

MAY 13, 2014

The Regular Meeting of the Board of Commissioners was called to order by President Rudolph at 8:00 p.m. on Tuesday, May 13, 2014 in the Township Building.

The following Commissioners were present: Mrs. Sage, Messrs. Rudolph, Janiczek, Culp, Wechsler, Layden and Lanciano. Also present were Messrs. Fulton and Byrne, as well as Mrs. Warner.

The Invocation was given by Reverend Robert Kinzel of the Blue Church and was followed by the Pledge of Allegiance.

Mr. Layden read a Proclamation proclaiming the month of May 2014 as "Poppy Day's" in Springfield Township.

On motion of Dr. Janiczek, the minutes of April 8, 2014 were approved as transcribed. Seconded by Mr. Wechsler and carried.

Mr. Rudolph asked if anyone in the audience wished to comment on any of the agenda items.

Thomas Musi, Esq, representing the owners of Springfield Square East Shopping Center, raised concerns regarding the Land Development Application of Chipotle Restaurant proposing to locate on the southwest corner of Baltimore Pike and Woodland Avenue. He said the restaurant will create major traffic problems and believes there will be accidents created as a result of the new restaurant. He said the plan does not provide adequate stacking area for vehicles which will create a back-up on a public street waiting entry onto the lot. The owners of the shopping center had their own traffic study conducted by Stephen Bolt of Orth Rodgers. The study, which was provided to the Board, indicated there will be major backups, accidents, overflow of parking and people crossing three or four lanes of traffic. He stated that this will affect the adjacent commercial property owners, as well as residential owner. He commented that this review process

REGULAR MEETING

ROLL CALL

INVOCATION

PROCLAMATION

MINUTES

PUBLIC COMMENT

has moved too quickly and does not believe that the documentation submitted to the Planning Commission and Board of Commissioners has been adequately reviewed. Mr. Musi stated the traffic study that Chipotle submitted compared it to three other restaurants (Qdoba, Boston Market and Salad Works). He said it's like comparing apples to oranges, rather than apples to apples. Chipotle nearly triples to what Salad Works earns and doubles to what Boston Market makes. He said Chipotle's projection is \$2.7 million a year on average.

Mr. Musi requested that the Board step back and review the safety issues of this intersection. In the event that the Board approves the development, he requested that as a condition for approval, the Board authorize PennDOT to take another look at the documentation and review process to assure that they are considering all the facts. He also requested in order to assure safety that a pork chop be installed at the entrance with right turn in and right turn out.

Mr. Byrne gave background history of Chipotle's Land Development application. He stated the application process started last summer. The application was heard before the Zoning Hearing Board and approval was granted from the zoning aspects in September 2013. Since that time, the matter has gone through several different submissions to the Planning Commission, Mr. Mastronardo, Township Engineer, and Mr. Cervino, Zoning Officer, as well as others who have appeared at a number of hearings. The matter is on our agenda tonight because under the PA Municipalities Planning Code, this Board is charged with making a decision. If the Board does not make a decision within the timeframe, the application will either be deemed approved or denied and the Township could lose control of proposed development. He stated that there are third party approvals that need to be obtained. If there is a motion for approval tonight, Mr. Byrne suggested that the approval is subject to third party conditions, such as PennDOT's approval. This would have to be obtained before permits would be issued.

Mr. Claude deBotton, owner Springfield Square East Shopping Center, expressed his opposition to the location of the proposed Chipotle Restaurant.

David Falcone, Esq., representing Chipotle, stated he would like to give a brief review of the previous Zoning and Planning Commission hearings. Mr. Byrne stated that even though the Board of Commissioners was not at the hearings, they have reviewed the reports in order to understand all the issues.

Mr. Steve Bolt, Orth Rodgers & Associates, requested the applicant be required to provide a revised Traffic Impact Study considering the geometric restrictions for side access as well as provide pork chops in order to preclude left turns out of the site. He asked that the Board support that position in the course of the HOP review.

Mr. Gene Ontjes, owner of Chick-Fil-A franchise located in the shopping center, stated he had some reservations about that particular location for Chipotle because of the difficulty in being able to park. He would like to see Chipotle located at a different location in Springfield.

Mr. Rudolph called for Committee Reports.

Mr. Culp read the Parks Department maintenance report for the month of April. The Parks Department has completed all spring baseball field renovations. They installed temporary outfield fences at Walsh, Jane Lownes and both Netherwood baseball fields. A pink dogwood tree was planted at Memorial Park for Arbor Day. The Township was given the Tree City USA award for the 22nd consecutive year.

Mrs. Sage reported that on May 22nd the Zoning Hearing Board will convene to hear and render decisions for the following applications:

COMMITTEE REPORTS

Parks

Zoning

- Application of Kimco Realty for variance to permit two wall signs on façade of building at 731 W. Sproul Road.
- Application of Bann Valley Development, for variance and special exception to permit more than one principal use on a property zoned “B” Residence District and known as: 1521 Wallingford Road.

Planning

Mr. Wechsler reported that at the Planning Commission’s May meeting, the land development plan for Chipotle was reviewed. The Commission recommended its approval subject to Township Engineer’s comment and PennDOT review.

Library

Dr. Janiczek announced registration for “Science in the Summer” has begun. The program will be held at the Library on July 14th - 17th. The theme this year is “Genetics” which is sponsored by GlaxoSmithKline and Delaware County Library System. The Spring Book Sale is scheduled for May 17th through May 19th in the Springfield Township Building. Recycling containers for laser and inkjet printer cartridges and cell phones are located at both the upper and lower entryways of the Library. There is also a recycling container available at the Township Building.

Public Works

Dr. Janiczek reported for the month of April 2014, total tons of recycled paper was 201 tons, 88 tons of commingled collected and refuse collection was totaled 1094 tons. Due to the Memorial Day holiday on Monday, May 26th, trash and recycling will not be collected. As stated in the Township calendar, brush is only picked up the 3rd Wednesday of every month January to September.

Police

Mr. Rudolph announced the Springfield Township Police Department will be participating in seat-belt enforcement activities as part of the “National Click It or Ticket” seat-belt enforcement mobilization from May 19 to June 8. PennDOT data for 2013 shows that 425 individual who were killed in crashes were not wearing their seat belt.

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Mr. Wechsler moved that all bills approved for payment by the appropriate chairperson be paid. Seconded by Mr. Culp and carried.

On motion of Mrs. Sage, seconded by Mr. Wechsler, the Treasurer's Report for April 2014 was accepted and ordered filed.

Mr. Wechsler read a proposed ordinance amending language in Chapter 106-3 " Rental Dwelling Units - Certificate of Use Fees" will be included under Chapter 40, entitled "Fee Schedule". He moved that the proposed ordinance be approved for its first reading and advertised. Seconded by Mr. Culp and carried.

Mr. Lanciano read a proposed ordinance creating a "No Parking" zone on the northwest side of the unit block of N. Britton Road, extending 136' in a northeasterly direction from the center of intersection on W. Springfield Road. He moved that the proposed ordinance be accepted on its first reading and advertised. Seconded by Mr. Layden and carried.

Dr. Janiczek moved that the Board go into Executive Session for ten minutes to discuss Chipotle's Land Development application. The motion was seconded by Mr. Lanciano and carried.

Mr. Byrne explained that when the Board is making a decision like this, Pennsylvania law allows the Board to go into Executive Session to discuss the matter with the Solicitor. Any deliberation on the matter will be done out in the public. After ten minutes, the meeting reconvened back into open session.

Dr. Janiczek moved to approve the Preliminary/Final Land Development Application of Chipotle Restaurant, Baltimore Pike & Woodland Avenue, subject to the following conditions:

BILLS SUBMITTED

TREASURER'S
REPORT

PROPOSED ORDINANCE
Rental Dwelling Units
Certificate of Use Fees

PROPOSED ORDINANCE
No Parking Zone

LAND DEVELOPMENT
Chipotle Restaurant

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- Obtain all third party approvals;
- Accept the comments of the Township Planning Commission;
- Accept items noted in the Township Engineer's letter of May 1, 2014
- Authorize the Township Engineer to notify PennDOT requesting that they include a post-occupancy traffic study as a condition of the Highway Occupancy Permit

Mr. Byrne stated that third party approvals can sometimes be more extensive than PennDOT. PennDOT is a major issue in this case, but there could also be approvals from DEP and other type of environmental requirements. The motion was seconded by Mr. Layden and carried.

RELEASE OF
ESCROW FUNDS

Mrs. Sage moved authorizing the Township Engineer to release \$10,007.56 from the escrow account for Patient First, 417 Baltimore Pike. Seconded by Mr. Culp and carried.

BIDS AUTHORIZED

Mr. Culp moved that the Township be authorized to participate in a multi-township bid for Road Overlay and Milling. The bidding process will be handled by Marple Township. Bids will be received until 10:00 a.m. on June 3, 2014. Seconded by Mrs. Sage and carried.

AUDIENCE

Mr. Steve Dasovich, 632 Kennerly Road, expressed his concerns with the Code Enforcement office and asked for the Township's help in addressing the issue. Mr. Byrne stated that since Mr. Dasovich is represented by a lawyer and it has now become a legal matter, he instructed the Board to listen to what he has to say, but requested that no comments be made. Mr. Dasovich stated the hopes the situation can be resolved without having to use Township dollars wasted on a court case that is protecting a Township employee from not complying with the code.

Mr. Wilfong, 669 Newlin Road, commended the Board and employees for the planting of the new trees along Saxer Avenue and hope there is more beautification on Saxer Avenue. He stated that he is part of Community Watch and has been reading in the newspaper of the continued vandalism at

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Old Central School. He suggested the Township install security cameras. Mr. Rudolph replied that due to the vandalism of Old Central School, policing of the area has been increased and security cameras have been installed.

Ms. Betsy Mason, Parker Drive, suggested that when preparation begins for the Run for Heroes in October that time splits be added to the secondary stage. The Ambulance Corps staffs the second stage and in the past runners have requested a time split.

Mr. George Miller, 311 Alliston Road, questioned the status of the e-recycling program. He noticed that there are no longer drop off locations. Mrs. Warner replied the Township terminated the program because the company originally picked up the electronics at no charge, then the Township had to deliver the electronics and now the company has instituted a fee. Since it is still illegal to put computers and TVs in the trash, residents are encouraged to use the County's electronic collection sites which is held four times a year. For electronics to be picked up at the curb, a special trash collection would need to be scheduled and paid for prior to pick up by the Township. Mr. Rudolph noted that large appliance stores will also accept these items.

Dr. Janiczek moved that the meeting be adjourned. Seconded by Mr. Lanciano and carried.

ADJOURNMENT
(9:00 p.m.)