

EAST WHITELAND TOWNSHIP
REGULAR MEETING
March 12, 2014

William Holmes, Chair, called the meeting to order at 7:00 p.m. John Mott, Vice Chair, Bereth Graeff, Township Solicitor, Terry Woodman, Township Manager, Eugene Dooley, Police Chief, Bill Steele, Public Works Director and Maureen Perri, Township Secretary was present. There were ten (10) people in the audience at the start of the meeting. Absent: Virginia McMichael

Everyone recited the Pledge of Allegiance.

Mr. Holmes acknowledged that prior to this regular meeting the members met in Executive Session relative to a personnel issue.

APPROVAL OF MINUTES

Mr. Mott made a motion to approve the Minutes of the Regular Meeting of February 12, 2014. Mr. Holmes seconded and the vote was unanimous. The minutes of February 28, 2014 were tabled.

ANNOUNCEMENTS

Mr. Holmes announced the following:

- The first Chester County Household Hazardous Waste Collection Event of 2014 will be held on Saturday, April 12th between 9am and 3pm at the CAT Pickering Campus, 1580 Charlestown Road, Phoenixville, PA 19460. **Electronics will be accepted at this collection event.** For more information on “acceptable” waste check out www.chestercountyswa.org

PUBLIC COMMENT

Martin Costello, 12 Locust Drive – discussed the ice/snow storms of February 9, 2014 which resulted in his receiving a ticket. He felt that this was unjustified. Mr. Costello has been in contact with the Township Solicitor by email, relative to the Ordinance and the storm of February 9th. He mentioned that the Ordinance calls for vehicles to be removed during “snow and ice emergencies”. He stated that no “Snow or Ice Emergency” was declared in East Whiteland Township or in the Philadelphia Area. He is planning to appeal the ticket he received in court and feels that the Township should refund monies received by others who were ticketed in the Township. Mr. Holmes stated that the Ordinance will be reviewed in the future.

Mr. Palasch, 31 Doe Lane – stated that the property at 15 Deer Run was purchased and questioned whether there has been a decision concerning a path to the Chester Valley Trail. Mr. Holmes advised that a “Passive Recreation Use Ordinance” in a residential district will be considered at a hearing to be scheduled on April 9, 2014

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

Gary Sheridan, Fire Chief advised that there were 159 responses made by the Fire Company during the month of February. There was one firefighter and one civilian injured during that month. He is expecting a new fire engine within the next few weeks. Mr. Mott mentioned that volunteers were out shoveling snow to free fire hydrants.

Ms. Woodman told the Board that the Chester County Emergency Response Center asked Townships to tabulate funds expended from the snow storms but were unable to reach the necessary threshold of \$18 million to receive Federal Funds.

Mr. Steele advised that sewer laterals have been connected to the new pipes in Sidley Road. Lawn restoration will be done later in the spring. Mr. Steele felt that damage done to Sidley Road between Lapp Road and Lee Boulevard requires a full blacktop overlay as restoration. This will cost approximately \$42,000. The consensus of the Board is that this should be done.

Mr. Steele reviewed the sewer collapse on Route 401 and the impact that had on the pump stations at Mill Lane and Deer Run Lane. He stated that both pump stations were shut down and the effluent was hauled until the repairs were completed.

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 February 28, 2014. Ms. McMichael seconded the motion and the vote was unanimous. The Treasurer’s Report balance totals as of February 28, 2014 are as follows:

General Fund	\$ 5,555,550.52
Street Light Fund	27,666.97
Sewer Fund	3,708,575.82
Sewer Fund Reserve	6,486,999.27
Park Development Fund	324,478.85
Capital Improvement Fund	2,169,892.80
Dare Fund	306.37
State Fund	102.82

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Mott made a motion for approval of General Fund Voucher No. 2014-3G, Sewer Fund Voucher No. 2014-3S, and Payroll Fund Voucher Nos. 2014-05, 2014-06 which included two check runs. Mr. Holmes seconded the motion and the vote was unanimous.

PLANS

Preliminary/Final Land Development Plan for Michael Rizzo – 459 Lancaster Avenue

The applicant wishes to add 2,450 sq ft addition to an existing building at 459 Lancaster Avenue where a doggie daycare known as Karen's K9 is operated. Mr. Rizzo purchased Karen's K9 business and the property immediately west of that site and wishes to consolidate operations onto the new location. He is proposing to construct a pole barn in the rear of the property to be no larger than 35' x 70', add stamped concrete (825 sq ft) area and a sidewalk along the Rt. 30 frontage. The parking lot will be repaved. Zoning Hearing Board approval was granted for the Zoning relief needed. Mr. Rizzo said this building will be two tall with 8 or 10 ft ceilings with five additional parking spaces being added. In addition he proposes to build a fence around this building.

Mr. Rizzo mentioned that the garage style doors have been relocated to the front of the new building to help mitigate noise. He has stated that materials will be used to buffer noise by adding plywood to the struts, adding Astroturf on the floor, and having additional insulation for the walls and ceiling. The applicant is also restricted by the Zoning Order for a maximum of 40 dogs.

Rob Lewis, Esquire is representing Gail Keyes, owner and resident of an adjacent property as well as other family members. He felt that our Ordinance contains defects. He pointed to the requirement a buffer in rear of property and the lack of Mr. Rizzo's landscape plan. Mr. Lewis felt that Mr. Rizzo is not complying with the letter of the Zoning Order. Mr. Rizzo responded that there are shrubs, crape myrtle and that the area is wooded and difficult to support plant growth. The applicant should have requested a waiver of street trees due to the sewer utilities as specified in the Subdivision and Land Development Ordinance (SLDO). Mr. Lewis also questioned the applicant's pole barn and stated that the Zoning Order specifies that the Planning Commission and Board of Supervisors must render their approval based on specific review of his plan. Mr. Lewis feels that in no way should an approval be granted without architectural plan review. Discussion ensued. It was suggested the applicant could make a request tonight for the waiver from street trees.

Mr. Mott made a motion to approve the Preliminary/Final Land Development plan for Michael Rizzo a 2,450 sq. ft. addition to an existing 1,868 sq. ft. structure and the addition of hardscaping. The property is to be used for a doggie daycare at 459 Lancaster Avenue in a VMX – Village Mixed Use Zoning District subject to the following:

1. A waiver request to be granted to the applicant for street trees on the Route 30 frontage due to existing utilities in the area;

2. A landscaping/buffer plan be submitted indicating the existing and new buffers to comply with the Township Ordinance;
3. The applicant is to present prior to recoding the plans a cross-section showing the acoustical materials to be used in construction.

The motion was seconded by Mr. Holmes and the vote was unanimous.

JMP Malvern Associates Preliminary/Final Land Development Plan -

Michael Gill, Esquire stated that the applicant is the owner of Condominium Unit 2 (former Bob Evans Restaurant) site. Unit 1 is the Holiday Inn Express hotel. They are seeking to develop a shopping center with retail spaces including a Panera drive-thru restaurant and seven other retail spaces covering 16,742 sq. ft. Their frontage is along Route 30, Route 29 and Wyeth Drive (now Brennan Boulevard). Zoning relief has been granted for signage and impervious coverage.

The traffic access/egress will remain along Wyeth/Brennan Blvd. which is a full service driveway. The Township right of way ends concurrently with the eastern property line for Unit 1. Discussion ensued about the right of vehicles leaving this parcel to use the circle east on Wyeth/Brennan Blvd. That part of the road system is private, not Township. O'Neill has a lease Agreement with Vanguard that allowed them to construct the road and round-a-bout. They also maintain it. The applicant contacted O'Neill asking for access to this private roadway and was unsuccessful. Therefore, the access out of the property will be a left turn. The applicant is proposing to escrow funds with the Township to be used to reconstruct the Wyeth/Brennan Blvd access should they receive rights to use it in the future. At this point, the cost estimates have not been evaluated. Ms. Woodman advised the Board that McMahan Associates provided her with annotated notations to their February 11th letter concerning changes to the plan. McMahan stated that with the additional restaurants on the site, further traffic delays than previously reviewed will occur. McMahan felt that there were other concerns that have not been fully addressed. The applicant stated that they are willing to provide an additional traffic study, if required, by the McMahan Associates. Discussion ensued.

The applicant had contacted Vanguard for an easement to continue a sidewalk across their property to connect onto Route 30 but was unable to secure the easement. Ms. Woodman advised that tonight is the first time that the new path on the southern end of the site had been provided on the plan. This applicant felt that constructing this path connection was prohibitive due to the swale. Currently, this new southern path is not contiguous and stops at the right of way on Route 30. This new plan has not been reviewed by Township Engineer.

Mr. Rutt stated that the sanitary sewer issues have been resolved to the satisfaction of the Township Engineer. Mr. Becker, who happened to be in attendance, stated that he is satisfied. The applicant also needs to supply the Township with this confirmation from PADEP.

East Whiteland Public Works Final Land Development Plan

The proposed building compound will be positioned at the western end of the Township property, 209 Conestoga Road, in an INS – Institutional Zoning District. Ms. Woodman advised that the current facility on Planebrook Road is outdated and undersized; equipment is unable to be stored in the building, and the sanitary sewer requires constant pumping. The new fire station facility will be located on the eastern end of the Township complex and the fill from that development will be used for this project. The property is constrained by the floodplain of a tributary to Valley Creek which travels through the property, a sewer easement, and the Chester Valley Trail.

Mr. Becker outlined the stormwater detention plans for the site. They will be following the Best Management Practices with basins below and above ground for capturing stormwater. There were several restrictions including buffering requirements imposed by PADEP since it is 135 feet off the stream. The inlets will filter the runoff and there is infiltration and recharge. There will be trench drains which will flow into a separator. Landscaping will be provided around the site. Mr. Becker is awaiting a final review from PADEP.

Mr. Mott made a motion to approve the Final Land Development Plan for a new public works facility to be located on the western end of the Township Building property at 209 Conestoga Road in an INS – Institutional Zoning District. The motion was seconded by Mr. Holmes and the vote was unanimous.

OLD BUSINESS

Malvern Meetinghouse Restaurant update – Ms. Graeff advised that the property (536 Lancaster Avenue) was listed for Sheriff’s sale but sale did not proceed. The owner of the property submitted a Deed in Lieu of Foreclosure to TD Bank. Our Solicitor considers the bank as current owner. The solicitor has advised the Township to proceed with all documents detailing the violations which exist. TD Bank will be cited as the owner.

Status Update of Policy Development for Runs/Races - Ms. Woodman presented the Board with an application used by West Chester Borough. She asked that the Board provide direction as to the maximum number of events to be permitted within a neighborhood. Ms. Woodman noted that there are also requests for this type of event using the Chester Valley Trail. The Board directed Ms. Woodman to proceed with developing a policy for these events.

NEW BUSINESS

Request for Speed Bumps on Deer Run Lane - Mr. Kosmalski, 24 Deer Run Lane – stated that traffic had been directed thorough this neighborhood as a detour for the pump station failure. He fears that the traffic has substantially increased over the past few years and is

requested that speed bumps be installed. Mr. Kosmalski has not petitioned his neighbors for their support of speed bumps. Mr. Holmes stated that not all neighbors would be in favor of this installation. Mr. Holmes stated that a traffic study would be required prior to installation.

Motion to authorize a public hearing to consider a transfer a Liquor License to Lincoln Court Shopping Center. Mr. Mott made a motion to authorize the public hearing. Mr. Holmes seconded and the vote was unanimous.

Motion to authorize the advertisement of a public hearing to consider a Zoning Ordinance Text and Map Amendment creating a Residential Revitalization District. Mr. Mott made a motion to authorize the advertisement. Mr. Holmes seconded and the vote was unanimous.

Motion to authorize the advertisement of a public hearing to consider a Zoning Ordinance Amendment adding the use of “passive recreation” in residential district. Mr. Mott made a motion to advertise the public hearing. Mr. Holmes seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the payment of a bonus to Mr. William Steele for his efforts during the recent sanitary sewer collapse and snow storms of the winter season. Mr. Holmes seconded and the vote was unanimous.

PUBLIC HEARING

Ms. Graeff, Township Solicitor, stated that applicant requested a continuance for the Conditional Use Hearing of H. A. Steen Industries, Inc. for a digital sign at 49 W. Lancaster Avenue. The hearing will be heard following the next Supervisors meeting to be held on April 9, 2014. The motion was made by Mr. Mott to accept the continuance. Mr. Holmes seconded and the vote was unanimous.

Hearing no further business, the regular meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Maureen G. Perri
Township Secretary