

Board of Supervisors

May 10, 2023

Minutes

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Peter Fixler, Member

Staff Present: Steve Brown, Township Manager; Catherine Ricardo, Assistant Township Manager, Donna Wikert, Operations Manager, Township Secretary; Usha Hogan, Direct of Finance; Zach Barner, Director of Planning and Development; John Mateja, Zoning Enforcement Officer; John Neild, Direct of Public Work; John Nagel, Special Projects; Chris Yeager, Police Chief; Greg Lewis, Fire Chief; Bernadette Kearney, Township Solicitor.

Mr. Lambert called the Zoom meeting to order at 6:35 P.M. Pledge of Allegiance

Board Briefings:

Executive Session(s) were held on May 2, at 3:30 (legal, personnel and real estate) and May 10, at 4:30 (legal, personnel and real estate)

Introducing Officer John Albany – Chief Yeager introduced Officer John Albany, he comes to us from Lansdale. He taught DARE, he was the Officer of the Year in 2021 and he is a defense tactic instructor.

Grant Application Updates – Mr. Lambert and Ms. Ricardo gave a brief update on the Grant Applications. Ms. Ricardo announced we received word today that we received a Vision Partnership Grant from the county grant for \$50,000.

<https://www.eastwhiteland.org/DocumentCenter/View/3253/2c-Township-Grant-Update>

Sewer Sale – No new update

Route 30 Corridor – Mr. Lambert and Mr. Nagel met with local and DC Congressional Representatives in the US Department of Transportation last week.

Campus Master Plan – Staff met with Bernadon on the status of the New Police Building. There is discussion on changing the footprint to an all-in-one campus.

Status update on Route 29 and Route 30 Beautification Project – Mr. Lambert said the Contractors have begun work today.

Certificate of Achievement for Excellence in Financial Reporting – Mr. Brown announced and thanked John Nagel, Usha Hogan, Joe Meehan, and Dave Stone for receiving the Certification of Achievement Award from the Government Financial Officer Association for the fiscal year 2021.

Update on KeyBank - Compensating Balances – Solution - use prior update – Mr. Nagel gave a brief update on this project. Earlier this year the Board approved investment of the Township money.

Malvern TCE site/Balderston Property - Ms. Ricardo gave an update on this property. The EPA is preparing the record of decision, which will stipulate that the responsible property owner will have to complete the thermal treatment of the soil. There will be about sixty mini well systems that will be installed. The timeframe will be after July or August, the end of 2024 will be the completion date for the soil remediation to take place.

Special Meeting with Charlestown for Phoenixville Pike/Sidley Road intersection improvements

Ms. Ricardo said this is a Charlestown grant application, which happens to be situated in the entire confines of East Whiteland Township. Charlestown does hold the permit; they received the grant. As we move closer, we need to hold a public meeting. We will engage the immediate impacted property owners before the meeting. The Board will need to pick a date.

Update status of Township rolling out ARPA funded mini grant program

Ms. Ricardo briefed the Board on the ARPA funds. There is approximately \$500,000 to be awarded. We are looking for feedback from the Board on this application. The question was asked if surrounding Townships have similar programs or intentions. Ms. Ricardo said we could refine a question in the application asking if they have received other funds. Mr. Brown said the idea behind this is that not every nonprofit in East Whiteland Township serves 100 percent of EWT residents. The money needs to stay in East Whiteland but we know it will serve outside the Township, which is why it refers to Great Valley Township.

Summer Concert Series Update – Mr. Brown said the summer concert series kicks off May 17, In Valley Creek Park, June 21, July 19 and August 16. The concerts being at 6:30pm

Sign up for our East Whiteland E-Newsletter from now until June 1st for a chance to win Phillies tickets!

Winners will be announced on June 2nd - Mr. Lambert announced anyone signing up or already signed up for Newsletters or any Board agendas will be entered into a drawing to win tickets.

Online Park Reservations – Ms. Wikert announced that online reservations for Park Rentals, Tennis Courts and all fields are now available through our website at this time it does not include Bacton Hill park. Residents' rental fee is \$100 Non-residents \$200 and Organizations \$200

[Park & Recreation Rentals | East Whiteland Township, PA](#)

Public Hearings:

Zoning Ordinance – Zoning Map Amendment for 164 Conestoga Road (Parcel 42-4-42.2) from OS (Open Space) to PO (Professional Office) – *Continued from Previous Months*

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building. Ms. Kearny opened the 164 Conestoga Road hearing and asked to continue this on the record to June 14, 2023, at 6:30pm.

Mr. Orlow made a motion to continue to June 14, 2023, at 6:30pm. Mr. Lambert seconded the motion; the motion was approved 3-0.

Subdivision and Land Development Ordinance – Text Amendment regarding Plan Processing, Content of Required Plans, and Sound and Vibration Study.

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building. Ms. Kearny opened the Subdivision and Land Development Ordinance – Text Amendment regarding Plan Processing, Content of Required Plans, and Sound and Vibration Study.

Ms. Kearney reconvened into the regular Board meeting to vote upon the continuance. Mr. Fixler made a motion to approve. Mr. Orlow seconded; the motion was approved 3-0.

Board Motions & Resolutions:

Consider Offer of Dedication of Public Improvements for the Following Developments:

Reserve at Great Valley on Flat Road (Toll Brothers)

Great Valley Crossing on Church Road (Toll Brothers)

Allison Zarro, attorney for both communities, said AQUA has agreed to accept the dedication of the Sanitary Sewer directly. After discussing the sink hole issue, toll is proposing to extend the 3-year maintenance period on top of the 18-month period. Specifically for sink holes. Toll would put in escrow \$30,000 for each community to cover average repair, plus funds for inspections and etcetera. The Township would hold that money in the event that Toll did not complete these repairs in a certain amount of time. Mr. Orlow thinks it is a reasonable agreement. Ms. Kearney made a point to say that this is just for sinkholes on the road not on the individual lots. The residents will be responsible for their own lot under their HOA. Mr. Lambert asked if the HOA is contemplating any adjustment to the HOA to cover any cost after the 3-year period. The HOA is not planning to. Ms. Kearney mentioned ARRO just sent back the revisions on the Deed of Dedication, so we are working on the language at this point. Ms. Kearney said we will address Mr. Neild's concerns, any sink hole that starts in on the property will be the homeowner's responsibility. The sinkholes must originate in the streets for the Township to take care of.

Mr. Orlow made a motion to accept the agreement subject to the documents meeting the satisfaction of the Township solicitor. Mr. Lambert seconded the motion; the motion was approved 3-0.

Mr. Jameson, resident of Great Valley Crossing, asked if this includes the curbing as well. Mr. Barner said yes, we will be inserting language to reflect this in the final document.

Approve the Hiring of Police Officers to fill vacancies in the Police Department

Mr. Fixler made a motion to approve the hiring of two Police Officers. Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve Resolution 20-2023 for DCNR GTRP Grant for Bacton Hill Park

Ms. Ricardo said this is for an application grant program. This is for additional matching funds requested amount is for \$250,000. This includes the connection to Malvern Crossing and the bathrooms.

Mr. Orlow made a motion to approve Resolution 20-2023. Mr. Fixler seconded the motion; motion was approved 3-0.

Consider Motion to Advertise and Motion to Award:

Approve advertising on Municibid (4) Motion Computing Tablets

Mr. Fixler made a motion to approve. Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve advertising on Municibid 2015 Ford Truck

Mr. Orlow made a motion to approve. Mr. Fixler seconded the motion; the motion was approved 3-0.

Planning & Development:

Consider Rendering a Decision on the Following Development Applications:

LD-02-2022 for Preliminary / Final Land Development for 10 Malin Road Office / Flex Building

Lou Colagreco, Attorney for the Applicant, provided an update on the plan, which the Applicant's Engineer has attempted to revise in order to reduce the proposed parking and impervious surfaces which would help to minimize the number of trees that would be removed.

Jack Robinson, Engineer for the Applicant, provided an overview of the proposed tree removal. According to the Applicant, the area of the proposed building had been "thinned out" in years past, whereas the areas further to the south (closer to the railroad tracks) are larger, more mature trees and had not been cleared at that time. Mr.

Robinson discussed the two trees which are proposed for removal along the widened driveway. He noted that the trees are in close proximity to the existing gas and sewer infrastructure.

Mr. Lambert stated that he appreciates the effort to revise the plan, but he is still concerned with the loss of tree canopy, environmental factors, and water runoff to Little Valley Creek. He stated that he is not supportive of the requested waiver related to tree removal.

Mr. Fixler concurred with Mr. Lambert.

Mr. Colagreco advised that, based on the comments he has heard during the meetings and the discussions with his engineer, he did not feel the plan could be revised to satisfy the Board's concerns. He suggested that the Board render its decision.

There was a discussion of the requested waivers, as outlined in the Applicant's waiver request letter and the consultant review letters. Mr. Orlow asked whether the decision should address all the requested or only the waiver related to tree removal.

Mr. Lambert made a motion, seconded by Mr. Fixler to deny the plan. The motion passed 2-1 with Mr. Orlow in dissent.

Ms. Kearney advised Mr. Colagreco that she would issue the written decision in accordance with the timeline and procedure outlined in the MPC.

Consider Final Release of Financial Security for the Following Developments:

Linden Hall (Pulte Group) in the amount of \$293,986.98 – This is not ready for motion currently and will be tabled till June 14, 2023.

Presentations regarding Development Proposals:

Lamont Investment Partners – Apartment Proposal at 310 Lancaster Avenue

Tom Benson gave a brief overview again on the plan for apartments. He has been collaborating with staff and Tom Comitta and said it is going to be a beautiful building. The fourth floor will be a deck, there will be basement apartments and the height will be within the ordinance, it will be four stories high. It fits into the corridor plan. The rental prices will vary as of now the thought is \$1500 for Studio, \$1700 for one bedroom and \$2200 for two bedrooms. The Board asked Mr. Benson what the other use would be if not apartments, he said most likely a car dealership. Mr. Lambert asked forty-nine residents if they would rather see a car dealership or apartments, he said forty-seven said apartments. Both Mr. Orlow and Mr. Lambert feel that the apartments will be a good fit for this property. Lamont Investment Partners will restore the historical home, they are giving a lot of thought to a We Work for remote users.

Mr. Caban said for many years this building has been left to sit in despair. He does not hate the plan; he is pleased to see the Historical home being preserved. He appreciates the building being saved. Mr. Barner added that Tom mentioned they agreed to file a restrictive covenant against it referring to the architecture. Mr. Orlow asked if there is a draft ordinance amendment to vote on. Mr. Barner said yes multiple changes have been made and we are asking for approval to advertise for July. Mr. Fixler clarified he is against this and would like to see it kept as zoned commercial. Mr. Calagreco asked in the meantime are you authorizing to send to the County and Township Planning Commission to get this process started. Mr. Comitta has met to date over six times with Township staff refining the proposed draft ordinance and is satisfied with it. He said the apartments are a tremendous upgrade to the street scape.

Mr. Orlow made a motion to approve and authorize the advertisement of the Zoning for 310 Lancaster Avenue. Mr. Lambert seconded the motion; Mr. Fixler opposed it. The motion was approved 2-1.

Zoning & Code Enforcement:

Consider Sending Township Solicitor to Zoning Hearing Board to Support of Oppose:

ZHB-2023-02 – Application of DeMarco Real Estate Holding LLC, as to certain property located at 415 Three Tun Road, owned by Antoinette M. Rossi. The application requests a special exception to Article VII, Section 200-41 of the Zoning Ordinance, for the proposed use of staging, storing, and servicing of rental equipment as being the same general character as other uses permitted in the I – Industrial Zoning District.

Questions and concerns from the Board of Supervisors were:

- a. Immediate application for Commercial Use and Occupancy Permit as required by Ordinance for resell, prior to settlement.
- b. Completion of an approved Erosion and Sedimentation Control Plan and issuing of a Permit, with the agreement to correct any deficiencies or outstanding code compliance issues at the property as a result of work performed by the current owner – including, but not limited to, previous grading, vegetation removal, utility work, etc.
- c. Documentation that Buckeye Pipeline, Norfolk Southern and What A Good Dog are satisfied with any property encroachments being abated and restored, which current owner advises they have been working to resolve.
- d. Agreement to comply with Code requirements for the requested outdoor storage use if permitted as Special Exception, including, but not limited to, Section 200-93.2 (which includes screening and other requirements).
- e. Submit a plan showing the existing conditions and any proposed improvements associated with the requested use for outdoor storage (including installation of screening, fences, plantings, and other Code requirements). The plans shall delineate those areas of the property that are intended to be used for storage of vehicles and other objects, and those areas that will be reserved for general parking as it pertains to all tenants of the multi-tenant building and their required parking as required in Section 200-70 of the Municipal Code.
- f. As previously advised, to this point the Township has only been supplied with the existing record plans, not showing any changes that occurred to the property. In order to comply with the Code and with the E&S Control Plan and Permit requirements, plans must illustrate site conditions prior to filing, changes to all affected properties and finished conditions.
- g. Written assurance from the current owner, future owner, and any future tenants of this property that they will not encroach onto the property of others.

No reason to send a solicitor.

Code and Property Maintenance Enforcement Update

The Pioneer gas station is still waiting for delivery of their sensors. Multiple complaints about trash and high grass complaints, warning have been sent. Mr. Mateja started a unpermitted sign education program throughout the Business's in the Township that have ongoing issues with no permitted signs and distributing what signs are permitted and process.

Public Comment:

A question was asked regarding the time restriction on Flat Road for school buses. Mr. Barner said that there does appear to be a sign, but staff needs to look further into this before deciding if they can come to an agreement for the June 14, 2023, meeting. Chief Yeager said they would look into this it would be a solution to this issue. They would put up sign boards a few weeks in advance, they would also put these up again in September.

He also asked about the dedication of the roads, the School District said they could drive through the community once the roads were dedicated. Mr. Barner said yes once it is finalized, we can send them to let them know the decision. Mr. Lambert said as a reminder, the cemetery on Flat Road, the HOA is responsible for the mowing.

Mr. Caban commented on 164 Conestoga Road he is questioning a comment made from the February Board of Supervisors meeting that the Zoning needs to be changed back to professional office but did not see any reference to evidence of that other than that it was made in 2007. He is concerned and is asking if we have minutes or court transcript from 2007 or prior to see what the code was. He is curious what was it zoned as prior 2007. Mr. Barner said residential prior to 2007 and OS open space after 2007. Mr. Barner said he misspoke and stated it was commercial, he thought the larger tract was associated with it and it was zoned industrial. Mr. Caban said it is important to be transparent and is asking why this keeps getting continued, is the Township in conversations with the owner. Ms. Kearney said we are having problems contacting the attorney. Mr. Caban is asking for communication between the owner and the Township and ZHB minutes or ordinance changes for the ZBH meeting in 2007. He is questioning not because he thinks anything was done improperly, but because the owner was a chairperson of the ZHB at this time. Any economic benefit that accrues to the owner of the property by virtual of the zoning change wither before or after sale, if there is an economic benefit there, remember this is tax payers funded please take care of it, and he is asking the Board to take care of the Township resources and treat them as resource as all the member of the Township when negating with a long standing member and odd zoning changes based on assumption. He also asked for evidence of the last zoning change, minutes, court reporter transcripts or supervisor minutes and what time. Mr. Barner said yes, we can get you the information you are asking about.

Ms. Rapp asked about the property on Spring Road 77, it is abandoned and is getting to be an eye sore.

Ms. Stauffer last meeting it was mentioned about community meeting for Bishop Tube property. Mr. Brown said yes, we still need to sit with BSTI and Steve Han, we are not ready for our meeting at this point there is still work to be done. Kate said DEP is going to have a community meeting also, hoping it will not be scheduled on the same night. Mr. Brown mentioned 54 Conestoga Road to public water, he said BSTI said DEP said it should be completed June or July of this year.

As a follow up to discussions at previous meetings, Martin Lutz stated that if the Township wishes to change the zoning of this property at 164 Conestoga Road, it should be rezoned to R-1 (Residential) as it had been zoned prior to the rezoning to OS (Open Space). He added that this topic was discussed during the preceding Comprehensive Plan process.

Mr. Lutz expressed concern over potential changes to the time of day “do not enter” restrictions in the vicinity of Sidley Road, Flat Road, and Lapp Road to exempt school buses.

Consent Agenda:

Approve Meeting Minutes from April 12, 2023

Ratify Payment of Bills: \$ 1,224,972.05

Accept Treasurer's Report for March 2023

Approve AEDs in Bacton Hill Park, Valley Creek Park, Battle of the Clouds Park

Approve agreement with Great Valley School District for additional inspector services at 100 Lindenwood Drive

Accept proposal from Leaf Floor Covering for the removal and replacement of the treads and risers on the Police staircase. \$5,423.00

Accept the proposal from McMahon for the engineering design, bidding, and construction services work for the Traffic Signal Technology Grant - \$66,000.00

Accept the proposal from McMahon to establish a Traffic Signal Asset Management Plan - \$20,000.00

Mr. Orlow made a motion to approve as read. Mr. Fixler seconded the motion; the motion was approved 3-0

Meeting Adjournment - 9:45

Donna Wikert

Board Secretary