

The regular meeting of the **PUBLIC WORKS COMMITTEE** for April 2022 was held this evening via web-conference, Chairman Mitchell Zygmund-Felt presiding. Members present were Commissioners Areman, Brockington, Holland, Pransky, and Rappoport. Also present was Ex-Officio Member Norris.

Staff present via web conference were: Christopher Clewell, Public Works Director; Jim Slade, Fleet Superintendent; Joe Stuckert, Traffic & Streetlight Superintendent; Henry Sekawungu, Director of Planning and Zoning; Roger Phillips, Township Engineer; Alyson Elliott, Assistant Township Manager; and Robert Zienkowski, Township Manager.

Mr. Zygmund-Felt called the meeting to order at 7:30 p.m.

1. APPROVAL OF EXPENDITURES

- A. Recommend the Board of Commissioners approve a purchase order for Bergey's Truck Center in the amount of \$305,936.00 for two new packer truck cabs and chassis for refuse recyclers 606 and 607 and a purchase order for GranTurk in the amount of \$250,000 for two new packer bodies for the new refuse trucks.

Mr. Clewell proposed eliminating the two-arm recyclers because they break down constantly and have drifting issues. The single-arm vehicles will be able to better serve the Township and would allow Public Works to provide bulk cardboard pickup. Mr. Slade noted that the trucks being considered will be available this year rather than 2023 or 2024. Mr. Pransky expressed concern that this would require the expansion of staff, rather than a reduction in staff to help meet budget constraints. Mr. Zienkowski said trash and recycling are labor-intensive and staffing issues should be considered; outsourcing is an option.

Upon motion of Mr. Zygmund-Felt, the Committee tabled approval of these purchase orders.

- B. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved two purchase orders for Delaware Valley Truck Service, one in the amount of \$3,652.70 to rebuild the rear suspension walking beam and all necessary components to Public Works Truck #607 and the second in the amount of \$2,575.70 to replace both broken front leaf springs on refuse truck #602.
- C. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved the purchase of pool paint from Berardelli Pool Service in the amount of \$19,155.96.
- D. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Rotary Lift in the amount of \$48,542.45 to replace an old, dangerous lift with four heavy duty column lifts in the Public Works Garage.
- E. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Anderson Welding & Sons, LLC in the amount of \$30,900.00 for the purchase of six new salt spreader carts for Public Works.

Mr. Clewell and Mr. Slade detailed the rust and deterioration present on the existing carts.

- F. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Lawn and Golf in the amount of \$124,740.05 for the replacement of the Jacobsen field mower for parks maintenance.
- G. Recommend the Board of Commissioners approve a purchase order for Bortek in the amount of \$499,706.40 to replace the Vactor used for stormwater and highway maintenance.

Mr. Slade described the deterioration of the Vactor over the years and the conditions of the vehicles that need replacing, how they are used, and the importance of the approvals. Ms. Elliott said that this order is part of a grant request, but the Township may not be able to order it until approved for the grant. Mr. Areman asked if approval would jeopardize the ability to receive the grant; Ms. Elliott does not believe so, but she will look into this.

Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Bortek in the amount of \$499,706.40 for the replacement Vactor for the Public Works Highway Department, conditional upon grant approval.

- H. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Bortek in the amount of \$322,680.23 for the replacement of a street sweeper for the Public Works Highway Department.
- I. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Chapman Ford in the amount of \$35,356.00 to replace the Director of Public Work's work truck.
- J. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Chapman Ford in the amount of \$35,249.00 to replace the Parks Superintendent's work truck.

Mr. Zygmund-Felt stated for the public that the Board is not just spending money, but that a number of these items have been put off for too long and allowed to deteriorate to the point where they present safety issues. Mr. Norris added that these items were discussed in the budget process.

- K. Upon motion of Mr. Zygmund-Felt, the Committee approved a purchase order for Chapman Ford in the amount of \$32,954.00 to replace the Fleet Superintendent's work truck.
- L. Recommend the Board of Commissioners approve a purchase order for Cherry Valley Tractor Sales in the amount of \$194,762.00 for a Field Mower with a 22' boom and cutter head.

Upon motion of Mr. Zygmund-Felt, the Committee tabled approval of this purchase order to be considered in the 2023 calendar year.

- M. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Del-Val International in the amount of \$238,100.00 for two new 10 Wheel Dump Truck cabs and chassis for refuse trucks 601 and 602 and a purchase order for Triad Truck Equipment in the amount of \$170,104.00 for two new dump bodies for trucks 601 and 602.
- N. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved a purchase order for Signal Control Products, LLC in the amount of \$31,510.00 to replace a traffic cabinet that was knocked down at Ashbourne Road and Front Street.

Mr. Stuckert said that a traffic cabinet was knocked down due to a vehicle accident at this intersection and will need to be attended to as soon as possible. The installation will go through the new insurance carrier with hopes of reimbursement.

## 2. RECEIPT OF MONTHLY REPORTS AND CITIZEN'S COMMITTEE MEETING MINUTES

- A. Upon motion of Mr. Zygmund-Felt, the Committee unanimously accepted the March 2022 Report of the Highway Department.
- B. Upon motion of Mr. Zygmund-Felt, the Committee unanimously accepted the February 2022 Report of the Refuse and Recycling Department.
- C. Upon motion of Mr. Zygmund-Felt, the Committee unanimously accepted the March 2022 Report of the Parks Maintenance Department.
- D. Upon motion of Mr. Zygmund-Felt, the Committee unanimously accepted the March 2022 Report of the Code Administrator.
- E. Upon motion of Mr. Zygmund-Felt, the Committee unanimously accepted the March 2022 Report of the Traffic & Street Light Superintendent.
- F. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved the minutes of the March 10, 2022 Shade Tree Advisory Commission meeting.
- G. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved the minutes for the March 21, 2022, Environmental Advisory Council meeting.
- H. The March La Mott Board of Historical & Architectural Review meeting was canceled.
- I. Upon motion of Mr. Zygmund-Felt, the Committee unanimously approved the minutes for the March 17, 2022, Wyncote Board of Historical & Architectural Review meeting.

- 1) Upon motion of Mr. Zygmund-Felt, the Committee unanimously concurred with the issuance of a Certificate of Appropriateness for application W22-265 of Tina Geary, architect for the property owners Bryan & Anita Margerum, for the construction of a new front/side porch and rear wood deck.
3. OLD BUSINESS: None.
4. NEW BUSINESS
  - A. **Recommendation to the Board of Commissioners:** Upon motion of Mr. Zygmund-Felt, the Committee unanimously recommended the Board of Commissioners adopt a Proclamation recognizing the month of April 2022 as Safe Digging Month.
  - B. Upon motion of Mr. Zygmund-Felt, the Committee tabled the recommendation to adopt a Resolution granting conditional approval for CTDA #21-04 Land Development Plan for 450 S. Easton Road (Arcadia University Student Recreation), Elkins Park, PA 19027 for the proposed construction of a new 20, 678 SF Student Recreation Center at the Northwest end of their campus, adjacent to existing tennis courts and sports field, at the existing parking and storage area.
  - C. Consider recommending the Board of Commissioners adopt a resolution granting conditional approval for CTDA #21-06 Subdivision and Land Development Plan for 222 Church Road, Elkins Park PA, for the proposed subdivision of an existing single lot into 10 lots, with eight single-family homes proposed for lots 1-8; an existing single-family home and accessory structure to remain on lot 9, and a proposal to dedicate the remainder of the property to Cheltenham Township ([222 Church Rd Development Updates - News Story \[cheltenhamtownship.org\]](https://www.cheltenhamtownship.org/news/222-church-rd-development-updates)).

Heavy discussion was held regarding the 222 Church Road proposal. Mr. Diaso explained guidelines for public participation in the discussion and advised attendees what is required of the Board of Commissioners regarding this proposal. He stated that the Board must take action tonight, whether an approval, denial, or approval with conditions for the application.

A presentation was made by the applicant's attorney, Christen Pionzio of *Hamburg Rubin Mullin Maxwell & Lupin*, accompanied by Civil Engineer, Robert E. Blue, Stephen Klein, and applicant Rabbi Zvi Bloom. Ms. Pionzio stated she became aware of residents' displeasure concerning the land development proposal when it was introduced, mid-January 2022. She stated the proposal to create eight lots with new single-family dwellings is permitted by the zoning ordinance, and that all lots comply with the zoning criteria for lot size setbacks and impervious coverage. A lot is proposed to be dedicated to the Township as open space, and a trail built to allow for public access. Ms. Pionzio said that the neighboring property owner, David Bernstein, expressed his displeasure with the development, and said trees will be added adjacent to Mr. Bernstein's property as a buffer from the development. Ms. Pionzio expressed concerns about the reaction that the proposal has received from the media and reminded the public of the applicant's rights under land use laws in Pennsylvania.

Ms. Pionzio explained that the Township Engineer and the applicant's engineer have worked together to comply with stormwater management requirements. The applicant will also comply with recommendations made by the Fire Marshal upon his review.

Mr. Phillips gave his review of the application and confirmed with Ms. Pionzio that most issues brought up in his review would be resolved. This preliminary plan indicated that they can meet the ordinance for stormwater management and most of the comments involve clean-up, organization, and construction details. The applicant indicated that they will comply with comments and recommendations that were made.

The Township's Consulting Arborist, John Hosbach, discussed the site visit that was conducted with the applicant's architect, surveyor, and Township staff. Mr. Hosbach explained the sampling methods used to calculate the number of 3" and 5" diameter trees on the site. The landscape plan was amended to address resident concerns. Mr. Hosbach explained that the wooded areas on the site will become overrun with invasive species within five years without intervention. The proposed reforestation plan includes thirty-two (32) native species of forestry grade whips planted within forest management areas on the site, which will aid with stormwater management. The lot proposed to be dedicated to the Township (Lot 10) was found to be overrun with invasive species and debris, which will require ongoing routine maintenance and removal. Mr. Hosbach's memo is available on the Township website.

Traffic Engineer Anton Kuhner provided insight on concerns regarding any necessary traffic improvements. Mr. Kuhner explained that the proposed project does not meet the ordinance requirements for a traffic study. It would not show a significant increase in capacity at the neighboring intersections. Technical issues were addressed by the applicant and a recommendation was made for a financial contribution for improvements at Cedar Road and Church Road.

Mr. Sekawungu stated that this application is considered a by-right zoning application. As with any zoning review process, a review letter or response may highlight any additional zoning items needed for compliance. This application is in compliance with all zoning requirements.

Mr. Zygmund-Felt stated that the Board of Commissioners must comply with Federal and State constitutions, the Township Home Rule Charter, and the Subdivision and Land Development Ordinance (SALDO), and will act responsibly.

Mr. Areman asked about the Township's responsibility in taking on the proposed Lot 10 property. Ms. Pionzio responded that the applicant will comply with the Arborist's recommendations for the proposed property being offered to the Township. This land will help increase the amount of space the Township has, as well as improve stormwater management.

Ms. Rappoport wanted more information about the planned community and who will be responsible for trash, paving, etc. Ms. Pionzio responded that it will be developed under the Uniform Plan Community Act, which is a Homeowners Association. As this is a preliminary plan approval, the details will need to be worked through during the final plan approval. Discussion continued regarding storm water management, with which the proposed plan is in compliance with Township regulations. The Homeowners Association will manage the stormwater and will have a stormwater maintenance agreement with the Township, which will cover inspections. However, the roads will be dedicated to the Township, which will be responsible for maintenance and trash collection.

Mr. Diasio reiterated what is required of the Township because it is a by-right application proposal. The applicant is meeting all requirements and complying with the ordinance, so if the proposal is denied, the Township can face legal action.

**Public Comment:**

*Sydney Kahn, Wyncote*, opposed the development and stated concerns regarding the soil analysis and water retention, as well as the maintenance of the retention basins. Mr. Khan wants to make sure the applicant is complying with all SALDO requirements.

*Joan Ockman-Slutsky, 218 Church Road*, had concerns regarding flooding because her property experiences frequent flooding. She expressed that the area in question is flood-prone and can cause significant damage if not properly addressed. She believes that the plans provided fail to comply with stormwater management and will not improve flooding for downstream property owners.

*Amy Blum, Elkins Park*, asked if the Tookany/Tacony-Frankford Watershed Partnership has been involved in this process. Mr. Zygmund-Felt responded that their submission was reviewed by the Township staff and has been part of the consideration. Mr. Zygmund-Felt also mentioned that the Commissioners have an obligation to listen to the input from experts.

*Stan A, 204 Church Road*, opposed the development and had concerns regarding the impact on wildlife in the area and the increase of taxes.

*Zoe Slutsky, 218 Church Road*, said she does not believe that SALDO requirements have been met regarding the trees and vegetation in the area. Also, a revised features plan has not been available for public viewing showing the location and quantity of 3" and 5" trees, nor has a revised existing trees chart showing the size and location of trees to be removed or preserved. Ms. Slutsky expressed concern that the engineer failed to include stormwater flows from off-site drainage in his stormwater management calculations.

*Bob Dean, 214 Church Road*, opposes the development and wants the applicant to recognize the difficulties facing the residents living in the area.

*Aaron Mapes, Counsel for David Bernstein at 216 Church Road*, expressed that the by-right plan is a zoning concept and the issue is SALDO requirements and stormwater management.

*Bob Flinchbaugh, engineer for David Bernstein*, also stated concerns that the stormwater management facilities may not be sufficient for the current configuration of properties.

Mr. Zygmund-Felt proposed that approval should be conditional based on the following: Stormwater Management Best Management Practices (BMPs) should be revalidated; the existing features plan should be updated; tree preservation should be clarified and disturbance should not exceed 50%; offsite stormwater flows should be included in stormwater management calculations; and clarification provided on sewer lateral easement. Mr. Diasio confirmed these conditions were reasonable.

Mr. Norris asked for clarification on the issue related to not approving the waiver for existing features. Ms. Pionzio explained that the waiver is granted across Montgomery County and for nearly every plan submitted to Cheltenham Township. An aerial plan is always accepted. Mr. Diasio explained that if it is impossible for the applicant to comply, it is not fair or reasonable to require an existing features plan and that an aerial view is usually sufficient. Mr. Norris asked if there are difficulties completing the existing features survey. Mr. Phillips explained that they will need permission from seven or eight neighboring property owners to complete the ground survey. Mr. Areman argued that there does not seem to be a hardship and documenting existing features within 200' should be a condition of approval. Ms. Pionzio asserted that she has never had to argue about an existing features waiver. She said that ground surveys are expensive, unreasonable, unnecessary, and that it is peculiar to require one in this instance when the same information can be found on an aerial plan.

Mr. Pransky asked if there is a difference between aerial survey and a topographic survey for areas near the floodplain. Mr. Sekawungu explained that the only area in the flood zone on the property is Lot 10, where no structures are proposed; therefore, there are no concerns with zoning. Mr. Phillips explained that this waiver is given in many townships and that aerial photographs and utility information are sufficient.

Ms. Rappoport asked about unresolved discrepancies regarding stormwater management, tree sampling, and woodland disturbance. Ms. Pionzio explained that pursuant to state statutes,

Cheltenham Township hired consultants to review this plan and should listen to those consultants instead of outside experts.

Mr. Diasio emphasized the need to treat all applicants consistently, that the requested waiver is routinely granted everywhere, and that the Board should have a project-specific reason to deny the waiver. Mr. Areman asked if the location of the development could be a reason to enforce a particular aspect of the SALDO. Mr. Diasio answered affirmatively.

Mr. Mapes argued that access to neighboring properties to complete a ground survey will not be an issue and that neighbors have agreed to grant access.

Mr. Zygmund-Felt made a motion to approve with the conditions that the applicant comply with comments from Township staff and experts, comply with the SALDO and BMPs to the greatest degree as required, and that the waiver for existing features within 200' of the property be granted. Mr. Zienkowski added that waivers have value and that the traffic improvements should be included as a condition for approval. Ms. Pionzio objected to the inclusion of offsite traffic improvements as a condition of approval. Mr. Phillips expressed that all future plans should be in compliance with review letters and future comments on revised submittals.

Ms. Rappoport asked if all trees will be a part of the tree count or if tree sampling is representative of the site. She also brought up concerns with soil studies. Mr. Zygmund-Felt said that the projected tree count was a recommendation from the Township Arborist and has been addressed previously. Mr. Phillips added that physical soil testing on site supersedes any soil chart data and that borings performed on site did not hit any water table. Ms. Rappoport asked if the results of the soil sampling were verified by Township experts and if the soil samples were representative of the site. Mr. Phillips replied that the Township did not physically inspect the soil survey, but the survey was performed by a licensed professional geologist.

Mr. Diasio restated the motion as a motion to approve with the following conditions: the waiver for natural features within 200' is granted; the applicant will comply to the greatest degree with the SALDO; the applicant will be in compliance with the review letters from the Township's retained consultants and any forthcoming comments generated as a result of compliance with those comments; and that the McMahon traffic review letter will be a discussion item before the Board of Commissioners meeting.

**Recommendation to the Board of Commissioners:** Upon motion of Mr. Zygmund-Felt, the Committee, with a 6-0 vote, recommended the Board of Commissioners adopt a resolution granting conditional approval for CTDA #21-06 Subdivision and Land Development Plan for 222 Church Road, Elkins Park, PA for the proposed subdivision of an existing single lot into ten lots, with 8 single-family homes proposed for lots 1-8; an existing single-family home and accessory structure to remain on lot 9, and a proposal to dedicate the remainder of the property to Cheltenham Township, with the conditions that the requested waiver for existing features plan within 200' be granted, and that the applicant comply with comments from Township staff and consultants and with SALDO and BMPs as required, and comply with whatever decision is rendered on the McMahon traffic letter pending further discussion prior to the Board of Commissioners meeting. (Ayes: Norris, Brockington, Holland, Pransky, Areman, Zygmund- Felt; Not Present for Vote: Rappoport).

## 5. CITIZENS' FORUM

*Ted Cerebi* had comments regarding trash and recycling, asking that the Township take a close look at recycling collection practices, equipment, and costs before making a decision on the trucks.

*Karin* commented about the amount of items that should not be in the recycling bins, and a plus of having the staff physically collecting the recycling instead of the arm trucks would be that they could reject an entire bin if they see plastic bags, Styrofoam, and similar non-recyclable items included.

6. There being no further business, upon motion of Mr. Zygmund-Felt, the meeting was adjourned at 11:30 p.m.



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Robert A. Zienkowski  
Township Manager  
Submitted by: Ariel Sykes

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