

Board of Supervisors
September 13, 2023

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

Staff Present: Steve Brown, Township Manager; Catherine Ricardo, Assistant Township Manager, Donna Wikert, Operations Manager, Township Secretary; Zach Barner, Director of Planning and Development; John Mateja, Zoning Enforcement Officer; Chris Yeager, Police Chief; Greg Lewis, Fire Chief; Bernadette Kearney, Township Solicitor; and Braun Taylor, Attorney

Mr. Lambert called the Zoom meeting to order at 6:35 P.M. Pledge of Allegiance

Board Briefings:

Executive Session(s) were held on 4:30PM (legal, personnel and real estate)

Grant Application Updates - Ms. Ricardo mentioned the Township has been awarded a Multimodal Transportation grant in the amount of \$1.2 million from PennDOT for Route 30 and 352 improvements.

Bishop Tube Update and plan extension – Mr. Brown mentioned the Pa. DEP meeting and that it was well attended, and that DEP outlined a plan to remediation. The Township is making every effort to communicate with DEP more frequently. The Township has pledged to have a public meeting, but we have no dates yet. Mr. Brown mentioned the developer has offered a time extension date of December 24, 2023.

The Board weighed in on their thoughts about the meeting, Mr. Lambert mentioned the conversation about the potential bio retention area, the actual size could impact the design area. And how DEP did not give a timeline for this plan. Mr. Orlow and Mr. Fixler both agreed that it was helpful and informative but there was no time line for the remediation and that this all has to have taken place before anything happens. The range could be up to two years. They felt that there were still unanswered questions.

Questions – Ms. Smallwood got up and thanked the Board and Staff that attended and said in light of the plan not having any meat to it, this should be enough to vote NO on final plan.

Ms. Arnold, as Thanked the Board and Staff for attending, she asked if this deadline of 12/24 has to go to the Zoning Hearing Board before it goes to the Board for a vote. Mr. Lambert said no.

Ms. Kearney mentioned that we are reviewing the plans and that it is possible that during the review something could come that requires Zoning relief, as of now we are not aware of anything.

Mr. Orlow made a motion to approve the extension of time within the Board must act on the Bishop Tube plan until December 26th, 2023. Mr. Fixler seconded the motion. The motion was passed unanimously.

Bacton Hill Park opening, and Ebenezer Church AME Church sign dedication took place September 9, 2023, and both events were well attended. Click below to see video of Park opening Day!

[East Whiteland Township Bacton Hill Park Grand Opening - YouTube](#)

Bulk Trash Pickup scheduled for October 3rd through the 6th and drop-off is scheduled for October 7th at the Public Works Garage any time between 7am and 2pm

Trunk or Treat – October 28th 2pm-4pm (Rain Date October 29th 4pm)

Board Motions & Resolutions:

Approve ARPA mini-grant awards – This was tabled till next month meeting October 11, 2023.

Approve Exoneration of 2021 taxes (\$336.13) for Atwater HOA open space – Mr. Fixler made a motion to approve, Mr. Orlow seconded the motion. The motion was passed unanimously.

Approve Resolution 23-2023 Recognizing September 18-22, 2023, as Transportation Demand Management week - Mr. Orlow made a motion to approve, Mr. Fixler seconded the motion. The motion was passed unanimously.

Public Hearing:

Zoning Text Amendment related to Signs in ROC/R Regionally Oriented Commercial-Residential District Developments (Section 200-89.1)

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. Ms. Kearny opened the Zoning Text Amendment related to Signs in ROC/R Regionally Oriented Commercial-Residential District Developments (Section 200-89.1) at 7:05am. Ms. Kearney reconvened into the regular Board meeting to vote. Mr. Fixler made a motion to approve, Mr. Orlow seconded the motion; the motion was passed unanimously.

Motion to Award:

Approve the sale of the 2015 Dodge Ram for \$27,600 - Mr. Fixler made a motion to approve, Mr. Orlow seconded the motion; the motion was passed unanimously.

Motion to Advertise:

Approve to advertise for the Ravine Rd slope stabilization project - - Mr. Orlow made a motion to approve, Mr. Fixler seconded the motion. The motion was passed unanimously.

Approve to advertise for the 2023-2024 Diesel and Oil fuel bid - Mr. Fixler made a motion to approve, Mr. Orlow seconded the motion; the motion was passed unanimously.

Planning & Development:

Consider Execution of the Following Conditional Use Decisions:

CU-02-2023 for Chester County Intermediate Unit at 40 Moores Road

Mr. Barner explained this was approved at the August meeting and this is a formalization.

Mr. Orlow made a motion to approve, Mr. Fixler seconded the motion. The motion was passed unanimously.

Consider Rendering a Decision on the Following Development Applications:

WLD-08-2023 – Waiver of Land Development for Farm Boy BBQ Smoker Farm Boy BBQ- Waiver of Land Development to construct an 837 square foot smokehouse to house two meat smokers in an existing parking lot

in the Atwater Commercial development. The property located at 625 Morehall Road is in the O/BP Office Business Park Zoning District. Mr. Fixler asked if Farm boy is leasing the property and is the owner aware of this, what happens to this structure if the Farm boy moves on. Mr. Barner said he would imagine they would need to remove as part of their lease, we have a letter of consent from the owner, and they will also be required to sign the resolution so they will be abundantly aware of what is going on. Ms. Kearney said there is a as-built condition there and the owner is required to sign.

Mr. Fixler made a motion to approve; Mr. Orlow seconded the motion. The motion was passed unanimously.

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

Master Plan for Great Valley Corporate Center Redevelopment (Philadelphia Suburban Development Corporation) until November 8, 2023.

Mr. Orlow made a motion to approve, Mr. Fixler seconded the motion. The motion was passed unanimously.

Final Plan Land Development for Bishop Tube Redevelopment (Constitution Drive Partners) until December 26, 2023 - This was approved at the beginning of meeting.

Consider Approval of Request for Waivers from Stormwater Management Ordinance for the Following Applications:

ES-17-2023 for 65 Great Valley Parkway (Building M-6) – Various Sections Related to Infiltration, Groundwater Recharge, and Pipe Diameter

Janssen is undertaking a number of projects throughout the Great Valley Corporate Center – ranging from expanded lab space and generator projects, to drainage improvements and enhanced pedestrian access. Given the developed nature of the Center, the layout of existing utilities, and the propensity for sinkhole formation – these projects have proven more complicated than they might otherwise be in a new development. This is made more difficult when combined with zoning challenges resulting from existing non-conformities associated with the older zoning requirements from the original development of the Center.

This project features new sanitary sewer connection and new domestic water service connection; an accessible pathway near the front of the building that provides accessible connections to sidewalks along Great Valley Parkway; and a drainage system designed to convey runoff and sub-surface water away from the front of the building where there have been issues with water entering the building.

The project also includes a new electrical service, emergency generator, and bulk lab gas tanks on existing pavement in the rear of the building.

Due to the issues outlined above (and others in the waiver request letter) the applicant is seeking relief from certain requirements related to infiltration, groundwater recharge, and pipe diameter.

Mr. Fixler made a motion to approve; Mr. Orlow seconded the motion. The motion was passed unanimously.

Approve Partial Release of Financial Security related to Sanitary Sewer Improvements by Bacton Investment Partners.

Ms. Kearney gave background on this: The Township approved the final plan on August 12, 2020. The land development agreement was not entered into until July 21, 2022. A letter of credit was provided to the Township, of which \$155,000.00 was for sewer construction.

Attorney Matt McKeon represents the developer and the issue of the construction of the sewer has come up because Aqua owns the system at this point. Attorney McKeon is requesting the Township release \$155,000 for sewer from the Township letter of credit.

Aqua has indicated what is agreeable to as to Attorney McKeon's requests in its 9/11/23 letter. Aqua is agreeable to having EWT as a second named beneficiary and agreed to the amount of \$155,000.00. Aqua will hold 20% of the LOC as security for a period of 18 months and the Township will remain on the LOC. Aqua normally does 20% for 1 year and asked that be extended to 18 months since the MPC is 18 months. Aqua agreed and set that forth in its 9/11/23 letter.

Mr. Lambert made a motion to agree to release \$155,000 of the letter of credit held by the Township subject to developer entering into a letter of credit with Aqua in the same amount with the Township named as a second beneficiary and subject to a 20% letter credit being held as security for a period of 18 months.

Mr. Orlow seconded the motion; the motion was passed unanimously.

Mr. Lambert made a motion to extend the time period to complete improvements from 7/21/23 to 7/21/24 subject to developer providing as-builts to the Township by a registered professional land surveyor.

Mr. Fixler seconded the motion. The motion was passed unanimously.

Consider Authorizing Hearing Dates and Advertising for the Following Ordinance Amendments:

Zoning Text Amendment related to the MF Multifamily Route 30 Overlay District (Section 200-39.4) – Ordinance Text Only, No Map Amendment

Mr. Lambert clarified this by no means changes the zoning on these properties and does not allow addition building of apartments. This is just for landscape design work. This is an amendment providing more uniformity. Mr. Orlow said the area that is already included already Yard at Malvern, to the west U-Haul, Wawa, Tire place and the Zen Leaf. Mr. Barner said yes, we did not modify the density, he believes it's 40 units per acre. This can be tweaked for changes in the future.

Mr. Orlow made a motion to approve the hearing date of November 8th and advertising for Zoning Text Amendment related to the MF Multifamily Route 30 Overlay District (Section 200-39.4) – Ordinance Text Only, No Map Amendment Zoning Text Amendment related to the MF Multifamily Route 30 Overlay District (Section 200-39.4) – Ordinance Text Only, No Map Amendment.

Mr. Fixler seconded the motion. The motion was passed unanimously.

Consider Letter of Support for the Following Grant Applications:

Greenways, Trails, and Recreation Program (GTRP) Application by Green Fig Land for Afforestation and Landscaping of Former Malvern Hunt Sewage Treatment Plant Informal Presentation of Development Application:

The developer of the data center project along Swedesford Road (Green Fig) is proposing to create a woodland area (a process known as "afforestation") on top of the remediated sewer lagoons that previously served the

Malvern Hunt neighborhood. The lagoon property is owned by the Township; however, the developer has an arrangement in place to provide access to the larger development tract to the south by traversing this property. The afforested area would ultimately become part of the overall landscaping associated with the project and would provide a buffer for the surrounding properties. The developer is seeking grant funding through DCED's Greenways Trails and Recreation Program (GTRP) to fund the purchase of the trees, which is estimated at around \$217,000. The Board agrees that this is a fantastic addition.

Mr. Fixler made a motion to send a letter of support. Mr. Orlow seconded the motion. The motion was passed unanimously.

Master Plan for Great Valley Corporate Center Redevelopment (Philadelphia Suburban Development Corporation)

Greystar Development intends to develop the fifteen-acre (15 ac.) Phase I portion of the GVCC Master Plan for multifamily apartments in accordance with provisions of the Great Valley Revitalization District Overlay (GVR). Greystar is proposing a 400 multi-family apartment community consisting of 230 Market-Rate and 170 Age-Restricted rental units within 3-multi-story buildings. Notwithstanding the residential buildings, a multi-level parking structure for +/- 400-cars is integrated into the Mark-Rate Apartment building while an additional +/- 200 surface parking spaces, and garages, are proposed to support the parking needs of the Age-Restricted apartment site. Mr. Barner said we are just providing an update and does not need any motions tonight.

Mr. Lambert said this has been around for several years, the end result is significantly smaller than the original plan.

Mr. Orlow asked is there a user for the commercial part of this, Mr. Barner said they are in discussion with a potential tenant. The next step is to approve the master plan then on to land development.

Zoning & Code Enforcement: Mr. Mateja gave a brief update on the Pioneer gas station and how work had been started and the machine broke, and all work ceased and has not restarted. He also mentioned the initiative-taking enforcement is continuing in Brin Erin development and warnings are being issued.

Public Comment:

Ms. Barb Arnold asked Mr. Lambert to explain his comment about bio retention at Bishop tube. Mr. Lambert said at the DEP meeting an issue that was brought up Bio Retention area that must be put on the side around little Valley Creek. Depending on the findings, could determine or have an impact on the design area, which can affect the use.

Consent Agenda:

Approve Meeting Minutes from August 9, 2023

Ratify Payment of Bills: \$634,570.96 (August 2023)

Accept Treasurer's Report as of July 31, 2023

Approve 2024 Minimum Municipal Obligations (MMO) for Township Pension Plans in the amount of \$1,317,225.00 combined total includes Police, Fire, and non-uniform.

Approve Payment to Innovative Construction for the 2023 Road Paving Project (\$425,049.30)

Approve Bacton Hill Park – Meco Construction Payment Request #11(\$80,354.10)

Ratify Contract with Chester County for Vision Partnership Program Grant for Zoning Ordinance Update (funding in the amount \$50,000 from County)

Accept Proposal and Scope of Work from Bergmann/Colliers for Zoning Ordinance Update for a price not to exceed \$115,000 (funded in part by County)

ARRO Proposal for \$24,750 for ADA Improvements at Valley Creek Park

Approve Board of Supervisors and their dependents optional participation in non-uniform non-union health and insurance plans

Mr. Orlow made a motion to approve, Mr. Fixler seconded the motion. The motion was passed unanimously.

Adjournment – 8:05pm

Donna Wikert

Board Secretary