

## AMBLER BOROUGH COUNCIL MINUTES

October 15, 2013

Public Hearings were held Tuesday, October 15, 2013 at 6:30 p.m. at Borough Council Chambers located at 122 E. Butler Avenue, Ambler, Pennsylvania 19002, before commencement of the regularly scheduled monthly meeting of Ambler Borough Council. Vice President Peter Amento presided.

Public Hearings were held before Ambler Borough Council on the following matters:

1. Ambler Borough Council heard testimony and accepted evidence on the application of **Ambler Crossings** located at South Chestnut Street, Ambler, PA, applicant John Zaharchuk of Ambler Crossings Development Partners, LP. Attorney for the applicant, James J. Garrity, Esq. requested the granting of **Conditional Use** for this 115 apartment unit and amenity building development with Preliminary/Final Approval being requested subject to Council's approval of proposed Ordinance 1072 which amends the TOD Transit-Oriented Development Ordinance. Mr. Garrity's presentation was assisted by Keith Ottes of Langon Engineering. It was stated Ambler Crossings would comprise two 4—story residential buildings, a clubhouse and pool, an extensive village green, and would accommodate 100% of parking requirements. Both the Ambler Borough Planning Commission and the Montgomery County Planning Commission had given unanimous approval.

Attorney Kevin J. Sommar, counsel for David Caddick of AMA, who is the developer of adjoining parcels, expressed concern over the Ambler Crossing 'manipulation' of an easement running through the properties. Mr. Garrity responded that the easement was an irregular line that had been hand-drawn on an old drawing. He stated that an easement would remain and that Ambler Crossings intended to straighten the easement and widen it by four feet. Attorney Rex Herder of the Borough Solicitor's Office of Bresnan & Herder stated that discussion of the easement was a private matter between developers and that the issue was not part of this Conditional Use Hearing.

At the conclusion of the Public Hearing presentation, Mr. Amento made a motion to grant Conditional Use. Seconded. Poll Council. Carried [7-0]

2. Ambler Borough Council heard testimony on proposed **Ordinance 1072**, an amendment to the **TOD Transit-Oriented Development** Ordinance. James J. Garrity, Esq. outlined the purpose of the proposed changes to the Ordinance specific to the Ambler Crossings project. He stated that a covered pedestrian access walkway would connect the two apartment buildings but would not therefore establish these two building as only one building because of the 'connector.' He

stated that the increase in lighting height was to enable Ambler Crossings to erect lighting consist with the height of lighting at neighboring Boiler House. He stated a parking area buffer would be provided for and required by all parties in abutting residentially-zoned areas (the words “residentially-zoned” having been substituted for the formerly-used term “residentially-used.”) And finally, he stated the proposed Ordinance had been approved twice by the Ambler Borough Planning Commission and had been approved by the Montgomery County Planning Commission.

Attorney Sommar expressed concern over the language change from “used” to “zoned” and stated that the “buffer” was not an issue. Borough Manager Aversa stated that she had met with Mr. Sommar and other interested parties for the specific purpose of discussing the buffer, and that to her recollection Mr. Sommar had in fact requested that the issue of the buffer be included in the proposed Ordinance amendment.

At the conclusion of the Public Hearing presentation, Mr. Amento made a motion to adopt Ordinance 1072 amending the TOD. Seconded. Poll Council. Carried [7-0]

3. Ambler Borough Council heard testimony on proposed **Ordinance 1073**, amending Chapter 27 [Zoning] on issues involving entrances, signage, fencing and lighting. Richard Collier, planner for **Ambler Savings Bank**, made a summary presentation on key issues covered by the proposed amendment: (1) the amendment would allow for the construction of steps, ADA ramps and planters between the building and the curb and would not be considered ‘obstructions’; (2) the amendment would allow spillage of lighting in the parking lot behind the Bank, such lighting he stated would be shielded with spillage; (3) the amendment would allow the new ASB building, which would be located at the corner, to place its entrance at the middle of the building and not at the corner; and (4) the amendment would allow ASB signage on 4-faces of the building with the former ‘Gateway Sign’ being replaced by a LED sign which would be flush-mounted on one side of the building.

Discussion ensued. Judy Baigis of 170 Tennis Avenue stated her safety concern about potential visual impairment at the intersection of Race Street and Butler Avenue. She reviewed sight-line safety issues concerning any ‘monument-type’ LED sign which might create a worsened visual impairment condition given the proposed location of the new ASB building which will sit quite close to the corner. Chief Foley responded that all Butler Avenue intersections are controlled intersections (traffic lights) and that the wall-mounted sign should have no affect at that intersection. Mrs. Aversa stated that the wall-mounted sign would be at a proper height not to conflict with line-of-sight.

At the conclusion of the Public Hearing presentation, Mr. Amento made a motion to adopt Ordinance 1073 amending Chapter 27-Zoning. Seconded. Poll Council. Carried [7-0]

4. Ambler Borough Council heard testimony on proposed **Ordinance 1074**, amending the Zoning Ordinance by reinstating a provision that was dropped during prior codification as it relates to procedures before the Ambler Zoning Hearing Board requiring applicant's notice of zoning hearings to all persons owning parcels within 300 feet of any part of the parcel that is the subject of an application before the Board.

There being no discussion, Mr. Amento made a motion to adopt Ordinance 1074 reinstating the 300-foot notification requirement. Seconded. Poll Council. Carried [7-0]

At the conclusion of the Public Hearings (8:00 p.m.), Council Vice President Peter Amento called the regularly scheduled Council Meeting to order. Councilman Paul Dooley led the public in the Pledge of Allegiance and a moment of silence.

**Roll Call** – Present: Mr. Amento, Mrs. Strus, Mr. Pasceri, Ms. Tomlinson, Mr. Curtis, Mr. Zaccone and Mr. Dooley. Solicitor Rex Herder, Chief William Foley and Borough Manager Mary Aversa also were in attendance. Council President Isabella, Mr. Kenney and Mayor Wahl were absent.

A motion was made to approve the Minutes of the September 17, 2013 Meeting. Seconded. Carried.

### **COMMITTEE REPORTS**

The Committees of Ambler Borough Council met Tuesday, October 1, 2013 at 7:00 p.m. in Borough Council Chambers located at 122 E. Butler Ave. Present: Mr. Isabella, Mr. Amento, Mr. Pasceri, Mrs. Strus, Ms. Tomlinson, Mr. Curtis, Mr. Zaccone and Mr. Dooley. Chief Foley, Solicitor Bresnan and Borough Manager Mrs. Aversa also were present. Mr. Kenney and Mayor Wahl were absent.

At the Council Meeting this evening, the Committees conducted business as follows:

#### **Public Safety Committee – Mrs. Strus, Chairperson**

Committee members: Mr. Curtis, Mr. Dooley

The Public Safety Committee report was given this evening by Mrs. Strus.

**The Committee will consider no actions this evening.**

**In other business the following was reviewed this evening:**

1. The September 2013 Police and Fire Department reports were received.

2. The September 2013 Ambulance Association report was received.
3. The September 2013 Public Works, Safety and Code Enforcement reports were received.

Mrs. Strus asked if there were comments or questions from Council or the public. There being nothing further, it was moved the report be accepted as filed. Seconded, carried.

**Parks and Recreation Committee – Mr. Curtis, Chairperson**

Committee members: Mr. Kenney and Ms. Tomlinson

The Parks and Recreation Committee will not offer a report this evening stated Mr. Curtis.

**Public Utilities Committee – Mr. Amento, Chairperson**

Committee members: Mr. S. Pasceri and Mr. Zaccone

The Public Utilities Committee report was given this evening by Mr. Amento.

**The Committee will consider the following actions this evening:**

1. Recommendation to authorize the plant engineer to prepare the Request for Proposal (RFP) and specifications to connect the existing plant utility water line to eliminate the two dead-ends and to replace a yard hydrant.
2. Recommendation to execute a lease agreement with Cingular Wireless for the cell tower site at Houston Road Tank.

**In other business the following was reviewed this evening:**

1. The WWTP Supervisor's and Engineer's reports were reviewed.
2. An Executive Session was held and Borough Council authorized the taking of legal action against a water billing account.

Mr. Amento asked if there were questions or comments from Council or the public. There being nothing further, it was moved the report be accepted and filed. Seconded, carried.

**Finance and Planning Committee - Mr. Kenney, Chairperson**

Committee Members: Mrs. Strus and Ms. Tomlinson.

The Finance and Planning Committee report was given this evening by Ms. Tomlinson.

**The Committee will consider the following actions this evening:**

1. Consideration that **September 2013** invoices in the amount of **\$641,518.72** are to be paid as follows: General (**\$221,455.86**); Street Lights (**\$5,546.06**); Fire (**\$3,524.95**); Parks & Rec. (**\$13,234.47**); Water (**\$109,005.81**); Sewer (**\$122,410.06**); WWTP (**\$165,635.65**); Rail Corridor (**\$0.00**); Road Overlay (**\$0.00**); Debt Fund (**\$0.00**); Water Capital (**\$0.00**); Liquid Fuels (**\$705.86**).
2. Upon granting of Conditional Use, consider granting approval of Preliminary/Final Land Development to Ambler Crossings for the proposed 115 apartment units and amenity building at the property on South Chestnut Street.
3. Consider adoption of proposed **Ordinance 1075** adopting the **Comprehensive Plan Update** to the Comprehensive Plan adopted February 19, 2001.
4. Consider adoption of **Resolution 2013-12** recognizing the actuarial condition of the **Borough's Police Employee Pension Plan**.
5. Consider adoption of **Resolution 2013-13** recognizing the actuarial condition of the **Borough's Municipal Employee Pension Plan**.
6. Consider adoption of **Resolution 2013-14** authorizing participation in the MS4 education activities as part of the **Wissahickon MS4 Education Program** and execution of a Partner Agreement.

**In other business the following was reviewed this evening:**

1. The Borough Engineer's report was received.
2. The Flood Plain Ordinance to modify Borough Code Ch. 27, Part 2 ("Definitions") and Ch. 27, Part 19 ("Floodplain Conservation District.") is in the review process.
3. An application for Minor Land Development approval on proposed plan for 132-136 Poplar has been received. The Borough Planning Commission will review the plans.
4. The 2012 Borough Audit was received and a meeting will be scheduled to review the Audit.
5. The 2014 Draft Budget is being prepared.
6. Ambler Borough Council received a letter from the Borough Planning Commission stating that a letter from the Wissahickon School District setting forth terms of the transaction with the Borough for the purchase of the former Mattison Avenue Elementary School property are satisfactory to the Planning Commission.

Ms. Tomlinson asked if there were questions or comments from Council or the public. There being nothing further, it was moved the report be accepted and filed. Seconded, carried.

**Salary and Personnel Committee – Mr. S. Pasceri, Chairperson**

Committee members: Mr. Amento and Mr. Zaccone

The Salary and Personnel Committee report was given this evening by Mr. Pasceri.

**The Committee will consider no actions this evening. The Committee requires an Executive Session. An Executive Session was held on a salary and personnel matter.**

**In other business the following was reviewed this evening:**

1. Interviews of candidates for the vacant Operator 1 position in the WWTP have been held. A recommendation will be forthcoming.
2. Union contract negotiations have begun.

Mr. Pasceri asked if there were questions or comments from Council or the public. There being nothing further, it was moved the report be accepted and filed. Seconded, carried.

**RECOMMENDATIONS**

**Public Safety Committee** – The Committee will make no recommendations this evening.

**Parks & Recreation Committee** – The Committee will make no recommendations this evening.

**Public Utilities Committee** – The Committee recommends and Mr. Amento moves:

Recommendation to authorize the plant engineer to prepare the Request for Proposal (RFP) and specifications to connect the existing plant utility water line to eliminate the two dead-ends and to replace a yard hydrant. Seconded. Carried.

Recommendation to execute a lease agreement with Cingular Wireless for the cell tower site at Houston Road Tank. Seconded. Carried.

**Finance & Planning Committee** – The Committee recommends and Mr. Kenney moves:

Consideration that **September 2013** invoices in the amount of **\$641,518.72** be paid. Seconded. Carried.

**Considered and Adopted or Granted at the Public Hearings held this evening:**

**Ordinance 1072** amending the TOD. Seconded. Poll Council. Carried [7-0]

**Ordinance 1073** amending Chapter 27-Zoning. Seconded. Poll Council. Carried [7-0]

**Ordinance 1074** reinstating the 300-foot notification requirement. Seconded. Poll Council. Carried [7-0]

**Conditional Use** was granted to **Ambler Crossings** for the proposed 115 apartment units and amenity building. Seconded. Poll Council. Carried [7-0]

Consider granting approval of Preliminary/Final Land Development to Ambler Crossings for the proposed 115 apartment units and amenity building at the property on South Chestnut Street. Seconded. Carried.

Consider adoption of proposed **Ordinance 1075** adopting the **Comprehensive Plan Update** to the Comprehensive Plan adopted February 19, 2001. Seconded. Carried.

Consider adoption of **Resolution 2013-12** recognizing the actuarial condition of the **Borough's Police Employee Pension Plan**. Seconded. Carried.

Consider adoption of **Resolution 2013-13** recognizing the actuarial condition of the **Borough's Municipal Employee Pension Plan**. Seconded. Carried.

Consider adoption of **Resolution 2013-14** authorizing participation in the MS4 education activities as part of the **Wissahickon MS4 Education Program** and execution of a Partner Agreement. Seconded. Carried.

**Salary & Personnel Committee** – The Committee will make no recommendations this evening.

**There being no further business**, Mr. Amento moved the meeting be adjourned. Seconded, motion carried.

Respectfully submitted,

Elizabeth Russell  
Manager's Assistant  
Borough of Ambler