

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
March 11, 2015

William Holmes, Chair, called the meeting to order at 7:00 p.m. John Mott, Vice Chair, William Lincke, Esq, Township Solicitor, Terry Woodman, Township Manager, Gene Dooley, Police Chief, Cathy Palmer, Finance Director, Bill Steele, Public Works Director, and Ken Battin, Director of Codes and Life Safety and Township Fire Marshal, 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

Mr. Mott made a motion to approve the Minutes of the February 11, 2015. Mr. Holmes seconded and the vote was unanimous.

ANNOUNCEMENTS

- Reconstruction of the Conestoga Road Sewer Main has begun along Rt. 401 in the vicinity of Peoples' Light and Theatre and will continue until July 2015. Road closures will occur between the hours of 9am and 3pm. All traffic detour signage will be set up to divert the traffic onto PA state roads and not through local neighborhood roads.

PUBLIC COMMENT

Gail Keyes, 253 Lancaster Avenue, asked the Board for a summary of the action at the recent District Court hearing concerning her neighbor, Mike Rizzo and his business, Karen's K-9. Eric Reed, Code Enforcement Officer, said Mr. Rizzo plead guilty to the charge of using the building without a Certificate of Occupancy and he also said that he would finish the site work. After additional comments and questions from Ms. Keyes, Mr. Holmes suggested that she call him to further discuss her items of concern with this project at any time. She asked again about the wood burning stove Mr. Rizzo is using to heat the new building questioning the impact it is having on her lifestyle. Mr. Battin said the stove was permitted under the Building Code.

Steve Fisher of 7 Limekiln Drive, Malvern, told the Board that he was a 35 year member of the East Whiteland Township Volunteer Fire Association and wanted to know what was holding up the Fire Company's occupancy of the new station. In response to his question Ms. Woodman said one item holding up the Occupancy Permit was the need for the ground to be stabilized and the grading and landscaping to be completed and for the erosion and sedimentation control devices to be removed. Bill Holmes said the Operating Agreement is near completion and talks are on-going with Charlestown about the Fire Protection Agreement. John Mott said he

hopes this issues can be resolved because he fears if it's not resolved the Township will end up owning the building.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

Gary Sheridan, President of the EWT Volunteer Fire Association, advised that they responded to 124 calls, 55fire and 69 medical incidents for January. Eighty incidents were in East Whiteland Township, nineteen were in Charlestown Township and twenty-five were in other townships. The responders also had four EMS incidents in West Whiteland Township.

Bill Steele – The Conestoga Sewer Main Replacement ran into a conflict with a Verizon duck bank installation and the project is being redesigned to move the pipe into the road. At Conestoga Road and Swedesford Road, a conflict with Aqua has been discovered.

Public Works facility – Mr. Steele advised that construction has been slowed down by the winter weather and the project will probably be extended by one month, to the end of June.

He reported that so far this year, the Township has used 16,000 tons of salt at a cost of about \$95,000. So while we have not had a lot of overtime for plowing, we have spent a lot of money fighting the ice.

Mr. Steele also recognized the retirement of Darin Fitzgerald, a 25 year employee of the Township who was the Crew Leader for the Sewer Department. Mr. Steele said Darin was a very competent and dependable employee and he will be missed. The Board members wished Mr. Fitzgerald well in his retirement.

Ken Battin talked to the Board about hiring a new full time firefighter to provide three (3) firefighters/EMT's per shift. He said the position was in the 2015 Budget and funded. After some general discussion, the Board told Mr. Battin to go ahead with the process.

Terry Woodman told the Board members that today the Township received the monthly Real Estate Transfer Tax report from the County and learned that the Siemen's property had transferred to a new owner, Cerner Health Services, Inc. The Township received a \$458,150.00 transfer tax from that transaction. Because this is unexpected revenue, she recommended that the Board transfer \$200,000 into the OPEBT and \$200,000 into the Capital Fund. A motion was made by John Mott, seconded by Bill Holmes, to authorize two transfers each of \$200,000 from the General Fund, one going to the OPEBT and the other into the Capital Fund. The motion carried unanimously.

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 January 31, 2015. Mr. Holmes seconded the motion and the vote was unanimous. The Treasurer's Report balance totals as of February 31, 2015 are as follows:

General Fund	\$ 5,786,235.84
Street Light Fund	31,889.06
Sewer Fund	3,226,565.76

Sewer Fund Reserve	6,596,189.91
Park Development Fund	314,802.49
Capital Improvement Fund	8,747,253.63
State Fund	109.52

### APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Mott made a motion to approve General Fund Voucher No. 2015-3, Sewer Fund Voucher No. 2015-3S, and Payroll Fund Voucher Nos. 2015-5, and 2015-6, which included two check runs. Mr. Holmes seconded the motion and the vote was unanimous.

### PLANS

#### Amended Final Land Development Plan and Reverse Subdivision submitted by Swedesford Partners

Jack Robinson, P.E. and ownership partner Mark Bevevino said the Board had approved this plan as a preliminary in December 2014, and that they are here tonight hoping for a Final approval. The last item they have been waiting for is approval from the Pennsylvania Department of Environmental Protection for the handling of the sanitary sewage that will be generated by this development. That Permit has now been received. Mr. Robinson said that the site will use holding tanks until the new sewer collection system that follows the Chester Valley Trail is completed. At that time, they will switch to gravity flow through that pipe. The plan shows the development of 128,600 sq. ft. of flex space on the north side of Swedesford Road, east of Malvern Hunt in an I – Industrial Zoning District.

Mr. Mott made a motion to approve the Final Land Development and Reverse Subdivision Plan submitted by Swedesford Partners that incorporates a 1.38 acre parcel into the original 14.13 acre property and the development of 128,600 sq. ft. of flex space on the north side of Swedesford Road, east of the Malvern Hunt Development in an I – Industrial Zoning District subject to all conditions remaining in the ARRO letter dated 12/23/2014 being addressed to the satisfaction of the Township Engineer. Mr. Holmes seconded the Motion and it was approved unanimously.

#### Amendment to a previously approved Land Development Plan submitted by Covenant United Presbyterian Church

Mr. Owen Carr told the Board, that since the approval of the Land Development Plan for the new sanctuary and associated buildings and parking, the Church has acquired the adjacent building that used to house the Awards and Trophies business. They have converted that space into the Food Pantry and Community Life Center and no longer need to build that space on the main campus. Tonight they are here to revise the Phasing Plan showing changes to stormwater design and paving and the addition of a small alcove to the west side of the church. After discussion, Mr. Mott made a motion to approve the amended Phasing Plan and Stormwater Plan that will be incorporated into the previously approved plan set, subject to all items remaining in

the ARRO letter of March 10, 2015 being addressed to the satisfaction of the Township Engineer. The motion was approved unanimously.

A Preliminary/Final Land Development Plan submitted by Frazer CSC, LLC

Lou Colagreco, Esq. representing the applicant, told the Supervisors that Turn 5, an automotive aftermarket supplier of Ford Mustang and Jeep parts is a tenant in the building with Raymour and Flanigan and due to growth, they need to add office space. The office space use requires more parking and that is what is shown on this plan. The existing lot will be restriped and a new parking area will be created on the eastern end of the property to add a total of 126 additional parking spaces. The applicant reviewed and discussed with the Board the five (5) Waivers requested from sections of the Subdivision and Land Development Ordinance. The Waivers are detailed in the ARRO letter of March 10, 2015, and Mr. Colagreco noted that the Township Engineer supported the granting of the waivers as requested.

A motion was made by John Mott, seconded by Bill Holmes and carried unanimously to approve the Preliminary/Final Land Development Plan with the condition that all items remaining in the ARRO letter of March 10, 2015 being addressed to the satisfaction of the Township Engineer.

A Final Subdivision and Land Development Plan submitted by RLD/Atwater

Lou Colagreco, Esq., representing the applicant told the Board that he wanted to complement the Township Engineer, Darrell Becker, and the speed at which Mr. Becker was able to turn around his review of the proposed plans. The plan has not changed significantly since the Board acted on the Preliminary Plan set. The applicant is proposing a residential development of 549 dwelling units to be known as Atwater Village, and incorporating a mix of singles, twins and townhouses. The property is located on the east side of Rt. 29, south of the Atwater Quarry Lake in a RHM Zoning Overlay District. Mr. Mott made a motion to approve the Final Plan subject to all items in the ARRO letter dated March 11, 2015 being addressed to the satisfaction of the Township Engineer. This approval included the granting of four waivers in connection with this Plan – SALDO Sections 175-27.H. (to allow cuts and fills greater than 5 feet), 175-30.D. (to allow spacing of street trees more than 40 feet apart), 175-33.C. (to not provide clear-sight triangles at intersections) and 175-35.A. (to allow the use of Belgian block curbing in lieu of standard concrete curbs. Mr. Holmes seconded the motion and it was approved unanimously.

A Final Subdivision and Land Development Plan submitted by JDA/Atwater

Lou Colagreco, Esq., representing the applicant told the Board that the Final Plan has not changed in any significant manner since they approved the Preliminary Plan set. Mr. Colagreco said his client has spent the intervening time addressing any remaining Engineering concerns. This development is known as The Haven and will consist of 326 apartment units. It is located on the south side of the Atwater Quarry, east of Rt. 29 between the commercial frontage on Rt. 29 and Atwater Village to the east. Mr. Mott made a motion to approve the Final Subdivision and Land Development Plans for The Haven with the condition that all and any remaining items

in the ARRO letter of March 6, 2015 be addressed to the satisfaction of the Township Engineer. This motion included the granting of two waivers in connection with this Plan – SALDO Sections 175-33.C. (to not provide clear-sight triangles at intersections) and 175-35.A. (to allow the use of Belgian block curbing in lieu of standard concrete curb). Mr. Holmes seconded the motion and it was approved unanimously.

A Preliminary Land Development Plan submitted by Liberty Property Limited Partnership

Gary Lorgus, Liberty Property Trust, told the Board that that they are proposing to demolish a building known as 5 Country View Road and replace it with a new 119,977 sq. ft. office building with 639 parking spaces and a new address of 6 Great Valley Parkway. The proposal involves redesigning the existing right hand turning lane from northbound Rt. 29 and eliminating the right hand turning “pork chop” going to a more traditional turning lane. Configuration. A parking structure will be built to meet the number of parking spaces required by the Zoning Ordinance, but the applicant is asking to hold 259 spaces in reserve, not to be built until there is a demonstrated need for them. A sidewalk is propose for all three road frontages, and the applicant will be addressing the road crossing of both east Great Valley Parkway at Rt. 29 and the crossing across Rt. 29 on the north side of Great Valley Parkway. A concrete pad and walkway will be added on the east side of Rt. 29 from the existing bus stop to Great Valley Parkway.

Mr. Mott made a motion to approve the Preliminary Land Development Plan submitted by Liberty Property Limited Partnership for a new 119,977 sq. ft. office building with 639 parking spaces at 6 Great Valley Parkway in the O/BP – Office/Business Park Zoning District subject to the applicant addressing all items in the ARRO letter of March 10, 2015 to the satisfaction of the Township Engineer. This motion included the granting of one waiver in connection with this Plan – SALDO Section 175-41.D. (to not provide one deciduous tree and one evergreen tree per every 5,000 square feet of lot area). The motion was seconded by Mr. Holmes and approved unanimously.

OLD BUSINESS

Malvern Meetinghouse Restaurant update – Mr. Lincke stated that the property is supposed to be on the May Sheriff’s sale schedule but that schedule has not been released yet.

Status of Birch Road Property – Eric Reed reported that the Township is in the process of hiring a structural engineer to inspect and assess the house. The Township Solicitor has also sent the owner of record correspondence documenting the amount the Township has paid to date on the property clean-up.

### NEW BUSINESS

Mr. Mott made a motion to award the contract for the improvements to the Valley Creek Farm House to 18<sup>th</sup> Century Renovations as described in the memo from the Township Manager dated March 121, 2015. Ms. Woodman said that only one bidder was pre-qualified and only one bid was received. She said that 18<sup>th</sup> Century Renovations has extensive experience working with 18<sup>th</sup> Century farm houses like the one in Valley Creek Park. The base bid for repair of the main block front and two gables of the house is \$69,033.00; Alternate #1 for the restoration of shutters on the Main block is \$14,047.00; Alternate #2 for completion of all the work on the North wing is an additional \$43,790.00. Acceptance of the alternative for the cornice and window repairs reduces the bid amount by \$7,200 for a total of \$119,670.00 Mr. Holmes seconded the motion and it was approved unanimously.

Mr. Mott made a motion to enter into an Agreement with PECO for natural gas service to the Township property to serve both the new Fire House and the new Public Works facility. Mr. Holmes seconded the motion and it carried unanimously. Ms. Woodman mentioned that the cost to bring natural gas service to the Township will be \$279,171.

Mr. Mott made a motion to adopt Resolution No. 11-2015 amending the Non-Uniform Pension Plan. Ms. Woodman said this Resolution contains one change that was agreed to in the most recent AFSCME contract and was missed in last month's Resolution. Mr. Holmes seconded the motion and the vote was unanimous.

Mr. Mott made a motion to authorize the removal of tax liens from two parcels, 42-03-00960.B3T and 42-03-0096.B12T. The total amount of exoneration is \$31.14. Mr. Holmes seconded and the vote was unanimous.

Mr. Mott made a motion to adopt Resolution No. 12-2015 authorizing the Township Manager to sign the Traffic Signal application for the intersection of Matthews Road and Foundry Way. Mr. Holmes seconded the motion and it was approved unanimously.

Mr. Mott made a motion to adopt Resolution No. 13-2015 authorizing the Township Manager to sign the Traffic Signal application for the intersection of Morehall Road and Matthews Road/Lindenwood Drive. Mr. Holmes seconded the motion and it was approved unanimously.

A motion was made by Mr. Mott to appoint Jeffrey Dore to a five year term on the Historical Commission. Mr. Holmes seconded the motion and it was approved unanimously.

Mr. Mott made a motion to enter into an Agreement of Sale to purchase the property known as 6 Mill Lane. Mr. Holmes seconded the motion and it was approved unanimously.

A motion was made by John Mott and seconded by Bill Holmes to enter into an Agreement with Thomas A. Comitta Associates for the drafting of a new Comprehensive Plan for the Township. The motion was approved unanimously.

John Mott made a motion to consent to the recording of a Charlestown Township Land Development Plan that has stormwater drainage into East Whiteland Township. Mr. Holmes seconded the motion and it carried unanimously.

### PUBLIC HEARINGS

The regular Board meeting was recessed 8:15 pm for the following Public Hearings:

1. A continued Conditional Use Hearing to consider the application filed by RLD Atwater JV, LLC for the construction of a hotel on a portion of the property on the east side of Rt. 29 immediately north of the intersection of Atwater Blvd. and Flat Rd. was opened at 8:20 p.m. Notes of Testimony were taken by Elaine Parish. Jim McErlane, Esq, representing the Desmond Hotel asked to be made a Party to the Record and the Board agreed. Mr. Colagreco objected to the Party status. The Hearing was closed at 8:40 p.m. and Mr. Lincke advised that he will be in touch with the lawyers for the applicant and the Desmond to work out a schedule for briefs.
2. A public hearing to consider the application of Brandywine Realty Trust to amend the Corporate Gateway Overlay Zoning District to permit mixed use development was opened at 8:42 p.m. Notes of Testimony for the Hearing were taken by Elaine Parish. The Hearing was closed at 8:48 p.m. and the regular meeting resumed. A motion was made by John Mott and seconded by Bill Holmes to approve the Zoning Ordinance Amendment filed by Brandywine Realty Trust.
3. A public hearing to consider the Conditional Use Application filed by APG The Valley, LP, pursuant to Section 200 – 26.F of the Township Code to permit the maximum tract density to be increased by 25% in exchange for the preservation and renovation of a c. 1797 farmhouse and associated outbuildings on the site was opened at 8:49 p.m. Notes of Testimony were taken by Elaine Parish. The Hearing was closed at 9:10 p.m. and the regular meeting was resumed. Mr. Mott made a motion to approve the Conditional Use Application filed by APG The Valley, Mr. Holmes seconded the motion and it was approved unanimously.
4. A public hearing to consider a Zoning Ordinance Amendment submitted by Constitution Drive Partners, LP, revising certain development standards applicable to the RRD – Residential Revitalization District was opened at 9:12 p.m. Notes of Testimony were taken by Elaine Parish. The Hearing was closed at 9:22 p.m. and the regular meeting resumed. John Mott made a motion to approve the Zoning Ordinance Amendment as presented by Constitution Drive Partners. The motion was seconded by Mr. Holmes and carried unanimously.
5. A public hearing to consider a Zoning Ordinance Map Amendment changing the Zoning of the property know as 18 East Lancaster Avenue from R-3 Residential to FC – Frontage Commercial. The applicant is East Whiteland Township. The hearing was opened at 9:23 p.m. Notes of Testimony were taken by Elaine Parish. The hearing was closed at 9:25 p.m. The regular meeting resumed and Mr. Mott made a motion to approve the Zoning Map

amendment as presented; Mr. Holmes seconded the motion and it was approved unanimously.

ADJOURNMENT

Hearing no new business the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Maureen G. Perri, Township Secretary