

## **EASTTOWN TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING MINUTES OF MARCH 21, 2016**

The March 21, 2016 Business Meeting took place in the Township meeting room at 566 Beaumont Road, Devon and was called to order at 7:00 pm. Supervisors present included: Christopher D. Polites, Chairman; James W. Oram, Jr., Vice Chairman; Marc J. Hepe, Betsy Fadem, and Fred Pioggia. Also attending were Dan Fox, Township Manager; Eugene C. Briggs, Jr. AICP, Assistant Township Manager; Scott Albee, Police Lieutenant; Kate Jones, Administrative Coordinator; Andrew D. H. Rau, Esquire, Township Solicitor; and Joseph E. Brion, Esquire, Planning Commission Solicitor.

### **MINUTES**

On motion by Mrs. Fadem, and seconded by Mr. Oram, the minutes of the regular business meeting of March 7, 2016 were unanimously approved.

### **ANNOUNCEMENTS**

Chairman Polites announced that the Board met in executive session prior to the meeting to discuss legal and personnel matters.

Township Administrative Offices will be closed on Friday, March 25 in observance of the Good Friday holiday.

The next Board of Supervisors meeting is on Monday, April 4, at 7 pm at the Easttown Township Building.

In addition, sub groups of the Easttown Township Comprehensive Task Force will meet on evenings in upcoming weeks. Please check [www.easttown.org](http://www.easttown.org) for more information.

### **LIST OF BILLS**

On motion by Mr. Oram, seconded by Mr. Hepe, the Board unanimously approved payment of \$327,596.33, a total of Warrants (\$182,157.96) and Payroll (\$145,438.37), date ending March 17, 2016.

### **SUPERVISOR LIAISON REPORTS**

Mrs. Fadem and Mr. Hepe met with Berwyn Fire Company Chief, Eamon Brazunas, to discuss funding issues. Specifically, the Company is losing money on ambulance calls and seeks future coordination with the Township to address this and other pending financial issues. Mrs. Fadem suggested asking the

Easttown Citizens Advisory Committee to complete an analysis of the current Township funding for the Berwyn and Paoli Fire Companies and look to develop for future funding.

Mrs. Fadem also noted that she, Mr. Fox, Mr. Briggs, and Mr. Polites attended the Chester County Association of Township Officials annual meeting on March 10, 2016, and found it to be very informative.

Mr. Pioggia stated that he attended the Township's annual egg hunt on March 19, 2016 and it was well attended. In addition he noted that he will attend upcoming meetings for the Comprehensive Plan Task Force and Hilltop House subcommittees.

Mr. Polites told the Board that he and Mr. Fox attended the Library Board meeting on February 17, 2016, and that, because of the recommendation of a citizen who had attended a previous meeting and made the suggestion, that the Board considered and adopted a plan to reroute the Easttown Public Library's parking lot. In the spring, the entrance and exits of the lots will be switched to improve flow and alleviate congestion on First Avenue.

## **DEPARTMENTAL REPORTS**

Mr. Briggs updated the Board on planning and zoning projects, including subdivision application number 507, 435 Beaumont Road, which is an agenda item at this meeting and land development application for 4 Midland Avenue, subdivision applications 508, 72 Main Avenue, and 509, Dorset Green, which are scheduled for review by the Planning Commission at its public meeting on April 5, 2016.

Mr. Briggs also updated the Board on a complaint received for several properties in the Township, as submitted by Joseph Kohn, Esq. on March 7, 2016. The complaint focused on Zoning Use concerns on the former Waterloo Garden properties now owned by Waterloo Devon, L.P., Property Maintenance concerns on the old gas station property owned by the Devon Horse Show, and Property Maintenance concerns on the lumber yard owned by Fritz Lumber.

For the above noted properties, Mr. Briggs performed site investigations between March 8, 2016 and March 11, 2016 to confirm the existence of Zoning and Property Maintenance violations. After violations were confirmed, he spoke with each property owner or property representative to request voluntary compliance within 30-days. If compliance is achieved, then they will avoid receiving either Non-traffic Citations for Property Maintenance violations or Notices of Violation for Zoning violations, as is the standard practice in addressing Code violations.

Lt. Albee was in attendance to answer any questions regarding the Police Department.

## **NEW BUSINESS**

### **Pension Fund Review; PFM**

Margaret Belmondo, of PFM Asset Management, was in attendance to present a year to date report of police and non-uniform pension investments for the Township, at the request of the Pension Committee.

### **SD 507 – 435 Beaumont Road; Final Minor Subdivision Application**

Mr. Briggs introduced this project to the Board. The Subdivision Application was received on January 11, 2016. This Plan proposes to reconfigure four lots, three vacant and one residential, into two residential lots for the construction of a new single-family detached dwelling. The Planning Commission last reviewed SD 507 on March 1, 2016 and recommended that the Board considers approving the Plan, subject to the conditions listed in its March 9, 2016 letter prepared by Buckley Brion McGuire & Morris LLP.

The Applicants, Thatcher and Lloyd Brown and their daughter Quincy, were in attendance to request that the Board waive the requirement for sidewalks without having to make a substantial fee-in-lieu of contribution. The Browns have already made an arrangement with the Brandywine Conservancy to keep the rest of the property undeveloped, when each lot was previously developable under the original conservancy agreement. After discussion, the Board decided that this is a special exception to the fee-in-lieu clause and instructed Staff to consider this exception when determining a fee.

Louise Story, of 2060 Buttonwood Road, asked that if the sidewalk requirement would still be triggered if the property remained with the same property owner. Mr. Rau responded that it would, regardless of owner.

On motion by Mr. Polites, seconded by Mr. Oram, the Board unanimously granted approval of Subdivision Application 507 for 435 Beaumont Road, subject to the following conditions:

1. That the Applicant complies with the outstanding comments in the following Township Consultant review letters referenced in the Township Planning Commission's March 9, 2016 recommendation letter:
  - Township Engineer Review Letter dated February 22, 2016.
  - Township Landscape Architect Review Letter dated February 19, 2016.
  - Township Transportation Engineer Review Letter dated February 19, 2016.
2. The four waivers as requested by the Applicant with the conditions referenced in the Township Planning Commission's March 9, 2016 recommendation letter are granted:

- Section 400-34.A – to not widen Church and Beaumont Roads.
  - Section 400-41 – to not provide curbs and sidewalks, but instead provide a fee-in-lieu of sidewalks for the portion of Lot 2 that fronts Church Road in an amount to be determined by the Township Engineer and Township Staff.
  - Section 400-58 – to not require public facilities.
  - Section 400-68 – to not provide concrete monuments for portions of the lot boundary located along or within the stream.
3. The Applicant shall comply with Township permitting and development requirements, including but not limited to, execution of final land development agreements and financial security, and permit applications.
  4. The Applicant shall reimburse the Township for all outstanding fees and charges incurred by the Township in processing and considering the Subdivision and Land Development Application, including but not limited to legal, engineering, and consulting review fees.
  5. The proposed use and development, and intensity thereof, shall be consistent with the information and materials presented at tonight’s public meeting.

Mr. Rau, who has a professional conflict with the Devon Center Overlay Ordinance, left the meeting. Joseph E. Brion, Esquire, was in attendance to serve as Township Solicitor.

**Devon Center Overlay Ordinance; Authorize Review per Pennsylvania Municipalities Planning Code**

On March 15, 2016, the Township received a new petition from Waterloo Devon, L.P., Urban Outfitters, Inc., and Anthropologie, Inc. to revise its proposed Devon Center Overlay District Ordinance amending Chapter 455 Zoning with an overlay district for the former Waterloo Gardens property and select adjacent properties. The revisions establish a maximum number of dwelling units of 100 and limit the height of apartment buildings to 50 feet and 4 stories within a Unified Development.

Mark Ward, of 208 Dorset Road, asked Staff to clarify why it was sending the draft ordinance to the Chester County Planning Commission at the same time that it is being reviewed by the Township Planning Commission. Mr. Fox responded that this draft only had two changes in this review process.

Martin Cappelletti, of 1129 Waterloo Road, asked Staff if the Applicant had conceded the two changes listed in the draft ordinance as a compromise with neighboring residents. Mr. Fox responded that the Applicant had.

Mr. Fox added that there will be a special Planning Commission meeting and a Board of Supervisors Public Hearing at Beaumont Elementary School in the near future to discuss the draft ordinance. The Public Hearing is tentatively scheduled for May 5, 2016.

On motion by Mrs. Fadem, seconded by Mr. Oram, the Board unanimously accepted the revised proposed Devon Center Overlay District Ordinance and authorized Staff to process the revised draft Ordinance in accordance with the MPC.

### **OLD BUSINESS**

None

### **PUBLIC FORUM**

Patrick Scanlon, of 220 Dorset Road asked the Township to clarify why it took residents' signs regarding the Devon Yard project. Mr. Fox stated that it was a miscommunication with the Public Works Department and that it had been rectified.

### **ADJOURNMENT**

The meeting adjourned at 8:50 pm.

Respectfully submitted,

Kate Jones  
Assistant Township Secretary