WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
MEETING
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA
MONDAY, MAY 3, 2010 ~ 8:00 A.M.

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

PLEDGE OF ALLEGIANCE

ATTENDANCE
PRESENT:

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

INFORMATIONAL ITEMS

None

1. **Manager's Report:**

   a. **MCPC – Alvin Rothenberger Property, 2020 Schultz Road**
   Montgomery County Planning Commission is requesting support of their efforts to preserve this property and enhance the Peter Wentz Farmstead which it adjoins.

   Arthur Bustard noted that it consists of 5.58 acres and the current owner will have life rights to remain in the house.

   A motion by Susan Caughlan and seconded by Stephen Quigley and approved by all to support MCPC grant application for 2020 Schultz Road.

   b. **Request for authorization to advertise AQRC Ordinance**
   Amendment to allow 20% of the dwellings to be occupied by persons of at least 45 years of age. No change is proposed to the section of the ordinance that prohibits persons under 19.

   This item was removed from the agenda and a hearing will be in July, 2010

   c. **Park & Recreation Report**

   1) **Draft Concession Policy Status**
   A draft policy was presented to the Board at the last regular meeting and there have been suggested changes to the draft. Julie Lanzillo, Director of Park & Recreation presented the revised draft of the concession policy.

   There was a discussion of liability, indemnification, grills at Heyser Field, security deposits, recycling, and third party use of concession stands. It was decided that Worcester Public Works Department will mark designated parking area at the Heyser Field location when necessary for an event.

   Final vote was deferred to the May 19th Board of Supervisors meeting.

   Maeve Vogan, Dell Road, commented on the third party use of concession stands.

d. Land Use Report

1) Draft Noise Ordinance Status
Tiffany Loomis, Land Use Officer, presented a draft ordinance.

Stephen Quigley commented on weekend enforcement and lack of training for decibel meter.

James Garrity, Solicitor, commented on enforcement difficulties, certification of individuals using meter, calibration of instruments and the generation of additional complaints.

Susan Caughlan commented on the PECO substation and compliance.

Arthur Bustard commented on ATV and motorcycles concerns.

Mark Landis, Schultz Road, commented on the distance and conditions of measurements.

William Minor, Quarry Hall Road, commented on the quality of life and go carts in the neighborhood on small lots.

James Mollick commented on government regulations.

Gordon Todd, Bustard Road, commented on police enforcement.

Donna Minor, Quarry Hall Road, commented on lack of consistent enforcement policy.

The Board decided to move forward and tighten language to continue to revise the proposed ordinance.

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e. Zoning Hearing Board Report
The last meeting was April 27, 2010.
The next meeting is scheduled for May 25, 2010.

Conclusions/ Decisions of applications:

#09-17, 3214 Fisher Rd. Appeal from an enforcement notice dated July 28, 2009 to permit applicant to store landscaping equipment on their property as part of their landscaping nursery business; alternatively a variance from section 150-11 to permit them to operate their landscaping business. **Applicants have until June 1, 2010 to submit their findings of fact to the Zoning Hearing Board then a decision shall be rendered within 45 days.**

Continued applications:

#07-02, 1545 Kriebel Mill Road: A variance to permit the construction of an additional single family dwelling on a new flag lot. **The applicant requested a continuance to the June 22, 2010 meeting.**

#10-04, 2709 Township Line Road: 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. **The applicant requested a continuance to be heard at the May 25, 2010 meeting.**

#10-05, 2005 Valley Forge Road: A variance from section 150-114 to permit the canopy to encroach into the front yard setback and the district yard setback for a property line with an adjacent single family residential district: A variance from 150-162.1 and 150-162.2 to permit the expansion of a non-conforming structure, including vertical expansion. **The applicant requested a continuance to be heard at the May 25, 2010 meeting.**

#10-06, 3019 W. Germantown Pike: A variance from sections 150-147(D) (F) to permit the replacement and expansion of the existing sign which is non-conforming. **The applicant requested a continuance to be heard at the May 25, 2010 meeting.**

NEW applications to be heard on May 25, 2010:

#10-07, 3111 Heebner Road: Variance from sections 150-37(C) to permit the proposed addition to encroach 5' into the side yard setback; Variance from section 150-181 to permit the proposed chimney to project into the side yard 6 additional inches over the allowance of 18" totaling 24".

#10-08, 3473 Stump Hall Rd. Variance from sections 150-177(B)(3) to permit the construction of a pool located outside the building envelope and section 150-182(A) to permit the construction of a 6' fence within the rear and side yard setbacks.

f. Subdivision & Land Development Report

Land Development application for the DePhillippo property, 1074 Grange Avenue, has been withdrawn.

Jajope Subdivision, North Wales and Morris Roads, has received DEP approval for the planning module.

Terra Landscaping, Grange Avenue, received comments from the Montgomery County Roads and Bridges Department which must be addressed before County recommends approval of the land development.

g. Draft Report of WTPC Zoning Ordinance priorities

1) Prioritize list of ordinances to be revised or added
Susan Caughlan commented on moving up some priorities and inquired about the time frame for revisions.

Arthur Bustard commented on moving forward with the noise ordinance, lot line changes, temporary signs, home occupations, and sport courts noting that the township loses money on ZHB applications and these changes will eliminate the $500 fee to residents.

Susan Caughlan commented on the stormwater and inflow & infiltration and that the grading and excavation ordinance is required.

Andy Detterline, representing Visteon Properties, Morris Road, inquired about the procedure for ordinance review.

2. Engineer's Report

a. 1653 Landis Road, Seaman Property
Joseph Nolan, Township Engineer, prepared a review letter on the property at the request of the Township. Necessary swale and drainage work will be done by the Township and the homeowner will do driveway improvements to eliminate the flooding on the road and property.

b. Status of Road Projects
CKS Engineers will prepare contract documents to proceed after school is out of session.

The Wentz Church Road Bridge replacement will proceed after school is out and the preconstruction meeting was deferred.

3. **Solicitor's Report**

   a. **Executive Session report**
   There was an Executive Session following the April 21, 2010 Board meeting to discuss possible litigation and real estate purchase.

   b. **Preserve at Worcester – Oversight Agreement**
   The developer has agreed to one final change and the Township is waiting for a response from Little Washington regarding an indemnification clause.

   James Mollick, Country View Lane, commented on the location of the Preserve at Worcester and Board conflict of interest.

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4. **Other Business**

   a. **Memorial Benches – Heebner Park**
   Susan Caughlan commented that requests have been made to the Township for memorial benches and referenced other municipalities with similar policies.

   Stephen Quigley commented on setting policy that can not be stopped when parks have sufficient benches and inquired if other Townships have provided input to problems that might be associated with the benches or policy.

   Susan Caughlan suggested the Township set fees, location and installation procedures.

   David Plager, Fieldcrest Way, commented on his contribution of a memorial bench to the park several years ago indicating that it is a good policy.

   Julie Lanzillo, Park & Recreation Director, will research maintenance issues and other Township policies and concerns.

   b. **Morris Road Traffic Detour Update**
   David Burman, Township Manager, reported that implementation of the detour has been delayed until 2:00 Tuesday, May 4th, 2010. Montgomery County Roads and Bridges Department has been contacted with regards to the Schultz and Weber Road intersection and has approved installation of a temporary three way stop. The Pennsylvania Turnpike Commission is working with the Township and will install warning beacons and remove right hand turn signs at the intersection.

   Mark Landis, Schultz Road, commented about flashing lights in from of his property, traffic signals at Skippack Pike, and the cost of road repair due to increased traffic.

   c. **Alternate Uses of Park Fields**
   Susan Caughlan commented on fields located in the park areas that are not currently being utilized for athletics and suggested alternate use to eliminate weekly mowing.

   Thomas Bookheimer, Roadmaster, suggested mowing the field west of the ball field on Heebner Road and along the Hollow Road trail twice a year instead of fine mowing weekly.

   Arthur Bustard commented that Heyser Field must be mowed more frequently.

   Thomas Bookheimer is to present a mowing management proposal to the Board.

5. APPROVAL OF THE MINUTES OF April 5, 2010

The written minutes were inadvertently omitted from the packets for the Board of Supervisors and public so approval of the minutes was tabled until the June 7, 2010 meeting.

Stephen Quigley commented about a recording device to eliminate controversy.

PUBLIC COMMENTS

Richard DeLello, Stoney Creek Road, inquired about a possible ZHB decision appeal for 3214 Fisher Road and the township's position and a request for a speed study in Stony Creek Development.

James Mollick, Country View Way, commented on the Preserve at Worcester, campaign contributions, campaign listings, meetings, Appeal 10-64, attorney client privilege, websites, and e-mail chains.

ADJOURNMENT

There being no further business to come before this Board, Mr. Bustard, adjourned the regularly scheduled work session of the Board of Supervisor's Meeting at 9:42 A.M.

Respectfully submitted:

Eunice C. Kriebel

Eunice C. Kriebel, Assistant Recording Secretary

WORCESTER TOWNSHIP
WORCESTER TOWNSHIP BOARD OF SUPERVISORS
WORCESTER TOWNSHIP COMMUNITY HALL
FAIRVIEW VILLAGE, PA.
WEDNESDAY, MAY 19, 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 ☒

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INFORMATIONAL ITEMS:
NONE

1. TREASURER'S REPORTS
The Treasurer's reports for April, 2010 net change on cash basis:

April 2010 Report:

General Fund	($100,185.11)
State	$166,679.22
Capital Reserve	$152,385.48

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

James Mollick, County View Lane, commented on road and management expenses.

Maeve Vogan, Dell Road, commented on the detail of the Treasurer's Report.

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 $241,902.22.

3. MANAGER'S REPORT

a. RESOLUTIONS:

2010-10: Adoption of Updated Emergency Operations Plan
David Burman, Township Manger, explained that this was prepared by the Township's

Emergency Management Coordinator, John Kelly, and it brings the Township into compliance with the state and federal programs. This will assist the Township and Fire Department in obtaining emergency funding if needed.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to approve Resolution 10-10.

2010-11: Adoption of Amendment to Act 537 Plan for On-Site Sewage Related to Kibblehouse Subdivision

This is an amendment to the official Township Plan. This is a formality required by DEP.

Susan Caughlan stated that this is not a motion for public sewer but conformation of on-lot septic systems per the approved plan.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to approve Resolution 10-11.

b. Morris Road Detour: Update

David Burman noted that the Township has received complaints regarding the backup of traffic on Valley Forge Road at the intersection of Stump Hall Road and at the intersection of Skippack Pike. Township officials have met with URS Corporation, Engineers for the Pa Turnpike widening, and McMahon Associates, Township Traffic consultants. A survey and timing of the traffic lights will be completed and the Township will work with the PA Turnpike Commission for additional signage.

Susan Caughlan thanked the residents for their information and patience.

Stephen Quigley commented on the night noise at the Morris Road bridge re-construction site and commented on the lack of signage on Morris Road.

c. Noise Ordinance: Status of Draft and Additional Recommendations

Mr. Burman stated that there are two separate areas of concern. One ordinance will address heavy and industrial equipment noise and another ordinance will be drafted for residential equipment noise. He noted that the drafts should be complete by the work session on June 7, 2010. He further commented that there is no measurable way to determine level of noise generated from ATV and motorcycles since they move or stop when measurements are being recorded. He will research other neighboring municipalities and possibly set hours of operation and set back restrictions.

d. Park Concession Policy: Status of Draft

Mr. Burman commented that the staff is working on a revised draft.

e. Sunny Brook Development: Request for Speed Limit Signage

The Township is reviewing and will report recommendations after downloading real time data from the portable speed sign to determine actual speeds. Concerns will then be addressed.

f. Zoning Hearing Board Report
The last meeting was April 27, 2010.
The next meeting is scheduled for May 25, 2010.

Continued applications:

07-02, 1545 Kriebel Mill Road.: A variance to permit the construction of an additional single family dwelling on a new flag lot. The applicant requested an indefinite continuance on June 7, 2007. 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.

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09-17, 3214 Fisher Road: Appeal from an enforcement notice dated July 28, 2009 to permit applicants to store landscaping equipment on their property as part of their landscaping and nursery business; alternatively a variance from section 150-11 to permit them to operate their landscaping business. Applicants have until June 1, 2010 to submit their findings of fact to the Zoning Hearing Board then a decision shall be rendered within 45 days.

NEW applications continued from April 27:
10-04, 2709 Township Line Road: Clearwire USA, LLC, a variance to permit the installation of antennas to an existing water storage tank and place related equipment adjacent to the tank base on the subject property for the construction and operation of an unmanned fully automated wireless communications facility. Continuance requested by applicant for indefinite time while they search for another Township site.

#10-05, 2005 Valley Forge Road: HMB Realty, LLC, a variance to permit the canopy to encroach into the front yard setback and the district yard setback for a property line with an adjacent single family residential district AND to permit the expansion of a non-conforming structure, including vertical expansion. An indefinite continuance was requested by the applicant. This application was reviewed by the Worcester Township Planning Commission and they recommended an alternative design for the canopy.

#10-06, 3019 West Germantown Pike: a variance to permit the replacement of the existing sign which is non-conforming. Continuance requested by the applicant to be heard at the May 25, 2010 meeting. The Worcester Planning Commission recommended that they adhere to the current zoning.

New Applications to be heard May 25:

#10-07, 3111 Heebner Road, VARIANCE TO PERMIT THE PROPOSED ADDITION TO ENCROACH 5' INTO THE SIDE YARD SETBACK. VARIANCE TO PERMIT THE PROPOSED CHIMNEY TO PROJECT INTO THE SIDE YARD 6 ADDITIONAL INCHES OVER THE ALLOWANCE OF 18" TOTALING 24".

#10-08, 3473 Stump Hall Road, VARIANCE TO PERMIT THE CONSTRUCTION OF A POOL LOCATED OUTSIDE THE BUILDING ENVELOPE AND THE CONSTRUCTION OF A 6' FENCE WITHIN THE REAR & SIDE YARD SETBACKS.

#10-09, 1770 Hawks Nest Lane, VARIANCE TO PERMIT THE CONSTRUCTION OF A POOL LOCATED OUTSIDE THE BUILDING ENVELOPE AND TO PERMIT THE CONSTRUCTION OF A 6' FENCE WITHIN THE REAR YARD SETBACK.

Arthur Bustard expressed concerns about Application 10-05 and the Township Planning Commission recommendations if the Applicant incurs additional expenses revising their plans only to have the Zoning Hearing Board entirely deny the application.

Robert Hayes, Planning Commission member, commented that there were only three members reviewing the application and it was a split opinion regarding the type of roof.

James Garrity, Township Solicitor, stated that the Planning Commission does not have the right to give the ZHB direction.

Stephen Quigley stated that the decision should be left to the Zoning Hearing Board.

Arthur Bustard commented that the Planning Commission can review for compliance with the Township Comprehensive Plan but should report their recommendation to the Board of Supervisors to be relayed to the Zoning Hearing Board.

Gordon Todd, Planning Commission Chairman, stated that the Planning Commission should review sign and canopy applications for prominent areas of the Township because they affect the entire Community. He also acknowledged that he is the architect for the, HMB Realty, LLC, and the revision costs will not be excessive.

James Garrity noted that Zoning Hearing Board applicants have 60 days to be heard and decision should be made based on zoning, not aesthetics. If the variance is granted, the Boards will have input when the process goes to the Land Development stage. He further stated that the Township needs to set procedure to eliminate continuance requests.

Susan Caughlan commented on Application 10-09, Hawks Nest Road, stating that the requested variance for relief from the rear yard set back is very close to Township

Property that will be utilized in the future for trails and may not be an appropriate variance. She recommended relocation of the pool and pool house.

Stephen Quigley noted that some trails in Heebner Park are near to back yards and do not affect the walkers in the park or the near neighbors.

Arthur Bustard stated that it is the job of the Zoning Hearing Board and if the Township Board has concerns, they should send a letter to the ZHB to express concerns.

Stephen Quigley commented on the School Board meeting being held in a small room and the Township should address the code to see if there is an occupancy violation. He also noted trash behind the vacant bank building on Germantown Pike.

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Herbert Rothe, School Board Member, commented on both auditoriums being in use at school but stated there was sufficient seating for all.

Arthur Bustard stated that the Township Manager is in contact with the School Superintendent and he will relay the concern.

Ronald Evans, Kriebel Mill Road, commented on empty seats at the School Board meeting.

4. SOLICITOR'S REPORT

a. Executive Session Report

There were no executive meetings since that last one was announced at the work session.

b. Appointment of Solicitor for UCC Board of Appeals

James Garrity noted the receipt of an appeal to the UCC Board and the Township must amend the UCC resolution to appoint a solicitor to represent the Board.

Arthur Bustard recommended the ZHB solicitor also represent the UCC Board since he is familiar with the Township.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to approve the appointment of the firm of Robert Brant, Esquire, to represent the UCC Board of Appeals.

Nicholas Imperial, Fisher Road, commented on the last executive session.

James Mollick commended about possible conflicts of interest with Mr. Brant.

c. Mill Road Stop Sign and Speed Ordinance: Authorization to Advertise

Mr. Garrity noted that copies of the ordinance were in the Board's packets and requested authorization to advertise Ordinance 2010-226.

Arthur Bustard commented that this will authorize the speed limit to be reduced to 25 MPH and stop signs to be installed.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all to approve the advertisement of Ordinance 2010-226.

d. Worcester Beverage: Status of Application for Liquor License

Mr. Garrity announced that this is a transfer of a beer distributor license, RE: LID 63574, from Norristown Borough to Worcester Township to be located in the shopping center at Routes 363 and 73. Pennsylvania Municipal law requires township review of the transfer. He suggested that the applicants can address the Board if they have concerns. He further commented that the PA Liquor Board regulates hours of operations.

Stephen Quigley commented on parking and safety issues, late night trucks and forklifts and inquired if the Planning Commission will have the opportunity to review but has no concerns with accepting the liquor license.

Arthur Bustard stated that the shopping center has been in existence for years and the beer distributorship is not expanding the footprint of the building and they have a driveway and access behind the store.

Susan Caughlan stated that she does not want to micromanage Township businesses.

James Mollick commented on the significant investment by this applicant.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all a motion to approve as the receiving municipality the transfer of the distributorship license #D-3086 to the Center Point Shopping Center, LP located at, 2960 Skippack Pike, Norristown, Pa 19403.

e. Resolution 2010-12 Acceptance of Deed of Dedication and Easement for Sunny Brook Pump Station.

Upper Gwynedd Township cannot own facilities outside their township boundaries so Worcester Township will accept the title and the Upper Gwynedd Towamencin Sewer Authority operates and maintains the pump station.

A motion by Susan Caughlan, seconded by Stephen Quigley, and passed by all a motion to approve Resolution 10-12.

5. ENGINEER'S REPORT

a. Project Status

Joseph Nolan, Township Engineer, reported that he submits a monthly status report to the Board of Supervisors each month. Finalization of the 2010 road project is underway with bid openings scheduled in time for awarding at the July 21, 2010 meeting. Repair work is being done on Woodlyn Road prior to being overlaid by the Developer of the Stables.

Stephen Quigley inquired about the status of the Center Point Sewer Study for Hickory Hill Road and Center Point.

Mark Landis, Schultz Road, commented on the Reimel property status.

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6. OTHER BUSINESS

None

7. APPROVAL OF THE MINUTES OF April 21, 2010

A motion by Susan Caughlan and seconded by Stephen Quigley and approved by all to dispense with the reading of, and approve as written, the minutes of April 21, 2010. (Copies were available for review.)

8. **PUBLIC COMMENTS**

Mark Landis commented on the new manager, night work on the Turnpike, the proposed noise ordinance, and sound barriers for the Turnpike.

Nick Imperial commented on a dump in Worcester on wetlands and well contamination concerns

Gordon Todd commented on draft report of ordinances from the Planning Commission and requested Joseph Nolan's attendance at a future meeting for input.

James Mollick commented on Zoning Hearing Board process, layers of government, Worcester Preserve, campaign contributions, legal actions causing Township expense, and a RTK request

Mark Landis commented on a neighbor's concerns about a restaurant in the Township becoming a nightclub.

Richard DeLello, Stoney Creek Road, commented on the restaurant's owners having multiple facilities.

Maeve Vogan commented on the parking at the restaurant.

ADJOURNMENT

There being no further business brought before this Board, Arthur Bustard adjourned the regularly scheduled meeting at 9:04 P.M.

Submitted:

Eunice C. Kriebel, Assistant Recording Secretary