

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

**BOARD MEMBERS PRESENT:** William Patterson, Chairman  
Richard Kratz, Member  
Gordon MacElhenney, Member  
Edward Savitsky, Member  
Dean Becker, Member

**OTHERS PRESENT:** Cecile Daniel, Township Manager  
Kenneth Picardi, Township Solicitor  
Terry Hand, Township Engineer  
W. Richard Dillon, Code Enforcement Officer  
John Moran, Road Master

**POLICE REPORT:** The Board reviewed the PA State Police Report for April.

**MINUTES OF PREVIOUS MEETING:** The May 4, 2004 meeting minutes were approved as amended.

**CORRESPONDENCE:**

- Minutes – Central Perkiomen Regional Planning Commission
- PSATS – Alert Bulletin
- Buxmont – Copy of letter from Kenneth Picardi to Stephen Moyer.
- Lower Frederick Ambulance Report & Trappe Fire Co. Ambulance Report – Letter thanking board for donation.
- H.Y.K. Construction – Correspondence sent to attorney representing Louis DiDomenico
- Montgomery County Planning Commission – Draft Transportation Improvement Program
- Letter regarding the Act 167 Stormwater Management Plan

**SOLICITOR’S REPORT:** Kenneth Picardi

- Uniform Construction Code – Mr. Picardi indicated that the ordinance he has prepared will be taken under new business.
- H.Y.K. Construction – Mr. Picardi informed that board that a hearing was held before in Montgomery County Court regarding the appeal of H.Y.K. Construction to the zoning hearing board. A copy of the Order by the court was given to the board. It was determined based on that decision not to appeal the court’s decision.

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

**ROAD MASTER'S REPORT:** John Moran submitted his May report to the board.

**FIRE MARSHALL'S REPORT:** John Moran submitted his May report to the board.

**CODE ENFORCEMENT REPORT:** W. Richard Dillon submitted his May report to the board.

**PLANNING COMMISSION REPORT:** The Planning Commission meeting was held on May 18, 2004. There were three plans reviewed at this meeting. They were as follows: (1) Iron Bridge Corporate Center minor lot revision, (2) Swarr Project – 6 lot subdivision proposed on Gravel Pike, and (3) Woodbridge @ Perkiomen – 19 lot subdivision proposed on Wartman Road.

**ENGINEER'S REPORT: SSM**

- 2004 Project Status – Payment Application No.2 - Terry Hand explained that the contractor is progressing with the road project. Mr. Hand informed the board that he has received a request for payment. This request would be payment application no. 2 in the amount of \$50,396.40. The request was reviewed by Pamela Stevens of his office and she recommended approval of said amount. Based upon the recommendation of Ms. Stevens, Dean Becker made a motion, seconded by Gordon MacElhenney to approve the road payment of \$50,396.40. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**RECEIPTS AND EXPENDITURES:** The treasurer read the receipts and expenditures for the month of May. After review of same, Edward Savitsky made a motion seconded by Gordon MacElhenney to authorize payment of the May bills. There were no public comments on the motion. The motion was carried unanimously by a vote of 5-0.

**NEW BUSINESS:**

- Iron Bridge Corporate Center – Innovative Print and Media purchased the building that was occupied by T.J. Cope. While trying to obtain funding, the company was made aware that one of the bearing and distances was incorrect. In order to correct this problem, a correct subdivision needs to be approved by the township. Jerry Gorski was present to discuss this proposed minor subdivision plan. The board reviewed the proposed plan and Resolution 2004-21. The proposed resolution was as follows

**COMPLIANCE WITH ZONING ORDINANCE**

1. The maximum allowable impervious coverage of 70% shall be listed on the plan, Section 21.6.C.2.

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

2. The listed zoning district on the plan is not correct. The Limited Industrial (LI) shall be changed to Industrial (IN).

**COMPLIANCE WITH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

1. The location of all proposed street monuments shall be provided on the plan, Section 11.43(a)(8) Subdivision Ordinance.
2. All known existing easements on the site shall be included on the plan, Section 11.43(a)(9) Subdivision Ordinance.
3. The Owner's Certification shall be completed, Section 11.43(a)(13) Subdivision Ordinance.

**GENERAL COMMENTS**

1. The plan shall be labeled Preliminary/Final.

**WAIVERS**

1. The plan should include the deed book and page numbers where recorded for the adjoining properties, Section 11.42(a)(4) Subdivision Ordinance. The planning commission recommended a waiver of this section because this is a minor correction to a previous subdivision.
2. Contour lines should be included on the plan for the site, Section 11.42(a)(8) Subdivision Ordinance. The planning commission recommended a waiver of this section because this is a minor correction to a previous subdivision.
3. The plan should include the location of all existing sewer, water and other utility lines within the proposed subdivision and 150' beyond the boundaries, Section 11.42(a)(10) Subdivision Ordinance. The planning commission recommended a waiver of this section because this is a minor correction to a previous subdivision.
4. The plan should include the location of all existing large trees and other significant features of the site, Section 11.42(a)(11) Subdivision Ordinance. The planning commission recommended a waiver of this section because this is a minor correction to a previous subdivision.
5. The cartway width of Iron Bridge Drive should be provided on the plan, 11.43(a)(3) Subdivision Ordinance. The planning commission recommended a waiver of this section because this is a minor correction to a previous subdivision.

The planning commission recommended that the board approve the proposed subdivision subject to the aforementioned conditions and waivers. After review of the plan and resolution, Richard Kratz made a motion seconded by Dean Becker to approve Resolution 2004-21. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

- Uniform Construction Code – Adoption of Ordinance No. 180 which is adoption of the Uniform Construction Code for Perkiomen Township. The board had reviewed the proposed Ordinance at the May meeting. Dean Becker made a motion, seconded by Gordon MacElhenney to adopted Ordinance No. 180 as follows:

**AN ORDINANCE OF PERKIOMEN TOWNSHIP, MONTGOMERY  
COUNTY, PENNSYLVANIA, ELECTING TO ADMINISTER AND  
ENFORCE THE PROVISIONS OF THE PENNSYLVANIA  
CONSTRUCTION CODE ACT, ACT NO. 45 OF 1999, 35 P.S.  
§§7210.101-7210.1103, AS AMENDED FROM TIME TO TIME,  
AND ITS REGULATIONS.**

**NOW, THEREFORE**, it is hereby enacted and ordained by the Board of Supervisors of Perkiomen Township, pursuant to the provisions of the Second Class Township Code, 53 P.S. §65101 et seq., including §66517 permitting Second Class Townships to adopt ordinances regulating buildings and housing, the following to be an Ordinance of the Township:

**Section 1.** This municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act., Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.

**Section 2.** The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Municipality.

**Section 3.** Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by adoption of an appropriate ordinance or resolution:

- a. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Municipality;
- c. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- d. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Municipality;
- e. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

utility and miscellaneous use structures.

**Section 4.** A Board of Appeals shall be established by resolution of the governing body of this Municipality in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

**Section 5a.** All building code ordinances or portions of ordinances which were adopted by this Municipality on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

**b.** All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

**c.** All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.

**Section 6.** Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.

**Section 7.** If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

**Section 8.** This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby, shall take effect and be in full force and effect five (5) days after the date of passage and adoption of this Ordinance.

There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0. Related to this is the approval of the form from Labor & Industry regarding the opt in/opt out provisions. After passage of the ordinance, Dean Becker made a motion seconded by Richard Kratz to authorize the chairman to sign the Pennsylvania Uniform Construction Code: Municipal Election Form. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0

- Swarr/Swede – The board discussed and deliberated the Conditional Use Application filed by the Swede Group for property owned by the Swarr Family in the Village of Rahns. After consideration and discussion of the application, Edward Savitsky made a motion seconded by Richard Kratz to approve the Conditional Use Application of the Swede Group, Inc. subject to the following conditions:

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

1. Conditional Use for Steep Slope Disturbance Lot 1:

- a. Sections 24.5.A, B, and F and 24.9.A: The dwelling, grading for the dwelling, driveway, grading for the driveway, and water service encroach into the steep slope areas. The driveway and grading for the driveway and dwelling encroach into the 10 ft. setback area. Encroachment into the 10 ft. setback is not permitted under 24.9.A unless otherwise approved as part of a conditional use. Evidence to address Sections 24.8.D.1, 2, 5 and 6 has not been provided.
- b. A note has been included on the plan indicating structural details, designs, and calculations will be required as part of the building permit application to satisfy the Conditional Use Standards and Criteria. A note shall be placed on the Record Plan similar to the referred note except in that the note is to reflect Lot 1 ONLY.
- c. We recommend that the areas of steep slope disturbance including the areas in the 10 ft. setback are stabilized with the materials recommended by Nels Sandberg of the MCPC and in accordance with the MCCD regulations. Please refer to comment numbers 7 and 8.

2. Conditional Use for Steep Slope Disturbance Lot 2:

- a. The Lot 2 conditional use impacts provided in correspondence dated May 3, 2004 from Ludgate Engineering Corporation lists encroachment of the driveway and driveway grading into the 15-25% steep slopes as well as encroachment into the 10' steep slope buffer. Our findings indicate there are only encroachments into the 10' steep slope buffer and no direct encroachment into the 15%-25% steep slopes. Furthermore, the list of impacts from Ludgate Engineering Corporation should list encroachment of the dwelling into the 10' steep slope buffer. The specific impacts according to our findings are listed below.
- b. Section 24.9.A: The dwelling, driveway, grading for the driveway, and grading for the dwelling encroach into the 10 ft. setback area. Encroachment into the 10 ft. setback is not permitted under 24.9.A unless otherwise approved as part of a conditional use. Evidence to address Sections 24.8.D.1, 2, 3, 5, and 6 has not been provided.
- c. It is the recommendation of the planning commission that the dwelling on Lot 2 be shifted toward the rear of the lot so that it does not encroach into the 10' steep slope setback. The remaining conditional use items for Lot 2 will be encroachment of the driveway and grading for the driveway and dwelling into the 10' steep slope setback. In this scenario, evidence to address Sections 24.8.D.2, 5, and 6 will need to be provided.
- d. We also recommend that the areas of steep slope disturbance including the areas in the 10 ft. setback are stabilized with the materials recommended by Nels Sandberg of the MCPC and in accordance with the MCCD regulations. Please refer to comment numbers 7 and 8.

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

3. Conditional Use for Steep Slope Disturbance Lot 3:

- a. The Lot 3 conditional use impacts provided in correspondence dated May 3, 2004 from Ludgate Engineering Corporation lists encroachment of the driveway and driveway grading into the 15-25% steep slopes as well as encroachment into the 10' steep slope buffer. Our findings indicate there are encroachments into the 10' steep slope buffer and only encroachment of the driveway grading into the 15%-25% steep slopes. The specific impacts according to our findings are listed below.
- b. 24.9.A: The driveway, grading for the driveway, and grading for the dwelling encroach into the 10 ft. setback area. Encroachment into the 10 ft. setback is not permitted under 24.9.A unless otherwise approved as part of a conditional use. Evidence to address Sections 24.8.D.1, 2, 5 and 6 has not been provided.
- c. We also recommend that the areas of steep slope disturbance including the areas in the 10 ft. setback are stabilized with the materials recommended by Nels Sandberg of the MCPC and in accordance with the MCCD regulations. Please refer to comment numbers 7 and 8.

4. Conditional Use for Steep Slope Disturbance Lot 4:

- a. Section 24.9.A: The driveway, grading for the driveway, and grading for the dwelling encroach into the 10 ft. setback area. Encroachment into the 10 ft. setback is not permitted under 24.9.A unless otherwise approved as part of a conditional use. Evidence to address Sections 24.8.D.1, 2, 5 and 6 has not been provided.
- b. We also recommend that the areas of steep slope disturbance including the areas in the 10 ft. setback are stabilized with the materials recommended by Nels Sandberg of the MCPC and in accordance with the MCCD regulations. Please refer to comment numbers 7 and 8.

5. Conditional Use for Steep Slope Disturbance Lot 5:

- a. Sections 24.9.A: The driveway, grading for the driveway, and grading for the dwelling encroach into the 10 ft. setback area. Encroachment into the 10 ft. setback is not permitted under 24.9.A unless otherwise approved as part of a conditional use. Evidence to address Sections 24.8.D.1, 2, 5 and 6 has not been provided.
- b. We also recommend that the areas of steep slope disturbance including the areas in the 10 ft. setback are stabilized with the materials recommended by Nels Sandberg of the MCPC and in accordance with the MCCD regulations. Please refer to comment numbers 7 and 8.

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

6. Conditional Use for Steep Slope Disturbance Lot 6:
  - a. Sections 24.9.A: The driveway, grading for the driveway, and grading for the dwelling encroach into the 10 ft. setback area. Encroachment into the 10 ft. setback is not permitted under 24.9.A unless otherwise approved as part of a conditional use. Evidence to address Sections 24.8.D.1, 2, 5 and 6 has not been provided.
  - b. We also recommend that the areas of steep slope disturbance including the areas in the 10 ft. setback are stabilized with the materials recommended by Nels Sandberg of the MCPC and in accordance with the MCCD regulations. Please refer to comment numbers 7 and 8.
7. Encroachment into the steep slope 10 ft. setback area is not permitted under 24.9.A unless otherwise approved as part of a conditional use. The Planning Commission and the applicant's representative discussed these encroachments into the 10 ft. steep slope setback in Lots 1 through 6. The planning commission supports these encroachments into the setback, with the following minimum recommendations: an Erosion & Sedimentation Pollution Control Plan with erosion fabric/matting and Landscaping Plan and Woodland Management Plan per Sections 24.8.C and D shall be approved by the township and applicable outside agencies. Furthermore a note shall be added to the landscaping plan that shall state the following: "All plant material shall be guaranteed by the developer for 18 months from the issuance of the Use and Occupancy."
8. The planning commission recommended that the applicant provide evidence to support the following sections either as a part of the conditional use application or as a requirement of the conditional use to be provided as part of the subdivision plan process:
  - a. Specifically under 24.8.C, a woodland management plan has not been submitted.
  - b. Specifically under 24.8.D.1, for those dwellings that encroach into the steep slopes or the steep slope 10 ft. setback area, evidence that these structures are of sound engineering has not been presented.
  - c. Specifically under 24.8.D.2, evidence that the proposed roads, drives and land clearing are designed to not cause accelerated erosion or that hazardous conditions are not created.
  - d. Specifically under 24.8.D.3, evidence that alternate placements on non-steep slope areas were evaluated, and can be shown to be inappropriate or infeasible to the satisfaction of the Board of Supervisors.
  - e. Specifically under 24.8.D.5, evidence of an Erosion and Sedimentation Pollution Control Plan and the displacement of the soils will not cause erosion or other unstable conditions.
  - f. Specifically under 24.8.D.6, evidence that the surface run-off of water will not create unstable conditions including erosion and that stormwater management facilities will be constructed as necessary.
9. The Conditional Use Plan shall be revised to show building envelopes and easements so that shifting of dwellings and other proposed features can be more easily evaluated. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.



**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

- Open Space – First – Kenneth Picardi informed the board that he sent a letter to Elkins Wetherill, Chairman of the Montgomery County Open Space Board. The purpose of his letter was to request an extension of the 6 months given to Perkiomen Township of the purchase of open space with the money received for the sale of the township’s property to the school district. The original purchase by the township was completed with money given to it by the county open space board. At this time, Mr. Picardi is optimistic that the open space board will approve this extension. Second, Cecile Daniel explained that she has been working with Beth Pilling of the county planning commission to come up with a proposal to spending this money. One alternative was to work on a connection between the Perkiomen Trail and the trail and open space located in the Perkiomen Greene Development. Ms. Daniel explained that one of the county’s open space goals is to connect municipal open space to the county trail system. The School House Run Interceptor is an existing connection that runs from the Perkiomen Greene Development to the Perkiomen Creek. It cross at one point the county’s Perkiomen Trial. One idea would be to provide a trail along the sewer easement that would connect the township’s open space with the county trail. In order to proceed there are three property owners the township would need to contact. Based upon this discussion, the board authorized Cecile Daniel to contact the three property owners about expanding the use of the sewer easement to provide for a trail. Third was the discussion of placing a referendum on the ballot regarding the raising of the Earned Income Tax for the purposes of purchasing open space. In order to place a question on the ballot regarding the raising of the tax, the board would need to create an ordinance authorizing this increase for this purpose. The ordinance must be sent to the Board of Elections 90 days before the election. In order to make that deadline, the board would need to move forward quickly. As a result, the board authorized Kenneth Picardi to prepare an ordinance for their review at the July board meeting.
  
- Municipal Curative Amendment – Industrial District – At the May Joint meeting, the board began the steps toward calling for a Municipal Curative Amendment for the Industrial District. The next step is the approval of a resolution. The board reviewed Resolution 2004-22 as drafted by Kenneth Picardi. The resolution as reviewed was as follows:

WHEREAS, the Board of Supervisors of Perkiomen Township, Montgomery County, Pennsylvania (hereinafter “Township”) has determined that a portion of its Zoning Ordinance adopted December 4, 2001 is substantially invalid; and

WHEREAS, the Township at a public meeting on May 25, 2004 formally identified and declared said Zoning Ordinance invalidity; and

WHEREAS, the Township desires to cure said invalidity as permitted and provided for in Section 609.2 of the Pennsylvania Municipalities Planning Code.

**PERKIOMEN TOWNSHIP BOARD OF SUPERVISORS MONTHLY MEETING  
MINUTES: JUNE 1, 2004**

NOW, THEREFORE, BE IT RESOLVED, that:

1. Article 21.5 of the Perkiomen Township Zoning Ordinance, adopted December 4, 2001, is invalid in that it prohibits numerous uses which are not otherwise provided for anywhere else in the Township.
  
2. Township intends to enact a curative amendment within 180 days from the May 25, 2004 declaration, in order to validate its aforesaid Zoning Ordinance and, in particular, Article 21 thereof.

Dean Becker made a motion seconded by Gordon MacElhenney to approve Resolution 2004-22. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

- Fire Police Services: The board has two requests for fire police services. Collegeville Borough Police Department is requesting assistance from the Perkiomen Township Fire Police for the concert performance at Collegeville Park. Skippack Township is requesting assistance from the Perkiomen Township Fire Police for their Fourth of July Parade. The board considered both requests and Richard Kratz made a motion seconded by Dean Becker to approve both requests. There were no public comments on the motion. The motion was carried by a unanimous vote of 5-0.

**SUPERVISORS COMMENTS**

Richard Kratz requested that the mailing address be changed from Collegeville to Graterford. William Patterson indicated that the Perkiomen Township days would be held on September 12, 2004 with a rain date of September 19, 2004.

There being no further business, the meeting was adjourned upon a motion made by Gordon MacElhenney and seconded by Edward Savitsky.