to the Home Depot site?

Mr. Goodman replied this property touches Home Depot drive, but he cannot get into what legal rights Abington Hospital has with respect to this driveway. This ordinance deals with access for two points on Maryland Road.

Comm. Martin requested that Mr. Goodman put something together to show the residents for the public hearing. He would like to see a general pattern of land use, the approximate number of buildings and a basic street pattern.

Mr. Goodman said that is land development stuff. We will work with the Township Traffic Engineer to make sure that ingress/egress is safe.

Comm. Martin said he would like to see any open space to the plan or any recreational space to the plan, and approximate setbacks from the adjoining properties would be of interest to the public. The County asked that we define the legislative intent of creating this new UDC District. Our mission statement for this new district would provide guidance for developers and planners as to the intent of what our community would like to see at this site.

Solicitor Kerns said we want a development that is in compliance with a retail or commercial district in the community, which would allow additional and/or alternate types of uses such as office, etc. We want this district to be integrated into the surrounding community as well as integrated into the surrounding developed properties so it would mix in with the neighborhood. The applicant should establish where they see this fitting into the community as part of the legislative intent.

Comm. Martin said the MCPC asked for a commercial needs analysis. Could that be done by the October 15<sup>th</sup> hearing?

Mr. Goodman replied this property is a lot different than other properties in the community. This is a one-of-a-kind property, so if a commercial needs analysis indicated there was not a need here; it wouldn't matter to him because we know we can develop this site successfully and it would be a benefit to the community.

Comm. Martin said we are excited about the UDC District; however, we are concerned about our downtown core.

Comm. Crilly said he does not want to see a commercial needs analysis. He feels this property has been under utilized for a long time. A tract of land this large could not go undeveloped for a long period of time. His goal for this project is to take control of the development process. Abington Hospital has been cooperative with the Board of Commissioners and our Solicitor recommended the UDC District. He wants to constrain the development in the best interest of the community and allow for the highest and best use of the ground and provide opportunities for the Township to realize money for road improvements specifically for the Turnpike tolls. Hotels and restaurants are a good idea, and these uses are consistent with this site. He does not feel this will be a detriment to the downtown core because we do not want hotels in the town center. We have an ordinance that we can move forward to send to the full Board for approval.

Solicitor Kerns added the date of the MCPC letter dated December 20, 2006 was before this process started. At that time, Abington Hospital went to the APA to look for a change in zoning to C-2. The applicant has drawn out the commercial needs relative to this site and has met the commercial needs analysis criteria at this point.

Comm. Booth said he agrees with Comm. Crilly. The revenue flow that will come to our Township as result of this development will be beneficial. Abington Hospital has been a good neighbor and Bruce Goodman is a good developer. He cautioned that Abington Hospital has the control and can turn around and sell the property to someone else and we could see something different.

Mr. Goodman replied once this ordinance and conditional use is approved, we will decide how to develop this property. This ordinance protects the Board because it has to be a unified development.

Comm. Booth commented that Abington Hospital still has the right to sell the land after the zoning is in place and it is a possibility that something else could be developed.

Comm. Romaniello said this ordinance was written by a developer with 85% impervious coverage, 80 foot high hotels and office buildings, etc. The legislative intent is for future Boards to refer to for future planning. We have many more uses than we will ever get on that property and we need to bring it down to be more suitable for the Township. She was never in favor to create zoning for one property. Where else in the Township will that zoning ordinance be applied? It is like spot zoning.

Mr. Goodman replied there are primary uses and secondary uses. Hotels, restaurants and retail will probably be developed on this site. This ordinance controls what can be built on this site and we will deal with the traffic congestion. What we put here will have to work.

Comm. Romaniello said the Township is the poster child for unplanned growth and she has a problem with the building height and a number of uses need to be brought down. A commercial needs analysis is an excellent recommendation by the County.

Comm. Efkowitz said she is not thrilled that this ordinance allows for gas stations or green houses given that area floods. It would be safer not to have those uses there. She asked that the differences between the C-2 zoning and the UDC zoning be given at the public hearing.

Mr. Goodman said all we wanted to do was to rezone it and the Board of Commissioners of Upper Moreland Township felt this is the way to go, and we agreed.

Comm. McKenna said all of these uses are a free enterprise. The maximum use we get from that land will benefit the Township. We already have three empty gas stations within a mile of this location.

Public Comments:

Ed Landau, Landscape Architect, commented that Home Depot could share their parking with the hotels and restaurants, etc.

Kevin Spearing noted that Comm. Crilly commented at another meeting that this ordinance has gone through a process in which our Solicitor had an executive session. Why was there an executive session? He has a problem with this proposed ordinance that recommends a specific setback from residential properties. If this ordinance is applicable to just this parcel only, a residential setback would not be required and Page 3, Section B, Side Yards should be removed from the ordinance.

Solicitor Kerns replied there are apartments across Maryland Avenue and they are residential uses. He was concerned that those apartments might become something other than apartments and we would have some district boundary line relative to it. That is the reason why that section is in the ordinance.

Kevin Spearing said he has a problem with the R1, 2, 3, and 4 references in the ordinance and, with that in there, he cannot see this ordinance moving forward. He asked about the process of how the ordinance was drafted.

Solicitor Kerns said ordinances get drafted in different ways.

Mr. Goodman said we would like to get an application in for these three uses under a conditional use application and get it in by tomorrow and hold a conditional use hearing so we can move forward.

Comm. Martin said the public hearing will accomplish creating the ordinance, change the zoning and approve the conditional uses.

Solicitor Kerns said the ordinance gives control over the master planning process. The Board is the planners and we are in the planning process.

Comm. Crilly said we developed this process to give us as much control over a piece of ground as possible, and this ordinance ensures what happens on this property would be in the best interest of our community.

Gary Shubert, resident, commented this proposed plan will affect the Mill Road and York Road area with regards to water runoff as there are flooding problems in this area.

Solicitor Kerns replied any development that is constructed cannot allow any more water runoff than what is already there.

A resident commented that October 15<sup>th</sup> should be a special meeting just for this topic rather than having an entire agenda.

Comm. Martin said this matter will be continued at the public hearing on October 15<sup>th</sup>.

**OTHER ITEMS:**

Land Development/Subdivision 510-512 Davisville Road – Request for Waiver:

Comm. Martin said that CJS Enterprises desires to consolidate two parcels into one larger parcel, which are located across the street from the intersection of New and Davisville Roads, which is known as a reverse subdivision. The applicant proposes to remove the common side yard lot line between the two properties. In addition, the applicant wants to construct a pole barn structure on the combined parcel, which is zoned C-2. The pole barn will be 1,000 sq. ft. This small amount of square footage falls below our diminimus threshold of when the land development application is required so therefore the applicant is requesting a waiver from land development, which is appropriate and reasonable in this case. The applicant will remove the same amount of impervious surface from the property as it intends to add in order to utilize the pole barn.

Our Township Engineer reviewed a plot plan dated August 31, 2007 and recommends approval and indicated all review comments have been addressed to his satisfaction. Once the two lots are combined, it will have a lot size of 27,000 sq. ft. There are three single family dwellings and one storage building, which equals 3,800 sq. ft. There are no proposed changes to any of the existing structures. The applicant validated the combined uses of the four structures at the ZHB meeting held on November 9, 2006.

Scot Semisch said the development was misnamed 510-512. It is actually 512-514. The plan is the same and the engineer's letter stated it was 1,125 sq. ft. On the plan, it is 1,980 sq. ft. and he does not feel they are significant changes.

Comm. Hotchkiss said the property is intensely developed and there is a steep slope driveway with a pole barn at the bottom of it.

Mr. Semisch replied that is why we should resubmit because the pole barn is located on the adjacent property, which is not part of the plan. The property at 510 is not involved.

Comm. Martin agreed that the plan be resubmitted.

Mr. Semisch said the plan will remain the same, but he will resubmit it to the Township Engineer for the properties of 512-514 Davisville Road.

Bonnet Lane Shopping Plaza 800-810 South York Road Request for Waiver of Township Pavement Specifications:

Comm. Martin said Sam Takiedine owns the property at 800-810 South York Road and he is hoping to complete the paving work on the driveway located to the rear of the building. The owner must meet specifications for highway standards. This is a driveway that will not be used by customers. Only utility vehicles and police cars patrolling the area will use the driveway. Once the paving work is completed, the trash dumpsters will be placed on this driveway. The property owner plans to use 4 inches of stone and 2 inches of asphalt, which falls below highway standards.

Mr. Takiedine said he is hoping for driveway standards if possible. He received an estimate from a contractor and then applied for a permit. The contractor then said he couldn't do it for the quoted price and raised it four times the amount to meet the standards. If we make this driveway a street; he is afraid the residents will use it as a crossover.

Comm. Martin asked what are the highway standards?

Mr. Manai replied it is not a highway; it is a commercial parking lot. A commercial parking lot cannot be paved with 4 inches of stone and 2 inches of asphalt, which is a residential standard of paving. It is not even close to what a commercial parking lot should be paved and he would not recommend it.

Comm. Martin asked Mr. Manai what he recommends.

Mr. Manai replied 6 inches of base course per an inch and a half of Super Pave wearing course.

Mr. Purtell said the applicant has to pave that rear lot before the end of October.

Comm. Hotchkiss said he gets calls about trash and dumpster issues on this property. Even though this area floods; is the paving recommendation the same?

Mr. Manai replied yes.

Comm. Hotchkiss said we should have an inspection of the paving, and the property owner needs to get the dumpsters placed in the back of the property and get the area cleaned up.

Mr. Purtell asked that the modified spec be placed in the waiver.

Comm. Martin asked the applicant if he will comply.

Mr. Takiedine replied yes.

Comm. Booth commented that shopping center is appalling. There is trash all over the place and no relief should be given for that driveway until it is cleaned up.

Comm. Hotchkiss added that it is a disgrace.

Mr. Takiedine said there are kids who hang out there and the police chase them away temporarily. We need stronger police enforcement.

Comm. Martin asked the applicant if he will get it cleaned up.

Mr. Takiedine replied yes.

Mr. Manai said the paving spec has to be 1 ½ of Super Pave and 1 ½ Super Pave binding and then a 6 inch base course for a total depth of 9 inches.

Comm. Martin asked Solicitor Kerns when he prepares the waiver request to add the condition that this shopping center is cleaned up as Comm. Booth indicated.

Solicitor Kerns replied yes.

Comm. Hotchkiss said the other issue with this shopping center is parking from the Hertz Rental property. He does not want this driveway to become a parking lot for those vehicles.

Mark Toth, resident, commented that cars are supposed to park in the lot and no parking in the rear.

Mr. Takiedine replied there are 8-9 cars in that lot and they are good at maintaining the number of cars that are parked in the lot.

Comm. Crilly said to Mr. Takiedine when he sees parking violations to call the Code Enforcement Dept.

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

ER Development, 3615 Davisville Road:

Comm. Martin said this is a fee in-lieu-of 12 shade trees that were not planed in the rear of the property located at 3615 Davisville Road. The property has a one-story industrial building on it, and McCloskey & Faber reviewed the site and prepared a review letter dated September 18, 2007. Because the shade trees were not planted and the landscaping involved was in the rear of the industrial building and behind the warehouse; the applicant, Edward Dudlik offered to pay \$4,460.00 to the Township.

Public Comments:

Mrs. Toth, resident, asked will the trees be planted somewhere else in the Township?

Comm. Martin replied we will put the money in a shade tree account and we can use that money to plant trees elsewhere in the Township.

Comm. Hotchkiss commented \$4,600 is a drop in the bucket compared to what that property needs right now.

Comm. Martin said the APA has approved the fee in-lieu-of, and we will move this for action to accept the fee in-lieu-of at our Regular Board meeting.

250 Madison Avenue:

Comm. Martin said two requests are being made by the owner of 250 Madison Avenue to replace an old concrete wall that is falling apart with a new retaining wall that will be placed in the Township's right-of-way as the old wall has been, and secondly, a waiver is being requested from our code requirement, which limits the driveway's width of 18 feet and install a driveway 22 feet wide. The applicant applied for a permit, but was denied because Board approval was needed before the building permit can be granted. The first waiver request should be granted to allow the new retaining wall to be placed in the Township right-of-way because the old one is there now. The second waiver regarding the proposed driveway width; there is a concern about proper absorption of stormwater.

Mr. Purtell added that he has no objections.

Comm. Hotchkiss said he viewed the property and the wall is a safety hazard. We should approve the widening of the driveway based on getting the car off of the road, which would be a safer situation. What about curb depressions for a driveway width of 22 feet versus 18 feet?

Mr. Purtell replied the Township requires a residential curb depression.

Mr. Manai added that 18 feet is the maximum to prevent expansive driveway widths. 18 feet is considered enough to get a vehicle in a residential driveway.

Comm. Booth said this is in his ward and agrees with the waivers.

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

17 Abbeyview Avenue:

Comm. Martin said this is a residential property and the applicant requests permission to construct a low retaining wall and corner pillars 6 feet from the curb line. The retaining wall would be approximately 20 inches tall and the pillar would be 24 inches tall. Joe Sauers is the applicant and plans on doing the work.

Comm. Hotchkiss commented EP Henry walls enhance the neighborhood.

Mr. Sauers commented he was not aware that it was 10 feet into the right-of-way.

Mr. Manai said from an engineering standpoint, he has no concerns, but it is a legal issue whether the Board will permit the wall to be in the right-of-way or not.

Solicitor Kerns said the issue is whether the Township would want to use that right-of-way in the future. If not, you might want to consider changing the right-of-way to be consistent with all of the other property owners. It is a policy issue. Once a wall is erected; the Township gives up their rights to expand the road.

Comm. Booth suggested putting a condition in the resolution.

Solicitor Kerns asked are you going to make someone move a wall. The Board may want to look at the right-of-way for the entire street and also where the utilities are laid out.

Comm. Martin said the applicant has indicated that Abbeyview has several properties that have infringed upon the right-of-way, which were approved by previous Boards.

Comm. Hotchkiss asked if we grant the request; is the Township responsible for replacing the wall if PECO wants to dig it up?

Solicitor Kerns replied he does not want to answer that question at a public meeting. He feels the Board should consider it further.

Mr. Sauers said the homeowner would agree to disassemble the wall a couple of feet.

Mr. Purtell commented this project begun before anyone stopped in his office first so the job is underway.

Comm. Martin said we will take another look at it and he moved it for action at our Regular Board meeting.

**NEW BUSINESS:**

3705 Mill Road:

Comm. Martin said our committee is following up on renovations being done at 3705 Mill Road. Thomas Williams owns this single-family dwelling, and County records show it mistakenly as a residential duplex. The County records and the Township records were researched by Kevin Spearing, and a typo in the County land records was discovered. In 1997, and years preceding 97, the property was zoned R-3. In 1998, when our countywide reassessment was done, the property was changed to a duplex with no land records to support it. The property owner is upset because the property was marketed and sold to them as a duplex. The renovations include installing a new roof and siding, and our committee was asked to review the renovations and offer guidance on how to proceed.

Mr. Purtell said it is not a legal conforming duplex. It is an illegal duplex.

Comm. Martin asked has the County corrected the mistake.

Mr. Purtell replied they are aware of it, and he will send them a letter to make sure they change their records. The Township's records have been changed. On July 26, 2007, he received revised drawings from the property owner showing the second floor area with two bedrooms, a great room and the kitchen has been removed. He prepared a letter dated August 7, 2007 for the release of permits for the project. The property is being renovated as a single-family dwelling.

Public Comments:

Kevin Spearing thanked Mr. Purtell for his work on this matter. There have been threats to the neighbors by this property owner, Tom Williams because of permit issues.

Debra Schubert commented there have been threats made by Tom Williams to her, which began in May.

Comm. Crilly asked what can the neighbors do if a property owner verbally attacks them?

Solicitor Kerns replied they can call the police and swear out a complaint against the property owner. They can also seek private representation and have the Township write a letter to cease and desist from any abusive language or threats.

A resident asked how could an issue about penalties for contractors who do work without permits become an agenda item?

Comm. Martin suggested placing that item on the Administration Committee meeting agenda.

Mr. Purtell said we have penalties for violations with every ordinance that is adopted. The District Justice wants to see that we have exhausted all attempts to get the property owner or contractor to obtain a permit.

Comm. Martin said we will remove this item from the agenda.

Review of Township policies concerning curbs and sidewalks:

Comm. Martin said we will continue this item.

**VISITOR COMMENTS:**

There were none.

**COMMISSIONER COMMENTS:**

Comm. Crilly commented he received a call from a resident, who lives on Costello Avenue, who is here this evening to describe his water problem.

Mr. Curley, 101 Costello Avenue, said in front of his house is a 4 ft. pit with a grate on top of it and there is a pipe that runs to an area in the back of his yard that is between Hatboro and Upper Moreland Township, which is supposed to take all of the runoff. The front of the house floods, the rear yard floods and, when it stops raining, the water eventually goes down, but until then, there is 3 feet of water sitting in the pit in front of his house, which is a health problem.

Comm. Crilly said there is a swale or drainage ditch between Upper Moreland and Hatboro where there are fences, debris, vegetation, etc. The swale needs to be cleaned up behind Mr. Curley's property and to clean the dirt and debris from the stormwater inlet that is between his property. A stormwater pipe down the length of Costello is not in the budget, but cleaning the swale could be done. We need a copy of the deed to see if we have an easement for the pipe that runs between Mr. Curley's property and the other. If the committee agrees, a letter should be sent to the neighbors along Costello. That would be the first step to get the property owners to clean out the swales along the back of their properties.

Mr. Curley said the pit on his property is a health hazard.

Comm. Crilly said we need to determine whose problem it is, and that would be answered by whether we have an easement to that pipe. Is that correct?

Solicitor Kerns replied yes.

Mr. Purtell said he will call the County to get a copy of the deed.

Comm. Martin asked for an update at the October 15<sup>th</sup> committee meeting.

**ADJOURNMENT:** 9:55 p.m.

The Board went into an Executive Session at 9:55 p.m., which ended at 10:35 p.m.

Respectfully submitted,

S. Elizabeth Vile

