

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

The Board of Commissioners of Springfield Township met in regular monthly meeting on Wednesday, December 10, 2008 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. Harbison presided.

Mr. Harbison announced that prior to the meeting, the Board of Commissioners conducted an executive session on two matters of litigation.

Mr. Harbison announced that as a part of the meeting, the Board of Commissioners will be conducting two public hearings. The first public hearing will be associated with a Township Parks and Recreation Comprehensive Plan and the second public hearing is related to the 2009 Budget. Both hearings will be conducted following the conclusion of the regular monthly business meeting of the Board of Commissioners.

Mr. Harbison asked all to join the Board of Commissioners in a moment of silence honoring the service men and women who have placed themselves in harm's way to help preserve our safety.

Mr. Harbison led the Pledge of Allegiance.

Motion (Schaum-Gillies) 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.

Mr. Harbison recognized past Commissioner Beth Drezner in the audience.

Robert Gundlach, legal counsel for the Hartranft family, addressed the Board of Commissioners related to a proposal to construct a retirement center at 350 Haws Lane. Mr. Gundlach indicated that he has been working informally with Township staff and the Township Planning Commission and believes that the use is a by-right use for the property. He indicated that he has had discussions on the need for off-street parking and the criteria used for same. Mr. Gundlach reviewed some differences between a retirement center, nursing home and a continuing care facility. He believes all are slightly different uses, but they tend to accommodate individuals 55 years of age or older, and have many common facilities for the occupants of those uses. The current proposal, known as Traditions of Springfield, will be a rental facility with some of the residents having their own vehicles. The number of units permitted to maintain their vehicles on site will be limited to 25. Mr. Gundlach indicated he would work with the neighbors on a variety of concerns previously voiced, such as maintaining landscaping along the frontage, restricting the age of the residents, making the walking trail open to the general public, replacing or enhancing landscaping and trees, providing sidewalks and walking trails to connect the neighborhood and the nearby schools, and when architectural plans

are available, the plans will be shared with the neighbors. Mr. Gundlach prompted Mr. Richard Stonebrook, PE, as Mr. Stonebrook provided an explanation of the site, including the entrances, existing buildings, stormwater management, landscaping, and parking. Mr. Gundlach understood that the office of the Township Solicitor was to request a continuance of the Zoning Hearing Board meeting in December and he was more than happy to agree to the continuance.

Grethen Slipinski, 910 Harston Lane, indicated that subsequent to a meeting on December 4, 2008, between the neighbors and the developer, several neighbors met to outline their concerns with the project. Those matters were outlined in a letter dated December 8, 2008 to Commissioner Heller. In summary, the neighbors believe: (1) that the proposal does not meet the off-street parking requirements as established by the Zoning Code, (2) they support the position of the Board of Commissioners in opposition to the project due to the density of the development, (3) they are opposed to the development as proposed, (4) they outlined several site concerns related to pedestrian and traffic safety in the immediate neighborhood.

Michael Lawrence, 1202 Malinda Road, expressed his concern for adequate off-street parking for the Traditions of Springfield proposal based on the information received to date.

Donna Delmonte, 501 Poplar Road, discussed her interest in the proposed riparian corridor conservation district ordinance. She expressed her concern for the significant impact it may have on setbacks and the need for landscaping on her property. Mr. Harbison indicated that the Township is in the process of redrafting the ordinance and is attempting to write it in such a way that there would be no compliance requirements unless there was a significant change in the property, such as a subdivision of land, or a significant addition. Mr. Harbison stated that he believed continued clarification on the threshold of application of the ordinance is needed.

Mr. Harbison, Chairman of Internal Affairs and Environmental Resources Committees, reported:

Motion (Harbison-Peirce) carried unanimously to approve the November check reconciliation in the amount of \$725,974.22 and the December bill listing in the amount of \$2,144,413.70.

Mr. Harbison announced that during the month of November, Springfield Township residents recycled 204.3 tons of materials with a householder participation rate of 73.6%. The net income for the month was \$2,762.35.

Mr. Harbison noted that a special meeting is scheduled to close the business of 2008 and adopt the 2009 budget of Springfield Township on December 17, 2008 at 8:00 PM in the Springfield Township.

Motion (Harbison-Schaum) carried unanimously to honorably discharge Officer Joseph Boyle effective October 30, 2008 pursuant to a medical diagnosis by Bradford Linn, MD. Officer Boyle's attending physician has recommended that the officer not return to work as a police officer.

Motion (Harbison-Heller) carried unanimously to adopt an amended Right to Know Policy that will provide access to public records, preserve the integrity of Township records, and minimize the financial impact on the residents regarding the resources utilized in processing requests for public records. The date of the amendment is December 10, 2008.

Mr. Harbison read into the record the schedule for the various boards or agencies of the Township to meet during the year 2009.

An announcement was made that Kenneth Bradley, Township Treasurer, provided the Commissioners with advanced notice of his intention to resign his position as Township Treasurer. Mr. Bradley had not established a firm date for the resignation but the Commissioners now have an opportunity to announce the anticipated vacancy in the office and solicit resumes from residents interested in serving in that position. The Board of Commissioners will accept resumes through Monday, January 5, 2009, and will conduct a special meeting on Monday, January 12, 2009 at 6:45 PM to interview candidates for the position. The Commissioners anticipate being able to appoint the Treasurer as a part of the regular business meeting on January 14, 2009 at 8:00 PM. All meetings will be held in the Springfield Township Building.

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

Motion (Schaum-Heller) carried unanimously to authorize the office of the Township Solicitor to withdraw the appeal to the Montgomery County Court of Common Pleas as it relates to the decision of the Springfield Township Construction Code Board of Appeals that would not require an automatic fire suppression system at 1014 E. Willow Grove Avenue. Mr. Harbison noted that Mr. Schaum met with the owner of the building who agreed to placing additional fire safety features within the building.

Mr. Gillies, Chairman of Library Committee, reported:

Mr. Gillies announced that the Board of Commissioners was in receipt of a letter of resignation from Susan Yeager as a member of the Library Advisory Committee of the Free Library of Springfield Township. Mr. Gillies summarized various accomplishments of the Advisory Committee while Ms. Yeager served. Mr. Gillies, on behalf of the Board of Commissioners, thanked Ms. Yeager for her many years of service.

As a result of Ms. Yeager's resignation, the Board will accept letters of interest or resumes from residents interested in serving as a member of the Advisory Committee of

the Free Library of Springfield Township. Letters or resumes should be directed to the Board of Commissioners.

Motion (Gillies-Peirce) carried unanimously reappoint Carrie Ogorek, Janet Waxman, and Dan Pickens to new three year terms of service as full members of the Advisory Committee of the Free Library of Springfield Township, and to appoint Jean Brody to a new three year term of service as the alternate member on the Advisory Committee. The new terms of service shall expire December 31, 2011.

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

Motion (Standish-Heller) carried unanimously to adopt Ordinance No. 894, an ordinance amending Chapter 40, Garbage, Rubbish, and Refuse, to revise and re-establish provisions for refuse collection and disposal.

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

Ms. Peirce announced that on Monday, January 19, 2009, Springfield Township, together with the School District of Springfield Township and the Springfield Community Foundation, will celebrate the first annual Dr. Martin Luther King, Jr. Day of Service in Springfield Township. Ms. Peirce outlined the activities of the day, which include a program of tribute at the High School auditorium, the presentation of a Community Service Award, and the conclusion of a community-wide food drive to benefit Philabundance.

Mr. Dailey, Chairman of Zoning Committee, reported:

Mr. Dailey announced that the Zoning Hearing Board will next meet on December 15, 2008 at 7:00 PM in the Springfield Township Building. Mr. Dailey summarized the Zoning Hearing Board agenda. Mr. Dailey also announced that the Zoning Hearing Board application of Traditions of Springfield had been continued until the January 2009 meeting.

Motion (Dailey-Peirce) authorizing the office of the Township Solicitor to appeal to the Court with proper jurisdiction the November 14, 2008 decision of the Court of Common Pleas of Montgomery County which affirmed the decision of the Springfield Township Zoning Hearing Board dated November 1, 2007 granting use and dimensional variances to the zoning applicant, 9425 Stenton Partners LLP, related to the construction of a multi-family dwelling at 9425 Stenton Avenue, Erdenheim. Several members in the audience were not aware of the meeting procedures and asked if they might speak on this matter before the Board took a formal vote.

Steve Yula, 30 Whitemarsh Avenue, stated his appreciation that the Board of Commissioners appealed the decision of the Zoning Hearing Board to the Court of Common Pleas. He also noted that on several occasions, the Commissioners had asked what the neighbors wanted for the redevelopment of 9425 Stenton Avenue. It was Mr. Yula's suggestion that the developer follow the requirements of having a variance(s) granted in that the modification be the minimum modification necessary for the redevelopment. Mr. Yula stated it is the intention of the neighbors to appeal the County Court decision to the next level of Courts.

Jane Ries-Jacoby, 112 Gordon Road, opined that the developer has never been responsive to the desires of the neighbors and pointed to the most recent letter received from the developer as an example of same.

Mr. Heller expressed his belief that the Zoning Hearing Board decision was wrong, he does not believe a hardship was identified, and more than a minimum modification to the Zoning Code was granted.

Mr. Dailey stated that the Township never placed a position on the record of the Zoning Hearing Board and therefore the Zoning Hearing Board could never consider the position of the Commissioners. He noted that the developer must now move through the land development process and believes there is still plenty of opportunity to negotiate a reasonable development and he would not pursue an appeal.

Mr. Harbison stated that it was an awkward position that the Township take a legal position against one of its agencies, the Zoning Hearing Board. However, the Board did that in an effort to provide time for the developer and neighbors to negotiate a reasonable development on this site. It is his belief that it would be difficult for the Commonwealth Court to overturn both the lower Court and the Zoning Hearing Board on this matter.

Ms. Peirce stated her belief that the developer never demonstrated a hardship for the variance granted for the development, and while she is in favor of higher density for the inner wing communities, she believes this immediate proposal was too dense.

Mr. Gillies indicated that the Township and neighbors met with the developer in an attempt to negotiate a development for the subject site. They agreed that the land development process is another opportunity to negotiate the development further.

The vote on the motion was taken. Vote: 2-5. Dailey, Gillies, Harbison, Schaum, Standish opposed. The motion did not carry.

Motion (Dailey-Gillies), vote 6-1, Heller opposed, to reappoint Dan Clifford and Megan McDonough to new three year terms of service as members of the Springfield Township Zoning Hearing Board. The new terms of service shall expire December 31, 2011.

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

Motion (Heller-Peirce) to approve the final subdivision plan of Fort Washington Properties LP/Homsher Hill LLC, also known as the Piszek property on Pennsylvania Avenue at Oreland Mill Road. The final plan consists of a 107 sheet plan set prepared by Bohler Engineering Inc. dated November 27, 2006, last revised October 9, 2008. The subdivision proposal includes the construction of 49 town house units on 36.4 acres of land located in the A Residential/AAA Residential Overlay zoning district. The Board of Commissioners approved the preliminary subdivision plan for Fort Washington Properties LP/Homsher Hill LLC, with conditions and exceptions to the plan set. The conditions and exemptions were set forth in a letter dated December 17, 2007 from the Township Manager to counsel for the developer. As a part of the final subdivision plan approval, the conditions and exemptions set forth in the aforementioned letter of December 17, 2007 were reaffirmed.

The approval of the immediate subdivision plan was also subject to conditions and specified exemptions as follows: All issues listed in a letter dated November 7, 2008 from Amy Montgomery, P.E., Township Engineer, to Robert Dunlop, Code Enforcement Officer, shall be resolved with the following direction from the Board of Commissioners or exemptions granted by the Board of Commissioners: (a) Section 95-11.E requires the dedication of land suitable for park and recreation use for any residential subdivision. To fulfill that requirement, the Board is permitting the dedication of approximately 75% of the subject land as dedicated open space to the Montgomery County Lands Trust and Wissahickon Valley Watershed Association, subject to review and approval by the Township Solicitor of documents between Montgomery County and the two aforementioned entities related to access by the general public to the subject open space, (b) Section 95-11.I(1) requires screening and softening buffers along side and rear boundaries of the tract. Given the existing landscaping in the area, a partial waiver to the landscaping requirements is granted based upon the landscaping plans in the aforementioned plan set, (c) Section 95-11.I(2)(b) requires the installation of street trees at a designated spacing. A partial waiver to this requirement is granted based upon the landscaping plan in the referenced plan set.

Mr. Gillies asked if Mr. Heller might modify his motion to not waive the park and recreation fee as a result of the developer dedicating open space to local conservancies. Mr. Heller rejected Mr. Gillies' suggestion. Mr. Schaum wished to clarify that the Township ordinance related to the dedication of open space would require a portion of the land to be dedicated to the Township. Instead, the same land is being dedicated to a locally respected conservation organization with no Township maintenance responsibilities. Mr. Gillies noted that Montgomery County was granting approximately \$1 million to help with the purchase of the property, and with that money, the developer is then able to maximize the value of the property. Mr. Hoffmann clarified for all that if the underlying documents

related to covenants placed on the land by the Montgomery County Commissioners, the matter of dedicating open space to the Township is still an open issue.

A vote on the motion was 7-0. The motion carried.

Motion (Heller-Gillies) carried unanimously that in compliance with Section 512.1 of the Pennsylvania Municipalities Planning Code, the Board of Commissioners waive the formal land development review process for Sandy Run Country Club, 200 E. Valley Green Road, Oreland, related to their clubhouse building improvement plans. The subject of the land development includes the construction of a one story, approximately 4900 sq. ft. addition for restaurant seating and main entrance improvements, as well as an approximately 1200 sq. ft. patio area directly adjacent to the existing club house. The waiver was granted in conjunction with plans entitled "Record Plan 1 of 2 Sandy Run Country Club" as prepared by the Major Group, dated October 22, 2008. The applicant is required to secure all requisite permits and approvals and comply with all applicable State and local construction codes.

Mr. Heller announced that it is the intention of the Board of Commissioners to discuss a policy that would affirmatively support trails generically in Springfield Township, but take into consideration the safety, privacy and property value concerns of adjacent property owners.

Steve Steinbrook, 34 Whitmarsh Avenue, addressed the Board of Commissioners suggesting that the residents interested in 9425 Stenton Avenue were disappointed with the decision of the Board of Commissioners not to appeal the decision of the Court of Common Pleas to a higher Court. He noted his disappointment that during the Zoning Hearing Board meetings, the Zoning Hearing Board members made positive comments on the character of the development, which he did not believe was appropriate for the Zoning Hearing Board, but perhaps more appropriately a consideration by the Planning Commission.

There being no further business, the meeting was adjourned at 9:45 PM.

Respectfully submitted,

Donald E. Berger, Jr.
Secretary

DEB:cmt
12/18/08

