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Upper Darby Township Council Meeting

October 17th, 2018

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A regular meeting of Upper Darby Township Council was held on Wednesday evening, October 17th, 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

Council Members Present:

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

Approval of Minutes

Mr. Bonnett: A motion would be in order for the approval of the Minutes for the Committee Meeting of September 5th, 2018.

Mr. Wagner: So moved.

Mr. Bierling: Second.

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

Mr. Bonnett: A motion would be in order for the approval of the Minutes for the Regular Meeting of September 19th, 2018.

Mr. Wagner: So moved.

Mr. Bierling: Second.

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

Public Forum

Paul ?, 1720 S. State Road
Recreation Center and PAL

Mike Hemphill, 1720 S. State Road
Speak for Paul ?

Carl Hemphill
Leaf business from Township

Olivia Taylor, 204 Kent Road
Parking

Thomas Clay, 4000 Garrett Road
Morgan Avenue

Bonnie Hallam, 4719 Woodland Avenue

Rich Blye, 274 Kent Road
Wells Fargo

Tyson Combs, 6807 Marshall Road
Trash dumping

Their comments are filed on audio tape.

Mayor Micozzie

Announcements:

Community Day will take place Saturday, October 20th, 2018 beginning at 10am at UDHS.

The first Town Meeting will take place on Thursday, October 18th, 2018 at the Garrettford-Drexel Hill Fire Company at 6:45pm.

The tree lighting ceremony will take place at the Tower Theater on December 3rd, 2018. Details to follow.

Committee Reports

Finance and Appropriations Committee
Thomas P. Wagner, Chairman

**Resolution No. 54-18, the tax appeal of Prospect Crozer, LLC,
2100 Keystone Avenue, Upper Darby Township.
Tax Folio No: 16-09-00852-09**

Moved: Councilman Wagner
Second: Councilman Gwin

Resolution No. 54-18 is adopted. 11 in favor, none opposed.

**Resolution No. 55-18, the tax appeal of Prospect Crozer, LLC,
501 North Lansdowne Avenue, Upper Darby Township.
Tax Folio No: 16-09-00991-15**

Moved: Councilman Wagner
Second: Councilman Gwin

Resolution No. 55-18 is adopted. 11 in favor, none opposed.

**Introduction of Ordinance No. 3050, an Ordinance authorizing Upper Darby Township,
Delaware County, Pennsylvania to enter into a Cable Franchise Agreement with Comcast
of Southeast Pennsylvania LLC**

Motion to introduce: Councilman Wagner
Second: Councilman Spellman

Motion approved. 11 in favor, none opposed.

**Proposed Ordinance No. 3050 will be advertised and placed on the Agenda
for the November 7th, 2018 Council Meeting.**

**Introduction of Ordinance No. 3051, an Ordinance authorizing Upper Darby Township,
Delaware County, Pennsylvania to enter into a Cable Franchise Agreement with RCN
Telecom Services of Philadelphia LLC**

Motion to introduce: Councilman Wagner
Second: Councilman Spellman

Motion approved. 11 in favor, none opposed.

**Proposed Ordinance No. 3051 will be advertised and placed on the Agenda
for the November 7th, 2018 Council Meeting.**

Planning, Zoning & Building Code Committee

Jacob A. Bierling Jr., Chairman

Resolution No. 56-18, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Southeastern Pennsylvania Transportation Authority (SEPTA) for land development to redevelop 4.22 acres with a four-story, 43,000 square foot parking garage northeast of the intersection of 69th Street and Market Street and being subject to certain conditions of approval

Moved: Councilman Bierling

Second: Councilman Gwin

Resolution No. 56-18 is adopted. 10 in favor, none opposed and 1 abstention.

Solicitor

Nothing to report

Adjournment

Motion to adjourn: Councilman Wagner; Second: Councilwoman Coles

Motion approved. 11 in favor, none opposed.

Council President Bonnett adjourned the meeting.

Respectfully submitted,

Richard G. Nolan

Richard G. Nolan
Chief Municipal Clerk

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 54-18**

In Re: Appeal Of: Prospect Crozer, LLC

Owner: Prospect Crozer, LLC

**Property Address: 2100 Keystone Avenue
Upper Darby Township, PA
Tax Folio No.: 16-09-00852-09**

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. 2016-010926;

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>
2017	\$2,210,000
2018	\$2,077,400
2019	\$1,975,400

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.

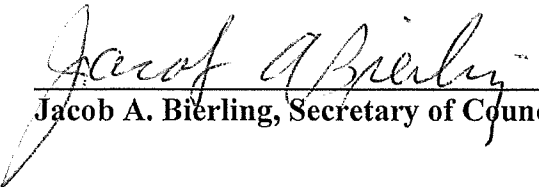
NOW THEREFORE, be it resolved that the above tax assessment be approved and the Solicitor is hereby authorized and directed to executed a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.

RESOLVED, this 17th day of October, 2018.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council

ATTEST:



Jacob A. Bierling, Secretary of Council

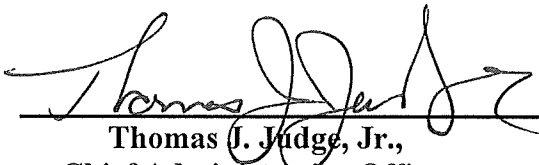
Resolution No. 54-18 above is hereby approved this 17th day of October, 2018.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
RESOLUTION NO. 55-18**

In Re: Appeal Of: Prospect Crozer, LLC

Owner: Prospect Crozer, LLC

**Property Address: 501 North Lansdowne Avenue
Upper Darby Township, PA
Tax Folio No.: 16-09-00991-15**

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. 2016-10921;

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>
2017	\$11,287,575
2018	\$11,280,282
2019	\$12,889,485

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 17th day of October, 2018.

UPPER DARBY TOWNSHIP

BY: 
Donald P. Bonnett, President of Council


ATTEST:



Jacob A. Bierling, Secretary of Council

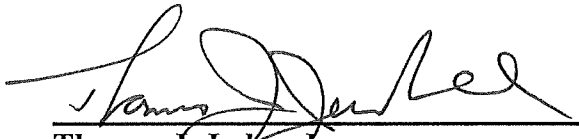
Resolution No. 55-18 above is hereby approved this 17th day of October, 2018.

BY:



Thomas N. Micozzie, Mayor

ATTEST:



Thomas J. Judge, Jr.,
Chief Administrative Officer

UPPER DARBY TOWNSHIP

Resolution No. 56-18

**A RESOLUTION OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA
APPROVING THE APPLICATION OF THE
SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY (SEPTA) FOR
LAND DEVELOPMENT TO REDEVELOP 4.22
ACRES WITH A FOUR STORY, 43,000 SQUARE
FOOT PARKING GARAGE NORTHEAST OF THE
INTERSECTION OF 69TH STREET AND MARKET
STREET AND BEING SUBJECT TO CERTAIN
CONDITIONS OF APPROVAL.**

WHEREAS, SEPTA (“Applicant”) has submitted plans dated August 3, 2018 to Upper Darby Township (“Township”), for its approval, the Final Land Development Plans (the “Final Plans”) to redevelop 4.22 acres with a four story, 43,000 square foot parking garage, which Final Plans were prepared by Timothy Haahs & Associates, Inc. in association with HNTB; and

WHEREAS, Applicant has requested certain waivers/modifications from the provisions of the Delaware County Subdivision and Land Development Ordinance (“SALDO”), which has been adopted by the Township, and Upper Darby Township Council has found that the applicant has met the requisite standards under the SALDO 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 SALDO 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 SALDO: SALDO Section 817 (to not place street trees of 30’ intervals); subject to the Conditions of Approval stated below:

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

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 SEPTA 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 Township Solicitor, including but not limited to documentation concerning the ongoing maintenance, operation and repair of the common site improvements including all required street and pedestrian lighting, which are not to be dedicated to the Township;

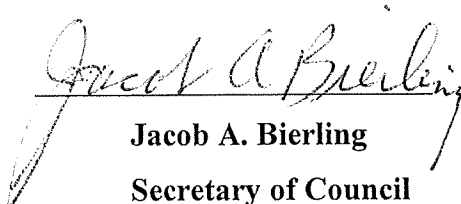
3. Applicant obtaining Sewer Planning Module Act 537 approvals or exemption there from, Storm Water Management approvals and Delaware County Conservation District approvals;

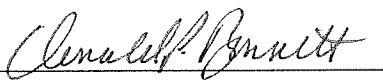
4. Formal recording of the Final Plans following Township execution thereof;

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

TOWNSHIP OF UPPER DARBY

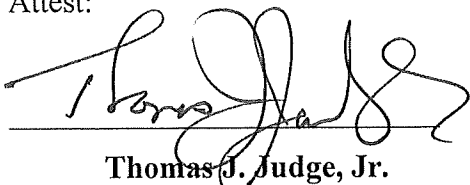
Attest:


Jacob A. Bierling
 Secretary of Council

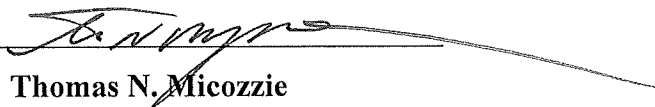
By: 
Donald P. Bonnett
 President of Council

Resolution No. 56-18 above is hereby approved this 17th day of October, A.D., 2018.

Attest:


Thomas J. Judge, Jr.
 Chief Administrative
 Officer

Approved:


Thomas N. Micozzie
 Mayor



DELAWARE COUNTY PLANNING DEPARTMENT

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

September 20, 2018

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

RE: Name of Dev't: SEPTA 69th Street Parking Garage
DCPD File No.: 47-7350-18
Developer: SEPTA attention: John McElwee
Location: Northeast of the intersection of 69th and
Market Streets
Recv'd in DCPD: August 14, 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 September 20, 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: SEPTA attn: John McElwee
HNTB Corp.



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: September 20, 2018
 File No.: 47-7350-18

PLAN TITLE: SEPTA 69th Street Parking Garage

DATE OF PLAN: July 16, 2018

OWNER OR AGENT: SEPTA attention: John McElwee

LOCATION: Northeast of the intersection of
69th and Market Streets

MUNICIPALITY: Upper Darby Township

TYPE OF REVIEW: Land development

ZONING DISTRICT: C-3/C-4

SUBDIVISION ORDINANCE: County

PROPOSAL: Redevelop 4.22 acres with a parking
garage

UTILITIES: Public

RECOMMENDATIONS: Proceed to final plan preparation
with consideration given to staff
comments

STAFF REVIEW BY: Michael A. Leventry

REMARKS:

CURRENT PROPOSAL

The applicant proposes to redevelop an existing bus depot with a new depot and parking garage.

SITE CHARACTERISTICS

The site is located in Upper Darby's central business district.



Date: September 20, 2018
File No.: 47-7350-18

REMARKS (continued):

APPLICABLE ZONING

The development is located within the C-3 and is subject to applicable regulations set forth by the Township zoning code.

COMPLIANCE

The proposal appears to comply with the provisions of the C-3 district.

WAIVERS

A waiver is required for relief from the following:

- Section 817: Requiring street trees at 30' intervals.

Staff has no adverse comment related to this required waiver.

TRANSPORTATION

Staff commends SEPTA for this plan that will make bus travel safer and more pleasant by providing a covered depot and pedestrian overpass for riders. Consideration should be given to providing a covered awning for those utilizing the taxicab queue that is shown behind the building. Additionally, consideration should be given to allowing peer-to-peer ride shares (Uber, Lyft, etc.) to also utilize the taxicab queue.

SEWAGE FACILITIES

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

Date: September 20, 2018
File No.: 47-7350-18

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.

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.