
**LIMERICK TOWNSHIP - BOARD OF SUPERVISORS
MEETING MINUTES**

**JUNE 11, 2009
7:00 P.M.**

A meeting of the Limerick Township Board of Supervisors was held on Thursday, June 11, 2009, in the Public Meeting Room of the Limerick Township Municipal Building with D. Elaine DeWan, Chairman, presiding.

Members Present: Supervisors Renee K. Chesler, D. Elaine DeWan, Joseph St. Pedro, Kara Shuler, and Kenneth W. Sperring, Jr.

Others Present: Joseph J. McGrory, Esq., Township Solicitor; Khaled R. Hassan, P.E., Township Engineer; Daniel K. Kerr, Township Manager; Beth F. DiPrete, Asst. Twp. Mgr./Finance Director/Treasurer; William J. Albany, Chief of Police; and Martena Roshon, Director of Sewer Department and Community Planning.

Call To Order: Ms. DeWan called the meeting to order at 7:18 P.M. Connor Shuler led the pledge of Allegiance.

Opening Comments/Announcements

THIS MEETING IS BEING RECORDED.

Executive Session: Prior to this evening's meeting to discuss personnel and real estate.

BOS & PC 2009 Summer Meeting Schedule: Ms. DeWan reviewed the 2009 Summer Meeting Schedule for the Board of Supervisors and the Planning Commission for the months of July and August. The schedule will be posted in the Township Building.

American Red Cross Blood Drive: Wednesday, July 1, 2009 from 1:00 P.M. to 7:00 P.M. in the Township Building.

Yard & Leaf Waste Drop-Off: July 6, 2009 at Limerick Twp. Public Works Facility 8:00 A.M. to 12:00 Noon.

Consideration of Minutes: **Upon motion made** by Mr. Sperring and seconded by Mr. St. Pedro, the May 28, 2009 meeting minutes were unanimously approved.

Public Comments on Agenda Items: None.

Bills List: **Upon motion made** by Mr. St. Pedro and seconded by Mr. Sperring, Bills List #11 for the period of 5/28/09 through 6/10/09 in the amount of \$196,572.86 was unanimously approved.

Public Hearing

Conditional Use #09-01 – Linfield Corporate Center Lot #51: Mr. McGrory suspended the

public meeting and opened the public hearing for consideration of Conditional Use Application #09-01 for Linfield Corporate Center Lot #51. A Court Reporter was present. The Notes of Testimony will be available for review at the Township Building. Mr. McGrory presented 7 Exhibits that will be incorporated into the record along with the Notes of Testimony from the previous public hearing. After various questions and discussion, Mr. McGrory closed the public hearing and moved back into the public meeting. **Motion was made** by Mr. Sperring and seconded by Ms. Shuler, to approve the Conditional Use #09-01 for Linfield Corporate Center Lot #51. Motion passed unanimously.

Subdivision and Land Development

Extensions: **Upon motion made** by Ms. Chesler and seconded by Ms. Shuler, the following extensions to the 90-day review period were unanimously accepted:

- | | | |
|---|-----------|---------------------|
| a. Ziegler Estate Subdivision | (#07-20): | Extended to 9/11/09 |
| b. Allied Landscape & Contractor Supply Co. | (#07-14): | Extended to 9/17/09 |

Development Projects

Linfield Corporate Center Lot #51 (#09-01): Ted Kochen was present on behalf of the Owner, Gambone Development Company. Tom Ludgate of Ludgate Engineering Corp. was also present. The project is a proposal for a surgical hospital on Lots 50 and 51. A Conditional Use Hearing was held earlier this evening with approval being granted. Mr. Ludgate gave a brief overview of the project and revised Conditional Use plan. Applicant agrees to comply with all outstanding issues. Mr. Kochen said the residue from Lot 50 will be combined with Lot 49 as part of that subdivision. The overall plan right now is 3 lots being combined into 2 lots. PhyCare Real Estate Holdings is the buyer for the property which will be an out-patient surgical hospital with overnight facilities and emergency care. Proposal is initially for approximately 26,000 s.f., with the possibility of expanding in the future. Waiver requests were reviewed, and Mr. Hassan said they are in agreement. Ms. DeWan questioned whether the concerns with lighting at the property line had been addressed, and Mr. Sperring confirmed that the berm along the residential area is higher than normal, per the Ordinance.

Motion was made by Mr. Sperring and seconded by Mr. St. Pedro, to authorize the Township Solicitor to prepare a Preliminary/Final Resolution for the Linfield Corporate Center Lot #51 project (#09-01) located on Enterprise Drive, for Board consideration. Motion passed unanimously.

Limerick Diner Request for Relief from Land Development: Paul Massing, Contractor for Limerick Diner, explained that they are requesting a waiver of the land development process. They are proposing to build a deck on the side of Limerick Diner. Mr. Sperring explained that the waiver request does not mean they do not have to comply with land development at all. The process is done in-house rather than going through public Board Meetings, and they still must comply with storm water requirements and all other land development fees and processes. Parking requirements were discussed.

Motion was made by Mr. St. Pedro and seconded by Mr. Sperring, to approve a Professional Services Agreement for the Limerick Diner for the deck expansion project. Motion passed unanimously.

Old Business

Zoning Application of Girish Sheth, ZHB #08-25: Attorney Charles Mandracchia was present on behalf of Nick Patel, President of Landmark Hotels. He explained that the Zoning Application of Girish Sheth, ZHB #08-25, is a proposal to build a restaurant and a hotel on the property located at 430 Linfield-Trappe Road. That would be two uses; a violation of the Zoning Ordinance. The applicant's proposal is also for the hotel to be four-stories high; a violation of the Zoning Ordinance as well. Mr. Mandracchia explained that he was denied standing at the Zoning Hearing on the Application of Girish Sheth. Therefore, he is requesting that the Board send their Solicitor to the Zoning Hearing Board in opposition of the Application. It is his opinion that the Applicant is over developing the project.

Motion was made by Mr. Sperring and seconded by Ms. Shuler, not to send opposition and allow the Zoning Hearing Board to hear the application of Girish Sheth, ZHB #08-25.

Jonathan Traywick, 107 Sunnybrook Road, said he attended the Zoning Hearing in question, and the issue was that Mr. Mandracchia's client was not present, and they afforded him plenty of time.

Paul Chestnut, 355 Gerloff Road, said that he believes the Board is making a big mistake by not sending opposition to the Zoning Hearing Board. The Zoning Application is calling this a de facto subdivision based on a stream or swales. If the Zoning Hearing Board allows this to happen, then natural subdivisions will occur all over the Township because this would set precedence to allow it based on the testimony of the Zoning Hearing Application.

Mr. Sperring responded that variances do not set precedences.

Board of Supervisors
11 June 2009
Page 4, Minutes

Michele Chrisman, 688 North Limerick Road, said that the Planning Commission recommended sending opposition. It went back to Staff, then one story was removed. The Planning Commission never had a chance to say yes or no after the revision was made.

Mr. Traywick said in his opinion the Zoning Hearing Board did give Mr. Mandracchia a fair chance.

Motion passed 4-1-0, with Ms. Chesler opposing.

New Business

Identity Theft Program: **Motion was made** by Mr. St. Pedro and seconded by Ms. Chesler, to approve Resolution No. 2009-23 Adopting Rules and Regulations for an Identity Theft Program. Motion passed unanimously.

Public Comments: None.

Adjournment: There being no further business, **motion was made** by Ms. Chesler and seconded by Mr. Sperring, to adjourn the meeting. Motion passed unanimously.

Respectfully submitted,

Daniel K. Kerr
Township Manager