

**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS' AGENDA #03-2019  
February 5, 2019  
8:00 PM**

1. Salute to the Flag.

**ANNOUNCEMENT**

The Zoning Hearing Board will hold two hearings this month:

- February 13<sup>th</sup> Case #2161-18 continued from January 17<sup>th</sup>  
at Montgomery County Community College
- February 21<sup>st</sup> New cases as listed in this agenda in the  
Township Administration Building

2. Mission Moment

3. Presentation Whitpain Recreation Association

4. Consent Agenda:

- a. Motion to approve the minutes of the Board of Supervisors' meeting of January 15, 2019.
- b. Motion to approve the final December 2018 Voucher List totaling \$626,609.91, check sequence #65852 through #66218.
- c. Motion to approve the January 2019 Voucher List totaling \$799,960.93, check sequence #66219 through #66402.
- d. Motion to approve the November 2018 Treasurer's Report.
- e. Motion to approve the Decision and Order for CU#37-18, Lamar Advertising of Penn, LLC.
- f. Motion to authorize the Police Department to sell the following surplus equipment on Muncibid: (1) 2007 B & W Custom Truck Beds trailer, VIN 1B9BR10167H6590006 with digital MPH speed display; and (1) 2013 Ford Interceptor, VIN 1FAHP2MT5DG131961.
- g. Motion to sponsor, establish, participate in, or administer a cooperative purchasing agreement for the procurement of any good, materials and equipment or services with another public procurement unit as defined in

the Commonwealth Procurement Code. This includes but is not limited to the following cooperative purchasing programs:

- authorize Whitpain Township to piggyback the PA General Services Contract Program (Costars) for 2019. This will include the purchase of highway materials, vehicles, equipment and supplies, as needed.
  - authorize Whitpain Township to piggyback the (NJPA) National Joint Powers Alliance Contract for the calendar year of 2019.
  - authorize Whitpain Township to piggyback the (TIPS) The Inter-local Purchasing System Contract for the calendar year of 2019.
  - authorize Whitpain Township to piggyback the H-GAC (Houston-Galveston Area Council) for cooperative purchases for 2019.
- h. Motion to extend the 2018 Road Resurfacing Contracts for 2019 and to include the Montgomery County Consortium of Communities and any member municipality or municipal authority of the Montgomery County Public Works Association. This motion will authorize Whitpain Township to piggyback the Montgomery County Consortium of Communities and/or any individual Consortium municipality for the purchase of materials and supplies they bid in 2019. This bid will include but not limited to Novachip, Micro Surfacing, Ralumac, Ultra-Thin Bonded Wearing Course Paving, Crack Sealing and patching materials, this motion will allow the same communities to piggyback our bids (Whitpain Township) in 2019.
- i. Motion to advertise for bids for the Collection and Disposal of Municipal Residential Leaves and Leaf Waste for the remainder of 2019 and 2020.
- j. Motion to authorize Whitpain Township to dispose of Township personal property by public auction for the calendar year 2019, utilizing JJ Kane Auctioneers, Municibid, or Pennbid (the on-line auction service of the Commonwealth of Pennsylvania).
- k. Motion to extend the 2017 ADA Ramp Modification Contract for 2019 to Ply-Mar Construction.
- l. Motion to authorize the Township Manager to advertise for bids for siding replacement of the exterior wood siding around the police building and courtyard.

- m. Motion to pass Resolution No. 1271 authorizing the Chairman of the Board of Supervisors to sign an Application for Traffic Signal Approval to be submitted to the Pennsylvania Department of Transportation. The application is required in order to install modifications to the existing traffic signal located at the intersection of Wentz Road, Parkwood Road and Skippack Pike.
  - n. Motion to approve the 2018 Planning Commission Annual Report per requirements of the Pennsylvania Municipalities Planning Code Article II Section 207 (a).
  - o. Motion to award the contract for the Wissahickon Creek Stabilization & Enhancement Project to SJM Construction Company, Inc. of Spring House, PA in the low bid amount of \$337,600.00 (contract bid amount includes work associated with areas #1, #3 and #6 only). This award is contingent upon the review of the bid documents by the Township Engineer and the Township Solicitor.
  - p. Motion to pass Resolution No. 1272 authorizing the filing of the RACP Formal Application and Business Plan.
  - q. Supervisors to consider a request from ACTS Retirement Life Communities, Inc. for a waiver from the requirement of preparing a land development plan to construct a new concrete pad for the installation of a new generator near the Central Facility building at Normandy Farms Estates. The location address is 9000 Twin Silo Drive. The waiver from land development is conditioned upon the review and approval of the site plan by the Township Engineer.
5. Does the Board of Supervisors wish to take any action on the following Zoning Hearing Board cases scheduled to be heard February 21, 2019?

**NO. 2175-19: CHRISTINA HAYES AND ANDREW GAJAN** request variances from Article XXIX, Section 160-222 relating to Building, Article XXIX, Section 160-225 relating to Extension of Non-Conforming Use, Article V, Section 160-15 relating to Front Yards and Article XXVIII, Section 160-202 relating to Residential Projections into Front Yards with respect to their property located at 383 School Rd., Blue Bell, PA in the Township's R-1 Residential District. In addition, Applicants request a determination by the Zoning Hearing Board pursuant to Section 160-224, Discretion of Zoning Hearing Board, that the construction of a 230 square foot addition onto the residence at the property will not impermissibly change or alter the existing non-conforming front yard setback dimension along Morris Road in violation of the Ordinance. Applicant's requested relief, if granted, will allow Applicant to construct the said addition onto the residence which will project into the front yard when the Ordinance

prohibits same and will reduce the front yard setback along School Road to 30.5 feet and the setback along Morris Road to 35 feet when the Ordinance requires a minimum of 50 feet. Applicants' requested relief, if granted, will also result in a determination by the Zoning Hearing Board that the present non-conforming front yard setback along Morris Road is not impermissibly changed or altered by the construction of the addition in violation of the Ordinance.

**NO. 2176-19: D. TUFILLARO & SONS, INC.** requests the following relief with respect to the property located at 1700 DeKalb Pike, Blue Bell, PA in the Township's C-Commercial District:

- A. Applicant requests variances from Article XXVII, Sections 160-192.B.1 and 160-192.B.2.i related to Required Off Street Parking Facilities, Article XXIX, Section 160-189.B related to General Regulations, Article XXVII, Section 160-121.C related to Area, Width and Yard Regulations, Article XXVII, Section 160-214.C.1 related to Green Area Regulations and Article XXIX, Section 160-189.B related to signage.
- B. Alternatively, Applicant seeks a determination by the Zoning Hearing Board pursuant to Article XXIX, Sections 160-222 related to Buildings, Section 160-225 related to Extension of Non-Conforming Uses and Section 160-228 related to Registration of Non-Conforming Uses and Structures that the property shall, after a taking by the Pennsylvania Department of Transportation, continue as an existing non-conforming property with respect to: (a) the number of required parking spaces; (b) the depth of the front yard set-back; and (c) the percentage of Green Space; and (d) the location of a replacement sign.

Applicant's requested relief, if granted will result in the Applicant being permitted to continue to use the property after the PennDOT taking: (a) with only 11 parking spaces when the Ordinance requires a minimum of 19 spaces; and (b) with a Green Space of 17.92% when the Ordinance requires a minimum of 35%; and (c) with a front yard setback of 22.3 feet when the Ordinance requires a minimum of 25 feet; and (d) with a replacement sign located within the Route 202 right-of-way when the Ordinance prohibits same.

**NO. 2177-19: ELU BEACHCOMBER, LLC** requests variances from Article XXV, Sections 160-175.C and 160-175.E relating to Uses Permitted by Special Exception and Article XXXI, Section 160-241 relating to Expiration of Special Exceptions and Variances to allow the construction of a culvert and roadway upon the premises located at 652 DeKalb Pike, Blue Bell, PA, in the Township's R-3B Residential/Floodplain Conservation District more than six months after the requested relief, if granted, is approved. Applicant's requested relief, if granted, will permit the Applicant to construct the culvert and roadway in a floodplain

conservation district when the Ordinance allows such improvements to be constructed only by the grant of a Special Exception. Further, Applicant's requested relief, if granted, will allow Applicant a total of eighteen months within which to obtain a building permit to construct the culvert and roadway when the Ordinance allows only six months from the date the requested relief is granted.

**NO. 2178-19: CA SENIOR LIVING HOLDINGS, LLC** requests variances from Article XXVII, Sections 160-192.B and 160-192.B(1)(f) relating to Required Off-Street Parking Facilities to allow Applicant to construct 90 parking spaces and hold 45% of those spaces in reserve on the property located at 435 Skippack Pike, Blue Bell, PA, in the Township's IN-Institutional District. Applicant's requested relief, if granted, will permit the Applicant to build 90 parking spaces when the Ordinance requires a minimum of 160 spaces and hold 45% of the parking spaces in reserve when the Ordinance permits a maximum of 25% of the spaces to be held in reserve.

**NO. 2179-19: GARY J. KUSTRA** requests variances from Article V, Sections 160-17 relating to Side Yards for Single Family Dwellings and Article XXVIII, Section 160-203 relating to Residential Projections into Side Yards to allow the construction of an addition to the residence located at 942 Valley Rd., Blue Bell, PA, in the Township's R-1 Residential District. Applicant's requested relief, if granted, will allow the Applicant to construct the addition which will project into the side yards when the Ordinance prohibits same. Applicant's requested relief, if granted, will also reduce one side yard to a width of 42.4 feet and the other side yard to a width of 23.9 feet when the Ordinance requires a minimum width of 45 feet and will reduce the aggregate side yard width to 66.1 feet when the Ordinance requires a minimum of 100 feet.

**NO. 2180-19: BARBARA AND RAYMOND SOLY** requests variances from Article V, Sections 160-17 relating to Side Yards for Single Family Dwellings, Article V, Section 160-19 relating to Rear Yards, Article XXVIII, Section 160-203 relating to Residential Projections into Side Yards and Article XXVIII, Section 160-204 relating to Residential Rear Yard Intrusions to allow the construction of a 24' by 30' two car garage onto the residence located at 1315 Lee Rd., Blue Bell, PA, in the Township's R-1 Residential District. Applicant's requested relief, if granted, will: (a) allow the Applicant to construct the addition which will project and intrude into the side and rear yards when the Ordinance prohibits same; and (b) reduce one side yard to a width of 26 feet when the Ordinance requires a minimum width of 45 feet and will reduce the aggregate side yard width to 70 feet when the Ordinance requires a minimum of 100 feet; and (c) reduce the minimum required rear yard depth of 75 feet to 48 feet.

**NO. 2181-19: MATHERS ROAD, LP** requests variances from Article XII, Section 160-61.G relating to Area Regulations to allow the construction of a single story addition to the residence located at 299 Mathers Rd., Blue Bell, PA,

in the Township's R-5 Agricultural/Rural Residence District. Applicant's requested relief, if granted, will allow the Applicant to construct the one story addition which will reduce the required minimum side yard width from 40 feet to 28.4 feet.

**NO. 2182-19: ABP INVESTMENTS, INC** intends to subdivide its property located at 334 Railroad Ave., Blue Bell, PA in the Township's R-4 Village Preservation District into five separate lots and, in connection therewith, requests variances from Article XI, Section 160-56.A relating to Developmental Regulations, Article XXVIII, Section 160-214.C.1 relating to Green Area Regulations and Article XXVII, Section 160-197 relating to Parking Set Back from Ultimate Right of Way with respect to the property. Applicant's requested relief, if granted, will:

- A. Allow Lots 2 and 5 to have a minimum lot area of 1,955 square feet and Lots 3 and 4 to have a minimum lot area of 1,710 square feet when the Ordinance requires a minimum lot area of 3,000 square feet; and
  - B. Allow for no rear yard on Lot 2 and a 5 foot setback on Lots 3, 4 and 5 when the Ordinance requires a minimum of 35 feet; and
  - C. Allow a 3.7 foot front yard setback for Lots 2 and 5 and a 4.87 foot front yard setback on Lots 3 and 4 when the Ordinance requires a minimum of 10 feet; and
  - D. Allow Lots 2 and 5 to have 48.7% building coverage and Lots 3 and 4 to have 56.14% building coverage when the Ordinance prohibits more than 40% building coverage; and
  - E. Allow Lot 1 to have a side yard width of 8 feet when the Ordinance requires a minimum of 15 feet; and
  - F. Allow 39.8% green area on Lot 1, 34.9% green area on Lot 2, 27.5% green area on Lots 3 and 4 and 33.1% green area on Lot 5 when the Ordinance requires a minimum of 50% green area; and
  - G. All parking spaces on the property to be within 5 feet of the ultimate right-of-way line.
6. Public Comment.
  7. Old Business/New Business/Closing Comments (Supervisors).