

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

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday, November 14, 2007 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. Mrs. Lunn presided. Mrs. Lunn opened the meeting with the Pledge of Allegiance.

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

Mrs. Lunn acknowledged that past Commissioners Robert McGrory and Michael Cassidy were in the audience.

Steve Yula, 30 Whitmarsh Avenue, addressed the Board of Commissioners related to his concerns for the proposal of 9425 Stenton Partners LLC who is proposing a redevelopment of 9425 Stenton Avenue. Mr. Yula indicated that he was opposed to the Zoning Hearing Board petition filed by 9425 Stenton Partners and also disappointed with the decision of the Zoning Hearing Board granting most of the zoning relief requested by the developer. Mr. Yula indicated that the one finding of fact by the Zoning Hearing Board that was particularly distressing was the fact that the Zoning Hearing Board found that the building was impractical to repair. Mr. Yula shared information with the Commissioners that he had shared with the Zoning Hearing Board including building elevations as compared to the existing structure. Mr. Yula does not believe that the applicant demonstrated that the variances granted were the minimum variances needed to pursue their proposal and would like the Board of Commissioners to appeal the decision of the Zoning Hearing Board.

Michael Cassidy, Esq., representing 9425 Stenton Partners LLC, addressed the Board of Commissioners on the process by which 9425 Stenton Partners engaged the Township and area neighbors. Mr. Cassidy suggested that he might have expected the neighbors to appeal a decision by the Zoning Hearing Board, however, he was surprised that the Board of Commissioners would consider an appeal. Mr. Cassidy indicated that the Zoning Hearing Board application was made approximately 7 months ago, and prior to making the application, the applicant met with the Planning Commission and received favorable feedback on their proposal from the Planning Commission. The Board of Commissioners had opportunity to review the plans either during the time of application to the Zoning Hearing Board or the Planning Commission, and in fact the Board of Commissioners specifically took a "no position" on the initial application before the Zoning Hearing Board. In April 2007, 20 letters were sent to the adjoining neighbors of 9425 Stenton Avenue inviting residents to meet with the applicant and review the plans. Six to seven neighbors indeed visited with the applicant and two or three spoke to the applicant over the telephone. Their concerns with the application were trash, lighting,

and stormwater runoff. The first Zoning Hearing Board meeting was held in May 2007, and many neighbors appeared in opposition to the plan. After a long night, a request was made to postpone the hearing in order to provide the applicant and neighbors more opportunity to meet. The meeting was rescheduled for September 2007. In either August or September, the applicant met with the neighbors and the neighbors did ask whether the proposal could be changed to townhouses and discussed a density issue, but no specific alternative plans were suggested by the neighbors. In September 2007, the Zoning Hearing Board continued the testimony and concluded the hearing. In October 2007, the Board voted unanimously to approve the redevelopment proposal. Mr. Cassidy asked that the Board be fair and just when considering whether it is appropriate to appeal the decision of the Zoning Hearing Board.

Steve Steinbrook, 34 Whitemarsh Avenue, stated that he did not believe the redevelopment proposal was good for Springfield Township, and cited several points held as important criteria in the “smart growth” concepts of the Delaware Valley Regional Planning Commission. Some of the criteria quoted were: (1) single vehicle trips are discouraged, (2) planners value a walkable community, (3) developments should interrelate to the surrounding neighborhood, (4) maintaining historic preservation is valued, and (5) developments should receive written support of the surrounding community.

Ken Myers, 3 Holly Court, Whitemarsh Township, indicated that the detection loop at the traffic signal on Manor Road at Ridge Pike does not seem to be operating in the manner in which it did prior to Manor Road being resurfaced. Mr. Myers indicated that in the past, smaller vehicles such as mopeds and bicycles were detected, and now they are not. Mrs. Lunn indicated that Springfield Township would review the situation and report back.

Glenn Bandt, 1505 Paper Mill Road, addressed the Board on a sewage backup within his residence approximately one year previous. Mr. Bandt indicated that he has been working with the insurance company representing Springfield Township and indeed has secured legal counsel at the recommendation of the Township’s insurance company. Mr. Bandt asked the Board of Commissioners to encourage the insurance company to settle the claim in order that they might move forward with their lives. Mr. Kilkenny indicated he would discuss this matter with counsel for the insurance company and perhaps the Bandt family.

Mrs. Lunn, Chairwoman of Internal Affairs and Environmental Resources Committee, reported:

Motion (Lunn-Harbison) carried unanimously to approve the October check reconciliation in the amount of \$1,216,779.47 and the November bill listing in the amount of \$841,989.14.

Mrs. Lunn announced that Springfield Township residents recycled 272 tons of materials with a householder participation rate of 75.9%. The net savings for the month was \$1,970.66.

Mrs. Lunn announced that there were two additional meetings through the adoption of the 2008 budget. Those meetings were Budget Hearing on December 12, 2007 at 8:00 PM, and the Budget Adoption on December 19, 2007 at 8:00 PM. Both meetings will be held in the Springfield Township Building.

Mrs. Lunn presented the 2008 Budget Statement. The statement included that the Board of Commissioners proposed a balanced operating budget for 2008 of \$17,644,566 with a real estate tax rate of 3.370 mills, and an earned income tax rate of 1.0%. The impact on the typical taxpayer as a result of the 2008 budget projections is that the taxpayer will realize no net change in the combined real estate tax and service fees. The 2008 budget proposes to maintain the real estate tax rate identical to 2007, while the discounted sanitary sewer rental will be set at \$2.93 per 1000 gallons of wastewater treated and the discounted refuse service fee was set at \$205.53. Copies of the proposed 2008 budget will be made available in the office of the Township Manager.

Motion (Lunn-Harbison) carried unanimously to adopt Resolution No. 1163, a resolution revising the 2008 Minimum Municipal Pension Obligations for the three Township pension plans.

Motion (Lunn-Gillies) carried unanimously to join with the School District of Springfield Township in appealing the recent decision of the Montgomery County Board of Assessments to reduce the real estate tax assessment for the Genesis Eldercare property, 350 Haws lane, Flourtown.

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

Motion (Schaum-Harbison) carried unanimously to adopt Resolution No. 1164, a resolution adopting the Montgomery County Natural Hazards Mitigation Plan to be incorporated into the Springfield Township Emergency Management Plan.

Mr. Schaum noted that Montgomery County worked with all of the municipalities in the County to create the Natural Hazards Mitigation Plan.

Motion (Schaum-Gillies) carried unanimously to amend the Springfield Township Code Section 107-28, Schedule V, Stop Intersections, by authorizing the installation of a stop sign on Kopley Road traveling in a northwesterly direction at its intersection with East Wissahickon Avenue. Mrs. Lunn described the intersection and the immediate neighborhood.

Motion (Schaum-Standish) carried unanimously to appoint Christopher Stead, of Penn Oak Road, Flourtown, as an alternate member on the Springfield Township Shade Tree Commission. Mr. Stead's term of service shall expire July 13, 2009.

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

Mr. Standish, Chairman of Community Development Committee, reported:

Motion (Standish-Gillies) carried unanimously to accept a letter dated November 7, 2007 from Thomas Meyers, of Paper Mill Road LLC, extending the 90 day subdivision plan review period without limitation as to time in order that the design engineer may revise the subdivision plans to be in compliance with the Springfield Township Code. Mr. Standish indicated the subject of the subdivision is a two lot subdivision. Lot #1 proposes to accommodate an existing administrative office building within an existing structure, and lot #2 is to maintain the existing nursing care facility. The property is located at 850 Paper Mill Road.

Motion (Standish-Peirce) carried unanimously to accept a letter from Roy J. Johnson, Facilities Director for the Springfield Township School District, dated November 13, 2007, extending the 90 day land development plan review period without limitation as to time in order for the design engineer to revise the land development plans to bring the plans into compliance with the Springfield Township Code. The subject of the land development is the demolition of an existing elementary school and construction of a new elementary school on Haws Lane, Erdenheim.

Motion (Standish-Peirce) carried unanimously to appoint Angela Murray, of Ardmore Avenue, to fill an unexpired term of service as a member of the Springfield Township Planning Commission. The unexpired term of service shall expire February 16, 2009.

Motion (Standish-Schaum) carried unanimously authorizing a letter be sent to Congresswoman Allyson Schwartz requesting that the Congresswoman urge the Postmaster General to reconsider the decision of the United States Postal Service to downsize the services at the Flourtown Post Office. Mr. Standish reviewed several reasons why Flourtown should continue to have a full service post office.

Mr. Standish announced that the Board of Commissioners intended to conduct a public hearing to consider an amendment to the Springfield Township Open Space Plan. The purpose of the plan amendment was to add the purchase of the private residence at 312 Oreland Mill Road. Unfortunately, the Township was concerned that the Springfield Sun was unable to provide proof of publication of the required public notice. The hearing will be rescheduled for December 12, 2007.

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

Motion (Peirce-Harbison) carried unanimously that the Board of Commissioners of Springfield Township reject all proposals received on November 2, 2007

related to the hiring of a professional fundraiser in order to secure funds for the third phase of construction at the Black Horse Inn. The Board of Commissioners was not satisfied with the number of proposals received and is interested in readvertising the project.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey indicated that he just received a letter from two residents on Penn Oak Road related to speeding on Penn Oak Road. Mr. Dailey summarized the letter which included an appreciation for the Board of Commissioners reviewing the conditions and the efforts of the Police Department in enforcing the speed limit along Penn Oak Road. He noted that the Police Department is performing a traffic study to understand the conditions along Penn Oak Road better and noted that the number of children in the development has increased, which is a concern to the Board of Commissioners.

Motion (Dailey-Standish) to authorize the office of the Township Solicitor to appeal the decision of the Zoning Hearing Board, dated November 1, 2007, related to the application of 9425 Stenton Partners LLP. The Zoning Hearing Board granted a use variance, a special exception related to a non-conforming use, and three lot dimensional requirement variances. Mr. Harbison said that while he is in favor of the motion, he was not necessarily opposed to the development. He is aware of the decision of the Zoning Hearing Board and would like to understand the development plans better. He believes that through the filing of an appeal, all the parties involved could work to a satisfactory outcome. Mr. Standish suggested that as noted by Mr. Cassidy, the Planning Commission did express their appreciation for the project. Very few neighbors were in attendance at the Planning Commission meeting. Mr. Standish indicated that since there was no concise direction identified by the neighbors, the Board did ask the Solicitor's office to merely create a record at the hearings instead of opposing the petition. He did believe that this was the first decision by the Zoning Hearing Board that created such a strong opposition in the community. Ms. Peirce stated that she would like to understand the extent of the remedy permissible by the Zoning Hearing Board, and is concerned with how the Zoning Hearing Board may deviate from the application at hand. She would like to consider whether the Courts can ratify a mutually agreed upon development proposal. Mr. Dailey warned that the Courts could modify the current decision of the Zoning Hearing Board and actually increase what was requested. He opined that the Board of Commissioners failed to take a position on this application, and indeed the Board saw the plans on several occasions. The Board had the opportunity to change the direction provided to the Solicitor's office and oppose the application as opposed to simply creating a record. Mr. Dailey asked if the deadline was December 1 to present an appeal to the Courts, whether the Township could take the next two weeks to work through some of the issues with 9425 Stenton Partners. Mrs. Lunn noted that she has spoken to several Springfield and Philadelphia residents with regard to this proposal. She believed the neighbors were working with the developer and thought that she might hear back from the neighbors if problems

arose. She noted her support for some of the smart growth criteria, however, with respect to this proposal, there are some issues that are beyond where she believes they are acceptable. Mr. Kilkenny stated that if the Board of Commissioners appeals the decision of the Zoning Hearing Board, his firm would have 30 days in which to appeal the written decision. The Solicitor's office would file a brief and generally question whether the application met the standards of a legal hardship. Mr. Kilkenny indicated that the neighbors, Commissioners and staff can meet with the developer or applicant, however, it is important strategically for the Township to appeal the decision and work towards a settlement after the appeal. The Court process will provide time for the Township to work with the neighbors and developer. Mr. Gillies stated that the Commissioners were not engaged with the application before the Zoning Hearing Board. The Planning Commission approved of the proposal, and the Board previously saw a copy of the plans. He would like the opportunity to dialog with the developer prior to the appeal being filed.

Motion (Dailey-Standish) to amend the standing motion to authorize the appeal of the Zoning Hearing Board decision related to the application of 9425 Stenton Partners LLC with the proviso that the Township wait until 3 days prior to the statutory deadline in order to give an opportunity for the Township, the applicant and neighbors to meet and discuss a possible solution. The motion was approved; 4 in favor, 3 opposed – Lunn, Peirce Harbison.

Mr. Cassidy indicated that his client would certainly be willing to speak with the neighbors, however, he believes it will be very difficult to come to an agreement, place the agreement in written form, and move forward with implementation within the next 2 weeks. He expressed his appreciation for the effort of the Board of Commissioners but suggested that it might be best to move forward with the appeal in order to preserve the Township's legal position.

Mr. Dailey announced that the Zoning Hearing Board is scheduled to meet on Monday, November 19, 2007 at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board Agenda.

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

Mr. Harbison announced that the leaf reclamation program continues through the first week of December. All leaf and garden waste must be separated from regular household refuse during this period. All materials must be placed in approved biodegradable paper bags or bundled and placed at the curb on the morning of the regular collection day. Mr. Harbison provided details on how the materials will be collected and where residents may purchase the biodegradable bags.

Jane Jacoby, 112 Gordon Road, opined that she did not feel the residents were represented with regard to the matter before the Zoning hearing Board. She felt that the Zoning Hearing Board was condescending to the residents during the hearing. She also

expressed her disappointment with the comments she overheard from the developer as the matter was being discussed at the Board of Commissioners' meeting.

There being no further business, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary