

Board of Supervisors
EAST WHITELAND TOWNSHIP
Minutes
July 10, 2019

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

Staff Present: John Nagel, Township Manager; William Steele, Public Works Director; Steve Brown, Zoning Officer; Zach Barner, Director of Planning; Donna Wikert, Asst. to the Township Manager; John Walko, Solicitor; Chris Yeager, Chief of Police and Daryl Becker Township Engineer ARRO.

Ms. Drummond called the regular meeting to order at 7:00 P.M.

Swearing in Two New Police Officers:

Chief Yeager gave background on both officers, full time Officer Kevin Slider and part time Officer Cody Davis. Judge Bailey performed the swearing in. Welcome both to East Whiteland Township!

Board Briefings:

- Developer Jason Dempsey of DP Whiteland, LLC presented an overview of options for the development of the Knickerbocker Tract. One option is for residential development of 330 units, retaining a significant amount of open space. This option would require zoning changes. The other option is for one million square feet of warehouses in addition to R-1 residential on a portion of the property, which would be a by-right plan. The presentation is for information and discussion only. The Board of Supervisors and East Whiteland residents expressed concerns about former landfill and toxicity, access roads and impact on current traffic bottlenecks, overload on the schools, traffic and overload on roadways and access points particularly the West Liberty Blvd/Swedestford Road/US 202 ramp area and Mill Lane. Another resident objected to the 24-hr noise from trucks under a warehouse plan.

There is no formal application pending before the Township. Mr. Dempsey is seeking input from the community as to their preferences. After much discussion, it seemed that residential was preferred over warehouses, but with far fewer units than proposed and no access to Mill Lane. Some residents requested another choice entirely.

Please view link on website for Illustrative Concept Plans.

<https://www.eastwhiteland.org/376/Knickerbocker-Tract>

Board Motions & Resolutions:

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- East Whiteland Township has been awarded a Technical Evaluation Grant (TEG) under the Hazardous Sites Cleanup Act (HSCA). The TEG provides up to \$50,000 for conducting an independent evaluation of a proposed remedial plan for the Bishop Tube property, a HSCA site. Gary Sheridan, representing the township's Environmental Advisory Committee, gave a brief update on the search for a consultant. An RFP (request for proposal) was issued and five firms responded. With help from Steve Brown and ARRO, they were able to narrow it down to two firms: BSTI (Brownfield Science & Technology) and Advanced GEO Services. Both firms met the requirements of the RFP, both gave an evaluation and presentation to the committee, answered all questions and are fully qualified. Based on their review, the EAC chose to recommend BSTI. They feel that their evaluation and presentation and overall experience with fractured rock aquifer is very strong, they demonstrated the procedure in maintaining records and billing backup for DEP projects, and they have all resources needed locally. BSTI also stated that they wanted to work in the local community they serve.

Mr. Orlow made a motion to accept the proposal from BSTI to review the remedial investigation report under the TEG. Mr. Lambert seconded. The motion was approved 3-0.

- Motion to Advertise:

Church Road Sewer Extension through the Chester Valley Golf Club Property.

Mr. Steele discussed this project, which will extent from Swedesford Road through Chester Valley Golf club up to Church Road Pump station, located between Chester Valley Golf club and Linden Hall townhouses. This would eliminate the existing pump station and relieve the sewer capacity issue along Route 30. All applications have been submitted to DEP and PECO for permits and approvals.

Mr. Lambert made a motion to approve advertisement. Mr. Orlow seconded. The motion was approved 3-0.

- Consider Motion to Award or Reject:

Valley Creek Park Tennis Court Improvement Project

Mr. Steele sent this out for a rebid last month. The township received only one bid, from SportCourt of PA LLC for \$68,343, which was higher than the Township Engineers estimate of \$45,000. Mr. Steele suggested we reject the bid and start over.

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Mr. Orlow made a motion to reject the bid from Sport Court. Mr. Lambert seconded, The motion was approved 3-0.

- Down East Park Basketball Court and Valley Creek Park Paving

Mr. Steele said only bid was received. It was from the original bidder, Gessler Construction for \$91,710, 5% above their original bid. Mr. Steele suggested we reject this bid and send out for re-bidding in the winter, as firms may be more likely to bid as they try to line up work for the spring of 2020.

Mr. Lambert made a motion to reject the bid from Gessler construction. Mr. Orlow seconded. The motion was approved 3-0.

- Consider acceptance of developer proposal to construct a portion of the Patriots Path in Valley Creek Park.

Mr. Brown gave a brief overview on the developer's plan to connect Patriots Path in Atwater to Valley Creek Park, which has been discussed several times in the past. The Board of Supervisors, staff and some members of the Parks & Recreation Board walked the park several weeks ago and discussed the different options. The recommended plan calls for an 8 ft. wide path through the woodland on the east side of the park. Due to the natural slope, the path cannot be made ADA compliant. Ms. Drummond feels that a 6 ft. path would be sufficient and less destructive to the woods. However, 8 ft is the standard for a multi-use trail. The cost for 6ft verses 8ft. is only \$7000. The developer is paying the full cost of the trail installation.

Mr. Lambert made a motion to accept the proposal from the developer. Mr. Orlow, seconded. The motion was approved 2-0 with Ms. Drummond voting against, preferring the narrower width.

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

- Appeal No. 2019-7: Application of The Lamar Companies for a variance from Section 200-85.E of the Township Zoning Ordinance to permit the installation of a 300 square foot double-faced digital off-premises sign on a lot with an existing principal use within the O/BP District. The sign would replace an existing sign at 49 Lancaster Avenue across from CubeSmart.

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The Applicant is requesting relief from the Zoning Hearing Board in connection with a proposed “off-premises” sign. Since off-premises signs are considered a principal use, and since the site is improved with an existing office building, the Applicant is seeking a variance to permit more than one principal use on the lot. The applicant has also requested three forms of alternative relief (by variance and special exception).

Mr. Orlow raised concern over the requests for variance relief but acknowledged that a special exception is subject to a different standard for review by the Zoning Hearing Board. He asked whether the Board could oppose the variances and not take a position on the special exceptions. Mr. Walko advised that the Board Solicitor would need to appear in opposition in order to state their position – otherwise it could be considered hearsay.

Julie Von Spreckelsen, Attorney for the Applicant, clarified that only one of the four requested forms of relief would be required in order for the proposal to move forward.

Mr. Barner clarified that, in addition to any zoning relief that may be required, the off-premises sign would require Conditional Use approval from the Board.

Mr. Lambert made a motion not to send the solicitor to the Zoning hearing Board to support or oppose the appeal. Mr. Orlow seconded the motion; the motions was approved 3-0.

- Appeal No. 2019-12: Application of Planebrook Partners, LLC for a variance from Ordinance Section 200-21 to permit the construction of a two-story daycare facility (Ducklings) on the property within the R-1 – Low Density Residential District. There was discussion from the board and residents regarding site lines and traffic. The applicant is aware of the need to cut back the embankment to improve visibility. If the variance were approved, traffic studies would be required as part of the land development process. Mr. Lambert is opposed to this project and the variances, and he recommends sending the Township Solicitor to the meeting to oppose.

Mr. Orlow made a motion to send the solicitor in opposition unless the Applicant agreed to a condition prior to the hearing that the Applicant will comply with the recommendations of the Township Traffic Engineer at the time of land development. The Applicant stated that such a condition was agreeable. Mr. Lambert seconded. The motion was approved 3-0.

Public Hearings: Mr. Walko adjourned the public meeting and opened the conditional use hearing at 9:30pm

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[2019-10-CU](#) for 400 Three Tun Road – Conditional Use Hearing

This hearing was continued from May 8th, June 12th, and June 17th hearings, as the applicant had requested additional time to complete the required tree survey. This hearing is to determine whether stormwater management facilities, roads, and parking lots may be allowed within areas of steep and very steep slopes on this lot.

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building.

Mr. Orlow made a motion to approve the conditional use application as read by the Mr. Walko. Mr. Lambert seconded. The motion was approved 3-0.

Mr. Walko adjourned the CU hearing and reopened the public meeting.

Planning & Development:

Consider Motion to Authorize Solicitor to Draft Resolution for the following:

[2018-13-LD](#) for “Old Orchard Mobile Home Expansion” – Preliminary / Final Land Development

Sean O’Neil, representing the applicant, briefly reviewed the plan and said everything in Arro’s review letter had been addressed. There isn’t room on the small lot to meet the open space requirement, so the applicant is asking to be allowed to pay a reduced fee in lieu of \$500 per unit.

Mr. Orlow made a motion to authorize the solicitor to draft the resolution. Mr. Lambert seconded. The motion was approved 3-0.

[2019-12-LD](#) for “Vanguard Malvern West Expansion” – Amended Final Land Development

Ms. Yarnoff, representing Vanguard, stated that this is for a 400-space parking project to manage current parking during building construction, which is taking away existing parking. The lot will eventually serve a future second building.

A resident stated that the roundabout is getting overloaded by all the traffic from Vanguard. Ms. Yarnoff is not aware of any issues, during construction there were traffic issues raised and they have been addressed and resolved. Ms. Yarnoff said they will be looking at the traffic studies and they will be addressed at that time.

Mr. Lambert made a motion to authorize the solicitor to draft the resolution. Mr. Orlow seconded. The motion was approved 3-0.

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Consider of Extensions of Approval Vesting period for the following Subdivision & Land Development Applications:

Aegon Office Buildings at 20 Moores Road – extension through March 18, 2023

Mr. Barner asked to table this topic until a later date.

Consider Motion to advertise the following Zoning Ordinance Amendments:

New Definition Medical Office & Medical-Related Uses, add as a permitted use in the FC District - An Ordinance amending the East Whiteland Township Zoning Ordinance to add the definitions of "Medical Clinic" and "Medical Office" and permit the uses in the FC Frontage Commercial District.

New Definition of In-Law Suite with Corresponding Guidelines - An Ordinance amending the East Whiteland Township Zoning Ordinance to revise Section 200-90.A. Accessory Uses to Residential Principal Uses.

Streets and Bicycle & Pedestrian Facilities - An Ordinance amending the East Whiteland Township Subdivision & Land Development Ordinance, Chapter 175, to provide for Comprehensive Changes to Streets and Intersection Requirements, Widths, Design, and Construction Standards, and to Provide for New Sidewalk, Crosswalk, Path, Trail, Bicycle Lane, and Shoulder Requirements, Design, and Construction Standards and Related Definitions.

Mr. Orlow made a motion to advertise. Mr. Lambert seconded. The motion was approved 3-0.

Public Comment: For items not specifically listed on the agenda

Tim Caban expressed his dissatisfaction with the communications from the Board and staff regarding the proposed changes to the intersection of route 352 and King Road.

Consent Agenda:

Approve Meeting Minutes from June 5th Joint Meeting with East Goshen) and June 12th
Acceptance of the Treasurer's Report as of May 31, 2019

Ratify Payment of Bills: \$952,291.34 for June 2019

Congratulations to Captain John M. Stewart on completing Executive Fire Officer Program (EFOP)

Approve One Year Extension to August 1, 2020 ARRO contract for Wastewater Facilities Operation & Maintenance Service to Malvern Hunt Spray Irrigation System (\$3,900 per month)

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Approve **IN Great Valley** magazine content to a minimum of two pages each quarter, or \$2,400 annually, with the ability to accommodate more pages at \$300 for each page if the Township has content.

Approve Equipment (Vehicles & Computers) Disposition

Approve Final Release of Escrow for the following Developments:

- JMP Brennan Boulevard

Consider Amendments to the Township Fee Schedule

- Remove Sketch Plan Application Fee

Mr. Lambert made a motion to approve consent agenda as read by chair. Mr. Orlow seconded. Motion passed 3-0.

Announcements:

An Executive Session was held on July 10 at 5:00pm (to discuss personnel, real estate and legal matters).

Mr. Lambert thanked the East Whiteland Fire Company for a fast response to his home last week.

Meeting Adjournment – 11:10 PM

Donna Wikert

Board Secretary