

MINUTES OF MEETING
SPRINGFIELD TOWNSHIP PLANNING COMMISSION
October 6th, 2009

The Springfield Township Planning Commission (PC) held its semi-monthly meeting on the date noted above.

Chairman Bob Gutowski called the meeting to order at 7:05 PM, present were Angela Murray, Amanda Helwig, Joe Gerber, Bob Gutowski, David Sands, James Mascaro and Mary Holland and Joseph Devine

Commissioner Doug Heller and Rob Dunlop the Staff Liaison represented the Township and Jean Holland represented the Montgomery County Planning Commission (MCPC) this evening.

Minutes

Minutes of the September 15th, 2009 meeting were read. A motion to approve the amended minutes was made by M. Holland and seconded by Angela Murray. All in favor.

Board of Commissioner Update

D. Heller

The gateways are to be completed by the end of the month, a projected timeline schedule was provided to the PC.

New Business

BOC will be meeting to discuss the vacant PC position at their next regularly scheduled meeting.

FLOURTOWN SHOPPING CENTER
1874 Bethlehem Pike, Flourtown

Craig R. Lewis, Esq.
David Joss, Federal Realty Investment Trust

Discussion

C. Lewis presented a brief background to update newer PC members on the history of the Shopping Centers Development. Federal Realty first approached Springfield Township back in 2004 for improvements to the center. The plan that was ultimately passed included façade improvements to the center, the building of a new strip center, and the closing of all retail spaces to the left of the Genaurdi's which were to be demolished and replaced with parking for the proposed new Home Depot. In 2007, due to the economic turn down, Home Depot slashed new store opening to 3 in the US and backed out of the proposed Flourtown site. Since then, Federal has been unable to find any viable tenants for the now vacant Kmart space, which has low ceilings not conducive to today's standards.

In order to attract new tenants to the Shopping Center, Federal has filed for a preliminary / final land development plan for the existing facility that features the rehabilitation of 86,624 sq. ft. of building area on the property and the construction of a new 5,499 sq. ft. building in the front of the complex. The proposed new building would be located partially in Springfield Township and partially in Whitmarsh Township. In order to construct and remodel retail space in the center, the applicant has proposed to "mothball" a large portion of the existing Kmart space, and restrict it as unavailable. Applicant maintains that there will be no drive through on the new pad site building. The concept is to maintain the non conforming use and ratios of the property.

Public Comment

Tom Callahan
215 Glendalough Road
Erdenheim, PA. 19038

Wanted clarification if Firstrust Bank or McDonalds were going to move to the new proposed pad site. Also wanted to know if a pharmacy had been considered for the Kmart space. Mr. Lewis indicated at this time neither were being considered for the new pad site, and no drive-through was being planned. As for a pharmacy, they would not fill the entire space vacated by the Kmart and there were possible lease conflicts with the Genaurdi's since they already have an in house pharmacy.

Tariq Selim
Representing the EAC

Wanted to know if there is any storm /water controls in place. Mr. Lewis indicated there is effectively no storm water /management in place for the property and as long as there is no increase in impervious surface coverage nothing needs to be done.

Dr. Robert Ryan
6 Franklin Ave
Erdenheim, PA. 19038
Representing the Friends of Historic Bethlehem Pike

Mr. Lewis clarified the difference between Building Coverage and Impervious Coverage for Mr. Ryan. Mr. Ryan then went on to inquire if Federal Realty was planning on making any pedestrian / access improvements to the property, to which Mr. Lewis indicated not at this time.

At this point the PC entered into further conversation. Chairman Gutowski acknowledged that the PC had a good understanding of the proposed plan and would like to review more closely the 9/14/09 Letter submitted by Township Engineer Amy Riddle. In response, Mr. Lewis indicated that Federal had agreed and will comply with a majority of the Township Engineers requests with exceptions to the following:

3. The Township Engineer states the plan does not meet the required 5 ½ parking spaces per 1,000 feet GLA. Federal will not comply because they feel the plan maintains the non conforming 4 spaces per 1,000 GLA.

5. The Township Engineer states that the handicap spaces must be located as close as possible to the most handicap accessible building entrance. Federal feels the location is in close proximity to the building and should be acceptable, and will not comply. A variance maybe needed.

9. Federal will provide for a fee in lieu of dedication of land.

35. The Township Engineer recommends landscaping between the proposed area between the proposed building and existing building strip. Federal will not comply because at this time they do not know what type of tenant they will procure.

38. The Township Engineer noted on the previously approved land development plan modifications for the southern entrance to the site from Bethlehem Pike. Due to lack of permitting this was not done. The Engineer states that the Township should determine if they will require a HOP to improve the radius as part of the current proposed project. Federal will not comply.

Mr. Lewis stated that in respect to the 9/15/09 Letter from Jean Holland of the Montgomery County Planning Commission, Federal Realty will comply with ADA Parking Requirements and Tree Species Selection.

At this time a Motion was made by Chairman Bob Gutowski that the PC does not approve the proposed plan based on the fact that the applicant's creative use of "mothballed" space in an existing building is not an

acceptable practice in land development in Springfield Township. Seconded by Joe Gerber. All in Favor 9 none opposed. Motion carried.

Comments from PC:

James Mascaro- The applicant has provided no improvements for Storm Water Management. No green improvements. Would like clarification with the Township Solicitor that when you knock down a building if you lose all non conformity. Overall, very disappointed in the proposal.

David Sands- Appreciates that Federal would like to provide modern space to the community, however does not feel comfortable with the concept of “mothballing” space in an existing building.

Angela Murray- Commented throughout the evening her opposition to the proposal. Reiterated questioning the safety and legality of defining an area as not leasable.

Joe Devine- Also questioned the legality of “Mothballing” and the concern of setting a precedent. Voiced desire for Federal to make a commitment on which way they were going in the long term. Also would like to have seen some storm water management.

Amanda Helwig- Applicant had previously displaced or put out of business several family based businesses in the community the first round of improvements. The applicant is requesting to renovate those now vacant spaces and release but gives little assurance that new tenants will not be displaced once again if large anchor store comes in the future and those spaces will again be slated for removal. Would rather see the existing available space renovated in a green manner and updated to attract new tenants, does not support the additional pad site location.

Jean Holland- Recommended to the PC that as a municipality there should be some guarantee if this plan were to be approved that there would be some benefit to the Township whether it be storm water management, pedestrian access improvements etc.

Mary Holland- Reiterated others sentiments that it would be beneficial to see that the Township was being offered something as an incentive to work with this project. Voiced serious concern over a vacant “mothballed” space, as a safety and legal issue.

Summary

Chairman Gutowski summarized the consensus of the PC decision for the BOC. The PC really listened to the applicant and wants to support Retail Development in the community. This however, is not a justifiable plan. After debating fully, the PC determined there was no willingness on the part of the applicant to look at storm water improvements, pedestrian access or green modifications. The was in the PC’s determination an inconclusive proposal with no definitive outcome. The PC is unwilling to take an unprecedented step and recommend a plan for approval that would maintain a non conforming use without any additional benefit to the township.

Old Business

Historical Ordinance will be reviewed further at the next PC Meeting.

Meeting adjourned 8:58PM made by J. Mascara and seconded by J. Gerber.

The next PC meeting shall be October 20th, 2009.

Amanda M. Helwig, Secretary