

- 6:30 PM H Public Hearing to amend Zoning Code, Chapter 255, Sec. 255-40 – Truck Exclusions.
- 6:45 PM I Public Hearing to amend Zoning Code, Chapter 255, Sec. 255-40.1 – Recreational Vehicles.

STATED MEETING AGENDA
BOARD OF COMMISSIONERS OF UPPER DUBLIN TOWNSHIP
TUESDAY, JANUARY 10, 2023 7:00 PM

CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

CORRESPONDENCE AND ANNOUNCEMENTS

PRESENTATION

COMMITTEE REPORTS

- Economic Development & Finance Committee
- Public Safety, Works & Services Committee
- Planning, Parks & Library Committee

MUNICIPAL AUTHORITY REPORT

- G Project Status Report

STANDARD BUSINESS

- A Move to accept the minutes of December’s Stated and Budget Meetings of December 13, 2022 without reading.
- B Move to approve the Tax Collector’s Report for the month of January.
- C Call on Township Engineer for his report.
- D Call on the Manager for his monthly report, Questions, Move to accept.
- D.1 Consider authorizing the Township Manager, if deemed necessary by the Manager, to retain Young and Associates for damage incurred at the township building on December 25, 2022.
- E Move to accept the disbursements from the various Township accounts for the month of December.

DISCUSSION ITEMS

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

PUBLIC COMMENT/QUESTIONS – ITEMS NOT ON AGENDA

ACTION ITEMS

- H Consider action on Ordinance #23-1381 amending Zoning Code, Chapter 255, Sec. 255-40 – Truck Exclusions.
- I Consider action on Ordinance #23-1382 amending Zoning Code, Chapter 255, Sec. 255-40.1 – Recreational Vehicles.
- J Consider action on Ordinance #23-1383 Establishing Meeting Dates for 2023.
- K Consider motion to approve Resolution #23-2487 on Engineering and Professional Staff Review and Inspections Fees.

A Stated Meeting of the Board of Commissioners (BOC) of Upper Dublin Township (UDT) was held on Tuesday, January 10, 2023, at 7:00 P.M. in person at 520 Virginia Drive Auditorium with Ira Tackel presiding following two Public Hearings held at 6:30 PM and 6:45 PM to amend the Zoning Code for Truck Exclusions and Recreational Vehicles.

In attendance were Commissioners Ira Tackel, Liz Ferry, Robert McGuckin and Gary Scarpello. Commissioner Meredith Ferleger attended the meeting late. Commissioner Cheryl Knight attended via Zoom. Absent was Commissioner Alyson Fritzges. Also present were Kurt Ferguson, Township Manager; Jonathan Bleemer, Assistant Township Manager and Finance Director; Tom Fountain, Township Engineer; and David Brooman, Township Solicitor.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Mr. Tackel dispensed with the roll call as it was done previously at the Public Hearing. Ms. Ferleger attended the meeting late.

CORRESPONDENCE AND ANNOUNCEMENTS:

None.

COMMITTEE REPORTS:

Economic Development and Finance Committee (EDF):

Mr. McGuckin reported that they did not meet this month. The next meeting will be February 7, 2023.

Public Safety, Works and Services Committee (PSWS):

Mr. McGuckin reported that they did not meet this month. The next meeting will be February 7, 2023.

Planning, Parks and Library Committee (PPL):

Dr. Scarpello reported that they did not meet this month. The next meeting will be February 28, 2023.

Tab F - Municipal Authority Report:

Mr. Ferguson: I was appointed as the Executive Director of the Municipal Authority. As an update to the FWCCTRD, the Notice to Proceed will be issued on Monday January 16, with a construction start date of February. We will communicate with affected property owners on project progress. The first work will be a ½ mile water main replacement by NWWA. This project is fully funded at \$5.1 million, with the Municipal Authority funding \$2.1 and \$2.1 in grants. NWWA and BCSWA will make up the difference with \$900,000 in reimbursements. Mr. Smyth will provide a project update next month.

Ms. Ferry: Is there any update on the Zip Ramp?

Mr. Ferguson: The weave analysis criteria has been agreed to by the Turnpike Commission and we believe will be moving forward.

Ms. Ferry: Will we need to request an extension on the funding?

Mr. Ferguson: I do not believe we will need to.

Ms. Ferry: Do we have a Maintenance Agreement?

Mr. Ferguson: Not yet, we are working to negotiate that.

Ms. Ferleger arrived at the meeting.

STANDARD BUSINESS:

Tab A – Move to Accept the Minutes of the December 13, 2022 Stated and Budget Meeting without reading:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the minutes of the December 13, 2022 Stated and Budget meeting without reading.

VOTE ON MOTION ALL YES MOTION CARRIED

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

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the Tax Collector’s Report for the month of December 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 December 2022 and highlighted the following:

Mr. Fountain: I do not have anything substantial to report. There is progress at 500 Virginia Drive for Align Precision with the driveway, roadway and loading dock improvements.

Tab D – Call on Township Manager for his Report:

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

Mr. Ferguson: On December 25, 2023 at approximately 4:30 am there was a sprinkler pipe break in the 805 Loch Alsh portion of the township building. There are two parts to the township building, the portion that was being considered for renovation was what was affected by the sprinkler pipe break resulting in several inches of water. Staff, ServPro and DVIT were all involved

immediately. D'Huy has been working to create a damage estimate. There is an item on the agenda regarding potential need for an adjuster if necessary. That decision will be made in the next 10 days or so. We have had to make emergency provisions for Public Works Department that has been staged in that building for insulation and temporary heat. I will keep the Board informed of any updates as they become available.

Mr. Tackel: Our staff responded admirably. Jerry Gaul was on site immediately. We still had documents stored there that were damaged that will need to be freeze dried. Not knowing the extent of the damage and not knowing if we would need the assistance of an adjuster, the thought was to put this on the agenda tonight.

Mr. Tackel motioned, with Dr. Scarpello seconding, authorizing the Township Manager, if deemed necessary by the Manager, to retain Young and Associates for damage incurred at the township building on December 25, 2022.

Mr. Ferguson: I will make sure that you all receive notice of that, if it is decided.

Mr. McGuckin: Are we treating this as a new claim or as a rider to the previous claim?

Mr. Ferguson: At this time, it is established as an entirely new claim.

VOTE ON MOTION ALL YES MOTION CARRIED

Mr. McGuckin motioned, with Dr. Scarpello seconding, to accept the Manager's Report for the month of December 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 December 2022:

Ms. Knight motioned, with Dr. Scarpello seconding, to accept the disbursements from the various Township accounts in the amount of \$3,069,554.43 as follows:

Total of Proposed Disbursements	\$1,599,495.41
Estimated Payroll	\$1,200,000.00
Interim Check Run Expenses	\$270,059.02
Grand Total	\$3,069,554.43

VOTE ON MOTION ALL YES MOTION CARRIED

DISCUSSION ITEMS:

Tab G - Discuss Zoning Hearing Board (ZHB) Cases and Planning Commission (PC) Agenda for January 2023:

Ms. Giles reviewed the January 23, 2023 Zoning Hearing Board meeting agenda that has the following matters scheduled for discussion:

Application #2436 for the Property located at 525 Virginia Drive, Fort Washington

Several variances related to the proposed construction of a 237-unit apartment development within a FEMA delineated floodplain are requested. The Property is zoned GFW- Greater Fort Washington District and is within the Floodplain Conservation Overlay District.

Application #2458 for the Property at 1708 N Limekiln Pike, Dresher

The Applicant is appealing the Zoning Officer's determination/requesting an interpretation regarding whether the proposed Dunkin' Donuts with drive-through services is a drive-through facility and is a permitted use. The Applicant also seeks a variance to allow drive-through services, and a variance to allow the business to open to the public at 5:00AM rather than 6:30AM. The Property is Zoned CR-I Commercial Retail Class I and falls within DO-Dresher Overlay District. A portion of the Property is within the Floodplain Conservation District.

Application #2465 for the Property at 1610 Kenmare Drive, Dresher

A variance is needed to allow a side yard setback of 13 feet where 25 feet is required for the construction patio area, and a side yard setback of 14 feet where 25 feet is required for the construction of an addition. The Property is Zoned A-1 Residential.

Application #2464 for the Property at 1410 E. Butler Pike, Ambler

The Applicant is appealing the Zoning Officer's determination regarding Upper Dublin Township Zoning Code Section 255-82.S. In the alternative, they are seeking a variance to allow two new apartment buildings and associated parking lots to be constructed in an area that contains woods, streams, and open space areas which are required to be preserved or incorporated where possible. The Property is Zoned AHS- Apartment House Special District, and falls within the Floodplain Conservation District. *Just prior to the meeting tonight we received a request to postpone this application.*

Zoning Hearing Board Update from December 19, 2022:

Application #2434 for "0" Belmont Ave., Oreland (Parcel # 540002080008)

As a reminder, the Applicants were appealing the Zoning Officer's determination related to the required lot size and width for the construction of a single-family home, in addition to a determination related to the construction of a patio in the front yard setback. In the event the determinations were upheld, the Applicants are seeking dimensional variances. The Board of Commissioners requested that the Solicitor appear on behalf of the Township to oppose this application on grounds that the lot was improperly sold or subdivided. Accordingly, at the October 24 hearing, the solicitor explained the Township's opposition during opening statements and, reiterated the same at the December 19 hearing.

At the December hearing, the Attorney for the neighbors requested the case be bifurcated, with the matter regarding the validity of the lot sale to be addressed first, followed by the variance requests if the former was settled in favor of the Applicant. The Zoning Hearing Board agreed to the bifurcation request, but the attorney for the Applicant objected to that decision and opted not to present an argument on the lot-validity matter. Ultimately, the Zoning Hearing Board voted to dismiss the case.

Ms. Ferry: We are looking at something to try and protect those properties from being developed.

Ms. Giles: Correct, our solicitor has written an ordinance essentially banning the sale of lots that have been de facto treated as one lot, as in the case of 208 Belmont. The ordinance is up for motion to advertise tonight. The ordinance will stop someone from selling off a piece of their land after having used it to get variances or if the zoning office has treated it as one single lot. That would protect several properties in that area. We were discussing possibly including an overlay, but that will take more time.

Ms. Giles reviewed the January 17, 2023 Planning Commission meeting agenda. This meeting has the following matters scheduled for discussion:

Review of Conditional Use Application & Floodplain Request for 525 Virginia Drive-Proposed Apartment Development

As a reminder, Commerce Pursuit Capital/Westrum Development is proposing a 225-unit apartment development on a property that has a total area of 10.3 acres and is situated across the from the UDT Library. The development will contain mostly studio and 1-bedroom units and a smaller portion of two-bedroom units. The proposed height is 63 feet, with a parking garage on the lowest level in addition to an on-site parking lot. The development, if eventually approved, would count towards the 900-apartment unit cap in the GFW.

The Applicant appeared at the December 20th Planning Commission meeting to give an updated presentation on their latest hydrology report figures that are currently under review by a third-party engineer who is certified in Floodplain Management. The developers are scheduled to appear at the January Planning Commission meeting for further discussion on the floodplain request and for initial review of their Conditional Use requests. The Applicant requests Conditional Use approvals to permit an apartment development within the GFW, and to permit stormwater facilities within the Floodplain Conservation District. It is unknown at this early stage when the proposal will appear before the Board of Commissioners for a formal vote for any of the pending applications.

Review of Preliminary Land Development Application for proposed Townhouse Development at 1840 Norristown Road, Maple Glen (Goodman Tract)

The proposed project entails the development of 72 townhomes at 1840 Norristown Road in Maple Glen in the MHD- Mobile Home Development District. The site contains an area of 18.3 acres, of which approximately 15 acres would be developed. The site was previously subject to a

zoning text amendment process that was finalized in mid-2022. A traffic study and stormwater report were submitted as part of the current application and will be reviewed by the Traffic Engineer and Township Engineer. Reviews by the Fire Marshall, the Parks and Recreation Department, and the Montgomery County Planning Commission will also be discussed at the January meeting. The Upper Dublin Environmental Protection Advisory Board will review the proposal at a later date. The Planning Commission will review the application for recommendation at the January meeting. It is unknown at this early stage when the proposal will appear before the Board of Commissioners for a formal vote.

Ms. Ferry: Can you provide an update on 500 Willow the veterinary clinic?

Ms. Giles: There is no land development, just a simple application of a similar use.

Ms. Ferry: This will not be a kennel?

Ms. Giles: No, and we do plan on memorializing that during the building permit application.

PUBLIC COMMENT/QUESTIONS - ITEMS NOT ON AGENDA:

Ms. Ferry: It is my understanding that Septa has a proposal, called the Bus Revolution, that will cancel bus route 201. The Office Park may find this as a problem. We need to address this. We could let Senator Collett and Representative Serrato know of this proposal.

Ms. Giles: As of right now in draft network that route has been removed. I met with Septa yesterday, they will be reallocating existing bus routes.

Ms. Ferry: We are the only office park losing a bus route. I think we need to make a stand against this.

Ms. Giles: They are not just cancelling this route, we did meet to discuss alternatives including bike sharing.

Ms. Ferry: This is a political decision that needs political backing.

Mr. Ferguson: We will work to get the State Representatives on board with those concerns.

Ms. Ferry: The trash on the 309 exit onto Butler Avenue is overwhelming. Is there anything we can do?

Mr. Ferguson: That is a PennDOT issue, and they are lean staffed. I am not in favor of township doing this work unless it was a safety issue. There have been phone conversations with the district representative to schedule a cleanup.

ACTION ITEMS:

Mr. Tackel motioned, with Dr. Scarpello seconding, to add Action Item Q – Consider motion to approve Resolution #23-2491 to Designate Signatory Authorization for PennDOT Grant 2018ARLE018A to Extend Deadline for Susquehanna & Fitzwatertown Road Project, to the agenda.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab N – Consider discussion and consideration of Highland Driveway Use:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to table discussion and consideration of Highland Driveway Use until the February Stated Meeting.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab H – Consider action on Ordinance #23-1381 amending the Township Zoning Code, Chapter 255, Sec. 255-40 – Truck Exclusions:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve Ordinance #23-1381 amending the Township Zoning Code, Chapter 255, Sec. 255-40 – Truck Exclusions.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab I – Consider action on Ordinance #23-1382 amending the Township Zoning Code, Chapter 255, Sec. 255-40.1 – Recreational Vehicles:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve Ordinance #23-1382 amending the Township Zoning Code, Chapter 255, Sec. 255-40.1 – Recreational Vehicles.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab J – Consider action on Ordinance #23-1383 Establishing Meeting Dates for 2023:

Dr. Scarpello motioned, with Mr. McGuckin seconding, to approve Ordinance #23-1383 Establishing Meeting Dates for 2023.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab K – Consider motion to approve Resolution #23-2487 on Engineering and Professional Staff Review and Inspection Fees:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve Resolution #23-2487 on Engineering and Professional Staff Review and Inspection Fees.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab L – Consider motion to advertise for a public hearing on a proposed amendment to the Township Zoning Code, Chapter 255, Article III General Regulations, to add a new Section 255-24.1 Merger of Lots:

Ms. Ferleger motioned, with Dr. Scarpello seconding, to approve advertisement for a public hearing on a proposed amendment to the Township Zoning Code, Chapter 255, Article III General Regulations, to add a new Section 255-24.1 Merger of Lots.

Mr. Brooman: If you have two undersized lots in common ownership over a period of time, they are considered merged for purposes of zoning. The case is stronger with a zoning ordinance which provides statutorily that that happens. We have had three in last month, this is an attempt to fix that. Belmont got dismissed on a merger lot doctrine theory not statutorily. This would close that gap.

Ms. Ferleger: This would authorize the concept of merger.

Mr. Brooman: Yes, this would take two undersized lots that don't comply with current zoning and if in common ownership over a period of time consider them one lot.

Ms. Ferleger: How many potential lots could this impact? Are we concerned of the adverse impacts?

Mr. Brooman: If it is not off by much they can go through subdivision. These are off by a lot, not a little.

Ms. Ferleger: In our ordinance, we can prevent the private sale?

Mr. Brooman: Yes.

Ms. Ferleger: If someone sells in violation of this ordinance, what is the enforcement?

Mr. Brooman: We would need to discuss that. I would suggest putting out notice that it has been adopted.

Mr. Tackel: As a reminder we are not voting on this amendment tonight, only to advertise.

Ms. Giles: I had recently had a property transfer, now I look for this. It can be checked at that point.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab M – Consider motion to approve Resolution #23-2488 to Proclaim April 28, 2023 as Arbor Day:
 Dr. Scarpello motioned, with Mr. McGuckin seconding, to approve Resolution #23-2488 to Proclaim April 28, 2023 as Arbor Day.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab O – Consider motion to approve Resolution #23-2489 authorizing filing Redevelopment Assistance Capital Program Application:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve Resolution #23-2489 authorizing filing Redevelopment Assistance Capital Program Application.

VOTE ON MOTION ALL YES MOTION CARRIED

Tab P – Consider motion to approve Resolution #23-2490 for Final Land Development at 1501 N. Limekiln Pike, Church of Latter-Day Saints, UD #22-06:

Mr. McGuckin motioned, with Dr. Scarpello seconding, to approve Resolution #23-2490 for Final Land Development at 1501 N. Limekiln Pike, Church of Latter-Day Saints, UD #22-06.

Mr. Fountain: The Church is proposing an open-air pavilion that constitutes a minor land development. They also had to seek relief from the Zoning Hearing Board in the form of a special exception and variance which they obtained. They also went through Planning Commission review and approval. The Planning Commission added some conditions requiring lighting specs and lighting controls and sidewalk improvements will be deferred. The remainder of the improvements will be waived at this time.

Ms. Ferleger: Why are the sidewalks being deferred? Is there a sidewalk there?

Mr. Fountain: No, there is no sidewalk on either Mondauk or Limekiln Pike. Normally sidewalk would be required along both road frontages. Given the proximity to the Dresher intersection and Mondauk Park the Planning Commission thought it prudent not to waive it completely but defer it until such time the Board deemed it necessary to install.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Tab Q – Consider motion to approve Resolution #23-2491 for PennDOT Grant 2018ARLE018A to Extend Deadline for Susquehanna & Fitzwatertown Road Project (added to agenda by vote earlier in the meeting):

Mr. Tackel motioned, with Dr. Scarpello seconding, to approve Resolution #23-2491 for PennDOT Grant 2018ARLE018A to Extend Deadline for Susquehanna & Fitzwatertown Road Project.

VOTE ON MOTION

ALL YES

MOTION CARRIED

NEXT MEETINGS:

Tuesday, February 14, 2023 Stated Meeting at 7:00 PM.

Mr. Tackel recognized the Upper Dublin Police Department for Law Enforcement Appreciation Day which occurred on Monday, January 9, 2023.

ADJOURNMENT:

Mr. Tackel motioned to adjourn the meeting.

VOTE ON MOTION

ALL YES

MOTION CARRIED

Respectfully submitted,



Jesse Conte, Recording Secretary

ATTEST:



Ira S. Tackel, President