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Upper Darby Township Council Meeting

May 16th, 2018

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, May 16th, 2018 at 7:00 p.m. in the Council Meeting Room #202 of the Municipal Building, 100 Garrett Road, Upper Darby, Pennsylvania.

The meeting was called to order by Council President Donald P. Bonnett with the Pledge of Allegiance to the flag of the United States of America.

Roll Call

Donald P. Bonnett, Thomas P. Wagner, Jacob A. Bierling Jr., Sekela Coles, Robert Gwin, Barbarann Keffer, Marc Manfre, Lisa Faraglia, Sheikh Siddique, Patrick Spellman, Laura Wentz

Present at the Meeting

Thomas N. Micozzie, Mayor
Thomas J. Judge Jr., CAO
Kelly Sullivan, Esq., Solicitor
Scott C. Gottel, Esq., Solicitor
Richard G. Nolan, Chief Municipal Clerk

Mr. Bonnett: Thank you Jack. Ladies and gentlemen, before we get to the business of tonight's Agenda, I would like to turn the meeting over to Councilwoman Sekela Coles to continue recognition of winners of the Black History Month Poetry Contest.

Councilwoman Coles announced the winners of the Black History Month Poetry Contest that was held in February 2018.

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Regular Meeting on April 18th, 2018.

Mr. Wagner: So moved.

Ms. Faraglia: Second.

Mr. Bonnett: It has been moved and seconded

Ms. Wentz: I have a correction. On page 17, I'm sorry 73.

Mr. Bonnett: Sorry?

Ms. Wentz: On page 73, on the section of, there was a small paragraph on what I was saying, on the last line "I would like it to end". It really should "I'd like to add LGBTQ." The word "end" was put in instead of "add". There is a big difference between the two words.

Mr. Bonnett: Say that again. The word "and" was... or do you want to add the word "and?"

Ms. Wentz: The word "e-n-d" was put in instead of the word "a-d-d."

Mr. Bonnett: Typographical. OK. We can make that correction.

Ms. Wentz: Thank you.

Mr. Bonnett: Anything else?

Ms. Wentz: Um, I was just curious about why the pages begin at page 64 versus starting the Minutes at page 1 for each set of Minutes.

Mr. Nolan: They start at page 1 in January and continue on throughout the year. Mr. Bonnett, as long as I have the floor; we use a tape recorder. My secretary works very, very hard to do these Minutes. There are people rumbling papers up here, there are people coughing and I understand that that happens. I have been the Chief Municipal Clerk since 2001 and we have never been questioned about the Minutes. I listen to them. Alexis listens to them. Sometimes we even ask Mr. Judge to come down when we have trouble hearing them. We do the very best that we can to transcribe these Minutes. We have tried our best. It is not a foolproof system as everybody knows but we do try. If there is a mistake or if something is not heard.....we do try.

Mr. Bonnett: We do recognize that and think that Alexis, who is the secretary in the Council office, does an excellent job and does the best that she can. I know it does require interpretation....

Mr. Judge: Mr. President, can I at this time say that when Council gets the Minutes to read before the meeting and I know these were sent out last week for everybody to look at them, if they find a mistake, they can report it back to the Council office at that time. It can be changed before it is brought to the board for adoption. So, there are mistakes and they can be changed prior to that. So, if you picked it up when you read it a couple of days ago, if you had called the Council office, they could have changed them and put them out there beforehand.

Ms. Wentz: So according to Robert's Rules and all of my experience with Robert's Rules is that once you send out the Minutes to the body that is going to vote on those Minutes, you are supposed to make those corrections at that voting meeting and not via email in private before that.

Mr. Judge: They are substantial corrections, not typographical errors and I think if you check anybody who follows Robert's Rules, you'll understand that typographical mistakes, which this clearly is, can be changed at any time.

Ms. Wentz: There is a big difference between e-n-d and a-d-d. To end something and to add something are two very different things and I greatly appreciate all the work that you do for these Minutes and I truly understand that they are difficult to transcribe and so forth but the records of the Minutes is the record of what took place at the meeting and if it's not accurate it is up to us to make sure it is accurate especially when it comes to what I'm actually, what I actually say. So therefore, you know, I'm following Robert's Rules to the best of my ability.

Mr. Bonnett: I think the point is made and again....

Mr. Manfre: Just change the word.....

Mr. Bonnett: That's it. Let's move on. This is the time.....

Ms. Coles: I'm sorry. Did we approve the Minutes?

Mr. Bonnett: I'm sorry. I beg your pardon. Thank you for reminding me. We need to vote on the Minutes. All those in favor signify by saying aye. Opposed? The ayes have it. The Minutes of the April 18th meeting are therefore approved with the noted amendment.

Public Forum

Mr. Bonnett: This is the time set aside for the public to speak for residents and taxpayers of the Township. When you hear your name come forward to the podium and state your name and address for the records and restrict your comments to five minutes. You will be given a friendly reminder at the 4-minute point. Mr. Secretary, please call the first speaker.

Terry Bradley, 1213 Morgan Avenue
Dead tree

Jeanne Mann, 706 Foss Avenue
FDPA

Bonnie Hallam, 4719 Woodland Avenue
FDPA

Jennifer Hallam, 4719 Woodland Ave
LGBTQ rights

Janice Haman, 727 Stanbridge Road
FDPA

Richard Blye, 274 Kent Road

Tim Tuinstra, 610 Foss Ave

Olivia Taylor, 204 Kent Road

Abdul Aziz, 230 South Beverly Blvd.

Mian Ahmad

Dayjah King
Andy Carr gym

Devan ?
Andy Carr gym

Larraina?, 284 Hampden Rd

Kamal Kahami?

Portia Kamara, 202 S. Carol Blvd.

K. Breeze? , 7016 Terminal Sq.

Hayia Medina, 204 Copley Rd

Amos?, Upper Darby, PA

Ismat Rahman, 21 Chestnut

John Kamykalz?, 170 Glencoe Rd

? Schaffe, 164 Glencoe

Richard?, 162 Glencoe

? Muller?, 752 Burmont

Sophia Leposki, 4007 Brunswick Ave

Kamal Rahman
Parking on Walnut St.

Their comments are filed on tape.

Mr. Bonnett: Thank you. This is the time set aside for our Mayor, the Honorable Thomas N. Micozzie.

Mayor Micozzie

Mayor Micozzie presented two Proclamations

PROCLAMATION

WHEREAS, for 150 years, Juneteenth National Freedom Day continues to be the most recognized African-American holiday observance in the United States; Juneteenth National Freedom Day commemorates the survival, due to God given strength and determination, of African-Americans; and

WHEREAS, Juneteenth commemorates the day freedom was proclaimed to all slaves in the south by Union General Granger, on June 19, 1865, in Galveston, Texas, more than two and a half years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and

WHEREAS, Americans of all colors, creeds, cultures, religions and countries-of-origin, share in a common love of and respect for “freedom” as well as a determination to protect their right to freedom through democratic institutions, by which the “tenets-of-freedom” are guaranteed and protected; and

WHEREAS, the “19th of June” or Juneteenth Independence Day, along with the “4th of July”, completes the “cycle of freedom” for America’s Independence Day observances; “Until All Are Free, None Are Free” is an often repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States; and

NOW, THEREFORE, I, Thomas N. Micozzie, Mayor of Upper Darby Township, along with Township Council, hereby proclaim June 19, 2018

JUNETEENTH DAY

in Upper Darby Township, and urge all citizens to become aware of the significance of this celebration in African-American history and in the heritage of our Nation.

Thomas N. Micozzie

Thomas N. Micozzie, Mayor

Upper Darby Township

Delaware County, Pennsylvania

PROCLAMATION

WHEREAS, this Commonwealth is home to many ethnic communities whose members have benefited from the freedom and democracy upon which our nation was founded; and

WHEREAS, ongoing issues of bigotry, hatred and intolerance have led to terrorism and atrocities in the United States and worldwide; and

WHEREAS, it is important to look at history to learn valuable lessons from which our society and others can benefit, and

WHEREAS, in what is considered to be the first mass genocide of the 20th century, 350,000 Greeks, Armenians and Assyrians living in Pontus were killed or displaced by the Ottoman Turks during the period 1915 through 1928, and

WHEREAS, we solemnly recognize and remember the victims of this devastation in the hope that those memories bolster our collective conscience and that of people throughout the world; and

WHEREAS, it is fitting to emphasize the importance of all civilized nations remaining vigilant against tyranny to ensure that such atrocities will never again be committed or accepted, and

WHEREAS, it is believed by many the acknowledgment and awareness of this shameful event will help prevent such crimes from being repeated; and

WHEREAS, it is important to instill in all mankind, particularly our youth, a universal respect for other cultures, races, religions and viewpoints; and

NOW, THEREFORE, I, Thomas N. Micozzie, Mayor of Upper Darby Township, along with Township Council, hereby proclaim May 19, 2018

PONTIAN GREEK GENOCIDE DAY

in Upper Darby Township, and urge all citizens share in the solemn commemoration of the Pontian Genocide of 1915 – 1923 and join with the Greek-American community and its many

religious and philanthropic organizations, to honor the sacrifices of those who died or suffered during this terrible period in history, and

Thomas N. Micozzie
Thomas N. Micozzie, Mayor
Upper Darby Township
Delaware County, Pennsylvania

Appointments

Mayor Micozzie: I recommend the appointment of John McMullan to fill the vacancy of the Director of the Finance Department. I recommend that John will continue to serve in his current capacity as Director of Leisure Services. We will be moving the Parks Department, and we have done that already administratively, to the department of Public Works.

Ms. Keffer: I have a question about that.

Mr. Bonnett: Before you do that, let's get a motion made and seconded and then I'll open it up to comment. Members of Council, a vote would be in order for the approval of the appointment of John McMullan to serve as Director of the Finance Department.

Mr. Wagner: So moved.

Mr. Bierling: Second.

Mr. Bonnett: Barbarann?

Ms. Keffer: Well, I mean with this change, the Leisure Services Department changes because the Parks Department is being moved from Leisure Services to Public Works, is that right?

Mayor Micozzie: I didn't follow the whole thing. Parks Department has two operations; Leisure Services which handles the Senior Centers and programmatic side of the Performing Arts and all the permitting in conjunction with the School District and then there is the Operations Side which is cutting grass and maintaining the Parks and Recreation, snow removal. That portion of the operations will be transferred, which is an initiative which I tried since 2009, to the Public Works Department for combining with the Public Works Department.

Ms. Keffer: But, according to the Home Rule Charter, any changes or amendments to the different departments have to be voted on by Ordinance.

Mr. Bonnett: The departments aren't changing.

Ms. Keffer: But the duties which are in the departments, which are outlined in the Administrative Code, that's changing.....

Mr. Judge: To move individuals around in departments, in my opinion, is inherent management rights, not that of a....

Mr. Bonnett: We're changing the staffing. We're not changing the operational aspect.

Mr. Judge: Right.

Ms. Keffer: But the Administrative Code has the different departments in it and it says what they are in charge of. So, you're changing the Code and you have to change it by Ordinance.

Mr. Bonnett: We're not changing the departments. It's money we're saving. The departments still exist. We're not changing them. Right?

Mr. Judge: Right.

Ms. Wentz: But, you're changing where they're being controlled from. I mean if it's part of Leisure Services and Parks are together at the moment, but then you move Parks to Public Works.....

Mr. Bonnett: We're moving people.

Ms. Wentz: Right but the action of what they're covering is the Parks, right? And so then they're moving to Public Works which means they're moving departments which means we would need an Ordinance to change the....

Mr. Bonnett: No, no. None of the services change.

Ms. Wentz: They are changing.

Mr. Bonnett: No, they're not changing.

Mr. Gwin: The responsibility of the department's -----is changing. That's what she's asking. Can we ----the Council?

Mr. Bonnett: It's my understanding that the purpose of those departments remains the same; The function of those departments remain the same. The staffing, where the staff is located, is changing. But, the purpose of each department remains the same. We're not changing anything, are we Tom?

Mr. Judge: No.

Ms. Keffer: So you're saying that you're not amending the Administrative Code with this?

Mr. Bonnett: We are not amending the Administrative Code.

Ms. Keffer: So, It's Article VII, Section 701.1 that I'm referring to. But, I have one question...

Solicitor: Councilwoman Keffer is correct in that if you were amending the Administrative Code which is an Ordinance, then it must be amended by Ordinance. But, you are not amending the Administrative Code which sets out your departments. All of the departments remain. You're just re-assigning duties.

Mr. Manfre: The Maintenance Department comes under the Leisure Services Committee, the Park Committee. The Maintenance area of the Parks Department is going to be managed by the Public Works Department, the Director. So, Dan Lutz is now going to be responsible for the maintenance of the Parks Department.

Mr. Wagner: And, that is not requiring any amendment to the Administrative Code.

Mr. Bonnett: As I see it, it's an efficiency move. It hopefully will save money in the long-term operationally because it's more efficient.

Mr. Manfre: And John, if I get this correct, is going to still be the Recreational Director and handle all active recreation programs within the Township.

Mayor Micozzie: I had a conversation with the President of the School Board and so everyone understands, there is a contract that goes between Upper Darby Township with shared services...

Mr. Manfre: I'm just talking about the Township.

Mayor Micozzie: I just want to be clear so everyone understands. That contract was enforced and we have a joint program between the School District and the Township and John will administer that program and we will have ----- Dan Lutz will handle Parks, Sewer, Trash, Paint & Signs. There are multiple functions that the Departments handle. The Fire Department handles inspections and also firefighting. It also handles fire administration. The Police Department handles a multitude of things. We have the right to assign duties as we see fit.

Solicitor: And if I may, under the Administrative Code, Section 501, sets out the departments and the departments are all going to remain. There will still be a department of Leisure Services and there will still be a department of Public Works. There will also be a department of Finance. All of those departments are remaining. Under 503, the duties of the departments, Department Heads under the direction of the Mayor and the CAO shall ----and then there's all of their duties so the Mayor might be re-assigning who is responsible for those duties but that doesn't require an Ordinance under the Administrative Code because you are not changing the departments.

Ms. Keffer: So also, it sounds like John McMullan is going to have a job and a half, right? The Finance Director is a full-time job, right?

Mayor Micozzie: John McMullan will have.....Tom Judge has multiple duties. He has a full-time job to administer with the Mayor as Chief Administrator Officer's assignments which is finance, budget and a whole litany of things.

Mr. Judge: We've done this before when we took the Director of Health and made one department, not department, the departments are separate but we made one Director of Administrative Services and Health. We've done that before and it has operated very well. What we're trying to do is be efficient in moving forward. When you look at the work load and you look at what people have, as you can change them you try to be more efficient in moving forward. That's what we're trying to do.

Mr. Bonnett: There are a great number of similarities in what the department of Public Works does and what Parks Department does and when you put them together it would seem that they do it more effectively and efficiently.

Mayor Micozzie: It's one step towards more efficient government.

Mr. Wagner: I would like to point out too that these are adjustments that happen in the private sector every day of the week.

Ms. Faraglia: They're downsizing....

Ms. Keffer: We're accountable to taxpayers and I'm just asking questions.

Mr. Wagner: What's the real problem? Are you against this? Is that what you're saying?

Ms. Keffer: I just have questions about it.

Mr. Bonnett: Any other comments before we move on?

Ms. Wentz: I did have some questions. Just for clarification since there has been some talk on it'll save us money. What is the salary for the position as Finance Department Director?

Mayor Micozzie: The Finance Director will make \$139,750.00.

Ms. Wentz: \$139,000.00?

Mayor Micozzie: \$750.00

Ms. Wentz: And what does he make as Leisure Services from the Township?

Mr. Judge: It's \$114, 736.00 so the combination savings is saving the Township \$99,000.00.

Ms. Wentz: So what would he, so I, what's his salary? What would the salary be now?

Mayor Micozzie: \$139,750.00.

Ms. Wentz: Gotcha.

Mr. Judge: Your question should be; what was the former Director of Finance's salary?

Ms. Wentz: Thank you.

Mr. Judge: Then, what is the new Director's? That's the question that should be posed. Is that what you're looking for?

Ms. Wentz: Yes. Thank you.

Mr. Judge: The Director before was making \$134,300.00.

Ms. Coles: I have a question Tom. So, prior to this the Director of Finance, \$134K a year and the Director of Leisure Services, \$114K a year.

Mr. Judge: That is correct.

Ms. Coles: So now you are giving John McMullan additional work and it will be one salary of \$139K a year.

Mr. Judge: Right, but we are also taking work away from him.

Ms. Coles: OK, so 134 and 114, that is \$248K a year. So, instead of \$248K a year, they had 2 people in those roles. With this movement, you will be spending \$139K a year with him in this dual role? I think there might be some confusion that some people were under the impression that he would collect 2 salaries.

Mr. Judge: No ma'am. That is incorrect.

Ms. Coles: No, I'm saying that I think there are some people who think that so I want to clarify because I don't think everybody is following that.

Ms. Wentz: So, also to clarify, so part of that \$139,750, that's only what's coming from the Township? Is there still money coming in from the School District or is that including the money from the School District?

Mr. Judge: That would include the money from the School District because he is not changing his responsibilities with the School District.

Ms. Wentz: OK, great. Thank you.

Ms. Coles: So, you're proposing saving \$99,000.00 a year off of the budget.

Mr. Judge: That's the hope, that we're saving \$99,000.00.

Mr. Bonnett: Bob, you had a comment?

Mr. Gwin: A point for clarification, will he be assuming any of the former responsibilities that had been assigned to the Treasurer under this?

Mr. Judge: No, wait a second, time out. The Treasurer's duties are not changed. Just like we had a Director of Finance on April 1st we have a Director of Finance after this is done. We have a Treasurer on April 1st. We have a Treasurer on May 1st and those duties don't change. To change the duties of the Treasurer would have to be an Ordinance and maybe even a referendum.

Mr. Bonnett: OK. One more time, anybody else?

Ms. Keffer: I just want to say that I'm not sure that this is the right message that we want to send taxpayers after we had the large theft of all the money from the tax office. To me it still looks like John has a job and a half...

Mr. Bonnett: I don't see the correlation in that whatsoever.

Ms. Keffer: I do! I think maybe we need a strong...

Mr. Bonnett: You're opposing efficiency! You're opposing saving money. That's \$100,000.00 per year in round figures that we're saving.

Ms. Keffer: That's how you're phrasing it. Well, who's training John? Is John just stepping in to do that or is Mr. Smith helping him?

Mayor Micozzie: If you look at his resume, John is an experienced manager with 12 years of experience with the Township, dedicated service, exemplary record and he ran a Township!

Ms. Keffer: So, you didn't send this job out?

Mayor Micozzie: I did not. The responsibility of the Department Heads under my responsibility comes under the Mayor. I have to have the trust in the person. I'm the one who has to work with him every day. OK? We have an experienced person with demonstrated experience who also meets the goals of myself and my Administration of always trying to streamline this

Township. So, I have an opportunity to streamline the Township, save \$100,000.00 and appoint somebody that I can trust in that position. We had an issue. We deal with the issue. That issue could happen no matter who goes in there. It happened. We're taking care of that. That's our responsibility and we turned it over to the District Attorney and when the results come out, you'll be the first to know about it. But, as far as John McMullan goes, his reputation, his experience and his dedication to this Township is impeccable. I have to put my name on that. I'm the one who is responsible for it. I put my name on John McMullan to have that position. I put it before Council. That's what the Charter says I have to do.

Ms. Keffer: OK.

Mr. Bonnett: All right. We're going to take a vote on this.

Ms. Coles: I'm sorry. I just have one more question. So, this \$99,000.00 a year, this will be reflected in the 2018 budget, the savings of the \$99,000.00.

Mr. Judge: Well, it all won't because you have to understand, we still have to pay out vacation and sick time to the former Director of Finance. So, while we're not incurring additional costs and that will come out of the 99, it would be reflected entirely in the 2019 budget.

Ms. Coles: OK because I want to make sure that everyone understands that this is something that is reducing the budget. Granted our budget is massive but this is reducing it by \$99,000.00.

Mr. Judge: It will reduce it by something very close to \$99,000.00.

Ms. Coles: I just wanted to clarify that.

Mayor Micozzie: We've already spent half of it so it's really half. Come July 1st, it's only half.

Mr. Judge: Right.

Ms. Coles: But for January 1, 2019, it should be \$99,000.00.

Mr. Judge: It should reflect that. That is correct.

Mr. Bonnett: All right. Motion has been made and seconded for John McMullan to serve as Director to the Finance Department. All those in favor signify by saying aye.

Ms. Keffer: Can we have a voice vote please?

Mr. Bonnett: Pardon?

Ms. Keffer: Can we have a roll call vote or voice vote?

Mr. Bonnett: We will have a roll call vote. Those of you who are in favor say "aye" and those of you who are opposed say "no." Will you please call the roll?

<u>In favor of John McMullan</u>	<u>Opposed to John McMullan</u>	<u>Excused</u>	<u>Abstained</u>
Bonnett			
Wagner			
Bierling			
Coles			
Gwin			
	Keffer		
Manfre			
Faraglia			
Spellman			
Siddique			
	Wentz		
9	2	0	0

Mr. Bierling: That gives us 9 in favor and 2 opposed.

Mr. Bonnett. The motion therefore passes. Mr. Mayor, anything else?

Mayor Micozzie: That's it.

Mr. Bonnett: OK. At this time, we will move on to the Committee Reports now beginning with the Finance and Appropriations Committee, Councilman Wagner please.

Committee Reports

Finance and Appropriations Committee

Thomas P. Wagner, Chairman

Mr. Wagner: Thank you, Mr. Bonnett. Speaking of the subject of trying to save the Township money, we have 4 tax appeals to deal with and for the benefit of the members of the public who are still here, it sounds boring but they are Resolutions intended to resolve or settle claims regarding appeals of tax assessments. Will the Solicitor please give us a brief on Resolution No. 16-18, 17-18, 18-18 and 19-18 after which we will act on them collectively?

Resolution No. 16-18, the tax appeal of 201 Long Lane LLC, Upper Darby Township, PA 19082. Tax Folio No: 16-03-00993-00

Solicitor: Thank you, Councilman Wagner. Resolution No. 16-18 is the tax appeal of 201 Long Lane LLC, Upper Darby Township, PA 19082. Tax Folio No: 16-03-00993-00. The current assessment in this matter is \$359,280.00. The requested resolution is for an assessment of \$146,640.00.

Resolution No. 17-18, the tax appeal of Sunny Realty, LLC, 2514 Bond Avenue, Upper Darby Township. Tax Folio No: 16-08-00385-00

Solicitor: Resolution No. 17-18 is the tax appeal of Sunny Realty, LLC, 2514 Bond Avenue, Upper Darby Township. Tax Folio No: 16-08-00385-00. The current assessment is \$67,210.00. The requested resolution is for an assessment of \$53,770.00.

Resolution No. 18-18, the tax appeal of Jerrill D. Hill, 3 Hilldale Circle, Upper Darby Township, PA. Tax Folio No: 16-02-01211-00

Solicitor: Resolution No. 18-18 is the tax appeal of Jerrill D. Hill, 3 Hilldale Circle, Upper Darby Township, PA. Tax Folio No: 16-02-01211-00. The current assessment is \$152,750.00. The requested resolution is for an assessment of \$91,650.00.

Resolution No. 19-18, the tax appeal of Sunny Realty, LLC, 3911 James Street, Upper Darby Township, PA. Tax Folio No: 16-13-02195-00

Solicitor: Resolution No. 19-18 is the tax appeal of Sunny Realty, LLC, 3911 James Street, Upper Darby Township, PA. Tax Folio: 16-13-02195-00. The current assessment is \$79,980.00. The requested resolution is for an assessment of \$42,770.00.

These are all for tax year 2018. These have all been reviewed and approved by the Upper Darby School District and the Solicitor's office is recommending the Resolution this evening.

Mr. Wagner: Thank you, Mr. Solicitor. Council members, before you vote on these, you should know that they have all been reviewed, every one of them, by the Finance and Appropriations Committee and the Committee approved them and recommends them unanimously and as the Solicitor just said, his office recommends them along with the School District. So with that, I hereby move for the adoption of Resolutions 16-18, 17-18, 18-18 and 19-18.

Mr. Bonnett: Is there a second?

Mr. Spellman: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Wagner: That completes the report of the Finance and Appropriations Committee.

Mr. Bonnett: Thank you Tom. Planning, Zoning & Building Committee, Councilman Bierling please.

Planning, Zoning & Building Code Committee
Jacob A. Bierling Jr., Chairman

Resolution No. 20-18, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Wawa, Inc., for land development to create a two (2) lot commercial subdivision totaling 6.98 acres and construct a 5,585 square foot Wawa Food Market with gasoline dispensing and a 9000 square foot retail building on the southwest corner of Baltimore and Oak Avenues and being subject to certain conditions of approval

Mr. Bierling: Thank you Mr. Bonnett. At this time, I would ask the Solicitor for a brief on Resolution No. 20-18.

Solicitor: Yes. Resolution No. 20-18 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of Wawa, Inc., for land development to create a two (2) lot commercial subdivision totaling 6.98 acres and construct a 5,585 square foot Wawa Food Market with gasoline dispensing and a 9000 square foot retail building on the southwest corner of Baltimore and Oak Avenues and being subject to certain conditions of approval.

Mr. Bierling: At this time I move for the adoption of Resolution No. 20-18.

Mr. Bonnett: Is there a second?

Mr. Spellman: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Introduction of Ordinance No. 3046, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2937 to adjust certain fees charged by the Department of Licenses and Inspections and repealing all Ordinances, Resolutions and parts of Ordinances or Resolutions inconsistent herewith

Mr. Bierling: At this time, I would like to ask the Solicitor for a brief on Ordinance No. 3046.

Solicitor: This is the introduction of Ordinance No. 3046, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania amending Ordinance No. 2937 to adjust certain fees charged by the Department of Licenses and Inspections and repealing all Ordinances, Resolutions and parts of Ordinances or Resolutions inconsistent herewith.

Mr. Bierling: Thank you. I move that the proposed Ordinance No. 3046 be duly advertised and placed on the agenda for the June 20th, 2018 regular Council Meeting.

Mr. Spellman: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Bierling: That concludes our report.

Mr. Bonnett: Municipal Services, Licensing & Public Works Committee, Councilman Spellman please.

Municipal Services, Licensing & Public Works Committee
Patrick J. Spellman, Chairman

Introduction of Ordinance No. 3047, an Ordinance authorizing Upper Darby Township, Delaware County, Pennsylvania to enter into an Eastern Delaware County Stormwater Collaborative amended and restated intergovernmental agreement among the borough of Collingdale, the borough of Darby, the Township of Darby, the borough of east Lansdowne, the Township of Haverford, the borough of Glenolden, the borough of Morton, the borough of Norwood, the borough of Sharon Hill and Upper Darby Township pursuant to which such municipalities agree to undertake their obligations under MS4 permitting regulations collaboratively through the operation of the Eastern Delaware County Stormwater Collaborative

Mr. Spellman: Thank you, Mr. President. Will the Solicitor to give us a brief on Ordinance No. 3047?

Solicitor: Certainly. Ordinance No. 3047 is an Ordinance authorizing Upper Darby Township, Delaware County, Pennsylvania to enter into an Eastern Delaware County Stormwater Collaborative amended and restated intergovernmental agreement among the borough of Collingdale, the borough of Darby, the Township of Darby, the borough of east Lansdowne, the Township of Haverford, the borough of Glenolden, the borough of Morton, the borough of Norwood, the borough of Sharon Hill and Upper Darby Township pursuant to which such municipalities agree to

undertake their obligations under MS4 permitting regulations collaboratively through the operation of the Eastern Delaware County Stormwater Collaborative.

Mr. Spellman: Thank you. Before we make a move, I just want to thank the Committee. When we met, we discussed this at length and understanding how important this permit is and I defer to Mr. Judge if he has any other comments before we make a move to vote.

Mr. Judge: None.

Mr. Spellman: I move that the proposed Ordinance No. 3047 be duly advertised and placed on the agenda for the June 20th, 2018 regular Council Meeting.

Mr. Wagner: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Spellman: Thank you, Mr. President. Will the Solicitor to give us a brief on Ordinance No. 3048?

Introduction of Ordinance No. 3048, an Ordinance authorizing Upper Darby Township, Delaware County, Pennsylvania to enter into the Reduction Plan Supplemental Agreement among the borough of Collingdale, the borough of Darby, the Township of Darby, the borough of East Lansdowne, the borough of Glenolden, the borough of Morton, the borough of Norwood, the borough of Sharon Hill, Upper Darby Township and the Borough of Yeadon pursuant to which such municipalities agree to undertake their obligations under MS4 permitting regulations relating to Pollutant Reduction Plan collaboratively

Solicitor: Yes. Ordinance No. 3048, an Ordinance authorizing Upper Darby Township, Delaware County, Pennsylvania to enter into the Reduction Plan Supplemental Agreement among the borough of Collingdale, the borough of Darby, the Township of Darby, the borough of East Lansdowne, the borough of Glenolden, the borough of Morton, the borough of Norwood, the borough of Sharon Hill, Upper Darby Township and the Borough of Yeadon pursuant to which such municipalities agree to undertake their obligations under MS4 permitting regulations relating to Pollutant Reduction Plan collaboratively.

Mr. Spellman: Thank you. I move that the proposed Ordinance No. 3048 be duly advertised and placed on the agenda for the June 20th, 2018 regular Council Meeting.

Mr. Bonnett: Is there a second?

Mr. Wagner: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Spellman: That completes my report, Mr. President.

Mr. Bonnett: Thank you. Public Safety Committee, Councilman Bierling please.

Public Safety Committee

Jacob A. Bierling Jr., Chairman

Motion to authorize the Mayor to write to Penndot requesting authorization to install a stop sign on Providence Road and Arbor Lea Road

Mr. Bierling: At this time, I would like to make a Motion to authorize the Mayor to write to Penndot requesting authorization to install a stop sign on Providence Road and Arbor Lea Road.

Mr. Bonnett: Is there a second?

Ms. Faraglia: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Motion to authorize the Mayor to write to Penndot requesting authorization to install a stop sign on Providence Road and Thorndale Road

Mr. Bierling: At this time, I would like to make a Motion to authorize the Mayor to write to Penndot requesting authorization to install a stop sign on Providence Road and Thorndale Road.

Mr. Bonnett: Is there a second?

Ms. Faraglia: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Bierling: At this time, I will ask the Solicitor for a brief on Resolution No. 21-18.

Resolution No. 21-18, a Resolution to establish "No Parking of Trucks or Commercial Vehicles" on the 1400 block of Bywood Avenue, the 200 block of Beverly Blvd and the 1600 block of Garrett Road

Solicitor: Certainly. Resolution No. 21-18 is a Resolution to establish “No Parking of Trucks or Commercial Vehicles” on the 1400 block of Bywood Avenue, the 200 block of Beverly Blvd and the 1600 block of Garrett Road.

Mr. Bierling: Thank you. I think it was brought up at the Committee Meeting that this is a problem with some larger vehicles parking in these areas. Therefore, I would like to make a Motion for the adoption of Resolution No. 21-18.

Mr. Gwin: Second.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it.

Mr. Bierling: That completes my report.

Mr. Bierling: Thank you Jack. Does the Solicitor have any business this evening?

Solicitor: I have nothing.

Ms. Coles: Councilman Bonnett, I just want to make sure that every Council member is aware of the fact that you have a copy of the Shade Tree Ordinance in your folder. We have been hearing a lot about issues with trees since the January meeting as Mrs. Bradley pointed out and I think it would be good if every member of Council, not just individual Committees, actually reviews this information. If you know you're not going to look at it, when you get home if you would not mind, as the note on it says to save the trees and leave it in your folder for the next time that you are here. In addition to the Shade Tree Ordinance, Tom Judge also provided copies of the Property Maintenance Ordinance No. 2919, 2992 and 1996 which are important as we are hearing about issues of other people's trees and limbs impacting on neighbor's properties. So, if you get time, please review it. If you know you're not going to review it, again, if you could please leave it in your folder.

Mr. Bonnett: All right. A motion would be in order for adjournment.

Adjournment

Mr. Bierling: So moved.

Mr. Wagner: Seconded.

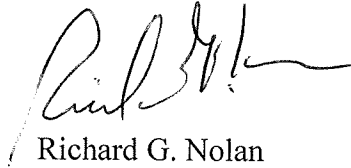
Mr. Bonnett: This meeting stands adjourned.

Cont'd

May 16th, 2018

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard G. Nolan", with a long horizontal flourish extending to the right.

Richard G. Nolan
Chief Municipal Clerk

RGN/akc

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 16-18**

In Re: Appeal Of: 201 Long Lane, LLC

Owner: 201 Long Lane, LLC

**Property Address: 201 Long Lane
Upper Darby Township, PA 19082
Tax Folio No.: 16-03-00993-00**

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 2017-009988;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2018	\$146,640

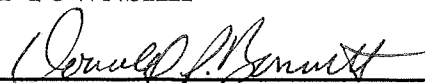
WHEREAS, the Board of School Directors of the Upper Darby School District has approved the settlement of the above-listed tax assessment, and;


WHEREAS, the Solicitor recommends this settlement.

NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

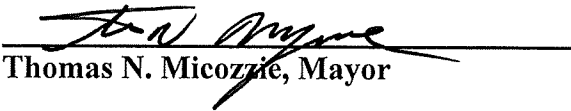
RESOLVED, this 16th day of May, 2018.

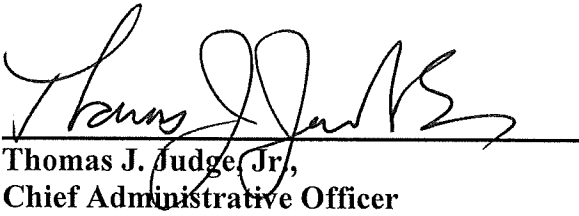
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

ATTEST: 
Jacob A. Bierling, Secretary of Council

Resolution No. 16-18 above is hereby approved this 16th day of May, 2018.

BY: 
Thomas N. Micozzie, Mayor

ATTEST: 
Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 17-18**

In Re: Appeal Of: Sunny Realty, LLC

Owner: Sunny Realty, LLC

**Property Address: 2514 Bond Avenue
Upper Darby Township, PA
Tax Folio No.: 16-08-00385-00**

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 2017-10232;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2018	\$53,770

WHEREAS, the Board of School Directors of the Upper Darby School District has approved the settlement of the above-listed tax assessment, and;

WHEREAS, the Solicitor recommends this settlement.

NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

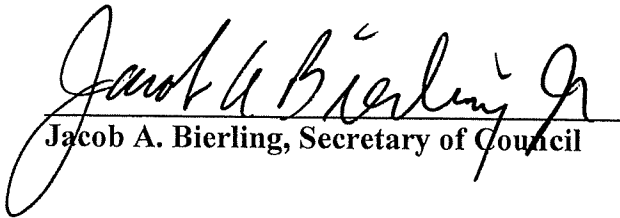
RESOLVED, this 16th day of May, 2018.

UPPER DARBY TOWNSHIP

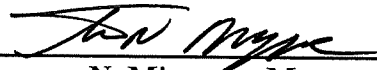
BY:

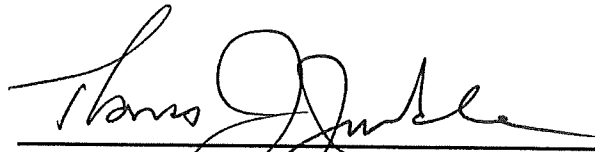


Donald P. Bonnett, President of Council

ATTEST: 
Jacob A. Bierling, Secretary of Council

Resolution No. 17-18 above is hereby approved this 16th day of May, 2018.

BY: 
Thomas N. Micozie, Mayor

ATTEST: 
Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 18-18**

In Re: Appeal Of: Jerrell D. Hill

Owner: Jerrell D. Hill

**Property Address: 3 Hildale Circle
Upper Darby Township, PA
Tax Folio No.: 16-02-01211-00**

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 2017-10224;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2018	\$91,650

WHEREAS, the Board of School Directors of the Upper Darby School District has approved the settlement of the above-listed tax assessment, and;

WHEREAS, the Solicitor recommends this settlement.

NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

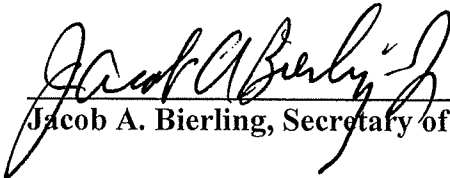
RESOLVED, this 16th day of May, 2018.

UPPER DARBY TOWNSHIP

BY:

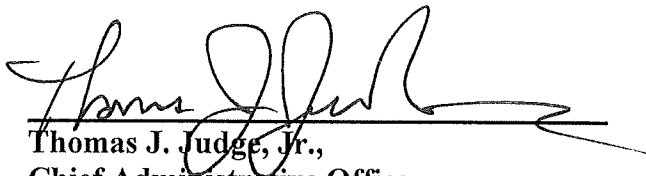


Donald P. Bonnett, President of Council

ATTEST: 
Jacob A. Bierling, Secretary of Council

Resolution No. 18-18 above is hereby approved this 16th day of May, 2018.

BY: 
Thomas N. Micozzie, Mayor

ATTEST: 
Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 19-18**

In Re: Appeal Of: Sunny Realty, LLC

Owner: Sunny Realty, LLC

**Property Address: 3911 James Street
Upper Darby Township, PA
Tax Folio No.: 16-13-02195-00**

WHEREAS, this matter has been in litigation with an Appeal filed awaiting decision in the Court of Common Pleas of Delaware County under Docket No. 2017-10227;

WHEREAS, a proposed settlement agreement has been reached in this matter fixing the following tax assessment upon the above-named property;

<u>YEAR</u>	<u>ASSESSMENT</u>
2018	\$42,770

WHEREAS, the Board of School Directors of the Upper Darby School District has approved the settlement of the above-listed tax assessment, and;

WHEREAS, the Solicitor recommends this settlement.

NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 16th day of May, 2018.

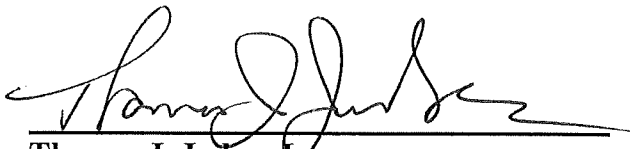
UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

ATTEST: 
Jacob A. Bierling, Secretary of Council

Resolution No. 19-18 above is hereby approved this 16th day of May, 2018.

BY: 
Thomas N. Micozzie, Mayor

ATTEST: 
Thomas J. Judge, Jr.,
Chief Administrative Officer

UPPER DARBY TOWNSHIP**Resolution No. 20-18**

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF WAWA, INC.
FOR LAND DEVELOPMENT TO CREATE A TWO (2)
LOT COMMERCIAL SUBDIVISION TOTALING 6.98
ACRES AND CONSTRUCT A 5,585 SQUARE FOOT
WAWA FOOD MARKET WITH GASOLINE
DISPENSING AND A 9000 SQUARE FOOT RETAIL
BUILDING ON THE SOUTHWEST CORNER OF
BALTIMORE AND OAK AVENUES AND BEING
SUBJECT TO CERTAIN CONDITIONS OF
APPROVAL.**

WHEREAS, WAWA, Inc. (“Applicant”) has submitted for approval its Final Land Development Plan to create a two (2) lot commercial subdivision totaling 6.98 acres and construct a 5,585 square foot WAWA food market with gasoline dispensing and a 9000 square foot retail building, prepared by Bohler Engineering, said plans submitted to the Township dated March 27, 2018 (collectively “Final Plans”); and

WHEREAS, Applicant has requested certain waivers/modifications from the provisions of the Delaware County Subdivision and Land Development Ordinance, which has been adopted by Upper Darby Township and Upper Darby Township Council has found that the applicant has met the requisite standards under the Delaware County Subdivision and Land Development Ordinance for granting relief from the enumerated requirements; and

WHEREAS, based upon the granting of the requested waivers/modifications and adherence to the various Conditions of Approval as listed herein, the Final Plans are found to be in conformity with the Delaware County Subdivision and Land Development Ordinance and the Upper Darby Township Zoning Code; and

NOW THEREFORE, BE IT RESOLVED, that the above-cited Final Plans are hereby approved, including granting of waivers/modifications from the following section of the Delaware County Subdivision and Land Development Ordinance ("SALDO"): SALDO Section 805.A.2 (to allow a driveway within 200' of an intersection); Section 805.A.3 (for a driveway to exceed a 4% grade within the right of way); Section 805.C.4 (to forego a requirement designing egress to accommodate a queue minimum of three cars); subject to certain Conditions of Approval including the following:

NOW THEREFORE, BE IT RESOLVED, that the above-cited Final Plans are hereby approved subject to certain Conditions of Approval including the following:

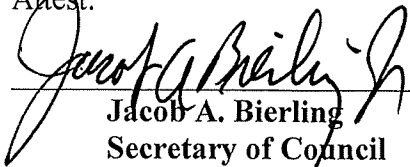
1. Applicant has obtained approval by Pennsylvania Department of Transportation of all necessary permits, including but not limited to any required highway occupancy permit.
2. Approval by the Township Solicitor and execution by WAWA Inc. and, where applicable, Applicant's lender, of all necessary and appropriate documentation including Developer's Agreement and Improvement Security Agreement, and such other documentation as acceptable to the Solicitor, including but not limited to documentation concerning the ongoing maintenance, operation and repair of the common site improvements, if any, which are not to be dedicated to the Township;
3. Applicant obtaining Sewer Planning Module Act 537 approvals or exemption there from, Storm Water Management approvals and Delaware County Conservation District approvals;
4. Formal recording of the Land Development Plan (the "Record Plans") following Township execution of the Record Plans;
5. Applicant shall comply with all conditions and approvals applicable to zoning

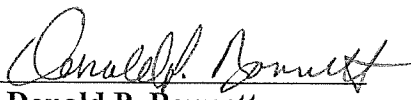
variances granted by the Upper Darby Township Zoning Hearing Board by decision dated October 26, 2017, which decision is incorporated herein by reference hereto.

6. Applicant shall comply with all applicable federal, state and local codes or ordinances and shall obtain all required permits.

TOWNSHIP OF UPPER DARBY

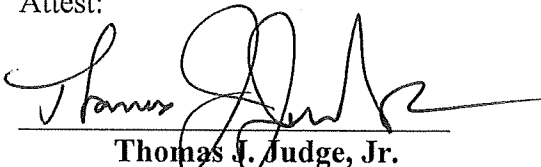
Attest:


Jacob A. Bierling
Secretary of Council

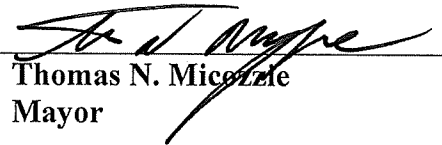
By: 
Donald P. Bonnett
President of Council

Resolution No. 20-18 above is hereby approved this 16th day of May, A.D., 2018.

Attest:


Thomas J. Judge, Jr.
Chief Administrative
Officer

Approved:


Thomas N. Micozzie
Mayor



DELAWARE COUNTY PLANNING COMMISSION

COURT HOUSE/GOVERNMENT CENTER
201 W. Front St. Media, PA 19063

COUNCIL

JOHN P. McBLAIN
CHAIRMAN

COLLEEN P. MORRONE
VICE CHAIRMAN

MICHAEL F. CULP
KEVIN M. MADDEN
BRIAN P. ZIDEK

Office Location: Toal Building, 2nd & Orange Sts., Media, PA 19063
Phone: (610) 891-5200 **FAX:** (610) 891-5203
E-mail: planning_department@co.delaware.pa.us

LINDA F. HILL
DIRECTOR

April 19, 2018

Mr. Jeffrey N. Gentile
Upper Darby Township
100 Garrett Road, Room 206
Upper Darby, PA 19082-3135

RE: Name of Dev't: Proposed Wawa Food Market and Retail
DCPD File No.: 47-755-77-09-18
Developer: BT Baltimore Avenue Properties, LLC
Location: Southwest corner of Baltimore and Oak
Avenues
Recv'd in DCPD: March 29, 2018

Dear Mr. Gentile:

In accordance with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code, the above described proposal has been sent to the Delaware County Planning Commission for review. At a meeting held on April 19, 2018, the Commission took action as shown in the recommendation of the attached review.

Please refer to the DCPD file number shown above in any future communications related to this application.

Very truly yours,

Linda F. Hill
Director

cc: BT Baltimore Avenue Properties, LLC
Bohler Engineering PA, LLC



DELAWARE COUNTY PLANNING DEPARTMENT

DCPD

Court House/ Government Center , 201 W. Front St., Media, PA 19063
 Office Location: Toal Building, 2nd & Orange Sts., Media, PA 19063
 Phone: (610) 891-5200 FAX: (610) 891-5203
 E-mail: planning_department@co.delaware.pa.us

Date: April 19, 2018
 File No.: 47-755-77-09-18

PLAN TITLE: Proposed Wawa Food Market and Retail

DATE OF PLAN: March 27, 2018

OWNER OR AGENT: BT Baltimore Avenue Properties, LLC

LOCATION: Southwest corner of Baltimore and Oak Avenues

MUNICIPALITY: Upper Darby Township

TYPE OF REVIEW: Subdivision and land development

ZONING DISTRICT: C2 Commercial

SUBDIVISION ORDINANCE: County

PROPOSAL: Subdivision: Adjust lot lines of two lots totaling 6.98 acres

Land development: Construct 20,675 sq. ft. of retail

UTILITIES: Public

RECOMMENDATIONS: Subdivision: Approval

Land development: Approval, with consideration given to staff comments

STAFF REVIEW BY: Michael A. Leventry



Date: April 19, 2018
File No.: 47-755-77-09-18

REMARKS:

PREVIOUS ACTION

A plan for the site was last reviewed by the Delaware County Planning Commission at its meeting on July 16, 2009, as a land development. The applicant proposed to further develop 6.977 acres with additional parking. The Planning Commission recommended approval.

CURRENT PROPOSAL

The applicant currently proposes to demolish three commercial buildings in order to construct a Wawa convenience store and build an addition to a remaining commercial structure.

SITE CHARACTERISTICS

The site is located along a commercial corridor, but bounded from behind by residential development.

APPLICABLE ZONING

The proposal is located within the C-2 Commercial district and is subject to applicable regulations set forth in the Township's zoning code.

NONCONFORMITIES

The proposal for the site does not appear to comply with the zoning regulations established in the Township zoning code. It should be noted that variances were approved by the Upper Darby Zoning Hearing Board for the above listed items on November 26, 2017.

Where Section 503-F requires decorative paving for crosswalks, the applicant has received relief from this requirement.

Date: April 19, 2018
File No.: 47-755-77-09-18

REMARKS (continued):

Where Section 801-A requires 188 spaces for the proposed retail, the applicant is seeking to provide only 178.

Where Section 801-D requires interior landscaping for parking lots exceeding 50 spaces, the applicant received a waiver from this requirement.

Where Section 801-D prohibits concrete sidewalks within the front buffer of the site, the applicant requested relief from this requirement and was given approval to locate a sidewalk within said area.

Where Section 801-D requires parking lot interconnectivity of neighboring commercial uses, the applicant received a waiver due to slope constraints.

Where Section 503-F requires gas pumps be set back 50' from the right-of-way, the applicant received relief to locate pumps approximately 48' from the right-of-way.

Where Section 503-F requires that refuse areas be located at least 50' from residential properties, the applicant received relief to locate a dumpster enclosure 20' from a residential property.

Where Section 801-D requires a 10' wide planting strip between neighboring residential properties, the applicant received relief to provide an 8.8' wide planting strip.

Where Section 801-D requires that service and loading areas not be visible from the street, the applicant received a waiver from this requirement.

Where Section 802-G requires that loading areas not be visible from the street, the applicant received a waiver from this requirement.

Date: April 19, 2018
File No.: 47-755-77-09-18

REMARKS (continued):

COMPLIANCE

The proposal appears to comply with the C-2 district zoning with variances granted.

WAIVERS

The applicant is seeking waiver relief for the following:

- Section 805.A.2: To allow a driveway within 200' of an intersection.
- Section 805.A.3: For a driveway to exceed a 4% grade within the right-of-way.
- Section 805.C.4: To forego a requirement designing egress to accommodate a queue minimum of three cars. Consideration should be given to providing an additional right-turn egress lane for Wawa's Baltimore Avenue access point.

Staff has no other comments related to these waiver requests.

SITE DESIGN

While not required by ordinance, consideration should be given for the installation of trash receptacles at pedestrian access points at the perimeter of the Wawa parcel. This will help mitigate litter impacts on the adjacent neighborhood.

SEWAGE FACILITIES

The developer should contact the Pennsylvania Department of Environmental Protection regarding the need for sewage facilities planning approval.

Date: April 19, 2018
File No.: 47-755-77-09-18

REMARKS (continued):

The Township should confirm receipt of any necessary Pennsylvania Department of Environmental Protection planning approval prior to final approval.

STORMWATER MANAGEMENT

The Township Engineer must verify the adequacy of all proposed stormwater management facilities.

TRANSPORTATION COMMENTS

Pedestrian access to the proposed store is satisfactory except for pedestrians walking from the west along Baltimore Pike. Rather than requiring pedestrians to walk in the Wawa driveway with motor vehicles, a short section of sidewalk should be constructed adjacent to the driveway to connect with the Baltimore Pike sidewalk.

The applicant should provide bicycle parking near the store's doors for those employees and customers who live within bicycling distance. This would also allow fewer motor vehicle parking spaces to be provided. Bicycle parking, such as inverted "U" bike docks, should be installed; these secure bicycles by their frame, rather than just their wheels.

The Township and applicant should install a shelter for bus riders at the stop along Baltimore Pike. This would provide security and weather protection for riders and advertising revenue for the Township.

RECORDING

In accordance with Section 513(a) of the Pennsylvania Municipalities Planning Code (MPC), final plans must be recorded within ninety (90) days of municipal approval.

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DELAWARE COUNTY PLANNING COMMISSION

COURT HOUSE/GOVERNMENT CENTER
201 W. Front St. Media, PA 19063

COUNCIL

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CHAIRMAN

COLLEEN P. MORRONE
VICE CHAIRMAN

MICHAEL P. CULP
KEVIN M. MADDEN
BRIAN P. ZIDEK

Office Location: Toal Building, 2nd & Orange Sts., Media, PA 19063
Phone: (610) 891-5200 FAX: (610) 891-5203
E-mail: planning_department@co.delaware.pa.us

LINDA F. HILL
DIRECTOR

April 19, 2018

Mr. Jeffrey N. Gentile
Upper Darby Township
100 Garrett Road, Room 206
Upper Darby, PA 19082-3135

RE: Name of Dev't: Proposed Wawa Food Market and Retail
DCPD File No.: 47-755-77-09-18
Developer: BT Baltimore Avenue Properties, LLC
Location: Southwest corner of Baltimore and Oak
Avenues
Recv'd in DCPD: March 29, 2018

Dear Mr. Gentile:

In accordance with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code, the above described proposal has been sent to the Delaware County Planning Commission for review. At a meeting held on April 19, 2018, the Commission took action as shown in the recommendation of the attached review.

Please refer to the DCPD file number shown above in any future communications related to this application.

Very truly yours,

Linda F. Hill
Director

cc: BT Baltimore Avenue Properties, LLC
Bohler Engineering PA, LLC



DELAWARE COUNTY PLANNING DEPARTMENT

DCPD

Court House/ Government Center, 201 W. Front St., Media, PA 19063
Office Location: Toal Building, 2nd & Orange Sts., Media, PA 19063
Phone: (610) 891-5200 FAX: (610) 891-5203
E-mail: planning_department@co.delaware.pa.us

Date: April 19, 2018
File No.: 47-755-77-09-18

PLAN TITLE: Proposed Wawa Food Market and Retail
DATE OF PLAN: March 27, 2018
OWNER OR AGENT: BT Baltimore Avenue Properties, LLC
LOCATION: Southwest corner of Baltimore and Oak Avenues
MUNICIPALITY: Upper Darby Township
TYPE OF REVIEW: Subdivision and land development
ZONING DISTRICT: C2 Commercial
SUBDIVISION ORDINANCE: County
PROPOSAL: Subdivision: Adjust lot lines of two lots totaling 6.98 acres
Land development: Construct 20,675 sq. ft. of retail
UTILITIES: Public
RECOMMENDATIONS: Subdivision: Approval
Land development: Approval, with consideration given to staff comments
STAFF REVIEW BY: Michael A. Leventry



Date: April 19, 2018
File No.: 47-755-77-09-18

REMARKS:

PREVIOUS ACTION

A plan for the site was last reviewed by the Delaware County Planning Commission at its meeting on July 16, 2009, as a land development. The applicant proposed to further develop 6.977 acres with additional parking. The Planning Commission recommended approval.

CURRENT PROPOSAL

The applicant currently proposes to demolish three commercial buildings in order to construct a Wawa convenience store and build an addition to a remaining commercial structure.

SITE CHARACTERISTICS

The site is located along a commercial corridor, but bounded from behind by residential development.

APPLICABLE ZONING

The proposal is located within the C-2 Commercial district and is subject to applicable regulations set forth in the Township's zoning code.

NONCONFORMITIES

The proposal for the site does not appear to comply with the zoning regulations established in the Township zoning code. It should be noted that variances were approved by the Upper Darby Zoning Hearing Board for the above listed items on November 26, 2017.

Where Section 503-F requires decorative paving for crosswalks, the applicant has received relief from this requirement.

Date: April 19, 2018
File No.: 47-755-77-09-18

REMARKS (continued):

Where Section 801-A requires 188 spaces for the proposed retail, the applicant is seeking to provide only 178.

Where Section 801-D requires interior landscaping for parking lots exceeding 50 spaces, the applicant received a waiver from this requirement.

Where Section 801-D prohibits concrete sidewalks within the front buffer of the site, the applicant requested relief from this requirement and was given approval to locate a sidewalk within said area.

Where Section 801-D requires parking lot interconnectivity of neighboring commercial uses, the applicant received a waiver due to slope constraints.

Where Section 503-F requires gas pumps be set back 50' from the right-of-way, the applicant received relief to locate pumps approximately 48' from the right-of-way.

Where Section 503-F requires that refuse areas be located at least 50' from residential properties, the applicant received relief to locate a dumpster enclosure 20' from a residential property.

Where Section 801-D requires a 10' wide planting strip between neighboring residential properties, the applicant received relief to provide an 8.8' wide planting strip.

Where Section 801-D requires that service and loading areas not be visible from the street, the applicant received a waiver from this requirement.

Where Section 802-G requires that loading areas not be visible from the street, the applicant received a waiver from this requirement.

Date: April 19, 2018
File No.: 47-755-77-09-18

REMARKS (continued):

COMPLIANCE

The proposal appears to comply with the C-2 district zoning with variances granted.

WAIVERS

The applicant is seeking waiver relief for the following:

- Section 805.A.2: To allow a driveway within 200' of an intersection.
- Section 805.A.3: For a driveway to exceed a 4% grade within the right-of-way.
- Section 805.C.4: To forego a requirement designing egress to accommodate a queue minimum of three cars. Consideration should be given to providing an additional right-turn egress lane for Wawa's Baltimore Avenue access point.

Staff has no other comments related to these waiver requests.

SITE DESIGN

While not required by ordinance, consideration should be given for the installation of trash receptacles at pedestrian access points at the perimeter of the Wawa parcel. This will help mitigate litter impacts on the adjacent neighborhood.

SEWAGE FACILITIES

The developer should contact the Pennsylvania Department of Environmental Protection regarding the need for sewage facilities planning approval.

Date: April 19, 2018
File No.: 47-755-77-09-18

REMARKS (continued):

The Township should confirm receipt of any necessary Pennsylvania Department of Environmental Protection planning approval prior to final approval.

STORMWATER MANAGEMENT

The Township Engineer must verify the adequacy of all proposed stormwater management facilities.

TRANSPORTATION COMMENTS

Pedestrian access to the proposed store is satisfactory except for pedestrians walking from the west along Baltimore Pike. Rather than requiring pedestrians to walk in the Wawa driveway with motor vehicles, a short section of sidewalk should be constructed adjacent to the driveway to connect with the Baltimore Pike sidewalk.

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RESOLUTION NO. 21-18

WHEREAS, ORDINANCE NO. 449 OF THE TOWNSHIP OF UPPER DARBY PROHIBITS PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND REGULATES THE PARKING OF VEHICLES ON CERTAIN HIGHWAYS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED;

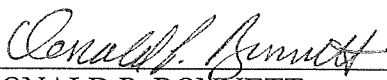
THAT ORDINANCE NO. 449 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

ESTABLISH "NO PARKING OF TRUCKS OR COMMERCIAL VEHICLES" AT THE FOLLOWING LOCATIONS:


**ON THE 1400 BLOCK OF BYWOOD AVENUE
ON THE 200 BLOCK OF BEVERLY BLVD.
ON THE 1600 BLOCK OF GARRETT ROAD**

RESOLVED, THIS 16TH DAY OF MAY, A.D., 2018.

UPPER DARBY TOWNSHIP



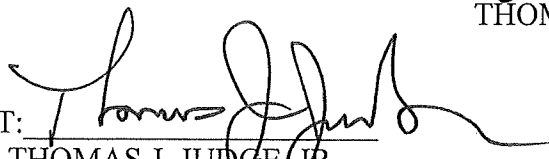
DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST: 

JACOB A. BIERLING JR.
SECRETARY OF COUNCIL



THOMAS N. MICOZZIE, MAYOR

ATTEST: 

THOMAS J. JUDGE, JR.,
CHIEF ADMINISTRATIVE OFFICER