

**MINUTES OF MEETING
BOARD OF COMMISSIONERS
SPRINGFIELD TOWNSHIP**

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday evening, March 8, 2006 at 8:00 PM in the Springfield Township Building for the purpose of transacting the general business of the Township. All members of the Board were present. Mr. Standish presided.

Mr. Standish opened the meeting with the Pledge of Allegiance.

Motion (Gillies-Schaum) carried unanimously dispensing with the reading of the previous meeting and approving same as written and recorded in the official minute book of the Township.

Mr. Standish announced that during the month of February, the Commissioners conducted two executive sessions, one on February 21 and the other on February 28, 2006. Both meetings were related to the Flourtown Country Club. In both instances, the exception to the Sunshine Law involved both receipt of confidential information as well as the land exclusion related to the leasing of land.

Mr. Standish announced that related to the Flourtown Country Club, at the February 8, 2006 meeting of the Board of Commissioners, the Board voted to enter into an independent contractors agreement with Angelo DiCandilo, for Mr. DiCandilo to manage the Flourtown Country Club. Unfortunately, the Board of Commissioners found that it would not be in the best interest of the Township to execute the agreement as desired by Mr. Candilo. As a result, the daily operation of the Flourtown Country Club is being managed by Township staff, with the expectation that a long term management agreement with the Halligan Partnership will be executed in the near future.

Mr. Standish stated that at the conclusion of the business meeting, the Board would hear a short presentation from counsel for Federal Realty Investment Trust related to their plans to renovate and redevelop the Flourtown Shopping Center. Parties in opposition to the current proposal will also be given an opportunity to comment on the plan. It was stated that the Board was not obligated and is not considering making any decision with regard to the Flourtown Shopping Center at the business meeting.

Dave Morris, Norfolk Road, addressed the Board on the Open Space Plan. He noted that the Board of Commissioners has plans to approve the Open Space Plan and desired the opportunity to discuss in detail specific portions of the plan. Mr. Standish indicated that the Open Space Plan is a working document. Mr. Morris was encouraged to meet with the Open Space Planning Committee to discuss any specifics.

Tim Huenke, 2104 Carolton Way, expressed his appreciation for bike paths for commuting to work and school, as well as an opportunity to exercise.

Carol Auerbach, 22 Highland Avenue, inquired when it was appropriate to discuss specific interests in the Open Space Plan. Both Messrs. Gillies and Standish explained the

purpose of establishing the Open Space Plan, and provided an outline on the County Open Space Program through which municipal projects will be given consideration for funding.

Mr. Standish, Chairman of Internal Affairs Committee, reported:

Motion (Standish-Lunn) carried unanimously to approve the February check reconciliation in the amount of \$500,572.62 and the March bill listing in the amount of \$542,759.05.

Motion (Standish-Harbison) carried unanimously to authorize that a letter be sent to the appropriate State Legislators opposing the creation of a mandatory County-wide tax collection system for earned income taxes.

Motion (Standish-Harbison) vote 6-1, Mr. Dailey opposed, to adopt Resolution No. 1130, a resolution adopting the 2005 Springfield Township Open Space Plan. Mr. Standish explained the purpose for developing such a plan. Mr. Standish also thanked the Open Space Planning Committee and the Montgomery County Planning Commission for their efforts in assembling the Open Space Plan.

Mr. Dailey explained his vote in opposition to the plan suggesting that he is not voting against open space, but is concerned with getting more input from residents in ward 6 who are concerned with prospective trails and the related crime, noise, trash and parking. Mr. Standish clarified the fact that there is no specific plan for a trail, which Mr. Dailey acknowledged. Mr. Dailey is concerned not so much with a local trail, but that the trail may become a part of a larger network.

Mr. Schaum, Chairman of Public Safety Committee, reported:

Motion (Schaum-Gillies) carried unanimously to amend the Township Code, Section 107-24, Schedule I, Speed Limits, by establishing a 25 MPH speed limit on Gravers Lane from Stenton Avenue to Elliston Drive.

Mr. Gillies, Chairman of the Library Committee, had no report.

Ms. Lunn, Chairwoman of Community Development and Environmental Resources Committee, reported:

Ms. Lunn announced that during the month of February 2006, Springfield Township residents recycled 181.9 tons of materials with a householder participation rate of 76.9%. The net cost for the month was \$7,120.03.

Ms. Lunn announced that beginning in January 2006, the Board of Commissioners, along with an ad hoc committee of interested residents, has been discussing the creation of an environmental advisory commission. The Commission will advise the Board of Commissioners and other Township committees on environmental management, and will promote environmental education, as well as protection and conservation of the Township's natural resources. The Board of Commissioners will consider enacting an ordinance creating the commission at their April 12, 2006 meeting. The Board is

currently accepting resumes and letters of interest from residents who wish to serve as voluntary members of the new Environmental Advisory Commission.

Motion (Lunn-Peirce) carried unanimously to approve the subdivision plan of Moses Feldman, 841 Andorra Rd, dated November 1, 2005, last revised February 1, 2006. The subject of the plan includes the transfer of approximately one-half of an acre from the Feldmans to their next door neighbors, the Hankins, 851 Andorra Rd. The approval included waivers to Chapter 95 of the Springfield Township Code requiring existing features within 200 feet of the subdivision be shown on the plan, and the requirement that existing contour lines be shown on the plan. As a condition of approval, a note shall be added to the Plan requiring the owners of 851 Andorra Road to dedicate to Springfield Township an additional 5 feet of right of way along the entire frontage of their property at the direction of the Board of Commissioners at a future date.

Mr. Gillies clarified that, to the extent the land owners do not accept the condition as put forth by the Board of Commissioners, the subdivision must be returned to the Board of Commissioners for further consideration.

Motion (Lunn-Harbison) carried unanimously to approve the land development of the land development of Gail and Bruce Redpath, 524 E. Evergreen Avenue, dated January 17, 2006, last revised February 10, 2006. The subject of the land development is the construction of a single family residential dwelling at 510 Auburn Avenue. The approval of the land development includes waivers to Chapter 95 of the Township Code requiring existing features within 200 feet of the land development to be shown on the plan, and the requirement that the existing improved cartway be widened from 25 feet to 30 feet. The Board will defer the construction of curbs and sidewalks along the frontage of the property at this time, but reserves the right to require same to be installed at the owner's expense.

Motion (Lunn-Gillies) carried unanimously that in compliance with Section 509.B of the Pennsylvania Municipalities Planning Code, the Board of Commissioners waive the formal land development review process for Daniel J. Helwig in conjunction with his improvements to the property located at 1417 Bethlehem Pike, Flourtown. The waiver is granted in conjunction with plans and architectural renderings shared with the Springfield Township Planning Commission on February 21, 2006, the Springfield Township Emergency Services Board on March 1, 2006, and the Board of Commissioners on March 6, 2006. The subject of the land development is the renovation of an existing mixed use building to include exterior façade enhancements, the construction of a second floor entrance, and interior partitions within the first floor. As a condition of the waiver, the applicant shall be required to provide stormwater management improvements as represented to the Springfield Township Planning Commission, and comply with all applicable building and zoning codes.

Ms. Peirce, Chairwoman of Communications and Cultural Resources Committee, reported:

Ms. Peirce noted that the Board of Commissioners is in the process of forming a task force to create a communications committee to provide for more timely and interactive communications between the Township and the community. Mr. Kilkenny noted that the Township staff is in the process of researching area communities to determine if legislation is needed and if any samples are available.

Motion (Peirce-Lunn) carried unanimously to award a professional services contract to Delta Development Group, Mechanicsburg, PA, in accordance with their consultant agreement dated February 3, 2006 to prepare a Commonwealth of Pennsylvania Redevelopment Assistance Capital Program Grant application for the Black Horse Inn restoration effort. Ms. Peirce explained the grant program and the need for assistance from Delta Development. Mr. Gillies noted that the expenditure of funds for this contract would be made available from the existing approved budget.

Motion (Peirce-Harbison) carried unanimously to award a contract to Lawn Rangers, Inc. to perform lawn moving and field maintenance activities at Springfield Township parks in accordance with their bid dated March 2, 2006 in the amount of \$18,925. Ms. Peirce noted the Township received a total of five bids for this project.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the Zoning Hearing Board would next meet on Monday, March 20, 2006 at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board agenda.

Motion (Dailey-Gillies) carried unanimously to authorize the office of the Township Solicitor to attend the Zoning Hearing Board meeting to establish a record of the proceedings, and to affirm the conditions placed on previous approvals granted by the Zoning Hearing Board with respect to the permitted activities at Wordsworth Academy.

Mr. Harbison, Chairman of the Public Works and Facilities Committee, reported:

Motion (Harbison-Schaum) carried unanimously to adopt Resolution No. 1131, a resolution authorizing an agreement with the Pennsylvania Department of Transportation for PennDOT to adjust the Township's utility manholes located in State highways.

Mr. Harbison announced that the Friends of Historic Bethlehem Pike, the Springfield Township Historical Society, the Black Horse Inn Advisory Committee and the Board of Commissioners will be receiving an award from the Preservation Alliance of Philadelphia on May 3, 2006 related to the community action project to renovate the Black Horse Inn.

Tim Huenke, 2104 Carolton Way, readdressed the Board and inquired where he might get a copy of the Township Open Space Plan. Mr. Huenke was directed to the Township's web site.

Flourtown Shopping Center

Rob Lewis, Esq., represented himself as legal counsel for Federal Realty Investment Trust, the owner of the Flourtown Shopping Center. Mr. Lewis thanked the Board of Commissioners for the opportunity to present information to facilitate an exchange of information between the Board of Commissioners and Federal Realty. Mr. Lewis introduced Matt Lattin, representing Federal Realty Investment Trust; Ken O'Brien, a traffic engineer from McMahon and Associates; and Chris Burchette, civil engineer from Gilmore and Associates. Mr. Lewis suggested that the project is far more than the construction of a Home Depot, but is actually the redevelopment of the entire Flourtown Shopping Center, including the building of a Home Depot. The redevelopment will also include façade improvements, traffic flow improvements, and the new anchor store. He noted that Federal Realty has previously met with community associations, the Township Planning Commission, and Township staff. They are currently in the process of a rezoning petition with Whitmarsh Township, which is mutually exclusive from the redevelopment of the shopping center within Springfield Township. Mr. Lewis presented plans providing for a realignment of the main entrance and exit, with commercial driveways across Bethlehem Pike. The plan provides for landscaping improvements and pedestrian access improvements. Mr. Lewis suggested that the square footage of building floor area for the entire project has been reduced.

Matt Lattin, Federal Realty Investment Trust, suggested the project began in 2003 when Federal was able to recapture the K-Mart building. In 2004, the Trust made application to the Township with the thought that a new larger Genuardis food store would be the anchor for the shopping center. Mr. Lattin also noted that he has met with community organizations and is attempting to meet the objectives of the FEEA Vision Plan. Mr. Lattin provided a sketch plan of the strip stores which were provided with an updated unified theme of architecture and signage. The new stores, if approved, in Whitmarsh Township will be of similar appearance. Digital photos placing the Home Depot elevation in the rear of the property were presented. The photos indicated that the Home Depot would be partially screened by McDonalds, the other stores and landscaping. Mr. Lattin noted that the typical Home Depot is in excess of 100,000 sq. ft. plus a garden center, and the proposed Home Depot is 86,000 sq. ft. building, plus a garden center. Sketch plans of the proposed building elevations were provided. Mr. Lattin suggested that the retail mix is approximately 10% - 15% contractors, and 85% do-it-yourselfers.

Ken O'Brien, Traffic Engineer, indicated the site is difficult as currently configured. Their office is attempting to improve the cross traffic situation on Bethlehem Pike at the main entrance to the shopping center. They have made improvements to the northern driveway of the shopping center by removing the median between the main parking area and the driveway and improving the curvature of the driveway. The proposal still maintains travel in both directions along the existing strip stores, and they have added stamped macadam pedestrian crosswalks with pedestrian paths throughout the property. It is their desire to eliminate the post office within the existing strip stores to help with the

existing congestion within the driveway. Mr. O'Brien compared the trip generation between an active K-Mart store and a Home Depot store. In summary, weekdays AM peak there are 34 more trips to the Home Depot, PM peak 200 less trips to the Home Depot store, and on Saturdays, 175 less trips to the Home Depot at peak.

Chris Burchette, civil engineer, indicated that there is slightly less impermeable surface with the new proposal as opposed to what exists today. Regardless, his firm was asked to consider means by which additional stormwater management may be introduced to the site. His firm studied the soils and is concerned with adding seepage pits or infiltration of any type to avoid creating sink holes. His firm reviewed means by which to improve the quality of stormwater discharge, but when reviewing the stream corridor adjacent to the site, he found the embankments to be very stable with very limited erosion and would not suggest modifying that in any fashion.

Mr. Lewis readdressed the Board on off-street parking. He reviewed the current Township requirements to provide 5.5 spaces per 1000 sq. ft. of leasable area, which is undefined. Mr. Lewis suggested that they may continue to maintain the non-conformity of the number of off-street parking spaces but cannot increase the non-conformity. Mr. Lewis does not believe that the tire center or the garden center were calculated in the off-street parking requirements previously set forth for the K-Mart. There is currently a parking ratio of 4.14 parking spaces per 1000 sq. ft. of leasable area, and their proposal is for 4.22 spaces per 1000 sq. ft. of leasable area.

Mr. Harbison raised questions on the following points: (1) the permanency of the garden center structure, (2) truck traffic management, (3) status of the Whitmarsh Township rezoning application, (4) a definition of a "hybrid lifestyle center" for the Home Depot, (5) construction time for the renovations, (6) the difference between a full service Home Depot and what is proposed in Flourtown, and (7) general traffic flow through the shopping center.

Ms. Lunn raised the following issues: (1) are the parking and landscaping requirements met in Whitmarsh Township, and (2) the need for additional pedestrian improvements throughout the shopping center.

Mr. Lewis took the opportunity to discuss improvements in buffering along Bethlehem Pike as well as the loading and unloading areas to the rear of the proposed Home Depot.

Ms. Lunn then discussed the "village" shopping opportunity goals for the area, and the need for stormwater management on the site that is not available.

Mr. Gillies made the following comments: (1) the developer needs to think of other means to provide circulation throughout the property, (2) stormwater management might include storage of stormwater vs. infiltration, (3) consider timing of loading and unloading of materials at the shopping center, and (4) improvements to the rear elevations of the buildings are needed to break up the stark walls.

Mr. Standish made comment on: (1) managing the speed of traffic throughout the center, (2) corralling the shopping carts, (3) inquired how other large tenants compare in traffic generation.

Ms. Peirce asked the following questions: (1) with the number of Home Depots in the area, if one other were to close, would the Flourtown Home Depot take on additional business and traffic, (2) expressed a concern for traffic safety within the property and the approach roads.

Mr. Dailey made the following points: (1) expressed concern for interior traffic safety, (2) inquired whether the Home Depot façade is the same as the rest of the shopping center, (3) inquired how the construction and occupancy of both the Springfield and Whitmarsh portions of the shopping center would occur, (4) expressed concern for noise abatement in the service areas of the buildings.

Herbert Rubenstein, Esq., representing Liv and Joan Biddle, 6261 Henry Lane, Whitmarsh Township. Mr. Rubenstein suggested he has expressed his legal opinion on the non-conforming off street parking requirements to both the Township Solicitor and opposing counsel. Mr. Rubenstein noted that his clients, the Biddles, are in favor of the revitalization of the Flourtown Shopping Center, but not necessarily as proposed. Mr. Rubenstein stated his thought that the proposal exacerbates an existing non-conforming parking issue, and that the Springfield Township Zoning Code does provide definitions for the amount of off-street parking requirements and as such requires conformity with the requirements. The comparison was made with the size of the existing K-Mart building and the Home Depot with a garden center. A comparison of the off-street parking needs was also presented. Mr. Rubenstein spoke of non-conformity and continuing same, however, remarked that the proposal is to completely remove the old K-Mart building and foundations, and inquired whether, as a result, the property would still enjoy non-conforming status. A comment was made with regard to the zoning code's prohibition on outdoor sales in the shopping center, and whether Federal Realty designated the garden center as outdoor sales to bypass the off-street parking requirements, or complies with the Zoning Code to classify the garden center as indoor sales, thereby requiring off-street parking.

Mr. Rubenstein introduced Frank Zafalski, of FAZ Transportation Planning and Traffic Engineering. Mr. Zafalski discussed traffic issues associated with: (1) the garden center, (2) delivery truck traffic, (3) providing cart corrals, (4) daily trip counts, (5) proposed uses in Whitmarsh Township, and (6) the use of traffic isles to control traffic.

Mr. Harbison agreed with Mr. Rubenstein's position that the Township should uphold its laws, but understands that the shopping center maintains nonconforming status in many ways. Mr. Harbison stated his understanding of Mr. Rubenstein's position that to the extent the facility is larger, then the nonconforming status no longer applies.

Ms. Lunn asked for a clarification on the off-street parking calculations provided by Mr. Rubenstein and noted that they indeed included the seasonal sales area as an area requiring off-street parking.

Mr. Gillies clarified Mr. Rubenstein's position that even though 39 new off street parking spaces are being provided, they were still 35 spaces less than required, and Mr. Rubenstein believes some of the nonconforming status is also lost with the proposed redevelopment.

Mr. Standish asked if the key issue for Mr. Rubenstein is the nonconforming status of the shopping center as it relates to off street parking.

Ms. Peirce clarified Mr. Rubenstein's position on off-street parking requirements that need to conform including the number, size and layout of the parking.

Mr. Daily inquired of Mr. Rubenstein's opinion on whether the sale of seasonal plants at the Genuardis supermarket is technically not permitted.

Richard Abraham, 670 Bethlehem Pike, expressed his appreciation for the effort put forth by the Board of Commissioners in saving the Black Horse Inn, and does not believe that the type of redevelopment of the Flourtown Shopping Center, particularly, the Home Depot, is consistent with the goals of the Township as demonstrated by saving the Black Horse Inn.

Tim Huenke, 2104 Carolton Way, spoke of his concerns for maintaining an open fire lane to the rear of the proposed structure as well as the storage of large quantities of hazardous materials at the Home Depot store.

Joan Biddle, Henry Lane, Whitemarsh Township, noted that the developer met with FEEA and the Whitemarsh Township Residents Association and letters are on file from the organizations not supporting the construction of the Home Depot store. Ms. Biddle asked that the Township enforce the zoning laws, and opined that the size of the Home Depot is not consistent with the neighborhood.

Ken Shepley, 6312 Arlingham Road, Whitemarsh Township, suggested that the meetings on developments are to be part of a democratic process, but there seems to be disjunction between the law and the community, and would like the developer to address the community needs. There does not appear to be human or community input concern. Mr. Kilkenny addressed Mr. Shepley and indicated that the municipalities are required to follow the zoning and subdivision laws, which are set forth by the Pennsylvania Municipalities Planning Code and case law. Municipalities are guided accordingly.

Carol Auerbach, 22 Highland Avenue, suggested the installation of speed humps throughout the shopping center to help control speeding, and she is also concerned with the amount of traffic in and about the shopping center.

Janice McGreen, 110 West Wissahickon Avenue, noted that the Township has worked hard on the FEEA Vision Plan and opined she is concerned with the quality of life issues that may be adversely affected by the development. She too is concerned with the traffic inside the shopping center, as well as along Bethlehem Pike.

Jim Degnan, 6314 Sunnybrook Road, made the following comments: (1) noted his concern for the safety of children in the area with the increased traffic, (2) truck traffic is a concern within the community, and (3) generally does not like the appearance of the Home Depot store.

Jean Welsh, 2106 Bridle Lane, opined that two lanes of traffic in the main travel isle at the shopping center would be best traveling in one direction rather than two. Ms. Welsh asked that the large shopping carts be managed within the parking lot.

John Fitzpatrick, 856 Meadow Road, Whitemarsh Township, expressed his displeasure for the pending noise that would occur with Home Depot receiving evening deliveries.

There being no further business, the meeting was adjourned at 11:15 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary