

Board of Supervisors

June 9, 2021

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; John Neild, Direct of Public Work; Zach Barner, Director of Planning and Development; Ted Locker, Zoning Officer; Chris Yeager, Police Chief; Bernadette Kearney, Solicitor; and Krista Stefkovic.

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

Pledge of Allegiance

Board Briefings:

- Executive Session(s) were held on June 9 at 5pm (legal, personnel, and real estate)
- Action Meeting on Monday June 21 at 2pm
- Trash & Recycling Hauler Solicitations – Briefing on Recent Activity – Chief Yeager explained that 11 permits have been issued for solicitation. There had been several concerns about whether permits had been issued and concerns about times permitted to solicit. Based on this, if any resident has a question or concern, please call the East Whiteland Police Department at the time of concern to comply and enforce the ordinance. Solicitation is permitted 8:00am to 8:00pm providing a permit is issued.
- Anti-Bias (In Service) Training by the Philadelphia chapter of the Anti-Defamation League is scheduled for Township civilian employees for Wednesday June 23 in the morning. Separate training will be scheduled for our police employees later this Summer. A third session of training for all Township volunteers is tentatively scheduled for the evening of Tuesday July 20. Mr. Nagel announced that the Township employees will begin a session on June 23, 2021.

Board Motions & Resolutions:

- Welcome New Full Time Police Officers: Kemba Daniels & Paige Warfel
Chief Yeager introduced the new Officers. Kemba Daniels comes to us from Chester Township Police and Paige Warfel from Downingtown Police. Both officers are excited and honored to be part of East Whiteland Police Department. Chief Yeager said he is excited for them to start and be part of the EWP. The Board of Supervisors welcomed the new Officers. Mr. Orlow made a motion to formally appoint Kemba Daniels and Paige Warfel to the East Whiteland Police Department. Ms. Drummond seconded the motion; the motion was approved 3-0.
- Appoint Mark Moses as Building Code Official – Mr. Brown introduced Mark Moses who comes to East Whiteland Township with over 25 years' experience in Codes and Life Safety. Mark has all certifications required to fulfill this position of Building Code Official. We welcome Mark to the team. The Board of Supervisors welcomed Mark Moses. Ms. Drummond made a motion to appoint Mark Moses as the Building Code Official. Mr. Orlow seconded the motion; the motion was approved 3-0.
- Ratify Conditional Job Offer to Full Time Fire & EMT Employee: Jake Bailey.

Loren Nafziger introduced Jake Bailey and welcomed him to full time employee status. He is from the Chester County area and has been a part time employee with the East Whiteland Fire Department. The Board of Supervisors welcomed Jake. Mr. Orlow made a motion to appoint Jake to the full time Fire & EMT position. Ms. Drummond seconded the motion; the motion was approved 3-0.

- Approve Appointment - Historical Commission to Nick Grouch. Mr. Lambert introduced Nick Grouch, a resident, to the Historical Commission. The Board of Supervisors welcomed Nick Grouch. Ms. Drummond made a motion to appoint Nick Grouch. Mr. Orlow seconded the motion; the motion was approved 3-0.
- Accept Comprehensive Annual Financial Report for Fiscal Year Ending December 31, 2020. Ms. Hogan announced the CAFR has been successfully completed. Mr. Nagel thanked Usha and Joe Meehen for completing the audit and receiving a clean report. Mr. Orlow made a motion to approve and accept the CAFR for 2020 and thank everyone for all their work on this. Ms. Drummond seconded the motion; the motion was approved 3-0.
- Approve Funding for Down East Park Playground (up to \$80,000). Mr. Brown spoke on behalf of the Bitko family and “Where Angels Play” concerning the Memorial Park Down East. Due to the pandemic slowing fund raising efforts down, they are asking the Township if they would be willing to fund the gap. The range would be between \$65,000 and \$85,000. Mr. Brown mentioned he had already had discussions with the Board of Supervisors and staff relating to this park. It seems the Board would like to make the park accessible to other Township residents. The staff will be looking into a few options. Mr. Bitko said they are very close to completing the memorial park this and are concerned with the cost of supplies going up. The fund-raising efforts by the Biko’s and the community have collected \$68,000 and an additional \$32,000 secured from “Where Angels Play”! Mr. Bitko hopes that the Township can see the value in partnering with them to complete this project. He thanked the Township and the community for all their hard work and dedication on seeing the project through. Ms. Drummond along with the entire Board of Supervisors are in 100% agreement to approve the additional funding for this park. The board is happy to donate and be a part of this wonderful memorial park. Ms. Drummond made a motion to approve and fund up to \$80,000 toward this memorial park. Mr. Orlow seconded the motion; the motion was approved 3-0.

Motion to Award:

- 2021 Paving Projects to Innovative Construction Services (\$452,669) to Pave Streets:
Birch Rd, Pine Rd., Willow Dr., Sycamore Dr., Locust Dr., Emerson Way, Cameron Court, Forest Way, Oak Hill Circle, Broadleaf, Diane Dr., Carol Ln., N. Bacton Hill Rd.
John Neild said he received 5 bids this year, and it was very competitive. The low bidder was Innovative Construction Srvs. He asks the board to award the contract. Mr. Orlow made a motion to approve and award the bid to Innovation Construction. Ms. Drummond seconded the motion; the motion was approved 3-0.

Public Hearings:

- Zoning Text Amendment related to Specialty Hospital as a Permitted Use in the FC (Frontage Commercial) and INS (Institutional) District.
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. The hearing ended and Ms. Kearney reconvened into the regular Board meeting to vote upon Ordinance. Ms. Drummond made a motion to accept the Zoning Text Amendment. Mr. Orlow seconded the motion the motion was approved 3-0.

Planning & Development:

- Discuss & Consider Authorizing a Resolution for the following Development Applications:
 - i. LD-18-2020 for Parking Expansion at 333 Technology Drive (MLR Technology LLC and 1201 Technology Drive LLC) – Preliminary/Final Development. The property, located at 333 Technology Drive, is within the O/BP (Office/Business Park) Zoning District.

Ms. Drummond asked if the sidewalk will be written into the resolution as an obligation later if there are other places to connect to. Mr. Brower from EB Walsh said yes, this will be written into the resolution. Mr. Orlow made a motion to direct the solicitor to prepare a Resolution for LD-18-2020 and incorporate waivers requested. Ms. Drummond seconded the motion; the motion was approved.
3-0.

- ii. LD-03-2021 for Parking Expansion at 40 Liberty Boulevard (WPT Land 2 LP) – Preliminary/Final Land Development. The property, located at 40 Liberty Boulevard, is within the O/BP (Office/Business Park) Zoning District.

Ms. Zarro briefly discussed the additional 43 parking spaces, patio with outdoor seating, seating wall, and a portion of a connection to the CV trail, stormwater management, and associated landscaping.

Jason Dempsey made a comment that the owners of the Grove are in complete support of this project.

Ms. Drummond made a motion to authorize solicitor to create a resolution for LD-03-2021, covering waivers requested. Mr. Orlow seconded the motion; the motion was approved 3-0

- Consider Extension of Time to Render a Decision on the Following Development Applications:
 - i. SD-12-2020 for Remnant Parcel Subdivision (Knickerbocker Lands, LLC) – extension to July 1, 2021. The properties, located on the south side of Rt. 202 along Conestoga and Swedesford Roads, are within the OS (Open Space) and O/BP (Office/Business Park) Zoning Districts.
- Consider Final Release of Financial Security for the Following Developments:
 - i. Townes at Malvern Phase I & II (Pennbrook Development I, LP)
Mr. Orlow made a motion to permit the final release. Ms. Drummond seconded the motion; the motion was approved 3-0.
- Discuss and Consider Motion to Advertise the following Ordinance Amendments:
 - i. Zoning Text Amendment related to Reduction of Permitted Density within the RMH (Residential Medium-High Density) District.
Mr. Barner explained the Text Amendment would reduce permissible density in the RMH District by decreasing the 12 units per acre to 7 units per acre. This is consistent of the hierarchy of density of our residential districts. Limits the overall density throughout the entire district and township and would apply to the Knickerbocker tract if rezoned.
 - ii. Zoning Map Amendment related to the requested Rezoning of the Knickerbocker Tract from R-1 (Low-Density Residential) and O/BP (Office/Business Park District) to RMH (Residential

Medium-High Density) District. The subject Tract is located between Mill Lane, Lapp Road, Old Morehall Road, Liberty Drive, and Swedesford Road

Ms. Yarnoff, attorney for the applicant, provided an update on the request for rezoning. The applicant is seeking authorization to advertise a hearing for a future Board meeting. Mr. Lambert added that this evening's discussion is intended to provide an opportunity for both the Supervisors and the residents to see and hear what has changed since the last time a plan was submitted to the Township.

Mr. Dempsey provided an overview of recent revisions to the concept plan, which is intended to illustrate how the proposed use could be designed to this specific site and display the major concepts that have come out of the previous meetings. The full design and engineering of the site will occur during the land development process. Below is a summary of the changes:

- The homes previously shown on Area B (the driving range area) have been removed
- The access to Mill Lane will be restricted to emergency access and will accommodate a multi-use trail from one side of the property to the other. This would be constructed within the existing service road which is owned by the Township. This will be designed in greater detail during the land development process.
- The existing service road internal to the site which crosses over the culvert bridge will be retained as part of the plan. The design and details regarding the limitations on access and/or turning movements will be determined during the land development process.
- The areas shown in green on the plan will not be developed and will be retained as passive open space (and restricted from development via the covenant).
- The existing driving range will be retained in its current state and will revert to passive open space if/when the operation ceases.

As part of its request for rezoning, the applicant has agreed to record a restrictive covenant on the property. The covenant would address the following concepts:

- Limit the total number of units to 280 dwellings
- Limit access to Mill Lane to emergency only to preclude a future full service access
- Limit the development area to only those areas not shown in green shading on the concept plan. All green shaded areas will be maintained as passive open space.

Question and concerns from the Board as follows:

Will the applicant provide any additional information regarding the northern property line and providing a larger buffer for the neighbors? *Mr. Dempsey has met with the neighbors and is exploring opportunities to retain existing additional vegetation and provide a larger buffer than what is currently shown.*

If the existing service road across the property (which is currently noted as a one-way emergency access) would need to be modified or widened as part of the development to provide access to Liberty Boulevard/Swedesford Road. *Mr. Dempsey stated that the intent would be to modify the road as needed to create at least an emergency access, if its determined to be necessary.*

Is the intent for the existing service road would be to create a true emergency-only access or to simply limit turning movements onto Liberty Boulevard/Swedesford Road. *Mr. Dempsey stated that the primary intent is to limit the turning movements because the current full-service intersection is not ideal, but that it would not necessarily be restricted to emergency only.*

It was asked whether the proposed access onto Mill Lane would accommodate both an emergency access and a multi-use trail. *Mr. Dempsey stated that the intent of the plan is to show the potential improvements (with details*

to be determined during the land development process) and ensure that there will be limited access onto Mill Lane from the site.

How will residents who do not live in the development access the proposed trails and open space. *Mr. Dempsey stated that there are locations within the site to create public parking areas. The driving range is an example of an opportunity for public access and parking.*

It was mentioned that there are visitor parking areas shown on the plan and asked what the applicant envisions as a way to memorialize these spaces going into land development given that there is no specific code requirement. The lack of visitor or overflow parking in existing townhouse communities has been problematic. It was suggested that it could be included in the covenant, or the Township could draft an ordinance amendment.

It was noted that there is a ratio of twins and townhouses shown on the plans. And asked that the applicant ensure that the plan does not devolve into a development of row houses to achieve the maximum number of dwellings.

Mr. Dempsey described the buffer around the former landfill. Mr. Spergel advised that leachate is liquid that drains into the water table from a landfill. In the case of this site, the system was designed to be collected by an onsite treatment plant and sent to Valley Forge Sewer Authority.

Mr. Lambert opened the floor to public comment.

Questions and Comments submitted by the following:

- Lindsay Felch
- Ann Bell
- Stewart Gerson
- Brian Brook
- Eric McHugh
- Ken Collins
- Steve & Kathy Prible
- Martin Lutz, Jr.
- Martin Lutz, Sr.

Topic Discussed:

- Concern over the water runoff coming off the site and loss of animal habitat.
- Concern over rezoning a “contaminated site” for residential development and the number of homes proposed.
- Warehousing should be addressed via other ordinance amendments, not a rezoning to residential.
- Expand the green area (undeveloped area) to include the area behind the Gerson residence.
(Mr. Dempsey is working on updates to the plan to address this concern. There will be no structure or basin shown in this area. He added that he welcomes 1 on 1 meetings with neighbors who have concerns that need to be addressed on the plan).
- Question over the findings of the environmental review, especially related to Area B.
(Mr. Orlow stated that the Township’s environmental consultant requested additional information for determining whether that area is appropriate for residential development. There was not a determination that there are contamination issues, only that additional information was needed as part of a residential redevelopment of that portion of the site).
- Concern that more of the issues that have been discussed in meetings are not included in the covenant and deferring decisions to the land development process.
- Concern over potential impact on the School District.

(Mr. Orlow stated that the District is aware of the project and has included it in the ongoing enrollment projections and facilities analyses).

- Impact on deer population and increased noise from Rt. 202.
(Mr. Dempsey responded that the area along Oak Glen will be maintained as a wooded area. Most of the development area is non-wooded. The development of the site with homes may actually provide additional buffering from road noise).
- Clarification of previous plan note regarding overflow parking shown off-property.
- Clarification that the proposed access onto Mill Lane is from the corporate center side of the property (via Rt. 29) not from the residential side (via Mill Lane/Sidley Road).
- Question as to why the furthest west parcel (closest to Mill Lane) would be rezoned to RMH from the existing R-1 designation if it is to be maintained as passive open space.
(Ms. Yarnoff explained that having different zoning districts as part of one development complicates the zoning calculations and site design. Ms. Kearney added that the area will be restricted via covenant to preclude development).
- Chester County Emergency Services suggests that residential developments be served by more than one full-service access. The applicant previously showed this on a prior version of the plan.
(Mr. Dempsey suggested that the design of this road would be determined during land development. Mr. Barner added that there would likely be restrictions on turning movements on that access point. He also explained that an emergency access onto Mill Lane may be preferred given its proximity to the Township's fire and emergency services building (corner of Mill Lane and Conestoga). This would need to be reviewed by the Township's Codes and Life Safety Officials).
- Request for additional detail regarding property lines and existing improvements in the area of the existing service road and the adjacent properties to the west of the Tract.
(The Board directed the applicant to make the appropriate revisions to the concept plan).
- Preference to resolve the emergency access road issue now, not defer during land development.
- Question regarding the width of the emergency access road and applicability of 15-foot perimeter setback for roadways and driveways.
(Mr. Barner advised that the width of a fire apparatus access road is typically 20 to 26 feet wide depending on the height of the building, not 35 to 40 feet wide as suggested. The design of the potential access and applicability of the setback to emergency access will be determined during land development).
- Concern over the potential of the restrictive covenant to be "broken" in the future.
- Previous plans depicted nature trails and public parking areas which should be included on the plan.

Mr. Lambert stated that he felt the concept plan and revisions made so far were heading in the right direction. He added that he would be more comfortable with a hearing in August so that the plan can be revised in response to the comments.

Ms. Drummond made a motion to authorize advertising of the zoning text and map amendment for a date to be determined in August, subject to the concept plan being revised to the satisfaction of Township staff. Mr. Orlow seconded the motion; the motion was approved 3-0.

Zoning:

- Property Maintenance Codes – Briefing on Recent Activity
Mr. Locker said he is continuing to monitor properties. He has met with several property owners, going over recent citations for such things as, grass cutting, hedge cutting, and trash removal.

Public Comment: General

- Deb Mobile informed the Board that on May 21, 2021 DEP sent a letter to MLP Ventures indicating that Constitutional Partners Drive needed to address serious concerns at the Bishop Tube property. Concerns are: broken gates, fencing coming down at the Southeast quarter, and the possibility someone is living in Building #8. Mr. Orlow asked if the Township was aware of this. Mr. Brown said yes, the Township and staff received emails from Dustin Armstrong. Mr. Brown passed along to staff and Police. Deb is asking the township to please monitor this situation. Mr. Orlow stated the Police and Codes will monitor this situation.

Consent Agenda:

- Approve Meeting Minutes from April 26, 2021 and May 12, 2021
- Ratify Payment of Bills (UH): \$1,093,385.79 (May 2021)
- Accept Treasurer’s Report as of April 30, 2021
- Approve Fund Balance Assignments as of December 31, 2020
- Approve Resolution #18-2021 for Destruction of Specific Records
- Consider Rendering a Decision on the Following [Development Applications](#):
 - WLD-04-2021 for Modular Classroom Building at Villa Maria Academy (IHM Villa Maria) – Request for Waiver of Land Development. The property, located at 280 IHM Drive, is within the INS (Institutional) Zoning District.
 - WLD-05-2021 for GVSD Stadium Restroom Addition (Great Valley School District) – Request for Waiver of Land Development. The property, located at 225 Phoenixville Pike, is within NS (Neighborhood School) Zoning District.
- Approve Sale of 2008 Ford E-350 Utility Body Make Model through MunicBid
- Waive Great Valley School District Additional Permit Fees of \$8,144 (Original - \$126,508)
- Temporarily Waive Alcohol Policy for Summer Concerts in Valley Creek Park (June 16, July 21 & August 18th)
- Approve Agreement with Locust Lane Brewery for Summer Concerts in Valley Creek Park
- Approve Agreement with Workspace for Overflow Parking for Summer Concerts in Valley Creek Park
- Accept Proposal from Integrous for Fence Installation along a portion of a trail in Valley Creek Park (\$4,996)

Mr. Orlow made a motion to approve and accept consent agenda as read. Ms. Drummond seconded the motion; the motion was approved 3-0.

Meeting Adjournment: 11:00PM

Donna Wikert

Board Secretary