

EAST WHITELAND TOWNSHIP
REGULAR MEETING
August 14, 2013

Virginia McMichael, Chair, called the meeting to order at 7:05 p.m. John Mott, Vice Chair, William Holmes, Member, William Lincke, Township Solicitor, Terry Woodman, Township Manager, Eugene Dooley, Police Chief, William Steele, Public Works Director and Maureen Perri, Township Secretary, were present. There were thirty (30) people in the audience at the onset of the meeting.

Everyone recited the pledge of allegiance.

Mr. Mott advised that us that Mr. Bob Bressi, Fire Police Lieutenant, and long time volunteer of the fire company had passed away and asked to have a moment of silence to acknowledge his passing.

REGULAR MEETING

Mr. Holmes made a motion to approve the minutes of the Regular Meeting of July 10, 2013. Mr. Mott seconded the motion and the vote was unanimous.

ANNOUNCEMENTS

- Township offices will be closed on Monday, September 2nd in observance of Labor Day.
- Jeffrey Freeman, Zoning Hearing Board member has resigned for personal reasons.

PUBLIC COMMENT

Mr. Palasch, 31 Doe Lane inquired about locations for e-recycling and was directed to the Chester County Solid Waste Authority's website for the next county drop-off event.

Mr. & Mrs. Iacobucci, 3 Sleighride Drive expressed their extreme frustration with the barking dogs at "What a Good Dog" located on Three Tun Road. They were advised that the decibel level readings conducted by the Police department did not exceed a prohibitive level of the township's ordinance. Officials advised them that the township could not offer any other support but advised the couple that they could seek an attorney to determine further action.

Jim McVeigh, 2 Village Way, asked whether the Board was aware of a proposed development in Malvern Borough, to be developed along the ridge line (N. Warren Avenue & Spring Road) with the proposal for 600 units. His concern is for the runoff and traffic issues which would impact Warren Avenue. Ms. Woodman was directed to contact the Borough Manager relative to the status of this project.

Walter Lynn, 346 N. Warren Avenue, was concerned about the signage proposed by CubeSmart for the building located at Old Lincoln and Old Lancaster. Ms. Woodman said the preliminary land development plan was approved in 2006 when the property was zoned PO2 – Professional Office District. In 2007, the zoning for that property was changed to R3 – Residential Zoning District. Their proposal is for multiple signs on the property which will be illuminated. Mr. Lynn takes issue with commercial signage located in a residential community. He and his neighbors also fear the increased traffic on Old Lancaster and the influx of people coming into their area using the storage units.

Ms. Woodman informed the Board that the signage was not part of the land development approval process. Therefore, CubeSmart is seeking relief from the Zoning Hearing Board to install the signage based upon the zoning that existed when the plan was approved. Mr. Lincke, advised the Board that, if the record is still open, that the Board could express a position to the Zoning Hearing Board. Discussion ensued.

The Solicitor suggested that the Board should conduct the following: 1) to gather and assess the information concerning the signage requested; 2) be prepared to oppose and to note that to the applicant; and 3) develop a dialogue with the applicant. A motion was made by Mr. Mott to authorize the Township Solicitor to conduct this investigation relative to the CubeSmart signage package. The motion was seconded by Ms. McMichael and the vote was unanimous.

Jeannie Leaman, 42 Old Lancaster Avenue, wanted to know how/why the flow of traffic from the CubeSmart property was permitted to empty onto Old Lancaster Avenue. She was advised that full movement access could not empty onto Old Lincoln because of the distance from Route 30 to Old Lancaster Road was too short. She expressed her displeasure with the approval of the plan by the Board. Discussion ensued.

Terry McVeigh, 2 Village Way, was concerned with possible outdoor storage at CubeSmart. Ms. McVeigh was advised that outdoor storage is not permitted in this area.

Jeffrey Lee, 32 Old Lancaster Avenue, wanted to know why only employees are permitted to enter the property from the access on Old Lincoln. He questioned the hours of operation, vehicular traffic on Old Lancaster, traffic signals and street lights. Discussion ensued.

Jim McVeigh, 2 Village Way, was interested to know how the company would be assessed for tax purposes. He was informed that the County Tax Assessment office will evaluate and determine the appropriate tax impact for the property.

Andrea Schram, 66 Fahnestock Road, questioned why the storage units of the building are located in the R3- Residential side. The other issues concerning her are: 1) traffic, 2) illumination; 3) sidewalks and 4) trail access. Further discussion.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

None

ACCEPTANCE OF THE TREASURER'S REPORT

Ms. Woodman summarized the Treasurer's Report. Mr. Mott made a motion to accept the Treasurer's Report dated July 31, 2013. Mr. Holmes seconded the motion and the vote was unanimous. The Treasurer's Report balance totals as of July 31, 2013 are as follows:

General Fund	\$ 4,994,763.39
Street Light Fund	21,797.53
Sewer Fund	5,080,366.93
Sewer Fund Reserve	5,679,821.76
Sewer Construction Fund	0.00
Park Development Fund	324,422.01
Capital Improvement Fund	2,302,117.75
Dare Fund	592.25
State Fund	121,135.86

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Holmes made a motion to approve the General Fund Vouchers No. 2013-8G, Sewer Fund Voucher No. 2013-8S, and Payroll Fund Vouchers No. 2013-15, 2013-16 and 2013-17 which included two check runs. Mr. Mott seconded the motion and the vote was unanimous.

PLANS

Vince Donahue, Esquire represented the owner of this property at 385 Lancaster Avenue which is immediately adjacent to the Malvern School, a day care facility, located at 383 Lancaster Avenue. Both are in an FC – Frontage Commercial District. The subject property is improved with a small office building and parking lot. The applicant is proposing to use this parcel to support the

activities of the Malvern School by providing 25 additional parking spaces. He mentioned that no other structures are proposed.

Mr. Donahue stated that the applicant is objecting to provide a sidewalk along the frontage of this property as requested by the Township Planning Commission. He stated that the plan is for expansion of the parking lot only and under the Ordinance was required to have land development approval. The Planning Commission recommended Preliminary/Final approval of the plan at their meeting of June 26, 2013 with the granting of the two waivers requested for street trees and stormwater management and the condition that the applicant provide sidewalks along the Route 30 frontage. His client feels that a sidewalk creates a safety concern for the children who play on the property. Mr. Donahue mentioned that this has been a concern with their insurers as well as the regulatory agencies in Pennsylvania and New Jersey. The play area was determined to be in the rear of the Malvern School more than 100 feet from the proposed sidewalk. Discussion resulted.

The applicant needs to provide final plans to the Township Engineer for review and approval before the Board can act on the plan. The applicant was advised that the Board will not deny approval of the plan because they do not wish to provide sidewalks. The applicant said they are willing to grant an extension of time to the Township, if one is needed.

OLD BUSINESS

Deer Run Trail Status: Ms. McMichael stated that the whole issue requires additional review. It has been determined that the parcel for the trail access is not owned by the Township but by the Township's Municipal Authority. Therefore, the Township is unable to proceed due to the legality of ownership. As a result, the Board is going to reconstitute the Municipal Authority and they will be charged for making a decision on this property as well as other parcels and easements owned by them. Tonight, the Board will appoint members to this Authority to handle all the issues discussed.

NEW BUSINESS

- a. Mr. Mott made a motion to authorize the advertisement of the Township's intent to receive bids for the purchase of heating oil and diesel fuel. The motion was seconded by Mr. Holmes and the vote was unanimous.
- b. Mr. Kevin Owsiany from Johnson & Johnson stated that the company desires to consolidate their operations to the Great Valley Corporate Center. As a result, renovations were required to the location at 260 Great Valley Parkway to provide R & D laboratory space. Due to the Township's capacity constraints in this portion of the sewer system, they are unable to obtain approval from PADEP. Thus they are asking to use a holding tank for the additional sewage flows that will be generated by this change-in-use. He is here tonight to seek a temporary permit for this operation from the Board for approximately 6 months pending completion by the Township to their sewer upgrades. Mr. Mott made a motion to authorize the temporary use of a sanitary wastewater holding

- tank at 260 Great Valley Parkway. The motion was seconded by Mr. Holmes and the vote was unanimous.
- c. Mr. Holmes made a motion to authorize the advertisement of a public hearing to be held on October 9, 2013 to consider amendments to Section 200-89.1 of the Zoning Ordinance establishing standards for LED signage in the ROC/R - Regionally Oriented Commercial/Residential Zoning District. The motion was seconded by Mr. Mott and the vote was unanimous.
 - d. Mr. Mott made a motion to adopt a Resolution 13-2013 authorizing the Township Manager to sign ARLE Grant Agreements. The motion was seconded by Mr. Holmes and the vote was unanimous.
 - e. Mr. Justin Sherrock, 8 Willing Way, explained that a Deed Restriction was placed on his property to protect wetlands and creates a buffer around the wetlands. He has many trees in the buffer area and recently had a tree fall close to the house. He is requesting a waiver to remove up to 15 trees in the buffer area and he has contacted the Army Corp of Engineers who stated that they didn't have a problem as long as he doesn't encroach in the wetlands. Mr. Sherrock said his intent is to plant replacement trees. Mr. Holmes made a motion to grant Mr. Sherrock approval to remove trees from a portion of the lot designated as a "Conservation area". The motion was seconded by Mr. Mott and the vote was unanimous.
 - f. Mr. Steele outlined the bids for vehicles and equipment placed for sale on Municibid. Mr. Mott made a motion to award bids for the purchase of surplus township vehicles and equipment held on Municibid, dated August 7, 2013. The motion was seconded by Mr. Holmes and the vote was unanimous. A list of the awardees is attached to these minutes.
 - g. Ms. Woodman advised the Board that the Implementation of the new County-wide Stormwater Management Plan has a minor impact on the Township since the County wide plan was modeled on the Valley Creek Plan which was adopted by them several years ago. Ms. Woodman has directed Arro Engineers to review and compare our Ordinance with the County Ordinance and to prepare a list of changes needed to our Ordinance.
 - h. Ms. McMichael made a motion to accept the resignation of Jeffrey Freeman from the Zoning Hearing Board effectively immediately. The motion was seconded by Mr. Mott and the vote was unanimous.

APPOINTMENTS TO THE MUNICIPAL AUTHORITY

Mr. Holmes made a motion to appoint the following to the Municipal Authority: Jason Dempsey for a term of 5 years; Charles Bernhardt for a term of 4 years; Joseph Samuel for a three year term; and Stephen Rhoades for a two year term. The motion was seconded by Mr. Mott and the vote was unanimous.

Mr. Holmes made a motion to appoint Jason Dempsey as Chairman, Pro Tem to the Municipal Authority. Mr. Mott seconded the motion and the vote was unanimous.

The meeting was adjourned at 9:45 pm.

Respectfully submitted

Maureen G. Perri
Township Secretary