WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA
MONDAY, OCTOBER 4, 2010 ~ 8:00 A.M.

CALL TO ORDER by Arthur Bustard at 8:00 A.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE
PRESENT:

ARTHUR C. BUSTARD ☒
SUSAN CAUGHLAN ☒
STEPHEN C. QUIGLEY ☒

INFORMATIONAL ITEMS

There will be a Joint Meeting of the Board of Supervisors and the Planning Commission this morning at 9:30 AM.

At the evening meeting on October 20, 2010, the Board of Supervisors will hold a public hearing to consider and act on the proposed Zoning Ordinance Amendment.

Also at the evening meeting on October 20, 2010, the Board of Supervisors expects to discuss and act on the Conditional Use Application for the Transfer of Development Rights at the Preserve at Worcester.

1. **Manager's Report:**
David Burman, Township Manager, commented that the zoning ordinance amendments scheduled for a public hearing on October, 20, 2010 require additional review for practical application. He requested the Board rescind the motion to advertise that had been adopted on August 18, 2010.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to rescind the motion for advertising the zoning ordinance amendments.

Susan Caughlan commented that there will be public discussion in the future.

James Mollick, County View Lane, commented on the delay.

Resolution 2010-23 – Bethel Hill United Methodist Church 240th Anniversary

Arthur Bustard announce that there will be a celebration at the church next Sunday to recognize the anniversary.

A motion by Susan Caughlan and seconded by Stephen Quigley and approved by all to approve Resolution 10- 23 Bethel Hill United Methodist Church 240th Anniversary.

a. Authorization to Advertise Noise Ordinance

David Burman noted that this has been through several revisions and requested the Board review it further prior to requesting authorization to advertise.

b. Zoning Hearing Board Report (Current Activity Only)

The last meeting was September 28, 2010 – Three new applications were heard
The next meeting is scheduled for October 26, 2010

Conclusions/ Decisions of applications:

Mr Burman noted that application **##10-10**, North Grange LLC, 3481 Germantown Pike is still open with additional testimony to be heard.

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#10-11 - 3438 MILL RD - ZONED – **"R175"**
VARIANCE FROM SECTION 150-177(B)(3) TO PERMIT THE CONSTRUCTION OF A POOL OUTSIDE OF THE BUILDING ENVELOPE AND WITHIN THE SIDE YARD SETBACKS – **GRANTED 9/28/2010**

Continued applications:
#07-02, 1545 Kriebel Mill Rd. A variance to permit the construction of an additional single family dwelling on a new flag lot. **THE APPLICANT HAS REQUESTED TO BE REMOVED FROM THE AGENDA AND HAS AGREED TO WAIVE ANY TIME REQUIREMENTS UNDER THE PMPC AND LOCAL ORDINANCES. ADDITIONALLY, THE APPLICANT HAS AGREED TO PAY ANY COSTS ASSOCIATED WITH RE-ADVERTISING. AFTER LEARNING THE TOWNSHIP'S OBJECTIONS, THE APPLICANT IS CONSIDERING OTHER OPTIONS, INCLUDING SUBMISSION OF A NEW PLAN TO GET WORCESTER TOWNSHIP PLANNING COMMISSION APPROVAL.**

#10-04, 2709 Township Line Rd. A variance from sections 150-11 & 150-15 to permit the property to be used for establishment of a wireless communications facility and for the installation of antennas at approx. 52' in height on an existing 40' water storage tank. **INDEFINITE CONTINUANCE REQUESTED BY APPLICANT FOR THE PURPOSE OF REVIEWING THE FEASIBILITY OF ALTERNATE LOCATIONS LOCATED WITHIN WORCESTER TOWNSHIP. *AWAITING MPC TIME REQUIREMENT WAIVER***

#10-12, T-MOBILE NORTHEAST, LLC 1732 WHITEHALL RD. ZONED – **"AGR"**
VARIANCES FROM THE FOLLOWING SECTIONS OF THE CODE TO PERMIT THE INSTALLATION OF WIRELESS ANTENNAS TO AN EXISTING 92' HIGH PECO TOWER AS A WIRELESS COMMUNICATION USE: VARIANCE FROM SECTION 150-11 TO PERMIT THE PROPOSED CELLULAR TELEPHONE USE.

INTERPRETATION AND/OR VARIANCE FROM SECTIONS 150-15 AND 150-187 TO PERMIT CELLULAR TELEPHONE ANTENNAS BE LOCATED ON THE EXISTING PECO TOWER SITE AT A HEIGHT OF 87'.

VARIANCE FROM SECTION 150-13 TO PERMIT A 10' x 20' CONCRETE PAD WITH EQUIPMENT CABINETS WITIHN THE SIDE YARD SETBACK.

INDEFINITE CONTINUANCE REQUESTED BY APPLICANT FOR THE PURPOSE OF REVIEWING THE FEASIBILITY OF ALTERNATE LOCATIONS

Arthur Bustard inquired if the applicant requested a continuance.

Catherine Durso, representative from T-Mobile was present and confirmed this application is in additional to the Nike Park Site. She distributed a map to the Board, Engineer and Solicitor noting that the two sites are 1.5 miles apart. The antenna on the PECO tower would not extend above the tower.

Stephen Quigley inquired about the loop and coverage area and modern technology.

Ms. Durso responded that there are limited channels with more users and applications requiring more frequent "hand offs" so technology has increased the need for additional towers, not decreased it.

NEW applications to be heard on October 26, 2010:
#10-13, 2500 Creekside Drive, Zoned R175, Corner Lot Property.
VARIANCE FROM SECTIONS 150-182 (A)(B)(G)(H) TO PERMIT CONSTRUCTION OF A 5' FENCE LOCATED IN THE FRONT, SIDE, AND REAR YARD SETBACKS WITH 4 OPERABLE GATES.
(DUE TO THE PROPERTY BEING LOCATED ON A CORNER LOT THERE ARE 2 FRONT YARDS: SECTION 150-196.)

c. Subdivision & Land Development Report – Current Activity Only

The Preserve at Worcester has a Conditional Use Hearing scheduled for the October 20, 2010 meeting.

A revised plan for the Rhodes Subdivision was received by the Township September 28, 2010.

Terra Landscaping land development plan has been submitted to the Township. It will be considered after the decision of the Zoning Hearing Board is rendered.

Arthur Bustard complimented the Public Works Department on their response to the heavy rain storms last week.

David Burman noted that they worked overnight coordinating road closures and clearing debris with the state police and fire department.

1. Engineer's Report

a. Engineering Report, Project Status

Joseph Nolan, Township Engineer, reported that the 2010 road project and the Wentz Church Road bridge replacement are both completed.

The generator at the Berwick Place Wastewater treatment plant has been installed and the ventilation will be completed this month.

Susan Caughlan noted that this should help to abate the noise.

Mr. Nolan acknowledged the recent seven to eight inches of rain that equated to more than a 100 year storm which did cause some flooding and noted that there's no capacity of this nature that can be planned for.

Maeve Vogan, Dell Road, commented on inspection of the Kriebel Mill Road Bridge after the storm.

2. Solicitor's Report

a. Executive Session Report – September 27, 2010

James Garrity, Township Solicitor, announced an executive session on September 27, 2010 for personnel issues.

James Mollick requested more specifics and referenced the Sunshine Law.

Mr. Garrity replied that it was regarding compensation and benefits for the next year's budget.

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3. Other Business

None.

4. APPROVAL OF THE MINUTES OF AUGUST 2, 2010

Stephen Quigley requested correction of his statement regarding the State Police.

The Board tabled the motion pending further research and verification of the wording.

PUBLIC COMMENTS

Charles Eppolito, Fisher Road, commented on baseball fields and parking.

Stephen Quigley commented on possible parking lot expansion.

James Mollick commented on Zoning Hearing Board appointments, the Terra Landscaping application, the township solicitor and credibility of the Board.

ADJOURNMENT

There being no further business to come before this Board, Arthur Bustard adjourned the regularly scheduled Board of Supervisor's Meeting at 8:57A.M.

Submitted:

Eunice C. Kriebel

Eunice C. Kriebel, Recording Secretary

WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA
WEDNESDAY OCTOBER 20, 2010 @ 7:30 P.M.

CALL TO ORDER by Arthur Bustard at 7:30 P.M.

PLEDGE OF ALLEGIANCE

ATTENDANCE
PRESENT:

ARTHUR C. BUSTARD ☒
SUSAN G. CAUGHLAN ☒
STEPHEN C. QUIGLEY ☒

INFORMATIONAL ITEMS:

None

1. **TREASURER'S REPORTS**
The Treasurer's reports for September, net change on cash basis:

September 2010 Report:

General Fund	$ 318,167.88
State	$ 169,780.42
Capital Reserve	$ 283,671.85

A motion by Susan Caughlan, seconded by Stephen Quigley and passed by all to accept the Treasurer's Reports for September, 2010 net change on cash basis.

2. **PAYMENT OF THE BILLS OF THE TOWNSHIP**
A motion by Susan Caughlan seconded by Stephen Quigley and passed by all to pay the bills of the Township in the amount of $733,280.34.

3. **SOLICITOR'S REPORT**

a. **Executive Session Report – October 14, 2010**

An executive session was held October 14, 2010 to discuss employee relations and benefits. It was an informational meeting only.

b. **Supervisor's Discussion and Possible Decision on Preserve at Worcester Conditional use Application for Transfer of Development Rights Under the Conservation Subdivision Ordinance**

Mr. Garrity explained that a public hearing was held on September 15, 2010 to receive public comment on this matter and the record was closed.

Arthur Bustard commented that this is the first development under the Conservation Subdivision Ordinance with TDR's (transfer development rights) from a property on Whitehall Road to North Wales Road.

Susan Caughlan commented that she considered all the conditions in the ordinance and all five conditions were met.

Stephen Quigley commented on time and effort by staff, Board and Engineer to preserve land and this Developer presented the best plan available.

Susan Caughlan commented on the historic house and prefers to have the 1734 house remain.

James Garrity noted that the developer agrees to have the house remain but not restore it.

A motion by Susan Caughlan seconded by Stephen Quigley and passed by all to approve the TDRs from Whitehall Road to North Wales Road with the provision that the historic house on tract 2220 Skippack Pike remain.

James Mollick, Country View Road, expressed his right to object under the Sunshine Law allegedly that the Board of Supervisors took official action without allowing public comment.

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4. MANAGER'S REPORT

a. Authorization to Advertise Zoning Ordinance Amendment

David Burman, Township Manager, reported on the wording for the fence ordinance that previously delayed the advertising.

Rick DeLello, Stony Creek Road, inquired about copies of the ordinance outlining the changes and the availability.

A motion by Susan Caughlan and seconded by Stephen Quigley and approved by all to authorize advertisement of Zoning Ordinance Amendment.

b. Update on Memorial Bench & Tree Program

Mr. Burman informed the Board that the draft policy is almost complete and it will allow the public to purchase benches or trees in various township parks to honor family members.

c. Update on Morris Road Bridge Replacement

After contacting Penn DOT and the PA Turnpike officials, Mr. Burman has learned that the bridge replacement is scheduled to be complete and the bridge should be open in December, 2010.

d. Zoning Hearing Board Report

The last meeting was September 28, 2010. The next scheduled meeting is October 26th – **1 new application, 2 continued applications**

2 CONTINUED APPLICATIONS:

#10-10, North Grange LLC, 3481 Germantown Pike. VARIANCE TO PERMIT A NON-RESIDENTIAL USE OF THE PROPERTY REGARDING THE CONSTRUCTION, OPERATION AND MAINTANENCE OF IMPROVEMENTS INCLUDING STORMWATER MANAGEMENT FACILITY & APPURTENANCES, TRASH & RECYCLABES, PAVED INGRESS, EGRESS AND REGRESS AREA, MATERIALS STORAGE, MATERIAL LOADING AND UNLOADING AND CURB & FENCING.

VARIANCE TO PERMIT THE CONSTRUCTION, OPERATION, AND MAINTANENCE OF IMPROVEMENTS INCLUDING STORMWATER MANAGEMENT FACILITY & APPURTENANCES, TRASH & RECYCLABES, PAVED INGRESS, EGRESS AND REGRESS AREA, MATERIALS STORAGE, MATERIAL LOADING AND UNLOADING, AND CURB & FENCING WITHIN THE FRONT & SIDE YARD SETBACKS.

VARIANCE TO PERMIT THE PRIVACY/ SECURITY FENCE WITHIN THE FRONT YARD SETBACK.

VARIANCE TO PERMIT THE ENTIRE BASIN WITHIN YARD AREA.

VARIANCE TO ALLOW APPLICANT TWO YEARS TO IMPLEMENT IMPROVEMENTS.

Arthur Bustard reviewed the decision not to send the solicitor to oppose the variance stating that in prior years the Township took the property owner to court to bring the property into compliance and this would allow for conditions to be in the zoning decision.

Stephen Quigley disagreed noting that that it will bring economic growth to Worcester and the owner has spent time and money to improve the corner. He further commented that if there are violations in Lower Providence they should appeal to Lower Providence for relief.

Susan Caughlan was concerned with the size of the building and it's proximity to the township boundary line.

Nicholas Imperial, Fisher Road, commented on commercial building close to his property and phone calls to residents.

James Mollick, Country View Road, commented on previous vote not to appeal and meeting with Lower Providence.

Lois Imperial, Fisher Road, commented on loading and unloading in AGR district not being addressed in other areas.

Jeannie Steigerwalt, Grange Avenue, commented favorably on the decision to oppose the application.

Terry Coznell, Grange Avenue, commented on unsightly condition of property and owners abandonment of the property

Phillip Burke, Grange Avenue, commented on business in other people's back yards, restoration of the house on the property, landscaping and capital improvements to the property.

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A motion by Susan Caughlan, seconded by Arthur Bustard to send the solicitor to oppose ZHB application 10-10 North Grange LLC. The motion carried with a two to one vote with Stephen Quigley opposing.

CONTINUANCE REQUESTED BY ZONING HEARING BOARD DUE TO MORE TESTIMONY TO BE HEARD AT THE OCTOBER 26, 2010 MEETING.

#10-12 - **T-MOBILE NORTHEAST, LLC** - 1732 WHITEHALL RD - **VARIANCES FROM THE FOLLOWING SECTIONS OF THE CODE TO PERMIT THE INSTALLATION OF WIRELESS ANTENNAS TO AN EXISTING 92' HIGH PECO TOWER AS A WIRELESS COMMUNICATION USE:**

VARIANCE FROM SECTION 150-11 TO PERMIT THE PROPOSED CELLULAR TELEPHONE USE.

INTERPRETATION AND/OR VARIANCE FROM SECTIONS 150-15 AND 150-187 TO PERMIT CELLULAR TELEPHONE ANTENNAS BE LOCATED ON THE EXISTING PECO TOWER SITE AT A HEIGHT OF 87'.

VARIANCE FROM SECTION 150-13 TO PERMIT A 10' x 20' CONCRETE PAD WITH EQUIPMENT CABINETS WITIHN THE SIDE YARD SETBACK

APPLICANT HAS REQUESTED TO BE HEARD AT THE OCTOBER 26, 2010 HEARING, AFTER A CONTINUANCE HAD PREVIOUSLY BEEN REQUESTED.

NEW APPLICATION

#10-13, 2500 CREEKSIDE DR, ZONED – **"AGR" – CORNER LOT PROPERTY**
VARIANCE TO PERMIT CONSTRUCTION OF A 5' FENCE LOCATED IN THE FRONT, SIDE, AND REAR YARD SETBACKS WITH 4 OPERABLE GATES.
(DUE TO THE PROPERTY BEING LOCATED ON A CORNER LOT THERE ARE 2 FRONT YARDS: SECTION 150-196.)

5. ENGINEER'S REPORT

a. Waiver of SALDO for fence in known easement at 2101 Deep Meadow Lane

A letter was received by the township requesting release from restriction of a fence in easements which is part of the SALDO ordinance. Joseph Nolan requested a legal agreement to be recorded with the property to allow access to the property if necessary in the future.

A motion by Susan Caughlan, seconded by Stephen Quigley approved by all to waive SALDO restriction on a fence in a known easement at 2101 Deep Meadow Lane subject to a recorded written agreement with the owner.

6. OTHER BUSINESS

Stephen Quigley commented on high grass on Germantown Pike at the intersection of Quarry Hall that needs to be addressed.

7. APPROVAL OF THE MINUTES OF SEPTEMBER 15, 2010

Phillip Burke expressed discrepancy in his comments opposing commercial property at Grange Avenue and Germantown Pike that it was for neighbor's property instead. He further corrected his statement about fines being used for revenue, he stated punitive and compliance issues instead.

William Kazimer, Germantown Pike, commented on a discrepancy in his comments about the height of the PECO tower. He had referred to how much higher the antenna will be above the PECO tower.

James Mollick commented on his reference to plural driveways, stating that he only referred to one driveway.

A motion by Susan Caughlan and seconded by Stephen Quigley and approved by all to dispense with the reading of, and approve with the three prior corrections, the minutes of September 15, 2010. (Copies were available for review.)

8. PUBLIC COMMENTS

Rick DeLello commented on the decision to send the solicitor to the ZHB and inquired if the property is in violation as of now.

Phillip Burke inquired if violation notices were issued to the property owner at Grange Avenue and Germantown Pike. He commented that he was initially apposed to the project but after hearing testimony, he changed his mind. He further commented on phone calls by residents to oppose the variance.

James Mollick commented on remarks about residents and from residents, mentioned his equal and civil rights referencing the 14th Amendment, a driveway

issue and the solicitor's opinion, changes in the RTRK procedures, Lower Providence's meetings, the sunshine law, and public comment periods.

William Kazimer commented on the last minute decision by the Board regarding Terra Landscaping and the owner spending money to improve the stormwater and correct flooding issues. He referenced last month's statement by the owner.

Nicholas Imperial commented on the lack of landscaping and stormwater management plans from his neighbor, violations of parking, and inspections of the property by township officials.

Lois Imperial, Fisher Road, inquired if their neighbor had a plan of improvements.

ADJOURNMENT

There being no further business brought before this Board, Mr. Bustard adjourned the regularly scheduled meeting at 8:50 P.M.

Respectfully submitted:

Eunice C Kriebel

Eunice C Kriebel, Recording Secretary

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