

**Board of Supervisors Meeting**  
**January 13, 2021**  
**Minutes**

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Sue Drummond, Member

Staff Present: John Nagel, Township Manager; Steve Brown, Assistant Township Manager; Donna Wikert, Board Secretary; Zach Barner, Director of Planning and Development; Ted Locker, Zoning Officer; Bob Floyd, Clerk of Works; Chris Yeager, Police Chief; Joe McGrory, Solicitor; and Krista Stefkovic.

Mr. Lambert called the Zoom meeting to order at 7:15 P.M.

Pledge of Allegiance

**Board Briefing:**

Executive Session(s) were held on January 13 at 5pm (legal, personnel and real estate)

Property Maintenance Codes – Recent Activity – Ted Locker, Zoning Officer spent yesterday in District Court, where the Judge gave a few residents 30 days to clean up their property. The Township also filed a lien on a property owner; the township hired an outside contractor to come in and clean up this particular property.

Mr. Lambert announced the Township is continuing with the Bid process for Bacton Hill Park Project.

**Board Motions & Resolutions:**

Consider proposal from ARRO for engineering services, for preparing land development plans for Municipal Campus Master Plan, preliminary final land development plan, erosion & sedimentation control, and NPDES permits, sewage planning module, and prepare construction plans and technical specifications for bidding \$86,630

[EWT-Municipal-Campus-Plan-Map \(eastwhiteland.org\)](http://eastwhiteland.org)

Mr. Nagel gave a brief overview of the Municipal Campus Master Plan. He explained that ARRO, Bernardon and Land Concepts will be working collectively toward tying the Public Works Building, Fire House, New Police Building, and reconstruction of the Administration building together as one Master Campus.

Daryll Becker from ARRO gave a summary on ARRO's proposal Engineering Services for Preparing Land Development Plans for the Municipal Campus Master Plan and what to expect in the process of permits.

Ms. Drummond made a motion to accept and approve the proposal from ARRO for engineering services. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider proposal from Bernardon for Architectural Services for Municipal Campus Master Plan (Conceptual Design, Design Development, Construction Documents, Bidding, and Construction Contract Administration - \$359,600; Optional Services – To Be Determined)

Paul Sgroi and John Meadows from Bernardon gave an overview of their part of the project. Paul is confident that they will be able to marry the 3 sites together as a Municipal Campus Master Plan. The proposal includes all aspects of Conceptual Design, Design Development, Construction Documents, Bidding & Construction Contract Administration. They will incorporate a firing range in the new Police building. A question came up from Mr.

Orlow; he was under the impression we were leaning against the firing range. Chief Yeager explained that the Police need the firing range. It will save them time traveling back and forth to and from Coatesville, money in overtime, gas, and will ultimately pay for itself in ten years. Ms. Drummond suggested that we could offer to rent the range to Police Departments in the local area. Chief Yeager said there are a few insurance issues with renting range space but would be willing to discuss later.

A few questions came in from the residents, Marty Lutz asked if this would eliminate the range on Mill Road. Chief said yes. Barbara Ann Thav asked about parking for the trail during construction will there be spots unusable. Paul explained that there may possibly be a few parking spaces will not useable, but that we may offer another spot for parking. Barbara Ann also asked about the airflow in the existing building once the reconstruction is completed. Mr. Nagel said the health and safety of the staff is extremely important and that is why we are still closed to the public at this time. She also asked if there had been a selection of vendors for the new police station and did this go out for the BID process. Mr. Nagel advised since this is a professional service, it is not required to be part of the BID process. Mr. Orlow wanted to make it clear that construction is not starting in 2021, active construction would begin in 2022.

Mr. Lambert made a motion to accept and approve the proposal from Bernardon for Architectural Services for Municipal Campus Master Plan. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Proposal from Land Concepts for Landscape Architect Services for Municipal Campus Master Plan (Landscape, Lighting, Signage & Grading Plans for Incorporation into Land Development Plans - \$16,500).

Rick Collier from Land Concepts provided a brief summary on the plan, using low maintenance plants and trees tying together the 3 sites. They plan on using an environmentally safe roof, by using green roof. And the signage they are hoping can be carried throughout the Township.

Ms. Drummond made a motion to accept Land Concept's proposal. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider approve 2021 Summer Camp Rates – Park & Recreation Board Recommends Maintaining 2019 Rates (\$500 for the first child; \$475 for each additional child; Non-resident fee for Great Valley School District residents only is \$575 for the first child; \$550 for each additional child).

Mr. Brown suggested as of now to continue moving forward with summer camp. And recommends along with Park & Recreation to not increase the rates this year.

Mr. Orlow made a motion to approve 2021 Summer Camp fees with no rate increase. Ms. Drummond seconded the motion; the motion was approved 3-0.

### **Consider Motion to Award:**

Bid for Anti-Skid Materials and Crushed Stone:

Mr. Neild asked the Board to approve the Bid from Glasgow. They received two bids one from Glasgow and the one from New Enterprise Stine & Lime Company. Glasgow came in lower.

Ms. Drummond made a motion to approve the Bid to Glasgow. Mr. Orlow seconded the motion; the motion was approved 3-0

### **Zoning:**

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

- i. ZHB -2-2021- Application of Bank of America, National Association, c/o Andrea Militello CBRE, for variances from section 200-33.C,200-31, and Attachment 7 to allow an ATM Kiosk within the minimum setback from an arterial Street, a variance from 200-70 to allow the removal of three parking spaces, and a variance from 200-10 to allow lighting of 6.3 foot-candles around the ATM Kiosk. The property is located at 490 Lancaster Ave. Malvern, Pa. and is with the FC Frontage Commercial Zoning District.

Questions arose from the Board about the removal of 3 large trees to make room for the ATM walk up. The Board asked Mr. Locker and Mr. Barner to speak to the applicant and see if they could preserve the trees. If they can't come to a conclusion, the Board would be ok sending Mr. McGrory to oppose the removal of trees.

Public comment from residents both email and on zoom, asking the Board to save the trees.

Ms. Drummond made a motion to send Mr. McGrory to the Zoning Hearing Board, only if the applicant can't come up with an agreement to preserve the trees.

- ii. ZHB- 1-2021- Application of IPX Liberty Boulevard Investors, LLC c/o Equus Capital Partner, Ltd, a variance from section 200-69,C (3) to allow the construction of 86 new parking stalls with a two way aisle width of 24 feet. The properties are located at 11 & 45 Liberty Boulevard, Malvern, Pa., and are within the O/BP Office/ Business Park Zoning District.  
No need to send Solicitor.

### **Planning & Development:**

Consider Rendering a Decision on the Following Subdivision & Land Development Applications:

[LD-08-2020 for 514 Lapp Road](#) (Builders, Inc.) – Preliminary / Final Land Development

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

[LD-11-2020 for Science Pavilion](#) (Immaculata University) – Preliminary / Final Land Development

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

[LD-14-2020 for Chickie's & Pete's](#) (Malvern CPC, LLC) – Preliminary / Final Land Development

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

### **Consider Extension of Time to Render a Decision on the Following Applications:**

[SD-12-2020](#) for Remnant Parcel Subdivision (Knickerbocker Lands, LLC) through February 28, 2021

Ms. Drummond made a motion to approve the extension of time to February 28, 2021. Mr. Orlow seconded the motion; the motion was approved 3-0.

### **Consider Final Release of Financial Security for the Following Developments:**

Parking & Circulation Improvements at 9-25 Great Valley Parkway (Exeter Property Group)

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

Consider Resolution # 14-2021 to Establish Hearing Date for Zoning Map and Text Amendment related to Off-Premises Signs on February 1, 2021.

Mr. Barner explained that this resolution is to establish a hearing for Monday February 1, 2021 at 7:00pm.

Ms. Drummond made a motion to approve the resolution establishing the hearing for Monday February 1, 2021 at 7:00PM. Mr. Orlow seconded the motion; the motion was approved 3-0.

**Consider motion to Advertise Hearing related to Settlement Agreement between the Township and E. Whiteland Outdoor, LLC on February 1, 2021.**

Mr. McGrory explained the reason we are having a hearing for the settlement agreement is so the public can have input on the terms of the settlement agreement. Mr. McGrory wants to provide a forum where everyone's voice is heard and given the opportunity to comment. He said this will be a huge help when the agreement goes before a judge, he can say that it was advertised, we have had a hearing, and residents had an opportunity for comments. A hearing is not required but one is being held because of the level of interest within the community. Mr. Barner said neighbor notifications will be sent out for those that were granted party status as part of the conditional use proceedings.

Tim Caban had several comments regarding off-premises, specifically with changes to the Code 200-85.A which refer to the locations that signs are permitted along Lancaster Avenue. He mentioned that the code read one way in February of 2017 and then it changed again in March 2020. He wanted to know why and are these three signs in question grandfathered in to the 2017 version of 200-85.A. Tim asked why it was changed in the first place. Mr. McGrory explained that the previous code revision was based on an inaccurate zoning analysis. There was a discussion regarding the applicability of the current ordinance to the pending conditional use applications. The pending applications are grandfathered under the ordinance that was in effect when the applications were submitted.

Mr. Caban also raised concern with Section 200-85.D which refers to lighting requirements and signs which are adjacent to residential districts. He asked that the Township pursue better protections for glare and other nuisances caused by electronic signs.

Mr. Caban made reference to an issue that occurred in another municipality where officials found themselves in legal trouble due to negotiations with the sign company. Mr. McGrory cautioned Mr. Caban not to make such innuendos.

Marty Lutz made several comments about Knickerbocker Land at the intersection of the Chester Valley Trail and Route 401 is shown on the Comprehensive Plan Sensitive Sites Map? He asked is it correct that the Township had core samples taken at this location and found the samples to be consistent with a past landfill operation? Mr. McGrory thanked Mr. Lutz for the information.

He also asked is it correct that the Public Hearing will be considering the rezoning of the 18-acre Ecology Park from Open Space to Professional Office? Is it correct that the Public hearing will be considering this rezoned land as a new area within the Township where electronic billboards will be allowed? Mr. Lutz suggested that additional signs could be constructed along the rezoned stretch of Route 202. He also raised concern over lighting from the signs in residential areas and the signs being permitted by-right.

At the December 15<sup>th</sup> Planning Commission meeting, the billboard company promised to provide the Township with its Power Point presentation so that it could be placed on the Township website for public review. Has the billboard company provided the Power Point presentation to the Township? If not, what is the Township doing to obtain it? Mr. Barner advised that he has requested the materials from the applicant but has not received the documents. The Township has posted other materials on the website and included time stamps to specific parts of the presentation within the meeting recording.

Mr. Orlow suggested that a restrictive covenant could be placed on the properties to protect from future signs. There was a discussion regarding the covenant and how it could be structured.

Barbara Ann Thav commented that she made a similar suggestion at a previous meeting. She added that the Park and Rec Board was not aware of the proposal from Catalyst.

Ms. Drummond made a motion to approve the Advertisement of the Hearing related to Settlement Agreement between the Township and E. Whiteland Outdoor, LLC on February 1, 202. Mr. Orlow seconded the motion; the motion was approved 3-0.

**Public Comment:**

Deb Mobile wanted to clarify that when Maya von Rossum speaks, she speaks for all of us. When she says we will pursue any necessary legal actions we will. We will continue to fight till Bishop Tube is clean and green!

Ray Braun and Barbara Ann Thav thanked the Chief for his fast response in looking into the speed on Planebrook and taking down the speed sign on Summit.

Barbara Ann Thav also asked what the status of “fee in lieu of” is from Atwater. Mr. Brown advised that it was received in September or October. She also wanted to know if any work is being done at Valley Creek Park house. Ms. Drummond advised no.

Barbara Arnold asked if the Board will be voting on Bishop Tube at the February meeting, and if so, please consider voting no. She cannot believe a decision would be made before all the studies are completed.

Gayle Keys had concerns about Karen’s K-9 in Frazer, she said they are allowing the back yard to once again pile up like a junk yard. She also is concerned about how bright D’Ambrosio’s lights are. They appear to be pointing up and asks if staff could investigate it. Mr. Brown said Code Officer Ted Locker will be looking into this.

Chelsea and Drew Jacobs are very opposed to the billboards. They are highly concerned and opposed to the erection of electronic billboards and the lighting.

Cindy and Brett Shallcross would like to know, if the township can re-zone to get out of a pickle regarding the zoning of these signs, why can't the township change the zoning of Bishop Tube when the decision to change it from industrial to residential was based on false and incomplete information? The township can get out of Bishop Tube's pickle by changing its zoning back, right?

**Consent Agenda:**

Approve Meeting Minutes from December 13, 2020 and January 4, 2021

Ratify Payment of Bills (JN): \$621,326.31 (December 2020)

Approve Use of TRAIRS Asset Management Software for Code Services (\$3600 Annually and \$7500 one-time conversion fee)

Ratify BSTI Proposal (\$8,500)

Amend Resolution 1-2021 to add Appointment of Bonnie Moatz, Human Resource Manager

Ms. Drummond made a motion to approve as read. Mr. Orlow seconded the motion; the motion was approved 2-0.

**Meeting Adjournment – 9:35PM**

**Donna Wikert**

**Board Secretary**