

EDGMONT TOWNSHIP BOARD OF SUPERVISORS
Continued MEETING MINUTES
December 21, 2009
(Meeting continued from December 16, 2009)

1. Pledge of Allegiance & Open Meeting: Mr. Gravina called the continued meeting of the Board of Supervisors to order at 4:30 p.m. with the Pledge of Allegiance. The meeting was continued from December 16, 2009. In attendance were Ronald Gravina, Chairman; Joseph Conan, Vice-Chairman; Wm. "Chip" Mackrides, Member; Samantha Reiner, Township Manager; and Christopher Bashore, Assistant to the Township Manager. Kenneth Kynett, Esq., Township Solicitor; Edward Theurkauf, Township Land Planner; and Michael Conrad, P.E., Township Engineer, were absent. There were three (3) guests.
2. Public Comment: There was no public comment at this time.
3. Bill List: Mr. Gravina noted that the bills up to and including December 21, 2009 totaled \$22,336.58. Mr. Gravina made a motion to approve the bill list as presented. Mr. Conan seconded the motion. There was no further discussion and the motion approving the bill list passed unanimously.
4. Old Business:
 - a. 4949 West Chester Pike – Conditional Use Decision:
Present: Michael Lyons, Esq., Applicant's Attorney
Stephen Videon, Land Owner/Applicant

Mr. Gravina made a motion to approve the Conditional Use application to locate an autobody repair facility, provide automobile painting services, and an automobile rental agency at 4949 West Chester Pike (Frank C. Videon Dodge). Mr. Gravina read the Township's Decision on to the record:

DECISION

AND NOW, this 21st day of December, 2009, it is ORDERED that the Conditional Use Application of Videon Family Partnership (the "Applicant"), under the Edgmont Township Zoning Code, as amended, for the property known as 4949 West Chester Pike, Edgmont Township, Delaware County, Pennsylvania (the "Property") for use as an automobile service station, including servicing of vehicles for body work, painting and similar work and repair, together with the rental of automobiles in connection therewith (the "Use"), pursuant to Article 10A, Section 1001A.C.1.a of the Edgmont Township Zoning Ordinance, as amended, be and is hereby APPROVED and GRANTED, subject to the terms and conditions as set forth on Exhibit "A" attached hereto and made a part hereof.

The Applicant and other parties to the Conditional Use Hearing, if any, shall receive formal written Findings of Fact and Conclusions of Law (if required) upon completion of same by the Board of Supervisors. Appeal must be taken within thirty (30) days of the date of mailing of this Decision as set forth below.

CONDITIONS OF CONDITIONAL USE APPROVAL

The approval of Applicant's Conditional Use Application and the Board of Supervisors' grant of Conditional Use Approval in the above matter is SUBJECT to the conditions listed below. Capitalized terms used shall have the meanings ascribed to them in the Decision except as otherwise defined herein below.

1. The building shall be connected to natural gas and all propane tanks shall be removed.

2. The Applicant shall, satisfactory to the Township, stripe and otherwise mark that portion of the driveway of the Property providing the Mastichelli property at 4947 West Chester Pike ("Mastichelli Property) with access to West Chester Pike, to clearly indicate and preserve the open ingress and egress of the Mastichelli Property from and to West Chester Pike. This condition shall not be deemed to require or impose any obligation on the Applicant for any maintenance of the Mastichelli Property driveway other than to keep that portion of the driveway allowing access to West Chester Pike free and clear for access by the Mastichelli Property.
3. The Applicant shall provide for appropriate trash storage and disposal facilities and shall locate all such exterior facilities in an area(s) approved by the Township.
4. The facilities for hazardous waste and their location shall be as approved by the Township, and the Applicant shall maintain a contract with an approved waste hauler which shall be on file with the Township at all times.
5. The Applicant shall separate and dispose of all hazardous waste separately and apart from other trash generated at the Property, in accordance with applicable law. The existing floor drain located in the area of the building proposed for the paint booth shall be sealed satisfactory to the Township.
6. Any area of the Property intended for the temporary storage of vehicles shall be adequately prepared to prohibit the passage of fluids leaked from vehicles from entering the ground or ground water.
7. The Applicant shall provide and maintain, with the Township and the Edgmont Township Fire Company, a Hazmat Containment and Emergency Spill Plan.
8. The Applicant shall provide public water to the Property and connect the building thereto, prior to the issuance of a Certificate of Occupancy for any use other than the Use, or by July 1, 2010, whichever is sooner to occur. In the interim, Applicant shall have the on-site well tested for potability and shall provide the Township with the test results confirming same.
9. The Applicant shall separate, contain and dispose of the various types of waste streams generated by the Use in a manner and fashion acceptable to the Township and DEP, which shall be approved and implemented prior to the issuance of a Certificate of Occupancy. In addition, the Applicant shall contract with a licensed third-party hazardous waste disposal company to dispose of all waste which cannot be disposed of using the on-site facilities of the Property. Evidence of the contract must be supplied to the Township prior to the issuance of a certificate of occupancy.
10. The Applicant shall cause the Property to be connected to public sanitary sewer service when the same becomes available.
11. The Applicant shall install a sprinkler system in the building on the Property prior to the issuance of Certificate of Occupancy for any use other than the Use (with the exception of the car rental office, which may be opened prior to the installation of a sprinkler system).
12. In addition to any other required fire suppression requirements, the Applicant shall provide specific fire suppression for the spray paint booth and paint storage facility, in accordance with manufacturer's specifications and applicable law.
13. On or before July 1, 2010 the existing exterior lights located on the Property shall be inspected by the Applicant to verify compliance with Township codes. Any non-compliant

lighting shall be made compliant as a condition of and prior to the issuance of a Certificate of Occupancy for any use other than the Use.

14. The Applicant shall remove the “temporary” shed from the Property or, in the alternative, shall obtain the appropriate permits and approvals from the Township in order to allow the shed to remain.

15. Applicant shall establish, satisfactory to the Township, a traffic circulation plan for the use on the Property and shall install directional signage and pavement markings consistent with the approved traffic circulation plan and Township ordinances.

16. The Applicant shall remove the existing white, wooden sign along the frontage of West Chester Pike, or, in the alternative, shall obtain the appropriate permits and approvals from the Township in order to allow the sign to remain. All other signage proposed for the Property shall comply with Township requirements.

17. The temporary driveway installed on a portion of the Property in connection with the adjoining car-dealership property shall be removed and restored to a “green” landscaped condition satisfactory to the Township.

18. To the extent not inconsistent with this Decision, the Applicant shall demonstrate compliance, satisfactory to the Township, with the December 10, 2009 review letter of Yerkes Associates, Inc.; the December 9, 2009 of Thomas Comitta Associates; the November 24, 2009 Memorandum of the Township SEO; and the November 30, 2009 review of the Township Fire Marshal.

19. Except as specifically provided herein, nothing herein shall be construed to limit or otherwise alter the Applicant’s existing lawful use of the Property.

20. The Applicant shall comply with and be bound by the Applicant’s evidence presented at the conditional use hearing(s) in this matter (which evidence is incorporated herein by reference), except to the extent that the same is inconsistent with or contrary to the terms and conditions of this Decision, and except to the extent of any modifications or revisions, generally consistent with this Decision, approved by the Township during the building permit process or any other permitting process.

21. This Decision shall in no way constitute approval, variance, waiver or a guarantee of approval or determination of compliance of the Applicant’s proposed improvements or Use under any other Township rule, regulation, code or ordinance, however, it shall become a part of and be deemed incorporated in any and all permits and approvals, whether or not specifically included as a condition of said permits or approvals.

22. In the event that Applicant fails to comply with the provisions of this Decision, the Township may revoke any certificate of occupancy which has been issued for the Property or improvements should said failure to comply continue beyond thirty (30) days from the date of notice from the Township of said non-compliance.

23. The terms and conditions of this Decision shall be binding upon the Applicant’s successors and assigns in and to any part or portion of the Property.

24. The terms and conditions of this Decision may only be modified by subsequent conditional use approval in accordance with applicable law and the Edgmont Township Zoning Ordinance, as amended.

Mr. Mackrides seconded the motion. There was no further discussion and the motion to approve the Conditional Use application for 4949 West Chester Pike passed unanimously.

5. New Business: There was no new business to discuss.

6. Misc. Discussion:

a. SPCA Contract: Mrs. Reiner presented a revised SPCA contract to the Board. She stated that she re-drafted the contract, in accordance with Mr. Kynett's suggestions from December 10, 2009 memorandum, in order to provide coverage to the Township in the event that a stray animal is picked up in the Township. This contract had not been approved by the SPCA and the Township expects comments will be received. The Board authorized execution of the amended contract.

b. Tree Dedication Plaques: Mr. Bashore presented a revised design to the Board. Mr. Gravina recommended that the Township purchase 24 sq. in. signs. No action was taken.

c. YBH Escrow Release Request #3: Mr. Mackrides made a motion to authorize the release of funds for the PennDOT improvements not to exceed \$48,257.50. This release is conditioned on the receipt of PennDOT approval of the completion of the necessary improvements and they are found to be satisfactory to the Township Engineer. Mr. Gravina seconded the motion. There was no further discussion and the motion approving escrow release request #3 with conditions passed unanimously.

7. Adjournment: At 5:15 p.m., Mr. Gravina made a motion to adjourn the meeting. Mr. Conan seconded the motion. There was no further discussion and the motion to adjourn the meeting passed unanimously.

Respectfully submitted,

Samantha Reiner
Township Manager