

**Towamencin Township
Board of Supervisors
Work Session Meeting
October 12, 2016
7:30 PM**

Present:

H. Charles Wilson III, Chairman
Laura Smith, Vice Chairman
James P. Sinz, Secretary/Asst. Treasurer
David Mosesso

Staff:

Robert A. Ford, Township Manager
Maureen Doyle, Finance Director
Jack Dooley, Esq., Township Solicitor
Tom Zarko, Township Engineer
Paul T. Dickinson, Chief of Police
Colleen Ehrle, Assistant to Township Manager

Absent:

Daniel M. Littley, Jr., Treasurer/Asst. Secretary

Chairman Wilson called the meeting to order at 7:34 PM and led the assemblage in the Pledge of Allegiance.

Opening Comments

The Board met in executive session prior to the meeting to discuss matters of real estate, personnel and potential litigation.

Chairman Wilson announced that registration is now open for the 2016 Towamencin Turkey Trot – 5k Race, which will be held on Saturday November 19th at Fischer’s Park. Pets are welcome and light snacks will be served to runners after the race. The cost is \$27 with registration closing on November 13th or at 800 runners. Proceeds from the race will help support and fund special events throughout the year.

The remaining budget work session meetings were also announced, October 19th and November 2nd.

Public Comments

None

Approval of Minutes: September 28, 2016

Supervisor Mosesso stated he still feels that the meetings should at the very least be recorded. However, he said the minutes have improved over the years, including more information than before. He added, at this time, he will abandon his campaign to have the minutes electronically transcribed, but added it would be good to revisit the topic sometime in the future.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the September 28th minutes.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Zoning, Subdivision and Land Development

Public Hearing: Royal Farms Conditional Use Application

This public hearing, pursuant to the Pennsylvania Municipalities Planning Code, was held to consider a conditional use application for approval, pursuant to Section §153-413 and Article X of the Towamencin Township Code to permit the sale of gasoline as an accessory use for a proposed Royal Farms convenience store located at 1780 Sumneytown Pike.

Chairman Wilson introduced Township Solicitor, Jack Dooley, who opened the hearing by providing background information and all associated exhibits. Mr. Dooley introduced Christen Pionzio, attorney with Hamburg, Rubin, Mullin, Maxwell & Lupin, P.C., representing the applicant. Ms. Pionzio reviewed the application against the conditional use criteria in the ordinance for the proposed Royal Farms site. Ms. Pionzio also called on the expertise of Robert E. Blue, engineer consultant for the applicant, and Greg Richardson, traffic engineering consultant for applicant.

A court reporter was present to make a complete and formal record of the hearing.

Royal Farms – Preliminary / Final Land Development Plan Application

This agenda item pertains to the development of the site that was the subject of the preceding Conditional Use public hearing. The plan proposes the subdivision of various lots and the development of a convenience store to include gasoline sales on site. The current site includes a gas station and a three-story structure.

Ms. Pionzio provided various review updates of the Royal Farms Preliminary and Final Land Development Plans to the Board and staff. She continued to outline the 12 waiver requests, from the requirements of the Towamencin Township Subdivision and Land Development Ordinance, Towamencin Township Engineering Standards and/or the Towamencin Township Stormwater Management Ordinance.

The land development waivers include the following:

1. The applicant is requesting a waiver from the requirement that separate applications be submitted for preliminary and final plans. (S.O. 136-400.A)
2. The applicant is requesting a waiver from the requirement that pedestrian paths be provided from parking areas to buildings and street rights-of-way. A pedestrian path has been provided from the right-of-way to the Royal Farms building. The waiver request is for a pedestrian path from the Royal Farms building to the hotel entrance. (S.O. Section 136-505.D and T.T.E.S. Section 136A-A111.C)
3. The applicant is requesting a waiver from the requirement that street trees be provided. The five required trees are being placed along the western boundary adjacent to the Pennsylvania Turnpike Commission property. The applicant has stated that if they cannot obtain a grading easement from the PA Turnpike Commission, they will not be able to place the trees along this boundary. If this happens, they propose to donate the trees to the Township. (S.O. Section 136-510.C and T.T.E.S. 136A- A119)
4. The applicant is requesting a waiver from the requirement that a Class 'B' Buffer be provided along the western boundary of the parcel. (S.O. Section 136-510.D and T.T.E.S. Section 136A-A119)
5. The applicant is requesting a waiver from Stormwater Ordinance §136-703.D.4, TTES §A136A-A130.A and §A136A-A130.C: requiring the proposed trash enclosure be screened with evergreen plantings and located 50 feet from the property line. *To address the requirements would place the trash enclosure within the drive aisle of the parking field. Adjustments to accommodate the location, per code, would significantly impact and reduce the parking field for the hotel property, as well as, traffic circulation patterns. Further, to provide landscaping would similarly impact the parking area. The project proposed a walled enclosure. The trash enclosure is located 42.5 feet from the western boundary line (turnpike commission) and 37.6 feet from the northern boundary line (Royal Farms).*

The applicant would like to tuck this enclosure closer/up against to the Turnpike Commission's boundary. This would be dependent on the Township waiver and Turnpike Commission's approval.

6. The applicant is requesting a waiver from the parking setback requirement of 15 feet from the ultimate right-of-way and property lines and 20 feet from the outside wall of a building. (T.T.E.S. Section 136A-110.A)
7. The applicant is requesting a waiver from the requirement that 10% of the parking area must be landscaped. (T.T.E.S. Section 136A-110)
8. The applicant is requesting a waiver from the requirement that buffer plantings be outside of the ultimate right-of-way. (T.T.E.S. Sections 136A-A116.H and 136A-A117.C)

9. The applicant is requesting a waiver from the requirement that an additional row of shrubs be provided for parking areas within 50 feet of the right-of-way. (T.T.E.S. Section 136A- A117.C.3)
10. The applicant is requesting a waiver from the requirement to infiltrate the increase in the stormwater runoff up to and including the 2 year storm. (S.M.O. Section 132-12)
11. The applicant is requesting a waiver from the requirement that all storm sewer piping be Class III concrete. (S.M.O. Section 132-13.C.2)
12. The applicant is requesting a waiver from the requirement that storm sewers be located at least 10 feet from utility services. (S.M.O. Section 132-13.C.14)

While Ms. Pionzio reviewed the waivers, the Board inquired about the parking inserts indicated on one of the displayed plans, which referred to proposed extra parking for the Holiday Inn. A discussion ensued among the Board, staff and Ms. Pionzio, as there was confusion as to why these 33 parking spaces were included on the plan, which from Ms. Pionzio's description would not be completed by the applicant, nor would escrow be posted for future work by the applicant.

Ms. Pionzio explained this proposed parking plan was provided as part of the agreement between Royal Farms and the hotel. The hotel owner wanted assurance that in the future there would be adequate parking to accommodate his patrons, as they accounted for the potential of increased parking needs in conjunction with the Royal Farms development. Ms. Pionzio emphasized this extra parking is not required by the Township's Code for compliance.

Township Engineer Tom Zarko commented his understanding was that this parking would be done as part of the overall project, since the parking is noted within scope of preliminary and final plans. He thought at the very least the project would need to be phased. Solicitor Dooley questioned why the extra parking is included in the plan, if the applicant would not be performing work or putting up escrow.

Ms. Pionzio explained that they need the parking plan in order to get the hotel's cooperation and requirements, i.e. cross-access easements, per agreements with the hotel. The applicant does not want to post the future parking plan escrow as they have no idea if and when the hotel owner will ever pursue it. Ms. Pionzio said they could try phasing the plan as Mr. Zarko suggested. Solicitor Dooley noted phasing may work.

Solicitor Dooley asked if escrow would be posted for the proposed trash enclosure. Ms. Pionzio replied that it would be posted. Chairman Wilson asked if there would be a loss of parking indicated from the land development plans. Mr. Zarko responded that two spaces would be lost by the proposed trash enclosure.

Chairman Wilson questioned the intent of the applicant regarding the burying of the utility lines along the Sumneytown Pike frontage and within the site. He noted that other developers have done this in the past or posted escrow so that it could be included later as part of a larger project.

Ms. Pionzio replied that her client would not be able to manage the magnitude of such an undertaking and estimated the cost/escrow to be in the range of \$200,000 to \$300,000, adding several other properties are likely tied into these poles. Ms. Pionzio said an expenditure this high would essentially kill the project. Robert E. Blue noted, on photos of the current site, that there would be four utility poles to account for in this scenario, two utility poles on either side of the main entrance/exit of the site, with various configurations tied into this intersection. Ms. Pionzio added she appreciated the Planning Commission working with them and hoped the Board will as well to get this project off the ground.

The land development presentation moved on to the latest traffic review letter. Greg Richardson outlined three comments (comments 3, 5 and 6) from the McMahon Associates traffic review letter, dated October 10th, which the applicant would not be able to comply with.

McMahon Traffic Comments 3, 5 and 6

3. Given the close spacing of the site's internal access near the proposed gas pumps to the existing signalized intersection of the overall site, it is recommended that the applicant make this driveway one-way inbound only, to reduce the likelihood of congestion so close to the Sumneytown Pike access.

Mr. Richardson explained that the only way to truly make the driveway one-way would be to narrow the access. He said the existing width of the drive-way is necessary for the applicant's fuel truck circulation. In addition, by eliminating this extra access point, some patrons may seek new traffic patterns for themselves and cut through the hotel's parking lot, causing unsafe conditions, in order to avoid congestion from the main signalized entrance/exit on Sumneytown Pike.

Chairman Wilson asked how many vehicles could be stacked leading to the main entrance/exit handle without blocking the mobility of the hotel's parking lot. Mr. Richardson replied three passenger vehicles, without blocking.

In regards, to the Sumneytown Pike access, Mr. Richardson added that he went through two reviews with PennDOT, who are agreeable to keeping the driveway a proposed right-in and right-out access. Ms. Pionzio noted the Planning Commission was agreeable with relief to this comment and the applicant will be working with PennDOT on this item.

*5. According to **Section A113.C of the Towamencin Township Engineering Standards**, all end parking stalls shall be separated from parking aisles and internal circulation via a raised planting island not less than three feet. The plans do not show a raised planting island separating the southernmost parking spaces located between the site and the adjacent site to the east, thereby not meeting the ordinance requirement. While this is an existing condition, we note that the proposed development will increase traffic volumes in this area and increased potential for conflict between the last parked car in this area and vehicles entering or exiting the Royal Farms.*

Mr. Richardson noted complying with this comment would result in a loss of parking and they do not really see the need.

6. A pedestrian connection should be shown on the plans connecting the adjacent hotel property to the east and the proposed Royal Farms.

Ms. Pionzio noted the applicant's concerns with this comment. They do not want to encourage people to walk in a noted painted area as it may create an unsafe area with the potential for liability. In addition, they would need to get permission from the hotel owner for curb depression cut-outs and a connection to his brick. She added they found it unlikely that people walking from the hotel to the Royal Farms would actually follow the designated pedestrian area.

Chairman Wilson asked if they could incorporate the LED light fixtures the Township is actively working on through the Streetlight Procurement Program with this land development. Ms. Pionzio said they could and would prefer the LED fixtures.

Ms. Pionzio concluded by stressing the Board's approval timing is crucial to move along with her client's financial requirements for the development, which would be needed in November. She said they will work together with the Township's Board of Supervisors to try and make this plan work.

Chairman Wilson reviewed the Board and staff concerns about the hotel agreement, trash enclosure, underground utility issues and traffic flows and congestion. He suggested, rather than make any decisions at this meeting, that the applicant should work with Township staff over the next two weeks to work through the noted concerns and smooth out the language so that the Board can review the preliminary and final plan approval updates with a prepared resolution at their next board meeting on October 26th. The other Board members were agreeable to Chairman Wilson's recommendation.

Township Manager Robert Ford asked if the Board could move up the agenda item on the Regional Streetlight Procurement Program Update, due to the time, approximately 9:30 pm, and that the Township's consultant, Michael Fuller had been waiting for two hours. The Board agreed.

Regional Streetlight Procurement Program Update

The Delaware Valley Regional Planning Commission has been working with municipalities in the region to assemble the resources needed to design, procure and finance the transition to LED street lighting tailored to each municipality's specific needs through the Regional Streetlight Procurement Program (RSLPP). In the spring, the Board authorized the preparation of an Investment Grade Audit that included photometric analysis of current and proposed streetlights and to determine anticipated energy cost savings for the Township.

The Township's streetlight consultant, Michael Fuller, President of Keystone Lighting Solutions, provided a presentation to the Board, noting the following: Keystone Lighting Solutions' updates since the last presentation, a summary of the Johnson Controls audit results, proposed

project scope, saving projections, cash flow assumptions and schedules, and details on the implementation phase.

Mr. Fuller explained the next steps would be to define the final project scope and the preparation of two resolutions to be presented to the Board at their next meeting, October 26th. The first resolution would be to approve the project, while the second would approve the project's financing.

Chairman Wilson moved on to agenda item 8.1, Ordinance 16-14: Township Emergency Services Cost Reimbursement.

Ordinance 16-14: Township Emergency Services Cost Reimbursement

In August, the Towamencin Volunteer Fire Company requested that the Board consider an ordinance that would allow the fire company to recover from insurance companies the reasonable cost of firefighting materials, equipment and hazardous abatement materials arising from environmental incidents, firefighting incidents, safety and rescue incidents and vehicular accidents. Based on that presentation, the Board asked that an ordinance be prepared and scheduled for consideration of adoption.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved Ordinance 16-14, Township Emergency Services Cost Reimbursement.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Authorization to Advertise Public Hearing – Sign Ordinance Amendment

For the past two years, the Township Planning Commission has been working on a comprehensive review and update of the sign regulations within our zoning code. Following detailed discussions, reviews of model ordinances and conferring with the Montgomery County Planning Commission, the Township Planning Commission has forwarded a proposed inclusive amendment and asks that the Board schedule a public hearing for consideration of adoption.

On a motion by Supervisor Sinz, seconded by Supervisor Smith, the Board directed staff to schedule a public hearing in front of the Board of Supervisors to consider adoption.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Thorndale – Right-of-Way Dedication Agreement

As briefed at the Board's March 23rd meeting, W.B. Homes has been working on completing the dedication of the right-of-way along Allentown Road, adjacent to the Thorndale Development, to PennDOT. Procedurally, the right-of-way will be dedicated to Towamencin Township, then the Township will dedicate it to PennDOT, per PennDOT's policy. One of the issues that needed to be resolved was the multi-use trail along the North Penn Water Authority and Thorndale frontages, between Thorndale Drive and the TD Bank property. The trail falls within the area to be dedicated; PennDOT will require a statement within the deed of dedication that the Township will be responsible for the ownership and maintenance of the trail. The Township's obligation will then be delegated to the NPWA and Thorndale Partners, L.P. through separate enforceable agreements.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board accepted the dedication of rights-of-way along Allentown Road from CFC Towamencin Properties, LLC.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board accepted the dedication of rights-of-way along Allentown Road from North Penn Water Authority.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Thorndale – Allentown Road Maintenance Agreement

This agreement delegates the Township's trail maintenance obligation to the NPWA and Thorndale Partners, L.P. as summarized in the preceding agenda item.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the Thorndale – Allentown Road Maintenance Agreement.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

Acceptance of Dedication of Sanitary Sewer System - Thorndale Phase I

This document will transfer the sanitary sewer pipes, lines, manholes and other appurtenances within Thorndale Phase I to the Township, which were constructed by the developer. It does not include sewer "laterals." The lines have been inspected by the Township engineers and

determined to be in required condition. These sewer lines will then be transferred from the Township to the Towamencin Municipal Authority.

Chairman Wilson asked if the Township is getting the engineering estimates of costs for the sanitary sewer systems through the dedication process so that the correct value could be booked for auditing purposes. Mr. Ford said he would find out from Bill Dingman, the Township's sewer engineer. Mr. Zarko added that an escrow tabulation may be used to value the system for GASB purposes. He agreed the sewer engineer would be able to provide this information.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the acceptance of dedication of Sanitary Sewer System for Thorndale Phase I.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

Voting No:

Abstaining:

Absent: Daniel M. Littlely, Jr.

Old Business

None

New Business

Nash II Field – NPDES Permit & Maintenance Covenant

Amended soils are being provided as part of the Nash II field grading, in order to provide best management practices ("BMP") associated with drainage and stormwater management regulations. Long term maintenance of the soil is required as part of the permit. Although the property is owned by the North Penn School District, the Montgomery County Conservation District will permit the Township to assume the perpetual BMP maintenance obligations for the General Nash Ballfield. This arrangement will require a covenant to be executed by the school district and the Township, which would be recorded.

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved the Nash II Field, NPDES Permit and maintenance covenant.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

Voting No:

Abstaining:

Absent: Daniel M. Littlely, Jr.

Eagle Scout Project Proposal – Green Lane Park

Scout Ryan Bealer is proposing to construct a bullpen at Green Lane baseball fields. The proposal includes:

- Turf on a cement base or dirt for home plates
- Chain link fencing behind the home plates
- Split-rail fencing alongside the bullpen
- Shrubbery behind the mounds

On a motion by Supervisor Smith, seconded by Supervisor Sinz, the Board approved Ryan Bealer's Eagle Scout project proposal for Green Lane Park.

Voting Yes: H. Charles Wilson, III, James P. Sinz, Laura Smith, David Mosesso

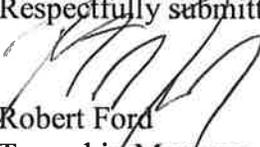
Voting No:

Abstaining:

Absent: Daniel M. Littley, Jr.

There being no additional business, the meeting adjourned at 10:13 PM.

Respectfully submitted,



Robert Ford
Township Manager