

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING
MINUTES: JUNE 3, 2008**

BOARD MEMBERS PRESENT: Edward Savitsky, Chairman
 Richard Kratz, Vice-Chairman
 William Patterson, Member
 Gordon MacElhenney, Member

ABSENT: Dean Becker, Member

OTHERS PRESENT: Cecile Daniel, Township Manager
 Kenneth Picardi, Township Solicitor
 Pamela Stevens, Township Engineer
 John Moran Jr., Code Enforcement Officer
 John Moran Sr., Road Master

Edward Savitsky called the June 3, 2008 Board of Supervisors Meeting to order in the Perkiomen Township Administration Building at 7:00 p.m.

MINUTES: The minutes of the May 6, 2008 Board of Supervisors meeting were approved upon a motion made by Richard Kratz and seconded by William Patterson. There were no public comments on the motion. The motion was carried by a vote of 4-0.

POLICE REPORT: The Board reviewed the PA State Police Report for May.

CORRESPONDENCE:

- CPVRPC- Minutes of their meeting for May.
- Perkiomen Valley School District – Letter regarding Earned Income Tax.
- PSATS Alert Bulletin
- East Brunswick Township – Letter regarding sewage sludge.

SOLICITOR'S REPORT: Kenneth Picardi reported on the following activities:

- (1) **EXECUTIVE SESSION:** The purpose of this meeting was to meet with some of the residents who live near the plant and to discuss the frequency and volume of the noise they have to endure, especially late at night and very early in the morning. The parties brainstormed about possible remedies, and the residents were advised of the status of the ongoing settlement negotiations with HYK
- (2) Land Acquisition: Being handled by David Allebach, Mr. Picardi's partner.
- (3) Shopping Center – Conditional Use on the application of P.V. Associates scheduled for later during this meeting.
- (4) Requested **EXECUTIVE SESSION:** To discuss the possible purchase of the remainder of the Huber Property.

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ROAD MASTER'S REPORT: John Moran Sr. submitted his report for May to the Board.

FIRE MARSHALL'S REPORT: John Moran Sr. submitted his report for May to the Board.

CODE ENFORCEMENT REPORT: John Moran Jr. submitted his May report to the Board.

PLANNING COMMISSION REPORT: The Board of Supervisors and the Planning Commission held a Joint Meeting on May 20, 2008. The purpose of this Joint Meeting was to deliberate on the Conditional Use Application filed by P.V. Associates in anticipation of the Board of Supervisors rendering its decision on this application at the Board's June Meeting.

PARK & RECREATION/MUNICIPAL AUTHORITY REPORT: Cecile Daniel informed the Board that there was no Park & Recreation Board Meeting and the Municipal Authority Meeting held on May 13, 2008.

ENGINEERS REPORT: Ms. Stevens discussed the following items with the Board:

- **2008 ROAD PROJECT:** Ms. Stevens informed the Board that at the PSATS Convention there was a discussion regarding decision rendered in the Youngwood Case. Representatives of L&I were present at the meeting when this case was discussed. L&I gave no clear direction as to what road projects would be classified as "maintenance" and those road projects that would be classified as "reconstruction or repair work". It was Ms. Steven's recommendation that the Board direct Kenn Picardi to contact L&I to obtain an opinion from L&I on what road projects could be completed under the classification of "maintenance" and what road project would be classified as "reconstruction or repair work".
- **TRAFFIC SIGNAL:** Ms. Stevens informed the Board that this project cannot be closed out until the contractor has a final walk through. The walk through is scheduled for some time this week.

RECEIPTS AND EXPENDITURES: The treasurer read the receipts and expenditures for the month of May. After review of same, Richard Kratz made a motion seconded by Gordon MacElhenney to authorize payment of the May bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 4-0.

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NEW BUSINESS:

- **RESOLUTION 2008-9: PERKIOMEN TOWNSHIP ZONING HEARING BOARD:** As required by the PA Municipal Planning Code, appointments to the Zoning Hearing Board are to be completed by Resolution. A Resolution is before the Board that accepts the resignation of two members of the Township's Zoning Hearing Board. The proposed resolution also appoints two individuals to replace the members that have resigned. One of the prospective members is currently a member of the Township's Planning Commission. Under the PA Municipal Planning Code a member of the Township's Planning Commission cannot serve simultaneously on the Township's Zoning Hearing Board. As a result, James Bickel has submitted a letter of resignation from the Planning Commission. Before the Board can consider appointment of Mr. Bickel to the Zoning Hearing Board, the Board must first accept Mr. Bickel's resignation. Richard Kratz made a motion, seconded by Gordon MacElhenney to accept the resignation of James Bickel to the Perkiomen Township Planning Commission. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0. Next, the Board needs to consider adoption of Resolution 2008-9. This proposed Resolution accepts the resignation of Robert J. O'Donnell and Alfred Laskey Jr. from the Township's Zoning Hearing Board. Both gentlemen have submitted letters to the Board indicating their wish to resign. At the same time, the Board received letters from Robert J. O'Donnell (no relation) and James Bickel expressing their desire to be appointed in their place. Gordon MacElhenney made a motion, seconded by William Patterson to approve Resolution 2008-9 which, with regret accepts the resignation of Robert J. O'Donnell and Alfred Laskey, and appoints Robert J. O'Donnell (no relation) to fulfill the unexpired term of Robert J. O'Donnell, and appoints James Bickel to fulfill the unexpired term of Alfred Laskey. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.
- **RESOLUTION 2008-10 and AGREEMENT: 74 GRAVEL PIKE** – This proposed resolution and Agreement deals with the issue of the note located on the Swede/Swarr Subdivision Plan. On October 5, 2004, the Board of Supervisors of Perkiomen Township approved the Swarr/Swede Project Final Subdivision Plan dated January 9, 2004 and last revised September 26, 2005 (the "Plan"), prepared by Ludgate Engineering Corporation. The Plan contained the following General Note: "13. No lots on this subdivision shall be further subdivided including Annex Parcel A which shall not be further subdivided". Louis DiDomenico, the record owner of 74 Gravel Pike and the equitable owner of an adjacent parcel of land known as Annex Parcel A has submitted to Perkiomen Township a Subdivision Plan. Mr. DiDomenico proposes to subdivide 74 Gravel Pike and Annex Parcel A in order to dedicate to Perkiomen Township an area consisting of

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approximately five acres, and, to subdivide the remainder of Annex Parcel A and 74 Gravel Pike into two separate lots, upon which will be constructed one twin residential dwelling. William Patterson made a motion, seconded by Richard Kratz to approve Resolution 2008-10 that stipulates, the Board is satisfied that the proposed subdivision is appropriate and in the best interests of the Township and its residents, and therefore desires to amend General Note 13 on the Plan as it pertains to Annex Parcel A. Resolution 2008-10 authorizes that the General Note No. 13 of the Swarr/Swede Project Final Subdivision Plan shall be amended to only apply to Lots 1 through 6 of the Swarr/Swede Subdivision, and not to Annex Parcel A, and the officers of the Township are authorized to enter into an Agreement with Louis DiDomenico and Kelly Homes, LLC, to accomplish such amendment. There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **SHOPPING CENTER:** On May 20, 2008 the Board deliberated with the Planning Commission on the Conditional Use Application file by P.V. Associates on the expansion of the Landis/Renninger Shopping Center. After due discussion and consideration, Gordon MacElhenney made a motion, seconded by William Patterson to approve the Conditional Use Application of P.V. Associates for the expansion of the Landis/Renniger Shopping Center with the following conditions:
 1. With regard to the **expansion of the existing shopping center**, the Board specifically finds the following:

The Board is authorized to impose reasonable conditions in granting conditional use approval. In accordance with that authority, the Board hereby requires the Applicant to do the following:

- i. Identify the portions of the existing shopping center that will remain, and submit documentation evidencing compliance with the parking and loading requirements of Section 20.9.B.4.
- ii. Submit area by area calculations of existing improvements and proposed vegetative covered areas which satisfy the percentage requirements of Section 20.9.B.6.
- iii. Identify the variances granted by the Zoning Hearing Board on any land development plan submitted.
- iv. Expand the plan view to highlight or differentiate the square footage to be set aside, and submit a table including the gross leasable area of each building in order to establish compliance with Section 20.9.C.2.d & e of the Zoning Ordinance.

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- v. Submit calculations to evidence compliance with all of the building coverage limits, including those for outside seasonal sales areas, overhangs and canopies, all in accordance with Section 20.10.A.
 - vi. Submit evidence of compliance with the refuse area requirements set forth in Section 20.10.B.
 - vii. Truck parking, standing or staging for deliveries on Harrison Avenue is prohibited, and appropriate signage shall be installed on Harrison Avenue near Route 29. The upper entrance off of Harrison Avenue shall be used for all truck deliveries. Further, Applicant shall encourage all of its tenants to have delivery trucks enter the shopping center from Route 29, rather than from Seitz Road.
 - viii. Redesign or relocate the guiderail required by Section 20.10.D so that it does not interfere with the proper functioning of the emergency spillway.
 - ix. Areas identified by the Fire Marshall, in front of each store, shall be clearly designated with pavement and curb markings and signs which read: "No Parking by Order of Fire Marshall". In addition, a note shall be added to the plan that all such pavement and curb markings, and signs, shall meet PA DOT standards, and shall be maintained, repainted, or replaced as required by Perkiomen Township, in perpetuity.
2. With regard to the **drive-through windows for the proposed bank and restaurant**, the Board finds the following:

Pursuant to Section 20.8.C, the Board is authorized to impose reasonable conditions in granting conditional use approval. In accordance with that authorization, the Board hereby requires the applicant to do the following:

- i. Signage and pavement markings shall be provided to clearly delineate the queue staging area and any pedestrian crosswalks.
- ii. Installation of a pedestrian crosswalk at the main entrance of the restaurant at the proposed handicapped ramp.
- iii. Installation of signs, as and where necessary, advising drivers that any blocking of the crosswalk is prohibited.
- iv. All such signs and pavement markings shall meet PA DOT standards and shall be maintained, repainted or replaced by the owner of the shopping center, as and when necessary, so that they remain clearly visible at all times and under all conditions, in perpetuity.

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3. With regard to the **proposed gasoline service station**, the Board finds that:

Pursuant to Section 20.11.D, the Board is authorized to impose reasonable conditions in granting conditional use approval. In accordance with that authorization, the Board hereby requires the Applicant to do the following:

- i. Submit information to establish that the canopy design and size criteria set forth in Section 20.11.C will be met.
- ii. A trained fueling station attendant in a booth adjacent to the pumps shall be provided at times determined by the Board. The Board may at any time, in its sole discretion, modify the station attendant requirement. In determining the necessity of a station attendant, the Township shall consider the following:
 - (a) Volume of fueling activity at the station;
 - (b) Number of police calls or reports for incidents at the fueling station;
 - (c) Number of incidents involving robbery, theft, vandalism, or mischief;
 - (d) Number of incidents involving gasoline spills;
 - (e) Police and/or Pennsylvania Department of Environmental Protection reports; and
 - (f) Any other information deemed relevant by the Township.
- iii. The owner/operator shall provide and maintain a video surveillance system, 24 hours a day, 7 days a week, 365 days a year, with cameras mounted on the side of the grocery store facing the fueling station, or in such other locations as recommended by a qualified and experienced installation company, and approved by the Township. The video recordings for each 24 hour day shall be fully retrievable for a minimum of 5 days.
- iv. Any time a report is required to be submitted to the Pennsylvania Department of Environmental Protection, and/or the police issue a written report for an incident occurring at, near, or around the fueling station, the owner/operator shall contemporaneously provide a duplicate copy to the Township.

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- v. Installation of a buffer along the edge of the property closest to Maple Avenue, consistent with Township Ordinance No. 173. The existing buffer will require additional plantings in accordance with said Ordinance. Further, the Applicant shall exercise extreme caution while working in this area so as not to disturb any natural steep slopes, and, a conservation and maintenance easement shall be provided to insure that the buffer area is properly maintained in perpetuity.
 - vi. All canopy lighting shall be recessed and otherwise designed to have the least possible effect on existing adjacent roads and properties.
 - vii. Installation of a minimum of one monitoring well per underground fuel storage tank at a depth at least ten feet greater than the first water bearing zone. The location of the monitoring wells, the frequency of the monitoring well sampling/testing, and types of compounds for which the water shall be tested, are matters to be determined during the land development process. In the event the Board determines that additional requirements are necessary to address the monitoring of the underground storage tanks, the Applicant agrees to provide and address those additional requirements.
4. With regard to the **Community Impact Analysis** dated February 7, 2006, last revised March 17, 2008, submitted by Kennedy and Associates, LLC, on behalf of the Applicant, the Board finds that:

The Board is authorized to impose reasonable conditions in granting Conditional Use approval. In accordance with that authority, the Board hereby requires the Applicant to do the following:

- i. Agree that in the event that the land development process reveals that the community impact analysis needs to be revised and/or updated, the Applicant will do so, and comply with all reasonable requests based on the findings of any such updated or revised Community Impact Analysis.
 - ii. If, during the land development process, the landscaping or lighting should need to be revised, the design as shown on the Conditional Use exhibits may be changed at the direction of the Planning Commission, Township staff, Township experts or consultants, and the Montgomery County Planning Commission.
5. With regard to the **traffic impact study** required by Section 20.12 of the Zoning Ordinance, the Board finds that:

The Board is authorized to impose reasonable conditions in granting Conditional Use approval. In accordance with that authority, the Board hereby requires the Applicant to do the following:

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- i. The existing entrance off Route 29 shall be reconfigured to restrict all movements except right turns in and out of the Shopping Center, and a raised median with appropriate pavement markings and signage shall be installed.
- ii. Route 29 shall be widened and improved with new pavement markings and signage as required to provide for right turn lanes (southbound) into Harrison Avenue and into the reconfigured entrance of the shopping center at Route 29, and a left turn lane (northbound) at the intersection with Harrison Avenue.
- iii. The future of the existing bike lane on Route 29 will be resolved prior to the recording of any land development plan.
- iv. Harrison Avenue shall be widened and improved to Township road standards to a width of 34 feet from Route 29 to Seitz Road, unless the Board, in its sole discretion, agrees to different paving requirements during the land development process. Curbing shall be required, but sidewalk shall not.
- v. A new traffic signal will be installed at the intersection of Route 29 and Harrison Avenue, as and when permitted by PennDOT. Prior to PennDOT's authorization and permitting of a fully functional traffic signal, all of the related improvements, including the re-grading of Harrison Avenue embankment for safe sight distance, conduit wiring, junction boxes, interconnections, controllers, loop detectors, foundations, poles, mast arms, signal heads, luminaries, emergency pre-emptions, signage and pavement markings will be completely installed by Applicant. Depending on the final approval from PennDOT, the signal heads initially installed may need to be single head that will flash red on Harrison Avenue and yellow on Route 29. Once PennDOT issues a permit for a fully functioning traffic signal, the signal heads shall be converted to a different style for the final signal system installation. The Applicant shall be required to install a southbound right hand turning lane for traffic traveling southbound on Route 29 on to Harrison Avenue.
- vi. The Applicant shall acquire all right of way located in Route 29 and Harrison Avenue needed to provide for the sight distance, shoulders, turning lanes and necessary road improvements, including installation of the traffic signal. The Applicant shall acquire sight distance easements, sign easements and traffic signal easements as required outside the right-of-way to accommodate the required sight distances, signs and signal features.

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- vii. The Applicant will enter into an agreement with the Township, with an appropriate escrow, in an amount determined by the Township and its experts, including the Township Engineer, regarding the monitoring of the flashing signal system, an update to the traffic impact study should PennDOT require one, a PennDOT traffic signal permit, the conversion of the flashing signal system to a standard traffic signal as permitted by the traffic signal permit, and any changes necessary to the operation of the traffic signal, and any necessary and related road improvements.
 - viii. Acquisition of highway occupancy permits and signal permit approvals during the land development process as proposed and required.
 - ix. Revise and/or update the traffic impact study if the Township and/or PennDOT requires same. Further, the Applicant agrees to comply with and install any additional road improvements that may be required during the review of the land development plan or the revised traffic impact study.
6. With regard to the **proposed disturbance of steep slope and buffer areas**, the Board finds that:
- The Board is authorized to impose reasonable conditions in granting Conditional Use approval. In accordance with that authority, the Board hereby requires the Applicant to do the following:
- i. The two notes on the plan relative to Steep Slope Disturbance shall be modified so as to clarify that (1) the first note applies to the pads and areas surrounding the bank and the restaurant, and (2) that the second note applies to the shopping center addition and parking lot improvements. In both cases, the revised plan notes shall also be included on any record land development plan.
 - ii. No fuel or gasoline lines shall be placed in any steep slope or buffer areas.
 - iii. A note shall be included on the plan consistent with the terms set forth in subparagraph C above. Furthermore, that note shall include a requirement that super silt fence with orange safety fence shall be installed along the limit of disturbance prior to the start of any work.
 - iv. All disturbed slopes shall be stabilized in accordance with the regulations of the Montgomery County Conservation District (“MCCD”).
 - v. All stormwater management shall be designed in accordance with Perkiomen Township Ordinance No. 189. A stormwater management report which ensures compliance with Section 24.8.D.6 of the Zoning Ordinance shall be submitted as part of the land development process.

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- vi. The guiderail between the basin and the driveway shall be shown on the plans and the final location and design of the guiderail shall be resolved during the land development process.
- vii. The limit of disturbance shall not go further into the steep slopes than shown on the plans attached to the conditional use application.
- viii. An Erosion and Sedimentation Pollution Control Plan (“ESPCP”), approved by MCCD, with erosion fabric/matting, and a landscape plan (“LP”), which ensures that the setback areas are also properly stabilized, shall be submitted. An ESPCP and an LP, approved by MCCD, shall be submitted in order to establish compliance with Sections 24.8.D.2 and .5 of the Zoning Ordinance.
- ix. A note shall be placed on the plan confirming that the criteria set forth in Section 24.8.D.1 will be met, and said plan shall be signed and sealed by a registered engineer with the building permit application.

The Board is authorized to impose reasonable conditions in granting Conditional Use Approval. In accordance with that authority, the Board also requires the Applicant to do the following:

- i. Enter into an Improvements Agreement, in accordance with the Municipalities Planning Code (“MPC”) and the Township Subdivision and Land Development Ordinance (“SALDO”), and satisfactory to the Township Solicitor, for the proposed development. Said Agreement shall include escrows in amounts determined by the Township Engineer, for all of the proposed improvements and enhancements.
- ii. Comply with any and all terms and conditions of the Perkiomen Township Planning Commission report attached hereto as Exhibit “A”.
- ii. Comply with all federal, state, county and local land development, zoning and other related ordinances, laws, and/or regulations.

There were no public comments on the motion. The motion was carried by a unanimous vote of 4-0.

- **FIRE WORKS:** The Central Perkiomen Rotary Club is holding their annual carnival. As part of this carnival, the Rotary has a fireworks display. According to the information received from the Rotary, the fireworks display is scheduled for Friday, June 6th. Before the Rotary can hold the fireworks, the Board needs to grant permission. A Certificate of Insurance has been submitted that adds the Township as an additional insured. Richard Kratz made a motion, seconded by Gordon MacElhenney to approve the request of the Central Perkiomen Rotary Club and allow the fireworks display on June 6th. There were no public

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comments on the motion. The motion was carried by a unanimous vote of 4-0.

There being no further business, the meeting was adjourned upon a motion made by Richard Kratz and seconded by William Patterson.