

Board of Supervisors

September 13, 2022

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Peter Fixler, Member

Staff Present: John Nagel, Township Manager; Steve Brown, Assistant Township Manager; Donna Wikert, Operations Manager, Board Secretary; John Neild, Direct of Public Work; Zach Barner, Director of Planning and Development; John Mateja, Zoning Enforcement Officer; Usha Hogan, Direct of Finance; Chris Yeager, Police Chief; Bernadette Kearney, Township Solicitor.

Mr. Lambert called the Zoom meeting to order at 7:15 P.M. - Pledge of Allegiance

Board Briefings:

Moment of Silence for Joe McGrory

Mr. Lambert recognized the passing of our solicitor Joe McGrory on August 16, 2022, he was not only our solicitor since 2016, but a beloved member of East Whiteland Township family. On behalf of the township our heartfelt sympathies go out to his wife Eileen, and his sons Joseph the III, Daniel and Matthew and to his entire family. Let us please stand and have a moment of silence for this great man.

Joe worked closely with staff our residents and associate of our township. So, it only fitting to invite you to tell a Joe Story or comment. Mr. Lambert met Joe in 2018 as he began his membership on the Board of Supervisors. His professionalism and his wealth of knowledge of the law was very impressive, his answers were always simple and precise, boy could he command a room. He always looked out for the Townships interest but was fair to all parties involved. He retired in April, but he came back out of retirement to help us with a few projects. Joe helped us work thru the 202 billboard landscaping issues, oh and on Monday we received a check for \$166,000. Thanks Joe!

Mr. Nagel said they were peers for many years. It was not until Joe was hired in East Whiteland Township that he began to work closely with Joe. Joes' stories were legendary. He helped Mr. Nagel through many complex issues with a varies of different subject matters. The last time he saw Joe he was in the office, dressed in shorts and looked great! He said he was doing well. One good person like Joe can touch many more hearts than we will know, he will be missed.

Mr. Orlow, said thanks to Joe's family for letting him out three-four nights a week. Mr. Orlow felt a special bond with Joe being a fellow attorney. Not only did he represent our interest, but many Townships. He was a wonderful guy, and we miss him already.

Bernadette Kearney said Joe got things done! They worked many weekends together, Joe had the funniest outfits, she said one time he came in with a tie-dyed outfit and still is laughing about him wearing that. He will truly be missed. He shared his knowledge and loved sharing his stories.

Mr. Fixler, deepest condolences to his family. Joe has the patient of a saint; he was tireless in his pursuits! He made all of us better. He will be missed.

Mr. Barner, he did not know Joe before he started here. He quickly realized what a great person he was. He viewed Joe as a mentor and learned a lot from him. Most importantly he learned how to manage and maintain relationships and how important that was and is to getting things done.

Mr. Brown only knew him professionally. He worked with a lot of attorneys and never met an attorney like Joe, and he meant that in a good way. As everyone said his ability to make things understandable was so important. He will be missed.

Ms. Hogan said she only knew Joe for a brief time but always thought he was a friendly and nice person. She will miss not seeing him.

I did not speak up (Donna Wikert) but wanted to say for the record Joe was a great guy. And always made me feel important. He made everyone feel that way and that is why everyone always liked Joe.

Mr. Mateja said he knew Joe for several years. He learned a lot from Joe. He respected everyone he met, and he will be missed.

Carla Zambelli-Mudry of Toms Circle said she knew Joe before he came to work for East Whiteland. She did not know Joe personally and she did not always agree with what he said. He was a nice guy under that rough exterior. She thought he was very brave, you could see he was not feeling well yet he showed up and did his job, not many people do that, he had a strong work ethic. Not all solicitors will interact with residents, and he did. She extended her condolences to his family, staff, and Board.

Mr. Lupin partner at HRMML “In tribute to Joseph McGrory”

Joe McGrory was the biggest, toughest, and gentlest person I have ever known. As you know, in recent years Joe suffered from a variety of serious medical illnesses. Joe was tough and never let his medical conditions get in his way, or for that matter, let it get him down. I would check on Joe before his medical procedures and after those procedures. Not knowing exactly when he would be in the office, I would check his office from time to time and miss him. However, when Joe came into the office, whether he had an operation on his foot, a cardiac procedure, or even on crutches, or on a walker, he would rumble across the office to visit me and report on his medical condition. Every time I would tell him to buzz me the next time and I would walk to his office, he refused. Upon arrival in my office, he would explain in great detail the medical procedure that he was preparing to have, or just had, as if he was a doctor dispassionately detailing the procedure to a distant patient. Later he would update me on his recovery. He would never complain. He was tough in so many ways. He was repeatedly absent from work for a period of time due to a medical procedure. Each time he halved the prescribed time off and returned to the office as promptly as humanly possible. He was motivated by his responsibilities and love for his family -- wife, Eileen, and his three sons, Joe the 3rd, Daniel, and Matthew -- and his devotion to his law firm and especially his devotion to his clients. He was a consummate politician, was proud of all the municipalities that he represented and was especially proud of representing East Whiteland Township. With regard to East Whiteland Township, even though he entered semi- retirement in April of this year, he would still assist, and make sure that Bernadette Kearney, Esquire and his firm Hamburg, Rubin, Mullin, Maxwell, and Lupin would continue to give the very best service and advice. In addition to his real estate and municipal practice, Joe served for over 30 years as the Montgomery County Mental Health Review Officer directly affecting the lives of literally thousands of patients. He was dedicated to seeing justice for

whomever came before him in that capacity. Joe was also big, approximately six'1" and hefty. Big as Joe was, he was always dressed neat as a pin. As you probably recall, he would wear suspenders of assorted designs, and always looked dressed for success. Joe had a wonderful, dry sense of humor and was compassionate to all who came in contact with him – family, business associates and friends -- all of whom will miss him dearly. For me personally I will not only miss our office chats analyzing his latest medical condition, providing legal tidbits and case law, a very dry joke, his golf ministrations, and his take on Villanova basketball. Everyone at Hamburg, Rubin, Mullin, Maxwell, and Lupin will miss him, and cherish our memories of him. I would respectfully request that these remarks be placed in the minutes of East Whiteland Township and become a permanent part thereof.

STEVEN H. LUPIN, ESQUIRE Hamburg, Rubin, Mullin, Maxwell & Lupin

Mr. Dempsey shared a unique perspective of Joe. He was a gentleman for sure, he was direct, and everyone appreciated that. They shared many stories of their children and sports.

Mr. Lambert shared several statements from other acquaintances and friends of Joe's that could not be present:

Sue Drummond Supervisor, 2016-2021:

Joe McGrory was an outstanding advisor to the township and a larger-than-life personality. He could be tough when the situation required, telling developers, the public, AND the Supervisors things they did not want to hear, in firm, clear, but polite language. But in every case, he was fair and thoughtful.

What I remember most about Joe – other than his seemingly endless ability to recover from his health challenges – is how he responded to my phone calls for advice. I would ask my question, explain the situation, and he would say.... nothing. There was always a long pause. So long that I would wonder if the call had dropped. But no. He was thinking. He did not give quick, glib answers. He drew on his years of experience and deep knowledge of the relevant law to give me thoughtful, nuanced, and practical advice that respected legal constraints while achieving the goal as much as possible. He took a genuine interest in resolving our challenges and guided us through complex situations with solutions that usually involved reasonable compromise, even knowing that compromise cannot make everyone happy. I trusted him implicitly.

Approaching problems in this way, he contributed greatly to the resolution of several thorny township issues and assured that East Whiteland remains a desirable community in which to live and work.

I will miss Joe both professionally and personally. It was an honor and a joy to know him.

Ted Locker:

I first knew Joe as an applicants' attorney, but also had the pleasure of collaborating with him as the solicitor at both Limerick and East Whiteland Townships. Anyone who knew Joe, could see his love of the law, and from my end specifically for Zoning. Joe approached me while serving in Limerick, about promoting a zoning officer association. We worked together to start the Montgomery County Zoning Officers Association. The organization quickly became popular with numerous municipal representatives, even more than just zoning officers. I was fortunate to serve as president of the association for over 10 years, while collaborating with Joe and Kathi Chiodo (Joe's Secretary) to promote the ever-evolving

world of zoning. I collaborated with Joe on topics such as power plants, medical marijuana, and legal updates passed by the state. Many municipal clients benefited from Joes' love and promotion of zoning knowledge, for which I will be ever grateful. Joe will be missed by many. May he rest in peace.

Andy Rau:

I participated in many cases with Joe McGrory over the years. In some matters we were on the same side; and in others we were representing opposing parties and positions. In all of them, Joe was a fierce advocate for his clients. But Joe also kept his eye on the possibility of achieving realistic and positive results, beyond the hard line. And at the end of a contentious hearing, there was often a twinkle in his eye- letting people know that he was doing what lawyers do, but that it was also OK to shake hands, and then go home and enjoy time with your family and friends. He was also involved in his community in many positive ways, beyond his legal work. Joe's presence among the bench and bar of our region will be missed.

John Walko:

Joe McGrory was and always will be my legal mentor, and I owe him my career as a municipal attorney. What he taught me in the seven years I worked with him, I could never have learned from any book or caselaw, because the greatest education was simply watching him in action. He was always confident of what the correct outcome should be in any situation, and then he could assess all of the variables in that situation to get the right result. He was always able to see the forest through the trees, he always seemed to be three-steps ahead, and he never sweated the small stuff. For someone who could be such an ardent, tactical fighter for his clients, he was still able to radiate a calm, confident patience that let you know that he had everything under control, that you could trust his decisions, and that everything was going to be OK in the end if you followed his plan. Now, in my practice, when confronted with a developing legal issue, I find myself thinking, "What would Joe McGrory do?" So far, that approach has not let me down. I am standing on the shoulders of a giant, and I am so fortunate to have been able to learn from him, work with him, and to have called him my friend.

Lou Colagreco and Denise Yarnoff (on behalf of RRHC):

I was profoundly saddened to hear of Joes passing. As a colleague, I very much appreciated his candor and ability to navigate and communicate complex legal issues in a straightforward and common-sense manner. You never had to guess where you stood with Joe, or his client's position on any given matter! His integrity was beyond reproach. East Whiteland Township was served very well by Joe and on behalf of our firm, I offer condolences to all who are saddened by his passing.

Scott Greenly: Uwchlan Township Manager:

I am deeply saddened to learn of the passing of Joe McGrory. I collaborated with Joe for several years as a planner, most recently at East Whiteland Township. I truly cannot put into words how much of an impact Joe has made on me as a professional. From transforming office parks to revitalizing commercial corridors, he even turned me into a Villanova basketball fan. Although Joe left us too soon, I know the imprints he made on his colleagues and the communities he

worked with remain with us. My thoughts and prayers are with Joe's family, Hamburg Rubin, and my friends at East Whiteland Township during this tough time.

Executive Session: held on September 13 at 4:30pm (legal, personnel and real estate)

Township Manager Succession Plan – Mr. Lambert announced the retirement of the Township Manager Mr. Nagel. The Board, Mr. Nagel and Mr. Brown have been working together on a succession plan. Mr. Nagel will remain Township Manager till December 31, 2022. He will stay on into 2023 to finish a few projects.

January 1, 2023, the new township manager will be Mr. Steve Brown, the Board is pleased to make this announcement. Mr. Nagel thanked the Board for taking the time to talk through this succession plan. Mr. Brown thanked the Board of Supervisors for having the confidence in him to serve East Whiteland township as the Township Manager. He mentioned a fun fact that he has twice applied for this position as the manager of East Whiteland township, he is thrilled at this opportunity he has always looked at East Whiteland as one of the premier communities in Chester County. It is a privilege and honor to serve East Whiteland Township. He thanked Mr. Nagel for bringing him on six years ago and for his support and guidance, he thanked staff as well. He also said to the Board, Staff and Residents of East Whiteland Township, he intends to continue the tradition of excellence and professionalism in local service that has been established here.

Route 30 Corridor – Mr. Lambert gave an update, we were denied the twenty-five million (RAISE) dollar grant but will continue to collaborate with our consultants, however we did receive a 3-million-dollar grant award for improvements along Route 30. We are collaborating diligently with staff and Delta to secure additional grants and funding. We will be reapplying for the 2023 RAISE grant. Mr. Nagel read a blurb from the denial letter “The Department received hundreds more worthy RAISE applications than it was able fund in this round despite the increased funding provided by the Bipartisan Infrastructure Law. The Department will release more information about the FY 2023 RAISE funding opportunity later this fall.” We plan to reach out to our local and state representatives, Senator Comitta, Representative Howard, and Senator Muth for their support on these projects. Mr. Lambert added Chester County commissioners requested a meeting to learn more about the Route 30 corridor improvements. He also wanted to thank the staff, Mr. Orlow and Mr. Fixler for all the support in which he has been given to move forward with this project.

Sewer System Sale – PA Office of Consumer Affairs Appealed PA PUC Decision to PA Commonwealth Court

Mr. Nagel announced the sewer sale was settled on August 12, 2022. The Pennsylvania office of consumer affairs appealed the PUC decision to Pennsylvania commonwealth court. The Board has decided to file a notice to intervein and participate in the appeal, although the PUC and Aqua will be taken the laboring wars and funding of that appeal. For those we have talked to about getting easements on certain properties, we will be making those payments in 30 days to get those easements cured. Projects related to the sewer sale will be deferred such as the Debt pay off, Police Station, Route 30 to some degree no construction without the Federal monies.

Campus Master Plan (Jerry Gorski)

Mr. Gorski gave a brief overview on what Bernardon, and Gorski Engineering are working on. As of now the design team is in the development stage. There are a few concerns on the roof frame and what to use for the heating system. One of the alternatives is to have a similar set up like the administration building is getting ready to have installed. Electrical no oil or natural gas. These electrical systems are more efficient. Mr. Fixler questioned why you would not use natural gas or oil; Mr. Gorski said these units are expensive, but they are more efficient than oil and or natural gas. Mr. Gorski will be in front of the Board at a later date to give an update.

Fire & EMS Department Water Rescue

Chief Lewis gave an overview of last year's hurricane Ida, in a brief period East Whiteland was dispatched to over twenty plus water rescues to areas that have never flooded. Rescue consisted of stranded motorized vehicles, rising waters, and flooded houses. This is when they realized that their water rescue equipment was outdated. Firefighter Terry Bechtel and Bryan Rachko both certified in water rescue explained and showed us the new equipment they were able to purchase through the volunteer Board and the committee. The equipment consists of helmets, vests, aqua suit, work boots, seventy-five feet throw bags and gloves the cost for this outfit is \$2300. Questions from the Board, they asked if other Municipalities have purchased this gear. Terry said yes, several have purchased this equipment. Terry said they will also be training and getting fellow firefighter and EMT certified in the future.

Consider Letter of Support for National Climate Adaptation Resilience Strategy Legislation and Flood Resilience Act

Mr. Lambert said we were requested to support a bipartisan bill that would help develop a nation strategy to help save tax dollars as disaster cost have risen more than 225 million dollars due to climate. It is a bill that would create a chief resilient officer within the Whitehouse develop a nation resilient strategy for streamlining Federal support liens and grants to address this issue. This is a bill worth supporting there are fifty other municipalities that have signed off on this. Mr. Lambert is asking for a vote of agreement to support the letter.

Mr. Orlow made a motion to issue a letter of support for the National Climate Adaptation Resilience Strategy Legislation and Flood Resilience Act from East Whiteland. Mr. Fixler seconded them motion; the motion was approved 3-0

Act 74 of 2022 Amending PA Fireworks Law

Ms. Kearney explained that we are changing and restricting the time that consumer fireworks can be use. They can be restricted from 10PM to 10AM. The Chief agrees we should make these changes. Ms. Kearney said July 4th, Memorial Day and Labor Day will not be part of this change. Consumer fireworks cannot be used in our parks or in public places. They cannot be within one hundred feet of a building or vehicles even if you own that property or vehicle. It is trying to be more safety cautious. There is a difference between display and consumers fireworks. Display fireworks will need a permit. Consumer fireworks will not need a permit. The Police will enforce these penalties.

Mr. Lambert moved item 3e ahead of schedule.

Approval of ARPA funding disbursement plan

Mr. Brown said the Township received a tranche of \$671, 000, the second tranche this week. \$800,000 will be used toward HVAC for this building. We also are going to use monies toward funding the Peoples Pantry \$1,500 per month. The pantry serves GVSD families in need. The need has increased. Mr. Fixler asked if we could do more than that. Mr. Brown said it is up to the Board. It was decided to start off with the \$1,500, and then increase as needed. Mary Decker and Dolly Patton spoke on how important it is for people to know that all money that is donated is used for supplies and no one is paid it is all volunteer based.

Mr. Fixler made a motion to approve approval the ARPA funding disbursement plan of \$1,500 to Peoples Pantry. Mr. Orlow seconded the motion; the motion was approved 3-0.

Board Motions & Resolutions:

Approve Proposal from Blue Scope Construction for \$110,801 for Building Security & Restroom Modifications for Administration, Public Works & Code Departments

Mr. Gorski gave an overview on construction that is recommended for the Administration side of the building. The updates would be to create a secure separation from staff and entrance. The kitchen area would also be secure separation. The meeting room will have a new secure exterior door, will also have an access secure door to the administration area from the meeting room. The public works building will also have a secure wall to not allow free reign if someone comes to the building entrance area. Mr. Nagel also said we are looking to use ARPA funds also as we are using for the HVAC. Mr. Orlow asked the time frame, Mr. Gorski said 2 months process.

Mr. Orlow made a motion to move forward on the Proposal from Blue Scope Construction for \$110,801 for Building Security & Restroom Modifications for Administration, Public Works & Code Departments. Mr. Fixler seconded the motion; the motion was passed 3-0. Mr. Nagel thanked the Board on behalf of the staff.

Motion to Approve Letter of Intent is to DCED Governor's Center for Local Government Services to Request Technical Assistance for Regional Fire & EMS (Free Advice)

DCED grant was approved by the Board. It is required to have the letter of intent signed.

Mr. Fixler made a motion to approve the letter of intent to DCED. Mr. Orlow seconded the motion; the motion was approved 3-0.

Ratify Conditional Job Offer to Jennifer Marks for Full Time Codes Department Administrative Assistant

Mr. Brown said Jennifer started yesterday. We are thrilled to have her as part of our team.

Mr. Orlow made a motion to ratify the conditional job offer. Mr. Fixler seconded the motion; the motion was approved 3-0.

Approval agreement with Michael Baker International for engineering services for Sidley Road/Mill Lane trail connection to Chester Valley Trail (\$163,494)

Mr. Orlow made a motion to approve Phase I of agreement with Michael Baker International. Mr. Fixler seconded the motion; the motion was approved 3-0.

Public Hearing:

Zoning Map Amendment to rezone the parcel located at 6 Mill Lane (identified as parcel number 42-4-59.1) from the R-1 (Low Density Residential) District to the 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. Mr. Barner added that notices were sent to residents within 500-foot radius. The hearing ended and Ms. Kearney reconvened into the regular Board meeting to vote upon Zoning Map Amendment to rezone the parcel located at 6 Mill Lane (identified as parcel number 42-4-59.1) from the R-1 (Low Density Residential) District to the INS (Institutional) District on.

Mr. Fixler made a motion to accept the Zoning Map Amendment to rezone the parcel at 6 Mill Lane. Mr. Orlow seconded the motion; the motion was approved 3-0

Motion to Advertise:

Approve 2023 Heating Oil and Diesel Fuel Bid

Mr. Orlow made a motion to approve the advertising for 2023 Heating and Diesel Fuel bids. Mr. Fixler seconded the motion; the motion was approved 3-0.

Planning & Development:

Consider Authorizing Solicitor to Draft a Resolution for the following Development Applications

LD-10-2022 for Preliminary/Final Land Development Application for East Whiteland Township Police Station

Al Vennettilli from ARRO gave a brief overview on what is being proposed 29,000 square feet police building there will be three entrances, two of which will be official Police vehicles entrance which will be gated and fenced in. One point of access off Mill Lane gate and fenced in area. The other entrance will be off the existing parking area. There will be a proposed parking area for visitors, 13 /14 parking spaces. Mr. Lambert said we have seen this several times. Mr. Fixler asked the Chief do we really need a fenced in parking area, we have existed without all this time. Chief said it is important to them to have a fence around their vehicle's. There have been times when Police have been targeted. Chief feels there should be that security. He said there have been times when things have been stolen out of their personal cars. Mr. Lambert asked if there will be additional traffic onto Mill Lane, Mr. Vennettilli said no.

Mr. Orlow made a motion to authorize the solicitor to draft a resolution for LD-10-2022 for Preliminary/Final Land Development Application for East Whiteland Township Police Station. Mr. Fixler seconded the motion; motion is approved 3-0

LD-13-2021 for Preliminary Subdivision & Land Development Application for Knickerbocker Redevelopment

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

Mr. Barner advised that the plans have been through a number of revisions and the Applicant has been before the Planning Commission several times to provide periodic updates. At their most recent meeting, the Planning Commission made a favorable recommendation, subject to compliance with the various consultant review letters. The Planning Commission was supportive of the requested waivers.

Jason Dempsey, on behalf of the Applicant, provided an update of the project and recent coordination with Township staff and technical consultants.

Mr. Fixler asked where some of the comments stand with respect to architecture and building orientation. Mr. Dempsey advised those documents would be provided with the Final Plan submission.

Following a question by Mr. Fixler, Mr. Dempsey provided an overview of the proposed improvements to the existing Knickerbocker Way. There are a number of limitations imposed by DEP on modifications to the existing roadway. The Applicant has attempted make upgrades to the roadway where possible, including the improvements to the width, pavement specification, sight distances, and curvature. Knickerbocker Way will be one of two main access points (with the other connecting into Lapp Road). The road is intended to be a low-volume road despite being a primary point of access. The Applicant will be removing roadside vegetation to improve sight distance around existing curves. Chris Williams, the Township Traffic Engineer, agreed that the proposed modifications will be an improvement over the existing condition. Mr. Williams is supportive of the proposal, though additional details will be required during the Final plan review (such as pavement specifications).

There was a discussion regarding the ability of the road to manage larger vehicles, such as tractor trailers and large delivery trucks. Mr. Dempsey advised that large trucks currently travel the roadway and cross over the existing culvert (which will be upgraded as part of the project).

Mr. Orlow requested clarification over the requested waivers regarding surrounding features. Mr. Dempsey and Mr. Barner clarified that the requested information has been provided and that the waiver is now supported by ARRO.

Mr. Dempsey provided an overview of the open space and recreational amenities and the proposed fee-in-lieu for a portion of the required facilities. The Applicant will pay a portion of the fee upfront, and the remaining portion would be paid on a rolling basis as the Applicant applies for building permits.

The Applicant is also offering the Township a right of first refusal to lease or acquire the existing privately owned and operated driving range. This would allow the Township the ability to pursue this land for Township purposes if/when the

driving range were ceased operations. This arrangement may require a minor modification to the restrictive covenant that has been recorded against the property.

A neighboring property owner, Martin Lutz, asked that the Board consider including his previous comments as conditions of approval for the Preliminary Plan. Mr. Lutz feels that many of these comments will have been addressed as part of the pending submission of the Final Plan due to ongoing coordination with the Applicant.

Mr. Orlow made a motion to authorize the Solicitor to draft an approval resolution for the Preliminary Plan approval. Mr. Fixler seconded the motion; the motion was approved 3-0.

CU-06-2022 Amended Conditional Use Application of Fetters Mill Community Association until October 12, 2022, to open the Hearing

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

Consider Final Release of Financial Security for the Following Developments

Release Interim Financial Security of \$514,188 for Great Valley School District five-sixths Grade Center per Pre-Construction Security Agreement

Mr. Orlow made a motion to approve the release the Interim Financial Security of \$514,188. Mr. Fixler seconded the motion; the motion was approved 3-0.

Land Use & Zoning Process for Proposed Developments – Consider Future Work Session Discussion

Mr. Barner is looking to the Board for guidance he mentioned that there has been a lot of interest on Route 30 and the Corporate Center for apartments, car dealerships and offices. Having a workshop would help with these types of discussions and talk through all the ideas. There are zoning changes that were done on the West side of 29 and Great Valley Parkway, which is an approved zoning district they are looking to move forward with some multifamily as their Phase I. Mr. Lambert would like to tackle Route 30 and keep in mind what is being talked about for Route 29. Let us try to get a daytime workshop together. Mr. Nagel said the budget meeting is on the horizon also.

Zoning & Code Enforcement:

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

ZHB-2022-08 Application of 70-72 Lancaster Pike Irrevocable Trust at 14 E. Lancaster Avenue for a use variance from section 200-30 to use the property as a commercial parking lot for short-long term parking of vehicles, as well as staging and storage of materials and equipment. The property is within the FC Zoning District.

Mr. Mateja received a packet for 14 E. Lancaster Avenue from the applicant which did not address the concerns of the Township. It was agreed to send Ms. Kearney to the hearing to oppose. They are going to have to have more details before the hearing.

Consider Action on Zoning Hearing Board Decision & Orders:

Awaiting Written Decision & Order for the following Applications:

1. ZHB-2022-05 of Mark Helmle at 3A Toms Circle
2. ZHB- 2022-06 Application of Janssen Research and Development, LLC at 40, 45-67, and 84 Great Valley Parkway
3. ZHB-2022-07 Application of Janssen Research and Development, LLC at 260 and 280 Great Valley Parkway

Mr. Mateja has received no decisions on the above hearings.

Mr. Fixler made a motion to send the solicitor to oppose the ZHB-2022-08 Application of 70-72 Lancaster Pike Irrevocable Trust at 14 E. Lancaster Avenue for a use variance from section 200-30 to use the property as a commercial parking lot for short-long term parking of vehicles, as well as staging and storage of materials and equipment. Mr. Orlow seconded the motion; the motion was approved 3-0.

Public Comment:

Mr. Lutz wanted to revisit the matter of the cure agreement. Regarding the billboard, he was happy to hear the township received the \$166,000 check. There was another condition of the cure agreement dealt with the applicant submitting some type of remediation plan and is asking if we have received that. Mr. Lambert said yes, staff is working through the conditions. Mr. Lutz asked if the Billboards is in working yet. Mr. Barner said no, they will not be able to turn on until we work through all these issues that came up this week. Mr. Lutz said it was obvious that the sign is not clearly visible, so his question is what is next. Mr. Orlow pointed it out and we are all aware of the site line. Mr. Lutz pointed out they violated PennDOT's right away, is that resolved. Mr. Lambert said yes, they are to pay a fine and a bond of \$90,000 the bond would be utilized if they did any additional cutting, and the bond would be used to remove the sign. Mr. Orlow said that is where we should put barriers to prevent access to getting that close to 202 and the trees. Mr. Lutz said that he is considering taking photographic baseline pictures this will show what is there now to prevent future damage. He is genuinely concerned that if you cannot see the sign now what is going to happen. He asks the Board to be proactive. Mr. Lambert said clearly the lease says any tree disturbance going forward must have approval from the Township. How can we prevent this, Mr. Lambert said we need to always keep on top of this. There is a potential new buyer, OutFront so we will be talking with them also.

Consent Agenda:

Approve Meeting Minutes from August 10, 2022

Ratify Payment of Bills: \$1,915,577.63(August 2022)

Accept Treasurer's Report as of July 31, 2022

Approve 2023 Minimum Municipal Obligations (MMO) for Township Pension Plans

Ratify PA Local Government Investment Trust Account for Sewer Sale Proceeds

Ratify MuniPay Account for Park and Recreation Rentals

Approve proposal from Daniels Consulting Engineers for construction drawings for the restroom building at Bacton Hill Park (\$1,500)

Approve Meco payment #7 (\$117,995.22)

Amend parking agreement with Workspace for Movie Night parking

Approve Payment to Buzz Burger for benches in Bacton Hill Park playground (\$16,750)

Request County grant contract extensions for Springridge and Balderston parcels

Approve permission to pursue "Traffic Signal Technologies Grant Program"

Approve and proclamation October 9 - October 15 as Childhood Cancer Awareness Week in East Whiteland Township

NOTE: No motion was made at this meeting

Adjournment - 10:30

Donna Wikert

Board Secretary