

6:30 PM J Conditional Use Hearing on 500 Virginia Drive

STATED MEETING AGENDA
BOARD OF COMMISSIONERS OF UPPER DUBLIN TOWNSHIP
TUESDAY, SEPTEMBER 13, 2022 7:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE AND ANNOUNCEMENTS

- Announce Appointments to be made at the October Stated Meeting
- Public Hearing on a Zoning Map Amendment to rezone three properties on Ambler Road from the EC-Employment Center and A-Residential Districts to the A-Residential District on October 11, 2022

PRESENTATION

CIS Recognition to UD Police Department
Presentation by the Human Relations Commission

COMMITTEE REPORTS

Economic Development & Finance Committee, next meeting November 1, 2022
Public Safety, Works & Services Committee, next meeting November 1, 2022
Planning, Parks & Library Committee, next meeting October 25, 2022

MUNICIPAL AUTHORITY REPORT

I Presentation by Jack Smyth

STANDARD BUSINESS

- A Move to accept minutes of August Stated Meeting without reading.
B Move to approve the Tax Collector's Report for the month of August.
C Call on Township Engineer for his report.
D Call on the Manager for his monthly report, Questions, Move to accept.
E Move to accept the disbursements from the various Township accounts for the month of August.

DISCUSSION ITEMS

F Discuss Zoning Hearing Board Cases & Planning Commission Agenda for September.

PUBLIC COMMENT/QUESTIONS – ITEMS NOT ON AGENDA

ACTION ITEMS

- J Consider action on Conditional Use for 500 Virginia Drive.
K Consider motion to approve 350 Commerce Drive Union Electric Conditional Use modification.
L Consider motion to approve lease extension at 370 Commerce Drive.
M Consider motion to approve Resolution #22-2468 to approve Minor Land Development at 511 Dreshertown Road, Manufacturers Golf and Country Club.
O Consider motion to approve Driveway Waiver Request for 205 Washington Lane, Phillip and Alicia Azarik.

- P Consider action on Resolution #22-2469 approving the HRC to encourage posting of a Non-Discrimination Notice.
- Q Consider motion to approve Township Logo.
- R Consider motion to approve Sandy Run Middle School Clean Fill Agreement.
- S Consider motion to approve Resolution #22-2470 Sewage Planning Revision for J@Dresher, 1125 Virginia Drive.
- T Consider approval of Escrow Release #11 for North Hills Manor, amount of \$290,171.88, Final Release.

NEXT MEETING Tuesday, October 11, 2022 at 7:00 PM

ADJOURN to Executive Session to Consult with Solicitor about land acquisition.

Agenda Posted September 9, 2022

A Stated Meeting of the Board of Commissioners (BOC) of Upper Dublin Township (UDT) was held on Tuesday, September 13, 2022, at 7:00 P.M. in person at 520 Virginia Drive Auditorium with Robert McGuckin presiding following a Conditional Use Hearing at 6:30 PM on 500 Virginia Drive.

In attendance were Commissioners Liz Ferry, Meredith Ferleger, Alyson Fritzges, Robert McGuckin, Cheryl Knight and Gary Scarpello. Absent was Commissioner Ira Tackel. Also present were Kurt Ferguson, Township Manager; Jonathan Bleemer, Assistant Township Manager and Finance Director; Tom Fountain, Township Engineer; Gil High, Township Solicitor; and Chief of Police, Fran Wheatley.

PLEDGE OF ALLEGIANCE:

Mr. McGuckin dispensed in reciting the pledge of allegiance to the flag as it was done previously at the Hearing.

ROLL CALL:

Mr. McGuckin called the roll call and received responses that six of the Commissioners were in attendance.

CORRESPONDENCE AND ANNOUNCEMENTS:

Mr. McGuckin announced that at the Board of Commissioners Stated Meeting on October 11, 2022, the Board will be appointing members to the following Boards and Commissions:

- Environmental Protection Advisory Board – one unexpired term ending June 30, 2024

Applications should be made online at www.upperdublin.net/government/boards-commissions/ and submitted by September 30, 2022 for consideration at October's Stated Commissioners' meeting.

Mr. McGuckin announced there is one unexpired open alternate position with a term ending June 30, 2023 for the Building Code Board of Appeals. Applications for this position continue to be accepted with no due date at this time.

Mr. McGuckin announced there will be a Public Hearing on a Zoning Map Amendment to rezone three properties on Ambler Road from the EC-Employment Center and A-Residential Districts to the A-Residential District on October 11, 2022.

Ms. Ferry asked if all residents in the area were notified. Ms. Giles stated that the three affected properties were notified.

PRESENTATIONS:

Montgomery County Office of Mental Health and the Crisis Intervention Specialist team recognized the Upper Dublin Police Department for their full completion in mental health training.

The Human Relations Commission introduced their commission and presented on their accomplishments and progress.

COMMITTEE REPORTS:

Economic Development and Finance Committee (EDF):

Mr. McGuckin reported that they did not meet this month. The next meeting will be November 1, 2022.

Public Safety, Works and Services Committee (PSWS):

Mr. McGuckin reported that they did not meet this month. The next meeting will be November 1, 2022.

Planning, Parks and Library Committee (PPL):

Ms. Ferleger reported that they did not meet this month. The next meeting will be October 25, 2022.

Municipal Authority Report:

Jack Smyth, Boles Smyth, presented on the status of the current Municipal Authority projects within the Office Park.

STANDARD BUSINESS:

Tab A – Move to Accept the Minutes of the August Stated Meeting without reading:

Dr. Scarpello motioned, with Ms. Ferleger seconding, to accept the minutes of the August Stated Meeting without reading.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab B – Motion to Approve the Tax Collector’s Report for the month of August 2022:

Dr. Scarpello motioned, with Ms. Ferleger seconding, to accept the Tax Collector’s Report for the month of August 2022.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab C – Call on Township Engineer for his Report:

Mr. Fountain submitted his written report for the month of August 2022 and highlighted the following:

Mr. Fountain: At the Promenade, the Redstone restaurant has begun construction. Residents have expressed concern as they were unaware. Fort Washington Elementary is installing 60 geothermal wells, which is part of their mechanical renovation. 122 Jackson is a four-unit development in North Hills, this was approved in 2018 but has been moving slowly.

Ms. Ferry: The Gatehouse on Bethlehem Pike is in disrepair, is there anything we can do?

Mr. Fountain: Mr. Monahan owns that property and is working with the Preservation Alliance. The two parties are talking to move the project forward.

Tab D – Call on Township Manager for his Report:

Mr. Ferguson submitted his written report for the month of August 2022, and highlighted the following:

Mr. Ferguson: I would like to announce that Upper Dublin and Horsham Township has received State Grant Funding from Senator Hughes office. It was a total of \$1.5 million to be distributed between Horsham and Upper Dublin. I would anticipate the portion Upper Dublin will receive would be \$975,000. The program we will administer will closely resemble the Citizens Emergency Fund application process, which we hope to have open around the first week of October. Secondly, there will be a presentation at the October Stated Meeting regarding the Public Works building and its rebuild/renovation. I would also anticipate a preliminary township building overview with the possibility of design alternatives to present to the Board.

Ms. Ferry: Your reported stated that you met with PECO, is there any news on the additional poles or work in Fort Washington?

Mr. Ferguson: They did not provide any details regarding that work, but we will make sure that you receive updates as they are made available.

Dr. Scarpello motioned, with Ms. Ferleger seconding, to accept the Manager’s Report for the month of August 2022 without reading.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab E – Motion to accept the Disbursements from the Various Township Accounts for the Month of August 2022:

Ms. Knight motioned, with Dr. Scarpello seconding, to accept the disbursements from the various Township accounts in the amount of \$3,360,534.89 as follows:

Total of Proposed Disbursements	\$1,833,799.61
Estimated Payroll	\$1,200,000.00
Interim Check Run Expenses	\$326,735.28
Grand Total	\$3,360,534.89

VOTE ON MOTION ALL YES MOTION CARRIED

DISCUSSION ITEMS:

Tab F - Discuss Zoning Hearing Board (ZHB) Cases and Planning Commission (PC) Agenda for September 2022:

Ms. Giles reviewed the September 19, 2022 Zoning Hearing Board meeting agenda that has the following matters scheduled for discussion:

#2422 for 722-734 Loch Alsh Rd in Ambler:

At the start of the September hearing there will be a vote on Ambler Borough's application for construction of a PFAS/PFOS treatment facility following a completed public hearing before the Zoning Hearing Board on Thursday, August 25, 2022.

#2430 for 1618 Benjamin Drive, Ambler:

A variance and special exception are needed for the construction of a screened-in porch. The Property is Zoned A Residential.

#2443 for 306 Twining Road, Oreland:

Several variances and a special exception are needed for the proposed construction of an addition. The Property is Zoned A Residential.

- Ms. Fritzges: What is going on at the Friendly's property?
- Ms. Giles: They are scheduled for a Conditional Use Hearing on October 11, 2022.
- Ms. Ferry: Have we received any additional information?
- Ms. Giles: Not yet, we expect to hear from them soon.
- Ms. Fritzges: Do they need an extension if they haven't submitted any information yet?
- Mr. Ferguson: If they don't provide the required information, they will need another extension.
- Ms. Ferry: Were they required to submit anything to the Shade Tree Commission?
- Ms. Giles: They were required to submit a landscaping plan to us, not the Shade Tree Commission. That is not a requirement for this application.

Zoning Hearing Board- Updates from August 2022:

Application #2422 for the Property at 722-734 Loch Alsh Ave. in Ambler:

To re-cap, this matter was postponed from the June 27 hearing and eventually scheduled for a special Zoning Hearing Board meeting night on Thursday, August 25, 2022. The Borough of Ambler appealed the Zoning Officer's determination that the proposed construction of a PFAS/PFOS treatment facility, which involves the installation of a vault, treatment tank, and building containing an area of approximately 1,100 square feet and a height of 32 feet, requires a special exception and is an expansion of a nonconforming use. If the Zoning Officer's determination is upheld, variances are requested from requirements that the exterior architectural design of the facilities be of a residential character and that the property not be used for the storage of equipment or vehicles. At the June 2022 Stated, the Commissioners agreed to support the special exceptions requested for the proposed use and to expand a nonconforming structure. The Board agreed to oppose the variance requested regarding the requirement that the exterior architectural design of the facilities be of residential character.

At the August 25th hearing, the Applicants withdrew the variance request that the property not be used for the storage of equipment or vehicles. Several surrounding property owners were in attendance including two or three who filed to obtain party status to the matter. The main topics of discussion from the residents were related to the location and appearance of the proposed facilities; the Applicants maintained that moving the facility to a more secluded part of the property or producing a design of residential character were not possible. At the conclusion of the hearing, it was announced that a decision would be rendered at the upcoming meeting in September.

Ms. Ferry: Are there any plantings proposed?

Ms. Giles: Not at this time.

Ms. Ferry: Do we have any say in the matter?

Ms. Giles: The Zoning Hearing Board does have a say, they may or may not deny the variance request.

Ms. Giles reviewed the September 20, 2022 Planning Commission meeting agenda. This meeting has the following matters scheduled for discussion:

Review Latest Draft of Text Amendment for Riparian Corridor:

Definitions of watercourses have been added to the latest draft at the request of the Planning Commission which is scheduled to be reviewed by the Commission for any final comments. It has been about a year since this item was last presented to the Board. As a reminder, since the Horizontal Floodplain Buffer provision was removed in 2021, the riparian amendment would continue protecting lands surrounding watercourses, it would define riparian corridor in the Zoning Ordinance using the same definition that is currently in the Subdivision and Land Development Ordinance, and expand the intent of Article V - Steep Slopes and Impervious Surfaces to recognize the importance of riparian corridor protections (§ 255-31).

Review of Tentative Sketch Plan for Tai Tract/1635 N. Limekiln Pike, UD #19-01:

This development was first presented to the Township in early 2019 and has since gone through several different versions. The site is located within the Dresher area of the Township. The site's two lots total 3.14 acres in size and contain a combination of Zoning District designations – MD Multi-Dwelling, A Residential, and the Dresher Overlay. The latest proposed development depicted on the plan consists of a 22-unit townhouse development. The sketch plan also identifies access to the development will be from the construction of a new road off Limekiln Pike that goes through the proposed development and connects to existing Daniel Drive.

The sketch plan application is scheduled for **presentation and discussion only** during the September 20, 2022 Upper Dublin Township Planning Commission meeting. No action will be taken during the Planning Commission meeting. The Applicants are also expected to eventually appear in front of the Zoning Hearing Board for several dimensional variances. It is uncertain at

this time if and when this development will appear before the Board of Commissioners for approval.

Ms. Ferleger: Is the density consistent with what was proposed in prior applications?

Ms. Giles: I believe it is similar.

Mr. Fountain: This property is split zoned and the applicant is looking to rezone to allow for townhouses. There is no Starbucks proposed in this application.

Review of Minor Land Development Application for 1501 N Limekiln Pike/Church of Latter Day Saints:

1501 N Limekiln Pike is a 4.1-acre property that contains a building of approximately 31,000 square feet occupied by the Church of Jesus Christ of Latter Day Saints. The property is located within the A Residential district, where churches are permitted by Special Exception. The Applicants will also be required to obtain a special exception for the expansion of a use that is permitted by special exception, a special exception for expanding a non-conforming structure, and zoning relief for exceeding building and impervious coverage limits.

The minor land development entails the construction of a detached, open-air pavilion in the rear yard containing an area of approximately 1,800 square feet. The Township has received many emails from abutting residents concerned about noise and stormwater runoff, and in response the Applicants have indicated they would meet with the residents to discuss the concerns. All correspondence from the neighbors has been added to the member packets in preparation of the September meeting.

The Planning Commission will review the proposed project for recommendation. If it is recommended for approval, the Applicant would eventually appear before the Board of Commissioners for a formal vote of approval. Zoning Hearing Board relief will also have to be obtained before the final vote.

Marc Jonas, Attorney: This is a pending Land Development application that needs zoning relief. I am aware of considerable neighbor input. We have been engaging dialog with the neighbors and we will proceed with additional applications.

Review of Floodplain Request for 525 Virginia Drive:

The Township Engineer will explain the Floodplain Study submitted for the proposed project at 525 Virginia Drive that is required to be reviewed by the Engineer and the Planning Commission.

Mr. Fountain: I have reviewed the hydrologic calculation that indicates a decrease in the flood depth. I have raised several technical concerns to them that they will need to address. I will have to get the revised calculations, assess whether I can make a recommendation and then advise the Planning Commission.

Ms. Giles: Whitemarsh is also following the project as they are downstream from this project.

PUBLIC COMMENT/QUESTIONS - ITEMS NOT ON AGENDA:

None.

ACTION ITEMS:

Tab J – Consider action on Conditional Use for 500 Virginia Drive:

Ms. Fritzges motioned, with Dr. Scarpello seconding, to approve the Conditional Use for 500 Virginia Drive attaching the conditions as recommended by the Planning Commission.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab K – Consider motion to approve 350 Commerce Drive Union Electric Conditional Use modification:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve 350 Commerce Drive Union Electric Conditional Use modification.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab L – Consider motion to approve lease extension at 370 Commerce Drive:

Ms. Ferry motioned, with Dr. Scarpello seconding, to approve lease extension at 370 Commerce Drive.

Dr. Scarpello: Is that a sufficient amount of time?

Mr. Ferguson: This is an extension of our current lease for four years. The bill is currently being paid for by insurance.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab M – Consider motion to approve Resolution #22-2468 to approve Minor Land Development at 511 Dreshertown Road, Manufacturers Golf and Country Club:

Dr. Scarpello motioned, with Ms. Ferleger seconding, to approve Resolution #22-2468 to approve Minor Land Development at 511 Dreshertown Road, Manufacturers Golf and Country Club.

Mr. Fountain: The applicant's counsel is here tonight. I will modify the condition which requires the ROW be granted now and create a condition that requires it to be deferred to be dedicated at time of municipal need.

Christine Pionzio, Attorney: We agree to that term.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab O – Consider motion to approve Driveway Waiver Request for 205 Washington Lane, Phillip and Alicia Azarik:

Ms. Knight motioned, with Dr. Scarpello seconding, to approve Driveway Waiver Request for 205 Washington Lane, Phillip and Alicia Azarik.

Mr. Fountain: The applicants neighbor agrees to provide the easement and has agreed to the other conditions. I am ok with the motion as presented.

Ms. Pionzio: We were under the impression this was a Temporary Construction Easement, we had not considered a permanent easement.

Mr. Fountain: That is why your ordinance has setbacks.

Ms. Ferleger: Practically, how many driveways in the township fall on the property line?

Ms. Pionzio: We would all feel comfortable not having that title issue when they go to sell the property. This is not the entire length of driveway. I would like to avoid an easement on the property.

Mr. Woodruff: We have no objections to the temporary easement.

Mr. McGuckin: Does the motion need to be modified?

Mr. Fountain: Only to accept the Temporary Easement in lieu of a permanent easement.

Ms. Knight amended the motion, with Dr. Scarpello seconding, to approve the Temporary Construction Easement for 205 Washington Lane, Phillip and Alicia Azarik.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab P – Consider motion to approve Resolution #22-2469 approving the HRC to encourage posting of a Non-Discrimination Notice:

Ms. Fritzges motioned, with Dr. Scarpello seconding, to approve Resolution #22-2469 approving the HRC to encourage posting of a Non-Discrimination Notice.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab Q – Consider motion to approve Township Logo:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve Township Logo.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab R – Consider motion to approve Sandy Run Middle School Clean Fill Agreement:

Ms. Ferry motioned, with Dr. Scarpello seconding, to approve Sandy Run Middle School Clean Fill Agreement.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab S – Consider motion to approve Resolution #22-2470 Sewage Planning Revision for J@Dresher, 1125 Virginia Drive:

Dr. Scarpello motioned, with Ms. Knight seconding, to approve Resolution #22-2470 Sewage Planning Revision for J@Dresher, 1125 Virginia Drive.

Mr. Fountain: This is a customary procedure for the Board to approve, by resolution, an amendment to your sewage facilities plan and will allow the developer to connect into your treatment plant.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Tab T – Consider authorizing Release of Escrow Funds for North Hills Manor Release #11 in the amount of \$290,171.88, Final Release:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve the Escrow Release for North Hills Manor Release #11 in the amount of \$290,171.88, Final Release.

VOTE ON MOTION

ALL YES

MOTION CARRIED

NEXT MEETINGS:

Tuesday, October 11, 2022 Stated Meeting at 7:00 PM

ADJOURNMENT:

Dr. Scarpello motioned, with Ms. Ferleger seconding, to adjourn the meeting to Executive Session to consult with Solicitor from which they will not return.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Respectfully submitted,



Jesse Conte, Recording Secretary

ATTEST:



Robert McGuckin, Vice President