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Upper Darby Township Council Meeting

October 15th, 2014

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Resolution No. 58-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Drexeline Shopping Center Inc., to convey an abutting .172-acre piece of land from Lot 1 to Lot 2, in order to correct title line conflicts on the south side of State Road approximately 219’ east of Township Line Road, granting certain waivers/modifications under the subdivision and land development Ordinance and being subject to certain conditions of approval.

Approval of Resolution No. 58-14

Resolution No. 59-14, a Resolution of Upper Darby Township, Pennsylvania approving the application of Wawa, Inc., for land development to incorporate 9 lots of +/- 1.15 acres into 1 lot and to construct a 4,670 sq. ft. Wawa Food Market with gasoline dispensing on the south side of West Chester Pike between Windsor and Park Avenues and being subject to certain conditions of approval.

Approval of Resolution No. 59-14

Motion for a Land Development for Kwon and Yun Sook Chang to further develop .262 acre with a 270 sq. ft. addition to an existing produce store for a walk-in refrigerator box at 500 S. 69th Street located on the southwest corner of Patterson and 69th Street. Folio No: 16-03-02105-00

Adjournment
A regular meeting of Upper Darby Township Council was held on Wednesday evening, October 15th, 2014 at 7:30 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, John Rankin, Ed Monaghan, Jacob A. Bierling Jr., Marah Manners, James Santora, Sekela Coles, Robert Gwin, Barbarann Keffer

Mary Ann Crawford, excused

Present at the Meeting

Thomas J. Judge Jr., Chief Administrative Officer
Scott C. Gottel, Esq., Solicitor
Kelly Sullivan, Esq., Solicitor
Richard G. Nolan, Chief Municipal Clerk

Mr. Bonnett: Ladies and gentlemen, we are taking things a little bit out of order this evening. We have a proclamation to deliver declaring “National Business Women’s Week” from October 20 through 24, 2014. We have representatives from the Delaware County Business and Professional Women’s Club and on behalf of the Mayor we would like to make that presentation at this time.

PROCLAMATION

WHEREAS, there are 71 million working women striving to serve our communities, our Commonwealth and our nation in professional, civic and cultural capacities;

WHEREAS, 40% of privately held U.S. firms were at least 50% owned by women, employing 13 million people and generating $1.9 trillion in sales;

WHEREAS, one of the major goals of Delaware County Business and Professional Women’s Club and BPW/PA is to promote equality for all women and to help create better conditions for working women through the study of social, educational, economic and political problems. All of us are proud of the leadership of Women in their fields of endeavor;
WHEREAS, Delaware County Business and Professional Women’s Club, having members from throughout Upper Darby Township and from all Delaware County neighborhoods are commended for their personal and professional achievements;

NOW THEREFORE, on behalf of Mayor THOMAS N. MICOZZIE, Mayor of Upper Darby Township along with Township Council proclaim October 20 – 24, 2014,

NATIONAL BUSINESS WOMEN’S WEEK

We urge the citizens of Upper Darby Township and all civic and fraternal groups, all educational associations, all news media and other community organizations to join me in saluting working women and celebrate the achievements of all business and professional women as they contribute daily and enrich our economic, civic and cultural lives.

Mayor Thomas N. Micozzie
Mayor Thomas N. Micozzie
Upper Darby Township

Approval of the Minutes

Mr. Bonnett: A motion would be in order for the approval of the minutes for the Meeting of September 17, 2014.

Mr. Rankin: So moved.

Mr. Wagner: Seconded.

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

Public Forum

Mr. Bonnett: This is the time set aside for the public to speak. When you hear your name come forward to the podium, and state your name and address for the records. Comments are limited to five minutes.

Judith Gokalp, 7197 Radbourne Road
Stonehurst
Chuck Nguyen, 437 Lombardy Road
Stop sign on Huey Avenue

Alfred Achtert Jr., 7228 Radbourne Road
Re-apportionment

Robert Cassidy, 3854 Garrett Road
Removal of Planned Parenthood

John Dabagian, 35 N. Linden Avenue
Potholes

Their comments are filed on tape.

Mr. Rankin: That concludes the speakers for this evening.

Mr. Bonnett: Thank you John. At this time, we will go into the Committee Reports starting with the Finance and Appropriations Committee, Mr. Wagner please.

Committee Reports

Finance and Appropriations Committee
Thomas P. Wagner, Chairman

Resolution No. 54-14, the tax appeal of Mainard, Inc., and Mid-Island Properties, Inc., 5300 Baltimore Pike, Upper Darby Township
Tax Folio No: 16-03-00323-00

Mr. Wagner: Thank you, Mr. Bonnett. I will ask the Solicitor to give a brief on Resolution No. 54-14.

Mr. Solicitor: Certainly. Resolution No. 54-14 is the tax appeal of Mainard, Inc., and Mid-Island Properties, Inc., 5300 Baltimore Pike, Upper Darby Township. Tax Folio No: 16-03-00323-00. The recommended Resolution is for an assessment in the year 2014 of $25,900,000.00 and in the year 2015 of $23,730,000.00. This appeal has been approved by the Upper Darby School District and is recommended by the Solicitor’s office.

Mr. Wagner: Thank you. I move for the adoption of Resolution No. 54-14.

Mr. Gwin: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor signify by saying aye. Opposed? The ayes have it. The next Committee is the Public Safety Committee, Mr. Rankin please.
Public Safety Committee
John B. Rankin Jr., Chairman

Mr. Rankin: Thank you, Mr. Bonnett. I will ask the Solicitor to give a brief on Resolution No. 55-14.

Resolution No. 55-14, a Resolution to establish a “Fifteen (15) MPH” speed limit on the 1200 block of Cornell Avenue

Solicitor: Certainly. Resolution No. 55-14 is a Resolution to establish a “Fifteen (15) MPH” speed limit on the 1200 block of Cornell Avenue.

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 55-14.

Mr. Wagner: Seconded.

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

Resolution No. 56-14, a Resolution to install 2 stop signs on Huey Avenue at the intersection of Kenwood Road creating a four way stop.

Mr. Rankin: Thank you. I will now ask the Solicitor to give a brief on Resolution No. 56-14.

Solicitor: Certainly. Resolution No. 56-14 is a Resolution to install 2 stop signs on Huey Avenue at the intersection of Kenwood Road creating a four way stop.

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 56-14.

Mr. Gwin: Seconded.

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

Resolution No. 57-14, a Resolution to remove the “two hour parking” restriction (24 hours per day) on the Unit block of Harwood Road

Mr. Rankin: Thank you, Mr. Bonnett. And last, I will ask the Solicitor to give a brief on Resolution No. 57-14.
Solicitor: Certainly. Resolution No. 57-14 is a Resolution to remove the “two hour parking” restriction (24 hours per day) on the Unit block of S. Harwood Road.

Mr. Rankin: Thank you. I move for the adoption of Resolution No. 57-14.

Mr. Wagner: Seconded.

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

Mr. Rankin: Thank you, Mr. Bonnett: That concludes the business of the Public Safety Committee.

Mr. Bonnett: Thank you, John. The next Committee is the Planning, Zoning & Building Code Committee, Mr. Bierling please.

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

Resolution No. 58-14, a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Drexeline Shopping Center Inc., to convey an abutting .172-acre piece of land from Lot 1 to Lot 2, in order to correct title line conflicts on the south side of State Road approximately 219’ east of Township Line Road, granting certain waivers/modifications under the subdivision and land development Ordinance and being subject to certain conditions of approval.

Mr. Bierling: Thank you, Mr. Bonnett. I will ask the Solicitor to give a brief on Resolution No. 58-14.

Solicitor: Certainly. Resolution No. 58-14 is a Resolution of Upper Darby Township, Delaware County, Pennsylvania approving the application of the Drexeline Shopping Center Inc., to convey an abutting .172-acre piece of land from Lot 1 to Lot 2, in order to correct title line conflicts on the south side of State Road approximately 219’ east of Township Line Road, granting certain waivers/modifications under the subdivision and land development Ordinance and being subject to certain conditions of approval.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 58-14.

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

Resolution No. 59-14, a Resolution of Upper Darby Township, Pennsylvania approving the application of Wawa, Inc., for land development to incorporate 9 lots of +/- 1.15 acres into 1 lot and to construct a 4,670 sq. ft. Wawa Food Market with gasoline dispensing on the south side of West Chester Pike between Windsor and Park Avenues and being subject to certain conditions of approval.

Mr. Bierling: Thank you, Mr. Bonnett. I will now ask the Solicitor to give a brief on Resolution No. 59-14.

Solicitor: Certainly. Resolution No. 59-14 is a Resolution of Upper Darby Township, Pennsylvania approving the application of Wawa, Inc., for land development to incorporate 9 lots of +/- 1.15 acres into 1 lot and to construct a 4,670 sq. ft. Wawa Food Market with gasoline dispensing on the south side of West Chester Pike between Windsor and Park Avenues and being subject to certain conditions of approval.

Mr. Bierling: Thank you. I move for the adoption of Resolution No. 59-14.

Mr. Wagner: Seconded.

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

Motion for a Land Development for Kwon and Yun Sook Chang to further develop .262 acre with a 270 sq. ft. addition to an existing produce store for a walk-in refrigerator box at 500 S. 69th Street located on the southwest corner of Patterson and 69th Street. Folio No: 16-03-02105-00

Mr. Bierling: I will not ask the Solicitor to read the Motion for a land development.

Solicitor: Yes. This is a Motion for a Land Development for Kwon and Yun Sook Chang to further develop .262 acre with a 270 sq. ft. addition to an existing produce store for a walk-in refrigerator box at 500 S. 69th Street located on the southwest corner of Patterson and 69th Street. Folio No: 16-03-02105-00

Mr. Bierling: I make a Motion for the approval of this land development.
Mr. Wagner: Seconded.

Mr. Bonnett: Moved and seconded. All those in favor, signify by saying aye. Opposed? The ayes have it. Madame Solicitor, do you have anything for the body?

Solicitor: No, I do not.

Mr. Bonnett: OK, thank you. Councilwoman Coles, you had something you wanted to mention?

Ms. Coles: I wanted to thank the Mayor and the CAO for coming out and stopping by my Domestic Violence Awareness Workshop that I hosted last Tuesday, October 7th despite the fact that they both had other events that they needed to attend. The day after the event I know Councilman Gwin did mention it. I was very emotionally drained from the event but I just wanted to briefly give credit to the overwhelming importance of this issue of domestic violence. I think that Council people need to have the most up to date information regarding resources and the agencies out there that do address these issues so that we can properly direct our constituents and support them. I know that Councilman Gwin mentioned that he would like the agencies who participated in the workshop to maybe give something on a smaller scale and present it to the Council and certain members of the Administration. I also want to thank Officer Tom Nee and Theresa Burke, the Domestic Violence Coordinator and the other agencies that did attend and present from the County. That was the Domestic Abuse Project from Delaware County and Delaware County Women Against Rape and also Joan Scanlon’s organization Center for Family Safety as well as an organization based in Philly called The Philadelphia Black Woman’s Health Alliance. It was a very powerful and emotional event and a lot of good information came out of it. Even Officer Nee spoke with me afterwards and told me that he was educated with the different stories that the women and men that attended shared. I think it was important that there was constructive dialogue about that type of issue that is unfortunately prevalent and really affecting society today.

Mr. Bonnett: Thank you, Sekela.

Mr. Bierling: I would just like to mention that the District Attorney actually had a Safe Schools summit today at Drexelbrook and some of the points you brought up, he actually touched on them. One District Attorney, Michael Galantino, who -------and had a young lady named Rose from the District Attorney’s office who handles some of the domestic violence situations. But, he was pretty prolific in what he went into as far as PFA’s that school districts don’t understand so it was a very good program and was well attended by the school districts in Delaware County.

Mr. Bonnett: Thank you, Jack.

Mr. Wagner: I think it’s very important for people to understand that process in particular. PFA’s can be confusing……

Mr. Bonnett: Tom, will you explain what that is?
Mr. Wagner: PFA stands for Protection From Abuse and the Common Pleas Court devotes a lot of resources to that very subject and I think that a presentation here at Council would be very much in order and would be a real good thing.

Mr. Bierling: I think if we’re going to do something like that to include them in....I never realized that a PFA could be carried from state to state.

Mr. Wagner: Absolutely it can.
Mr. Bierling: Like I said, today was very enlightening on some of the programs that they have.

Mr. Wagner: It’s important to understand how much time and resources are spent on Common Pleas Courts in each of our counties on that very subject. It’s a huge occupier of judicial resources and properly so. It’s extremely important.

Mr. Bonnett: Any other comments on that subject? Seeing none.

**Adjournment**

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

Mr. Bierling: So moved.

Mr. Rankin: Seconded.

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

Respectfully submitted,

[Signature]

Richard G. Nolan
Chief Municipal Clerk
UPPER DARBY TOWNSHIP
RESOLUTION NO. 54-14

IN RE: Appeal of: Mainard, Inc., and Mid-Island Properties, Inc.

Owner: Mainard, Inc., and Mid-Island Properties, Inc.,

Property Address: 5300 Baltimore Avenue
Upper Darby, PA 19082
Tax Folio No.: 16-03-00323-00

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. 13-12127.

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

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>$25,900,000.00</td>
</tr>
<tr>
<td>2015</td>
<td>$23,730,000.00</td>
</tr>
</tbody>
</table>

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 execute a Stipulation in the Court of Common Pleas of Delaware County agreeing to such assessed value for the property.
RESOLVED, this 15th day of October, 2014.

UPPER DARBY TOWNSHIP

By: ________________________________
   Donald P. Bonnett, President of Council

ATTEST: ________________________________
   John B. Rankin, Jr., Secretary of Council

Resolution No. 54-14 above is hereby approved this 15th day of October, 2014.

By: ________________________________
   Thomas N. Miccozie, Mayor

ATTEST: ________________________________
   Thomas J. Judge, Jr.,
   Chief Administrative Officer
RESOLUTION NO. 55-14

WHEREAS, ORDINANCE NO. 2141 OF UPPER DARBY TOWNSHIP FIXES THE MAXIMUM SPEED FOR VEHICLES AT "FIFTEEN (15) MILES PER HOUR SPEED LIMIT" WITHIN CERTAIN BUSINESS OR RESIDENT DISTRICTS AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 2141 BE AND THE SAME IS HEREBY AMENDED AND SUPPLEMENTED BY ADDING TO SECTION 1 THE FOLLOWING:

ESTABLISH "FIFTEEN (15) MILES PER HOUR SPEED LIMIT ON:

THE 1200 BLOCK OF CORNELL AVENUE

RESOLVED THIS 15TH DAY OF OCTOBER, A.D., 2014

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST:  JOHN B. RANKIN JR.
SECRETARY OF COUNCIL

THOMAS N. MICOZZIE, MAYOR

ATTEST:  THOMAS J. JUDGE, JR.,
CHIEF ADMINISTRATIVE OFFICER
RESOLUTION NO. 56-14

WHEREAS, ORDINANCE NO. 1156 OF UPPER DARBY TOWNSHIP PROVIDES THAT TRAFFIC SHALL COME TO A STOP BEFORE ENTERING OR CROSSING CERTAIN STREETS AND HIGHWAYS IN THE TOWNSHIP AND IMPOSES PENALTIES FOR THE VIOLATION THEREOF:

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 1156 IS HEREBY AMENDED BY ADDING TO SECTION 1 THE FOLLOWING:

INSTALLING 2 STOP SIGNS AT THE FOLLOWING LOCATION:

ON HUEY AVENUE AT THE INTERSECTION OF KENWOOD ROAD CREATING A FOUR WAY STOP

RESOLVED, THIS 15TH DAY OF OCTOBER, A.D., 2014.

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

JOHN B. RANKIN JR.
SECRETARY OF COUNCIL

THOMAS N. MICCOZZIE, MAYOR

THOMAS J. JUDGE, JR.,
CHIEF ADMINISTRATIVE OFFICER
RESOLUTION NO. 57-14

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

NOW, THEREFORE, BE IT RESOLVED:

THAT ORDINANCE NO. 1244, SECTION 2, THE SAME IS HEREBY AMENDED

TO REMOVE THE "TWO HOUR PARKING" RESTRICTION (24 HOURS PER DAY) ON THE UNIT BLOCK OF S. HARWOOD ROAD.

RESOLVED, THIS 15TH DAY OF OCTOBER, A.D., 2014.

UPPER DARBY TOWNSHIP

DONALD P. BONNETT
PRESIDENT OF COUNCIL

ATTEST:  
JOHN B. RANKIN JR.
SECRETARY OF COUNCIL

THOMAS N. MACCOZIE
MAYOR

ATTEST:  
THOMAS J. JUDGE, JR.
CHIEF ADMINISTRATIVE OFFICER
UPPER DARBY TOWNSHIP

Resolution No. 58-14

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA APPROVING THE APPLICATION OF THE DREXELINE SHOPPING CENTER, INC., TO CONVEY AN ABUTTING .172 ACRE PIECE OF LAND FROM LOT 1 TO LOT 2, IN ORDER TO CORRECT TITLE LINE CONFLICTS ON THE SOUTH SIDE OF STATE ROAD APPROXIMATELY 219' EAST OF TOWNSHIP LINE ROAD, GRANTING CERTAIN WAIVERS/MODIFICATIONS UNDER THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND BEING SUBJECT TO CERTAIN CONDITIONS OF APPROVAL.

WHEREAS, Drexeline Shopping Center, Inc. ("Applicant") has submitted for approval its Final Subdivision plan to convey an abutting .172 acre piece of land from lot 1 to lot 2, in order to correct title line conflicts, prepared by G.D. Houtman & Son, Inc., said plans consisting of one (1) sheet dated August 21, 2014 (collectively "Final Plans"); and

WHEREAS, Applicant has requested certain waivers or 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 or modifications from the following sections of the Delaware County Subdivision and Land Development Ordinance ("SLDO"):

Section 201.2.1: Preliminary Plan review required. "This application is for a Preliminary/Final Review."

Section 205.3.6): Location of significant physical features within the tract and the adjacent 200' peripheral strip. "This plan is for a lot revision only and will have no effect on any adjoining features except those as shown."

Section 205.3.8 [erroneously noted in plan as 7]}: Location of all existing buildings. "Folio #16-11-01760-04 contains several buildings"

Section 205.3.13): All existing sanitary and storm sewers, water lines, fire hydrants, utility transmission lines, culverts, bridges, and railroads within the tract and within 200' of its boundaries. "This Plan is for a Lot revision only and will have no effect on any adjoining features except those as shown."

Section 207.2.4): Location of significant physical features within the tract and the adjacent 200' peripheral strip. "This Plan is for a lot revision only and will have no effect on any adjoining features except those as shown."

Section 207.2.5): Existing contours of the site. "This Plan is not proposing any improvements therefore topography is not required."

Section 207.2.6): Notable tree locations. "This Plan is not proposing any improvements therefore tree locations are not provided."

Section 207.2.15): Number of dwelling units, by type, by number of bedrooms and the location and square footage of floor space to be devoted to non-residential use, together with use specifications. "This submission is for a Lot Line revision only."

Subject to certain Conditions of Approval including the following:

1. Formal recording of the record sheet or sheets of the Final Plans (the "Record Plans") following Township execution of the Record Plans;

2. Applicant shall comply with all applicable federal, state and local codes or ordinances and shall obtain all required permits.
TOWNSHIP OF UPPER DARBY

Attest:

John Rankin
Secretary of Council

By:

Donald P. Bonnett
President of Council

Resolution No. 58-14 above is hereby approved this 15th day of October, A.D., 2014.

Attest:

Thomas J. Judge, Jr.
Chief Administrative Officer

Approved:

Thomas N. Micozzie
Mayor
UPPER DARBY TOWNSHIP

Resolution No. 59-14

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA APPROVING THE APPLICATION OF WAWA, INC. FOR LAND DEVELOPMENT TO INCORPORATE 9 LOTS OF ± 1.15 ACRES INTO 1 LOT AND TO CONSTRUCT A 4,670 SQUARE FOOT WAWA FOOD MARKET WITH GASOLINE DISPENSING ON THE SOUTH SIDE OF WEST CHESTER PIKE BETWEEN WINDSOR AND PARK AVENUES AND BEING SUBJECT TO CERTAIN CONDITIONS OF APPROVAL.

WHEREAS, WAWA, Inc. (“Applicant”) has submitted for approval its Final Land Development Plan to incorporate 9 lots of ± 1.15 acres into 1 lot and to construct a 4,670 square foot WAWA food market with gasoline dispensing, prepared by Bohler Engineering, said plans submitted to the Township dated August 29, 2014 (collectively “Final Plans”); and

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 June 26, 2014, 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:  
John Rankin  
Secretary of Council

By:  
Donald P. Bonnett  
President of Council

Resolution No. 59-14 above is hereby approved this 15th day of October, A.D., 2014.

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

Approved:  
Thomas N. Micozzie  
Mayor