

EAST WHITELAND TOWNSHIP
REGULAR MEETING
May 14, 2014

William Holmes, Chair, called the meeting to order at 7:00 p.m. John Mott, Vice Chair, Virginia McMichael, Member, Bereth Graeff, Township Solicitor, Lt. Chris Yeager, Police Dept, Bill Steele, Public Works Director, Cathy Palmer, Finance Director and Maureen Perri, Township Secretary were present. There were twenty-five (25) people in the audience at the start of the meeting.

Everyone recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Ms. McMichael made a motion to approve the Minutes of the Regular Meeting of April 9, 2014. Mr. Mott seconded the motion and the vote was unanimous.

ANNOUNCEMENTS

Mr. Holmes announced the following:

- The second Chester County Household Hazardous Waste Collection Event of 2014 will be held on Saturday, May 17th between 9am and 3pm at the Owen J. Roberts Middle School, 981 Ridge Road, Pottstown, PA 19465. **Electronics will be accepted at this collection event.** For more information on “acceptable” waste check out www.chestercountyswa.org

PUBLIC COMMENT

Gail Keyes – 453 Lancaster Avenue – she questioned the status of updates to the Noise Ordinance specifically as it relates to barking dogs. Mr. Holmes asked the Solicitor, if there are ordinances relative to barking dogs, as a nuisance since the Noise Ordinance hasn’t help resolve this issue. Mr. Holmes has obtained the ordinance from West Bradford Township and asked the solicitor to review it. Mr. Holmes promised that this item will be on June’s agenda.

Walter Lynn – 346 N. Warren Avenue – inquired about the digital sign proposed for 49 W. Lancaster Avenue and was advised that this application was withdrawn. He also inquired about people at Bishop Tube taking boring samples and status of the property. He asked whether the Township would consider using Adverse Possession for a road which exists behind Conlin’s Copy center. He stated residents have used the pathway in the past and now it is fenced off and

has “No Trespassing” signs. His other inquiry was about landscaping at CubeSmart and guiderail issue.

Peter Spengeman – 3 Barbara Drive – advised the Board of two abandoned properties in the Township. Valleyview Farm , 99 Church Road, with a barn and other out structures which are very poor condition. This property owner has been contacted by the Township and the Historical Commission without any improvements. This is a Class 1, historic property which dates to pre-revolutionary time. The other is 310 Lancaster Avenue (next to Clews) Hibbard House, Class 1, historic property which is covered with ivy. Mr. Spengeman was directed to send a letter to Clews but hasn’t heard from the owner. Mr. Mott stated that he has contacted the owner of this property but has yet to receive a response. Mr. Holmes suggested that the individuals be contacted again concerning these issues and a there will be a follow up on June’s agenda.

Jay Palasch – 31 Doe Lane – questioned whether there was a timing change on the traffic signal at Conestoga Road and Swedesford Road. Lt. Yeager advised that there was a change made recently due to backups on Swedesford Road.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

Ken Hurley, Fire Chief advised that there were 129 responses made by the Fire Company during the month of April. The property loss of was estimated to be \$51,000. Chief Hurley mentioned that Brian Gathercole and Jack Stewart will be receiving Clinical Save Award for reviving a heart attack patient.

Mr. Mott mentioned that the Fire Company is still not receiving reimbursements for building and vehicle maintenance. He stated that there are historical records whereby the Fire Company has been provided funds covering these expense issues. Mr. Mott feels that this issue needs to be addressed.

Public Works facility - Mr. Steele stated that Reynolds had prepared a report and offered cost cutting measures for consideration. They were able to trim the construction expenses by \$700,000 which reduces the estimated construction cost to \$6.6M. The design process is 95% complete and, when directed by the Board, Reynolds will prepare bid specifications. The next step is obtaining funding.

Gail Keyes, - Park & Recreation Board – stated that there are 3 concerts scheduled for June 11th, June 18th and June 25th to be held at Valley Creek Park on Route 29.

Ms. McMichael – mentioned that she attended the groundbreaking ceremony for the new headquarters of Saint Gobain located at 20 Moores Road (formerly Aegon). Mr. Holmes also advised that a residents meeting was held for a status update on this property.

ACCEPTANCE OF THE TREASURER'S REPORT

Ms. Palmer summarized the Treasurer's Report. Mr. Mott made a motion to accept the Treasurer's Report dated April 30, 2014. Ms. McMichael seconded the motion and the vote was unanimous. The Treasurer's Report balance totals as of April 30, 2014 are as follows:

General Fund	\$ 4,889,795.27
Street Light Fund	27,072.60
Sewer Fund	3,344,873.25
Sewer Fund Reserve	7,135,974.60
Park Development Fund	324,490.17
Capital Improvement Fund	2,130,669.84
State Fund	262,489.22

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Ms. McMichael made a motion for approval of General Fund Voucher No. 2014-5G, Sewer Fund Voucher No. 2014-5S, and Payroll Fund Voucher Nos. 2014-09, 2014-10 which included two check runs. Mr. Mott seconded the motion and the vote was unanimous.

PLANS

JMP Malvern Associates – Preliminary/Final Land Development Plan – Mr. Gill presented the Preliminary/Final Land Development approval for the former Bob Evans restaurant which plans to develop 16,742 sq. ft. of commercial/retail space on Route 29 in an O/BPS – Office/Business Park Services Zoning District. Arro Engineers, letter of April 3, 2014, has issued a clean letter with regard to sanitary sewers and plans. He advised that the improvements for Brennan Drive have been resolved as well and to the satisfaction of the engineers. At issue, was the amount of the financial security for the improvements at Brennan Blvd. which is approximately \$200,000. Therefore, the obligation for the improvements will follow with the property owner. The trail path within the development will cross in front of the storefronts as originally proposed due to pedestrian safety.

Mr. Mott made a motion to approve the Preliminary/Final Land Development Plan of JMP Malvern Associates for the development of 16,742 sq. ft. of commercial/retail space on the site of a former Bob Evans restaurant on the east side of Rt. 29 north of Brennan Blvd. in the O/BPS – Office/Business Park Services Zoning District subject to Arro's letter, dated April 3, 2014. The applicant is also granted a waiver from Section 175-11.B for the Separate Submission of Preliminary and Final Land Development Applications. Ms. McMichael seconded and the vote was unanimous.

Amended Master and Final Land Development Plans filed by O'Neill Properties for the Uptown Worthington development, south of Matthews Road, east of Rt. 29 in a ROC/R – Regionally Oriented Commercial/Residential Zoning District. Mr. Colagreco stated that Planning Commission had recently recommended approval of the amended plan. Mr. Wolfington itemized the changes as follows: 1) additional pad with drive-thru; 2) parking has been added above retail locations; 3) a two level movie theater with 51,000 sq. ft.; and 4) round about for deliveries for a health company. Discussion ensued relative to the shared parking study.

Ms. McMichael made a motion to approve the Amended Master and Final Land Development Plans filed by O'Neill Properties for the Uptown Worthington development, south of Matthews Road, east of Rt. 29 in a ROC/R – Regionally Oriented Commercial/Residential Zoning District subject to Arro's letter, May 1, 2014. The motion was seconded by Mr. Mott and the vote was unanimous.

OLD BUSINESS

Malvern Meetinghouse Restaurant update – Ms. Graeff advised that the property (536 Lancaster Avenue) is now considered to be owned by TD Bank. The Board was advised that the property has been secured.

Status of Policy Development for Runs/Races held in the Township will be deferred until the June meeting.

Property at King/Morstein Road – Mr. Reed stated that he'd like to meet with the residents concerning this property. He suggested that the solicitor provide direction as to how cite this owner.

Steve Rhoades – 1524 Morstein – Feels that the solicitor should be involved in dealing with the owner. The residents in the area have been dealing with these issues for years concerning the noise, equipment, and operations of the garage.

The Board was told that the owner has a large backhoe on the front lawn, that there are 11 vehicles, a race car, and other equipment surrounding the property. Residents stated to the Board that the owner is not residing at this location.

Martin Belisario – 1545 Morstein – mentioned that he has multiple photos of this garage over the last four month and provided copies to the Solicitor. There is also an issue with the garage's internal lights being on 24 hours per day.

Mr. Reed mentioned the procedure he has followed to cite this property owner and the time frame for the owner to comply. The solicitor stated that this owner is in violation of zoning and code enforcement which each have their own procedures. A Code violation letter need to be

issued and served upon the individual with a time frame to correct the violation before it could proceed to a District Justice. Discussion ensued. This issue will be placed on the June agenda.

Intersection at Collegeview/Morstein Road – Matt Kozsuch, McMahon Associates conducted a traffic study to see whether the intersection warranted multi-way stop signs. The study elements included: crash history, traffic volumes and site distance. He stated that the crash history showed none since 2002, volumes both north and southbound didn't meet the warrants for a multi-way stop, site distances both left and right had obstructions. The vegetation is the cause of the diminished site distance. He felt that if the vegetation was removed on Collegeview Road it would improve the intersection. Residents are mainly interested in controlling vehicle speed and this study did not address that issue. Mr. Kozsuch stated that stop signs are not recommended for controlling speeding. He offered other means for traffic calming. Discussion ensued.

Mr. Mott requested that McMahon provide a recommendation for other means of traffic calming at this location and return to the Board. Lt. Yeager stated that the police department could set up enforcement in this area. Also, Lt. Yeager stated that the home owners will be notified that their vegetation needs to be removed.

NEW BUSINESS

Traffic Signal Equipment Bid- Mr. Kozsuch, McMahon Associates – this bid is part of the ARLE grant which helps modernize the controller of the traffic signal. A single bid was received from Lenni Electric for this project in the amount of \$121,280. The amount of monies remaining in the grant, however, is \$83,200. The project will therefore provide for upgrading of only 28 of 32 signals to meet the remaining balance in the ARLE grant. Mr. Mott made a motion to award the bid for traffic signal equipment of Lenni Electric's submission of May 13, 2014 of copy of which is attached. Ms. McMichael seconded and the vote was unanimous.

Mr. Holmes made a motion to authorize the advertisement of a public hearing to be held on June 11, 2014 to consider an amendment to the Zoning Ordinance and Zoning Map creating a new RRD – Residential Revitalization District and overlaying that district across certain parcels in the Township. Mr. Mott seconded and the vote was unanimous.

Motion to approve/deny an amendment to the East Whiteland Township Zoning Ordinance changing Section 200 – 19 to add "passive recreation" as a permitted use in all residential zoning districts. Sigmund Fleck, Esquire representing the Township stated that the hearing was closed and written submission were given to the Board for their decision. He felt that the Board should be able to render a determination.

Mr. Mott felt that this ordinance has further impact to the residential areas other than Deer Run. He felt that a Conditional Use requirement should be added to the ordinance for residential areas. In his opinion the Township has the authority to take a parcel of land by right (eminent domain) and he thinks a Conditional Use process would give the public an opportunity to express their opinion. Discussion ensued.

Ms. Boswell expressed again the lack of standards by which Board is allowing this use. Mr. Hirshfeld – 27 Deer Run – asked where this definition is written and what is meant by “passive recreation”. He felt that the enactment of this Ordinance has a greater impact throughout the Township. He questioned why the Township needs to implement this change.

Mr. Holmes made a motion to approve the amendment to the East Whiteland Township Zoning Ordinance changing Section 200-19 to add “passive recreation” as a permitted use in all residential zoning districts. Ms. McMichael seconded. The vote was 2 in favor – Mr. Holmes and Ms. McMichael. Mr. Mott voted against adoption of the Ordinance saying he feels the use should be considered by Conditional Use.

Ms. Boswell stated that the Board is procedurally incorrect in adopting this Ordinance due to the legal notice which fails to state the intent to enact this Ordinance. Discussion ensued.

Ms. McMichael made a motion that, if a review by the Township Solicitor concludes that the notice of the hearing is defective, because it did not specify that the Board would vote to approve the Ordinance. Then the Board directs the Township Solicitor to re-advertise the hearing for the June 11, 2014 meeting. Mr. Mott seconded and the vote was unanimous.

Motion to award bid for Superpave Asphalt Mix – Bill Steele reviewed the bid submissions for blacktop for road paving. Three bids were received and his recommendation is to award the bid to Glasgow, Inc. per his memorandum of April 28, 2014. A copy of which is attached hereto. Mr. Mott made a motion to award the bid for Superpave Asphalt Mix to Glasgow, Inc. per Mr. Steele’s memorandum of April 28, 2014. Ms. McMichael seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the advertisement of a public hearing to be held on June 11, 2014 to consider a Conditional Use application filed by Chester Valley Golf Club to construct platform tennis courts. Ms. McMichael seconded and the vote was unanimous.

Motion to grant an extension to Stonebridge Life Insurance to May 31, 2017 for the Posting Date, the Recording Date and the termination of the Protective Period as defined in the Off-Site Contribution Extension Agreement in exchange for a proposed extension of the Township’s Sidley Road Contribution deadline as defined in said 2011 Extension Agreement. Ms. Boswell stated that Stonebridge is the owner of four of the six lots at this location. Ms. McMichael made a motion to grant an extension to Stonebridge Life Insurance to May 31, 2017 for the Posting Date, the Recording Date and the termination of the Protective Period as defined in the Off-Site Contribution Extension Agreement in exchange for a proposed extension of the Township’s Sidley Road Contribution deadline as defined in said 2011 Extension Agreement. Mr. Mott seconded and the vote was unanimous.

The current meeting was continued at 9:18 pm.

PUBLIC HEARING

The Board re-opened the hearing to discuss the continued Conditional Use hearing to consider an application filed by H. A. Steen Industries, for their proposal to install a digital billboard at 49 W. Lancaster Avenue in an O/BP – Office Business Park Zoning District submitted by Leslie Gerstein, Esquire, dated May 5, 2014 and marked as Exhibit A and attached hereto.

The hearing was closed at 9:19 pm

ADJOURNMENT

The meeting adjourned at 9:20 pm.

Respectfully submitted,

Maureen G. Perri, Township Secretary