

MINUTES
BROOKHAVEN BOROUGH WORKSHOP MEETING
MONDAY, MARCH 22, 2021

At 7:00 PM Council President Terry Heller called the regularly scheduled Brookhaven Borough Council Workshop Meeting to Order. Mr. Heller led in the Pledge of Allegiance to the American Flag.

The record shows the meeting was held by Virtual Teleconference and the following people participated in the meeting by Zoom: Mayor Leslie, Council President Mr. Heller, Councilpersons Mrs. Fooks, Mr. Gilroy, Mrs. Heller, Mr. Pappas, Ms. Sawicki, Mr. Vazquez, Solicitor John Wills, Engineer Charles Catania, Fire Chief Montella and Office Manager John Wilwert. The minutes were recorded from the Zoom Teleconference by Planning Commission Secretary Mrs. Boyle.

PUBLIC DISCUSSION.

There was none.

PROPOSED BROOKHAVEN POPEYES RSI BROOKHAVEN PROPERTIES, LLC/BOHLER ENGINEER

Mr. Robert Hill, President of Retail Sites was present to talk to Council. He said that his company has an agreement of sale to purchase the property of the closed TD Bank on Edgmont Avenue in Brookhaven. This is contingent upon getting approvals for a fast food restaurant. They have done surveys and he said they were here this evening to present their idea with their tenant of what they would propose to do. Many of the features of the site will remain the same; the building will be different. Ms. Morgan Konstantinidis, Vice President of Development of Retail Sites led the presentation and went over site plans and photos of the building. Mr. Hill said that their goal was to answer any questions and move the process along as quickly as possible. Ms. Konstantinidis said that they have enjoyed working with the Borough for the last six years through the Shoppes of Brookhaven. She and Mr. Hill will be the owners of the proposed site and will continue to be involved on a day to day basis. They are proposing for Popeyes Restaurant to be the tenant at the closed TD Bank. Tyler Arsenault, Director of Leasing for the team, is helping to spere head this application with them. Jeff Bevan, from Bohler Engineering, is the Engineer for Retail Sites, John Wichner from McMahon and Associates is the Traffic Engineer and Joseph Skip Brion of Buckley, Brion, McGuire and Morris, their Solicitor is also on the application. There were two members of the Popeye team present: Lawrence Benbasset and Ed Baksh who own and operate approximately 165 Popeye locations. They are very well versed in the design and operations of the buildings. Ms. Konstantinidis showed on the screen the proposed elevation of the building. The site is approximately .7 acres so it will be a single use site. They are proposing a one lane drive thru on the property. Photographs of the proposed building were shown. A survey has been done of all the conditions on the site. The restaurant will be approximately 2,300 square feet and there will be stacking for approximately ten cars. The egress and ingress are not changing; the curb cuts on Edgmont Avenue are remaining the same. Popeyes will be bringing in their latest signage package and there will be a modern LED light package. They will also be adding landscaping. The landscaping plan will continue to add on to the street scape on Edgmont Avenue. They will be applying for conditional use for a restaurant based on existing zoning classifications.

Lawrence Benbasset from Popeyes said they are attempting to bring a Popeyes Louisiana Kitchen restaurant to the Borough. Popeyes is a national chain; there are approximately 2500 units in the United States and 3300 globally. He and Mr. Baksh are the second largest franchisee in the country; they have 165 restaurants and have been in business since 2006. They are family owned and are a fried chicken Cajun Louisiana style restaurant. They have all types of chicken and some fish. The hours are 10:30 am to 11 pm daily and till 11:30 pm on Friday and Saturday. The drive thru hours are the same. Mr. Baksh asked if there were any questions. Mr. Heller asked about the backside of the property; what type of foliage will be installed there. Ms. Konstantinidis said there is an existing retaining wall that will continue to stay in place. They will have landscaping. Mr. Bevan said the existing trees will remain and they will additionally plant holly bushes. There will be a dumpster enclosure on the right. There will be a mixture of plantings in the island space and other plantings as well. Mr. Heller asked that the restaurant owner takes care of the trash and keeps it controlled. Mr. Bevan said the site is surrounded by commercial uses. There will be an 1100 square foot reduction from the TD bank. There will be 22 parking spaces and some mobile parking spaces for pick up food. Mr. Heller asked about the traffic increase. Mr. Wichner said he could discuss this afterwards. Mr. Bevan said there is stacking for 10 vehicles; five for the window and five beyond that. There is room for additional vehicles without impacting Edgmont Avenue. The lighting is proposed to be LED and they are complying with the Borough Ordinance with the placement of the lights. They are proposing an additional buffer for landscaping along the right side of the plan. They are maintaining the grass strip along Edgmont Avenue and providing additional plantings along the islands. Mr. Vazquez asked about the lighting – can they be the same as the lighting in the shopping center. Mr. Bevan said that given the short area here there is not enough room. There are power lines running through there and there is no room for that lighting. Ms. Sawicki said that when the bank was there, we had periodic problems with water runoff into Eaton Park. Ms. Sawicki said she trusts that there will be no problems with runoff water. She said that it does look like a lovely plan and she is happy that something is coming there. Charles Leslie said that it looks like the drive thru will be on the front on the building. Ms. Konstantinidis said that unfortunately they cannot turn the building 90 degrees. The drive thru will be on Edgmont Avenue.

John Wichner, McMahon and Associates, said that the existing driveways will remain unchanged. PennDOT has classified this as a low volume driveway. There will be no more traffic in the morning since Popeyes is not open. The afternoon peak hour should generate fewer trips than the bank and Saturday should be less than the bank. There is typically six to eight vehicles in the drive thru window at other Popeyes. They could fit ten to fourteen cars before it backs up to Edgmont Avenue. They also want to accommodate patron and employee parking and there will be a bypass lane. Brookhaven Ordinance has a maximum of five parking spaces and the operator of Popeyes feels they need additional spaces so they will be asking for a variance to the Ordinance. The deliveries will be in the rear of the store. There will be no conflict with the cars coming in since it is done after hours. There is one delivery a week in a large size truck and about two deliveries a week in box size trucks for fresh food deliveries. Mrs. Fooks asked if traffic can make a left turn onto Edgmont Avenue from the restaurant. Mr. Wichner said yes.

Mr. Brion said that they need to go before Borough Council to obtain a conditional use for two issues. The first will be conditional use for a fast food restaurant and a conditional use for a drive thru. Mr. Brion said that in Brookhaven they have to apply for both. Mr. Brion said that they have to go before the Brookhaven Zoning Hearing Board for the signage for the restaurant. Slides with photos were shown. Mr. Brion said they need various variances. They need a variance since they have more signage than the Borough permits.

They need a variance with regard to seating and parking. Mr. Brion said that presently the Borough allows them to have only five parking spaces and they have 43 seats in the restaurant. The other issue they have is the front yard setback. The Borough's setback is a maximum of 40 feet and they are 42 feet, which is two feet over the maximum setback. Mr. Heller said that he feels this will not be an issue. Mr. Brion said that with the way the building will be laid out this should not be a problem. He said there will be a need for "pick-up" parking for patrons to pick up their food that was ordered online. There will be a certain area to utilize this. Mr. Brion said that there is not a sign onsite that exceeds the Borough's ordinances. The free standing sign is where the TD Bank sign was located so they are trying to put their sign in the same location. Most of the other signs are a little larger than the Borough requests – the menu board is larger. The feeling is that these boards need to be a little larger today so that patrons can easily see them when they drive thru so they can move forward quickly. The entrance signs are a little larger than the Ordinance permits; this is how the fast food restaurants are doing their signs at the present so the patrons can see them and their welcoming sign is a little larger than the Ordinance permits. Mr. Brion said that when they combine these all together, there are a few sign variances they would need. Mr. Brion will put these all together in an application and then come before Council for their review and then go before the Zoning Hearing Board. Mr. Brion said that he has sent everything to Mr. Bill Gavin, the Brookhaven Zoning Officer and that Mr. Gavin would review everything. Mr. Heller said that Mr. Gavin was not able to be at the meeting tonight due to a previous commitment. More photos were shown of the proposed building with the signage for the Council to see. Mr. Brion said that the overall square footage is larger than the Borough permits. Mr. Brion said that basically signage, parking and seating capacity is where they are with regard to requests before the Zoning Board. Mr. Catania asked about the timeline. Mr. Hill said that their goal is to submit a full plan to the Zoning Board for conditional use within the next week or so. Mr. Hill said that as soon as the property agreements are in hand they would like to close on the property. The actual construction of the building will be handled by the tenant. Mr. Benbasset said this company has built all of the buildings that he and Mr. Baksh own. Construction is 120 days. Mr. Hill said that they would like to close on the property in the summer and if possible they will be open for the holidays. Mr. Heller asked Mr. Benbasset if Popeyes had a program like some of the other restaurants where they donate money to the community, such as sports teams, etc. Mr. Benbasset said that they try to get involved with the communities where they are located. They sponsor little league teams, etc. They also have a program where they donate some of the proceeds to the schools. Mr. Pappas had a question about the slide showing the building – how about the shutters and the entrance door. It was explained. Mr. Pappas asked about the left hand turn onto Edgmont Avenue. He said that there is no left turn allowed at the new Dunkin Donuts. Ms. Konstantinidis said they are proposing to leave the existing traffic conditions exactly the same as it was with TD Bank. Mr. Heller said this might have to be discussed. Mr. Hill asked about the application. Mr. Heller said that he would prefer it to go through Mr. Wills; Mr. Gavin has already been sent the information. There were no further questions from Council or from the public. All of the representatives from the proposed Popeyes thanked Council for their time.

SOLICITOR'S REPORT – MR. JAY WILLS

Mr. Wills gave a written report to the Council members and the Mayor this morning and reported the following issues:

Pando Properties- this is the development off of W. Brookhaven Road. This was a subdivision of 7 lot single homes. Lot #8 was deeded to the Borough for Recreational and Open Space use. The final regrading and restoration of that lot should begin very shortly.

Litigation – It was brought to the Borough’s attention that a homeowner on Trimble Blvd. has filed suit against the Borough for property damage as a result of a sewer backup at his residence. Mr. Wills has been in touch with the Borough’s Liability Carrier. They have been providing the coverage on behalf of the Borough for this suit. The Borough has some defenses that it can serve with this litigation. We will keep Borough Council apprised of the situation.

Brookhaven Storage – This is a new Developer who has filed Land Development Plans for a self-storage facility on 2.4 acres of undeveloped land on the South side of E. Brookhaven Road. As of today, the Developer filed an application for Zoning Relief with the Zoning Hearing Board. Mr. Wills has forwarded the application to Mr. Robert Scott, Solicitor for our Zoning Hearing Board. The summary of the Zoning Relief that the applicant is requesting includes that this property is Zoned R-4 residential zoning, The Developer will require a Use Variance to construct this facility. The Use Variance was granted back in 2019 for a previous owner but since this is a new application they have to apply again. This application also entails a three story building with a basement. The height of this proposed building will be in excess of 35 feet so they will require a height variance. They also will be requesting a variance for a required landscape buffer. Mr. Wills said that by law the Zoning Hearing Board has 60 days from the date that the application is filed in which to hold a public hearing. Mr. Wills said that he would prefer to have these hearings live if at all possible. We can discuss this further.

MAYOR’S REPORT

Mayor Leslie had no report but she wanted to thank the Brookhaven Fire Company for the hard work they did at the fire at Cocco’s, Liberty Tax and the Nail Salon. They did a wonderful job keeping everyone safe. Mr. Heller said that we did extend an offer to Liberty Tax to lease a small section of Borough Hall. 60% of their clients are Brookhaven residents. They declined our offer and are going to lease the old State Farm Building for one year. Mr. Heller thanked the Fire and Police Department for the work they did at the fire.

FIRE CHIEF – MR. MONTELLA

Chief Montella will have a full report at the April Council Meeting. He said that the Covid transports have been relatively silent for the past three weeks. He asked if anyone from Council had any questions regarding the fire. Chief Montella said it was a very tough fire and very windy conditions. The crews were very, very aggressive in trying to stop the fire from spreading further. We had crews inside until the roof starting caving and then we had to retreat. We managed to save the Brookhaven Auto Center. Chief Montella wanted to thank his crew for the work they did and all their effort. Mr. Heller asked about the timeline for the rebuild. Chief Montella said he had no idea; it is hinging on the Fire Marshal’s review and investigation process. Mrs. Heller said she wanted to thank Chief Montella and his crew. She said she has a high respect for the Fire Department and the Departments that assisted with the fire. These firefighters are all volunteers . She said she got to witness the whole process involved even after the fire. Chief Montella said that in addition to fighting the fire at Cocco’s, there was a fire at the McDonald’s at the same time. We had companies backing us up that took care of that.

MEMBER PERSONNEL COMMITTEE, MEMBER BUSINESS REVITALIZATION COMMITTEE, MEMBER EMERGENCY MANAGEMENT COMMITTEE, HOLIDAY PARADE COMMITTEE, MEMBER POLICE COMMITTEE AND MEMBER RECREATION BOARD AND MEMBER TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. HELLER

Mrs. Heller reported there is a Rec Board Meeting on March 25th at 7 pm. All are welcome. We are in field cleanup process so if anyone has time on the weekends to come and help it would be appreciated. Thanks to Public Works as well as the volunteers for getting the fields ready. The Tech Committee met on March 11th. We had a demonstration by 'Text My Government'. Mrs. Fooks and Mrs. Heller will discuss this further at the April Council Meeting.

FINANCE AND INSURANCE COMMITTEE, PUBLIC WORKS COMMITTEE AND LIAISON TO ZONING HEARING BOARD – MR. VAZQUEZ

Mr. Vazquez reported that there will be a Zoning Hearing Board in the near future. Our two seasonal employees from Public Works will be finished on March 31st. We are looking for two employees for grass cutting on April 12th. We hope that these two employees will return for this season. If they return, there is no requirement that the job be advertised.

PRESIDENT PRO-TEM, CHAIR ARBOR/SHADE TREE COMMISSION, CHAIR FINANCE AND INSURANCE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLANS, MEMBER FIRE COMMITTEE AND MEMBER GRANT COMMITTEE – MS. SAWICKI

Ms. Sawicki had no report.

MEMBER CONDO ASSOCIATION COMMITTEE, PLANNING COMMISSION LIAISON, MEMBER PERSONNEL COMMITTEE, COUNCIL LIAISON TO CIVIL SERVICE COMMISSION, MEMBER POLICE COMMITTEE, MEMBER PUBLIC WORKS COMMITTEE, CO-LIAISON TO ZONING – MR. PAPPAS

Mr. Pappas had no report. He wanted to comment that with all the years he spent on the Police Department, he never had any doubt that Chief Montella and his crew couldn't get the job done.

BUSINESS AND REVITALIZATION COORDINATOR, MEMBER FINANCE AND ADMINISTRATION, MEMBER GRANT COMMITTEE, MEMBER HOLIDAY PARADE COMMITTEE, MEMBER LONG TERM AND COMPREHENSIVE PLAN COMMITTEE, ORDINANCE COMMITTEE, MEMBER RECREATION BOARD, SCHOOL BOARD LIAISON, MEMBER CONDO, TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MRS. FOOKS

Mrs. Fooks reported that there was no Ordinance Meeting this month; the next meeting will be April 15th. The E-Code work is done and we are working on putting it on the website. Mrs. Fooks thanked Mimi McGovern for all of her help; she and Mrs. Fooks designed the cover. Hopefully it will be on the website soon. The Electronic Recycling event will be on Saturday, April 10th from 9 am to noon at the Borough Municipal Center parking lot; the Shredding Recycling event will be on Saturday, April 24th from 9 am to noon at the same place. The Chip Vaccine Clinic will be at the Borough Hall on Tuesday, May 18th. Registration will be available online next month. The Easter Egg Treat will be held on Saturday, April 3rd from 11 am to 1 pm for children 12 and under. There is no registration but it is open to Brookhaven residents only. The Rec Board volunteers will be stuffing the bags on Tuesday, March 30th at Borough Hall. We will be happy to have volunteers come to help with this. Mrs. Fooks wanted to thank Chief Montella and the Fire Department for all their hard work during the recent fire.

CO-CHAIR VETERANS COMMITTEE, MEMBER POLICE COMMITTEE, MEMBER TECHNOLOGY AND COMMUNICATIONS COMMITTEE – MR. GILROY

Mr. Gilroy had no report. He wanted to reach out to the Fire Department and tell them about the fantastic job they did at the recent fire. He also wanted to thank Dunkin Donuts for reaching out and helping.

PRESIDENT OF COUNCIL, CHAIRMAN BOARD OF HEALTH, CHAIRMAN BUILDING COMMITTEE, MEMBER BUSINESS REVITALIZATION COMMITTEE, MEMBER GRANT COMMITTEE, HISTORICAL COMMITTEE, MEMBER LONG TERM COMPREHENSIVE PLAN COMMITTEE, MEMBER POLICE COMMITTEE AND MEMBER PUBLIC WORKS COMMITTEE – MR. HELLER

Mr. Heller wanted to thank Chief Montella and his crew as well as the other Fire Departments that responded to the Cocco's fire. Mr. Heller said they tried to save the three businesses but unfortunately they could not but they saved Brookhaven Auto Center. This would have been a huge economic and environmental disaster to Brookhaven if that business was lost also. Mr. Heller said there is an Executive Session on March 11th and the topic was Public Safety. There will be an Executive Session this evening after the Workshop to discuss the Trash/Litter Blight issues and one Personnel issue. The main boiler at the Municipal Center had to be replaced at a cost of \$27,000. The unit will be installed within a few days. The 4th Round of the Hometown Hero Banners have been submitted. There were 24 applications. The banners will be installed when the Borough's Bucket Truck comes in, sometime in April. There were complaints on Facebook about trash and blight at the Brookhaven Shopping Center. There was a resident who used a section of the fence and put 400 pounds of plastic there. Our Public Works, with legal approval, entered and removed all of it. There were 28 other businesses that were in violation with trash issues. Most of those were warnings; 11 letters were sent out today for trash violations. Mr. Heller said we are going to come up with a better process; this will be discussed in tonight's Executive Session and then we will present it to the public. Mr. Heller offered his apologies for the trash situation but we will be taking care of it.

ENGINEER'S REPORT – MR. CATANIA

Mr. Catania reported the following:

Brookhaven Glen Development – we received an email to release escrow #3. We will prepare that Resolution.

Zoar Street Development – we received the site plans. We should have an escrow amount to be approved by the April Council Meeting.

Whitely Road Storm Culvert Replacement – we received bids on line. We received eight bids and they range from \$67,000 to \$132,000. We will review the bids and have a reward recommendation.

2021 Street Repaving Program – we have received a list of streets that were recommended by Public Works. We will go over the streets and have recommendations and ask for approval for bids for this. Mr. Vazquez said we are looking at a three tier project for the streets to try to reduce the costs.

Brookhaven Road Sanitary Sewer Rehabilitation – we received a Grant in 2018. The project was awarded to Standard Pipe Services and they are working on it now. There is a balance left on the Grant and we are considering relining some of the street laterals. We are going to ask if this would be approved.

INSPECTORS' REPORTS

FIRE MARSHAL – MR. LESLIE

Mr. Leslie said that he wants to get back to having monthly Inspector Meetings. This will keep everyone aware of what is going on.

BOARD OF HEALTH –

There was no report.

ZONING OFFICER –

There was no report.

PUBLIC DISCUSSION

There was none.

ADJOURMENT

There was no other business to come before Council. Mrs. Fooks made the motion and Mr. Vazquez made the second motion to adjourn. Motion carried by unanimous vote. The meeting was adjourned at 8:15 pm.

Respectfully Submitted,

Mrs. Joan Boyle
Brookhaven Planning Commission Secretary