

**LOWER GWYNEDD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
TUESDAY, NOVEMBER 9, 2021**

SUPERVISORS PRESENT:

Mark Grey, Chairman
Danielle A. Duckett, Vice-Chair
Edward J. Brandt
Kathleen Hunsicker
Tessie McNeely

STAFF:

Craig T. McAnally, Township Manager
Jamie Worman, Assistant Township Manager
Neil Stein, Esq., Solicitor
Paul Kenny, Police Chief
Fred Zollers, Public Works Director
Jim Hersh, Township Engineer
Chad Dixson, Township Traffic Engineer
Ken Amey, Zoning Officer
Chuck Wilson, Finance Director

Call to Order and Pledge of Allegiance

The Chairman called the hybrid meeting to order at 7:00 p.m. at the Lower Gwynedd Township Building and virtually on Zoom and led those in attendance in the pledge of allegiance. The Chairman stated the Board of Supervisors met in an Executive Session before the meeting on a personnel matter.

Announcement: Tonight's Board of Supervisors meeting is being video recorded.

BUSINESS AND FINANCE

Receipt of Minutes: October 12, 2021 and October 18, 2021

The Board of Supervisors received the October 12, 2021 and the October 18, 2021 meeting minutes. There were no comments. Ms. Hunsicker made a motion, seconded by Ms. Duckett to approve the October 12, 2021 and October 18, 2021 meeting minutes. The motion passed 5 - 0.

Receipt of Invoice History: September 2021

The Board of Supervisors received the Invoice History for the month of September 2021 in the amount of \$566,289.75. There were no comments. Ms. Hunsicker made a motion, seconded by Ms. McNeely to approve the September 2021 Invoice History. The motion passed 5 - 0.

Authorization to Advertise the Draft 2022 Budget & Fiscal Plan

Mr. Grey explained that the Township Manager held a budget workshop meeting on October 18th, 2021 and did a good job going over the capital projects planned for 2022 and the budget in general. Tonight,

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we are requesting authorization to advertise the draft budget and it will be available for public review. Ms. McNeely questioned the schedule for adoption following the advertisement. Mr. McAnally replied that the final budget will be before the Board for approval on December 14th, 2021. Prior to that time, if anyone has any input, questions, or issues they can email the Township Manager. Ms. Hunsicker made a motion to authorize the advertisement of the proposed 2022 Budget & Fiscal Plan. Ms. McNeely seconded the motion. The motion passed 5-0.

Authorization to Advertise Requests for Proposals for Auditing Services (3-Year Contract)

Mr. McAnally explained that the Township goes out every three years for professional auditing services for pricing and to not have the same auditors over and over again. Barbacane Thornton are the current auditors and have been awarded the contract the last two cycles for a period of six years. Ms. Duckett made a motion to authorize the advertisement of an RFP for Auditing Services. Ms. Hunsicker seconded the motion. The motion passed 5-0.

BUILDING AND ZONING

Resolution No. 2021- : Providing the Findings of Fact, Conclusions and Decision of the Board of Supervisors on the Conditional Use Application of Cedar Hill Development Group

Mr. Ed Hughes, Esquire was present to represent the Cedar Hill Development Group. Mr. Hughes stated that his client is agreeable to all of the conditions contained within the order. Mr. Grey questioned the issue of contiguous open space and stormwater management facilities. Mr. Hughes explained that the stormwater management will be reviewed in better detail during the land development process. He continued that the applicant has looked into a different arrangement of the open space to make it more contiguous, but determined that it would impede the stormwater management design. Ms. Duckett confirmed that the applicant was agreeable to the condition of the basin fencing and the bus stop installation. Ms. Hunsicker questioned if the applicant would agree to an arborist report. Mr. Hughes confirmed that the applicant is agreeable. Ms. Debra Schaffer, 823 Penllyn Pike, questioned the parking. Mr. Hughes replied that parking will be addressed in the subdivision/land development process. Mr. David Smeltzer, a resident from Wooded Pond, questioned the concern over the number of homes that was discussed at the hearing. Mr. Grey deferred to the Township Engineer. Mr. Jim Hersh, Township Engineer, explained that the layout as presented located the stormwater management facilities in the place most suitable. Ms. Duckett clarified that if lots were decreased in order to make the open space more contiguous the stormwater management design would still be impacted. Mr. Hersh replied that their layout as presented meets the criteria of the cluster development. Their case is also that the open space meets the ordinance as well. Mr. Smeltzer questioned the runoff issue discussed at the hearing. Mr. Hersh explained that they are required to reduce the volume and rate of runoff on their property, so it won't increase runoff onto Wooded Pond and should improve it. Mr. Ed Greer, resident from Wooded Pond, commented that we won't know if the stormwater has been mitigated until there is a storm. Mr. Grey replied that engineering is being done to address the future storms. Mr. Neil Stein, Township Solicitor, added that the Township requires stormwater management operations & maintenance agreements for land development projects recorded against the properties. These agreements require adherence to our ordinance and for the applicant to make modifications to the satisfaction of the Township Engineer. Mr. Smeltzer questioned the 80% reduction in runoff that was discussed at the hearing. Mr. Hughes referenced condition 10 regarding the stormwater management facilities being

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installed to the satisfaction of the Township Engineer in the first phase of development. Mr. Grey continued if there is a problem with the run-off, we have a remedy. Their engineer did say it will reduce runoff; our engineer is saying it won't increase it. Ms. Duckett asked what the baseline is and how can we tell if it is reduced or if it is increased. Mr. Hersh replied that the applicant's engineer needs to supply calculations that we review during land development. The baseline is the model of what is there today and then what is calculated determines the improvements needed. Mr. Brandt suggested that these issues be noted and addressed through the land development process. Melinda Wolff, resident from Wooded Pond, stated that it is a matter of managing expectations. They expect it to be better not just neutral. She also questioned the lack of notification of this meeting as they received notification of the hearing. Mr. McAnally replied that notifications are required to be sent for conditional use hearings. Ms. McNeely questioned what step in the process is the conditional use approval. Mr. Stein replied that it is step one. Mr. Brandt made a motion to approve the conditional use application for the Cedar Hill Development Group as presented in the decision and order. Ms. Hunsicker seconded the motion. The motion passed 5-0.

Discussion of Requested Waivers: 776 Johns Lane Subdivision (#21-02SUBD)

Ms. Christen Pionzio, Esquire was present on behalf of the applicant Martin Hughes. Ms. Pionzio gave an overview of the property located on Johns Lane and the proposed subdivision. She noted how heavily wooded the property is and pointed out the numerous environmentally sensitive areas. Due to the conditions on the site, the applicant is proposing 4 new building lots instead of the 12 lots he could propose by right. She continued that the project went through a zoning hearing and was granted the required relief, and most recently, received a recommendation for preliminary approval from the Planning Commission. They are before the BOS tonight to discuss the waivers requested with this project. Mr. Brandt questioned parking on one side of the street and what the plans are for lot #3. Ms. Pionzio replied that the Hughes are keeping that lot; there will not be a home there. Ms. Rachel Sclan Vahey, Landscape Architect, reviewed the enhanced landscape plan. She went over the areas where added buffering is proposed. She stressed that this is a very low impact development. Ms. Pionzio then went through each waiver contained in the waiver request letter from Woodrow & Associates dated May 7, 2021. In particular, she noted that they are seeking a tree replacement waiver as it is almost impossible to comply with this requirement. Relief is also sought from widening, curbing, and sidewalk on the surrounding roadways and sidewalks and curbing within the subdivision. They are also requesting a waiver from installing a pedestrian trail, to permit a reduced cartway width, to use a reduced size HDPE pipe, and to install an underdrain for road construction. Ms. Hunsicker asked for Ms. Vahey to expand on the reforestation aspect of this project. Ms. Vahey explained that they will be removing invasive species, including the Tree of Heaven which attracts Spotted Lanternflies. Mr. Brandt questioned if the waivers requested differ from those requested at the Planning Commission meeting. Ms. Pionzio replied that they do not. She added that they actually have one less because it was not needed. Mr. Brandt commented that he was impressed the applicants are proposing only 4 lots instead of 12. Ms. Duckett questioned if they were equating shrubs with trees. Ms. Pionzio replied that they did use the addition of the shrubs to reduce the caliper inches but that it was in replacement of dead trees. Ms. Duckett confirmed that the applicant is requesting complete relief from the required caliper inches of tree canopy. Ms. Duckett questioned if the removal would be similar to the devastation in Maple Glen following IDA. Ms. Pionzio replied that it would not be like that. Ms. Pionzio also added that they will offer a donation or fee in lieu of for the tree waiver. Ms. McNeely asked if they looked at the possibility of wetlands on the property.

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Ms. Pionzio replied that the wetlands and any other environmental feature have been identified on the plan. Lorette Cuff, 332 Kenilworth Lane, commented that she had two concerns about wildlife being pushed out causing a hazard and the failure of people to stop at the stop sign. She stated that she sees a negative impact unless these issues are addressed. Mr. Grey questioned if a traffic study was performed. Mr. Chad Dixon, Township Traffic Engineer, replied that they are conducting one now even though it is not required for this development. They are doing one for the stop sign that is proposed. Mr. Brandt noted that the stop sign issue and cut through traffic is a major concern. Mr. Dixon replied that they are evaluating traffic calming measures and looking at ways to eliminate or reduce cut through traffic. Mark Ferraro, Upper Dublin resident 604 Tennis Avenue, explained that he lives across the street from this property. He stated that this area is notorious for flooding. He is concerned that if all of the trees are removed the water will not be absorbed. Ms. Pionzio explained that as it is today there are not stormwater management facilities, so what is proposed will only help the flooding issue not exacerbate it. Mr. Grey added that he lives across the street and is very familiar with the site and the water issues in the area. Ms. Melinda Wolff, resident from Wooded Pond, questioned if the rain garden was on an individual lot and who maintains it. Ms. Pionzio stated an HOA will be responsible. Mr. Mike Lyon, Esquire, attorney for Ms. Joanne Lesko, noted that the removal of 1900 caliper inches of trees is a massive removal and will unquestionably change the character of the area. In addition, the traffic issues are a major problem that need to be addressed before this project goes any further. Ms. Joanne Lesko, 775 Johns Lane, stated her concerns with the proposed stop sign and the dangers of the roadway. She appreciates the relocation of the construction entrance but questions the buffer proposed. Diane Morgan, 753 Johns Lane, went through the list of questions she has about the proposed development. The questions pertained to all of the relief that was being requested, the trail, sidewalks, stop signs, stormwater management, rain gardens, traffic impact fees, lighting, cartway, and the HOA. She stated her concerns for the safety of the children, the responsibilities of the HOA, and trash removal. Mr. Brandt made a motion to offer preliminary approval of the proposed project in an effort to keep moving forward and let the project go through the process. Ms. Duckett replied that the agenda item is for a discussion of waivers not for action on the project. Ms. Pionzio stated she sent a message to the board requesting an amendment to the agenda for preliminary plan approval. Mr. Stein replied that a resolution was not prepared to that effect. Ms. Pionzio explained that the BOS could still vote on preliminary approval without a resolution. Mr. Stein did not recommend doing so. Mr. Grey suggested holding off since there isn't a resolution but add preliminary/final approval to the next meeting agenda. Ms. Duckett replied that the PC recommended preliminary approval and the applicant has to go back to the PC for final approval. Ms. Hunsicker replied that they don't have to go back, it is just a recommendation from the PC, the BOS can act on the plan without the recommendation. Mr. Morgan, 753 Johns Lane, suggested that in the meantime the applicant explore four lots off of Tennis Avenue with individual driveways. Mr. Grey replied that they've looked at that and it will only delay the inevitable. Ms. Pionzio added that that area is the most environmentally sensitive area of the whole property. Mr. Grey concluded that the project will be back before the Board of Supervisors at the next meeting.

OTHER BUSINESS

Approval of Change Order Requested by McMahon Associates for the Bethlehem Pike and Penllyn Pike Mast Arm

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Mr. Dixon requested approval of a change order for the replacement of a mast arm that was struck by a vehicle at Bethlehem Pike and Penllyn Pike. The change order is in the amount of \$6,359.00. Mr. Brandt made a motion to approve the change order as requested in the amount of \$6,359.00 and Ms. Hunsicker seconded the motion. The motion passed 5-0.

Resolution No. 2021-: Designating an Agent to Complete Required Forms Under DR-4618 TD IDA

Mr. McAnally explained that this resolution was to authorize him to complete the required forms and documents for the purpose of obtaining financial assistance under the FEMA Emergency Relief Assistance Program for damages sustained during Hurricane IDA. Mr. Brandt made a motion designating Mr. Craig McAnally as the agent for Lower Gwynedd Township and Ms. Hunsicker seconded the motion. The motion passed 5-0.

PUBLIC COMMENTS

The Chairman opened the meeting for public comment for items not on the agenda. There were no comments.

MANAGER'S REPORT

Mr. McAnally stated that the Township Offices will be closed on Thursday, November 11, 2021 for Veterans Day. He announced that the Annual Veterans Day Ceremony will be held on Thursday, November 11, 2021 at 11am at Veterans Park.

SUPERVISORS COMMENTS

Mr. Brandt requested that everyone do their best to attend the upcoming Veterans Day Ceremony.

Ms. Hunsicker seconded Mr. Brandt's comments.

Ms. McNeely commented that she is not sure about the discussion regarding the Johns Lane project. She questioned whether all or some of the waivers could be approved. Mr. Grey suggested she meet with the Township Engineer to discuss.

Ms. Duckett thanked everyone for coming out. She echoed Mr. Brandt's comments and hopes everyone will come out to the Veterans Day Ceremony.

Mr. Grey thanked everyone for coming out.

There being no further questions or comments, the meeting was adjourned at 9:32 p.m. until the next meeting scheduled for November 23, 2021 at the Lower Gwynedd Township Building and virtually.

Respectfully submitted,

Jamie Worman
Assistant Township Manager