

East Bradford Township Board of Supervisors Regular Meeting Minutes August 7, 2018

The August regular meeting of the East Bradford Township Board of Supervisors (BOS) was held on August 7, 2018 in the East Bradford Township Building, 666 Copeland School Road, West Chester, County of Chester, PA 19380-1822. This rescheduled meeting was advertised in the Daily Local News on Friday July 27, 2018.

Board members present:

Vincent M. Pompo, Esquire, Chair
John Snook, Vice Chair
J. Patrick Davis, Member

Board members absent: None

Staff/Professionals present:

Mandie Cantlin, Township Manager/Secretary
Mark Lucas, P.E., Township Engineer
Melissa Needles, Zoning Officer
Thomas Comitta, AICP, CNU-A, RLA

Staff/Professionals absent:

Michael P. Lynch, Director of Finance
Rich Phifer, Property and Recreation Director
John Carroll, Director of Public Works
Andrew Rau, Township Solicitor

Approximately 25 guests were in attendance.

CALL TO ORDER: The meeting was called to order at 6:00 p.m. by Chair Pompo.

EXECUTIVE SESSION: The Board of Supervisors convened in executive session from 5:30 pm to 6:00 pm to discuss legal matters. All Supervisors were in attendance along with staff.

BRAINSTORMING SESSION: Thomas Comitta was in attendance to discuss the scope of possible amendments to bed-and-breakfast and event regulations. There are two main factors that are driving this discussion. Within the last year, the Township has considered applications for two bed and breakfast estate uses and the Board is concerned that the current ordinance has not adequately addressed all of the applicable factors. In addition, the Supervisors want to ensure the Township is protected from the negative impacts of a large commercial event.

The Board clarified that any new ordinance or ordinances will not impact the present conditional use application (The Farm @ 415 Birmingham), although the applicant may be able to take advantage of new provisions in the future. The Board's intention is not to allow, prohibit, extend, or restrict any aspects of the current application.

Finally, the Board clarified that tonight's meeting was advertised on July 27, 2018. In an attempt to keep interested parties informed, the Township has provided additional announcements of this session. Agendas for all meetings are posted on the website (<https://www.eastbradford.org/government/boards-commissions/>) several days in advance to inform people about the intended topics of discussion

Mr. Comitta introduced himself and summarized his planning background. He encouraged the Board to contemplate its fundamental goals in this effort. In his experience, efforts such as this can become complex and it can be helpful to have a central guiding principle to ground the process. In terms of

ordinance format, he anticipates that an amended ordinance would address the following elements: purpose, categories of uses, conditions of eligibility, area and bulk standards, design standards, and exemptions. He also suggested that the Board consider an incremental approach by amending the ordinance to address known problems and then fine-tuning it in the future as needed. Finally, he suggested that it may be beneficial to deal with particularly undesirable events (e.g. large commercial affairs) in the nuisance regulations, outside of the confines of the Zoning Ordinance.

The Board announced its intention to separate the bed and breakfast use provisions from the event provisions (which are currently combined as the Bed and Breakfast Estate use) so that they can be applied separately or together depending on the desires of an applicant:

1. Event regulations

- a. Minimum tract size. There was general agreement that a minimum tract size would be desirable. However, property size may not attend to all impact considerations. It is important to address effects to neighboring residents as well. Once a size parameter is determined, mapping tools could be used to identify the properties in the Township that would meet the criteria, which could further inform planning.
- b. Zoning districts. After discussion, there was general agreement that using zoning districts as a guiding eligibility factor may not be beneficial. There could be appropriate event properties in dense zoning districts and inappropriate properties in rural districts. It seems more appropriate to determine eligibility via other methods.
- c. Historic structures. Currently, the Bed and Breakfast Estate use is limited to Class I historic resources. The original intent was to incentivize the adaptive reuse of historic structures, which can be costly to maintain. There was discussion about broadening this use to non-historic structures, which Mr. Snook noted would negate the use as a unique incentive for historic property owners. Retaining this limitation would also function as a limiting factor. The Board did not reach a definitive conclusion on this topic.
- d. Approval mechanism. Bed and Breakfast Estate uses currently require conditional use approval, which provides a mechanism for neighbor notification and involvement as well as for the imposition of conditions. There was discussion about using a more streamlined method (zoning permit) for smaller events (e.g. under 75 guests).
- e. Minimum occurrences. There is currently no limitation with regards to the number of events per week/month/year. Limitations to occurrences could be considered in tandem with number of guests and tract size. So, a property owner might be able to have many small events, but fewer large events.
- f. Number of guests. As noted above, limitations to the number of guests could be considered in tandem with occurrences and tract size.
- g. Safety and emergency preparedness. Requirements pertaining to safety and emergency response could be associated with the size of the event. For particularly large events, an applicant might be required to obtain fire police or police to direct traffic and be on stand-by for emergencies. In addition, the applicant might have to pay for those services as part of that specific event.
- h. Access. Areas that are more rural may be more desirable for events but may pose access challenges (e.g. narrower roads). Level of transportation service needs to be a consideration.
- i. Parking. Parking requirements should be tied to the number of guests. Regulations should address nuances such as valet parking and bussing from a remote location.

- j. Environmental considerations. Event uses should be prohibited in floodplains.
 - k. Nonconformities. The Township needs to consider how an amendment to the ordinance would impact locations that are currently conducting events (e.g. Brandywine Picnic Park, CCWA-Paradise Farm Camps). These uses may be grandfathered in some respects but may be asked to comply with others (e.g. safety and emergency preparedness).
 - l. Definitions. Attention will be needed to carefully craft appropriate definitions. The following factors might be incorporated into event definitions (or addressed elsewhere in the ordinance):
 - i. Requirement that guests be invited by the host.
 - ii. Exemption for family events (wedding, funeral).
 - iii. Exemptions for political and non-profit events where the property owner is the sponsor of the event.
 - iv. Exclusion of "agritainment"-type events and uses (winery, brewery, farm to table, haunted hay rides).
2. Bed and breakfast regulations – There was less discussion about bed and breakfast uses. There are currently two "B&B" uses – Facilities and Estate. There are overlapping provisions.
- a. Minimum tract size. Not needed.
 - b. Approval mechanism. Bed and Breakfast Estate uses currently require conditional use approval (not required for Facilities), which provides a mechanism for neighbor notification and involvement as well as for the imposition of conditions. There was discussion about using a more streamlined method (zoning permit) for B&Bs.
 - c. Definitions. Again, definitions warrant attention. A definition might require that the use be owner-occupied and that breakfast be served (which would exclude most Airbnb uses). Airbnbs could be addressed as a short-term rental.
3. Public comment
- a. Mark Ouimet asked whether the Township is fixing a problem that does not exist. The Township already has provisions, which he believes are adequate. There are only two approved Bed and Breakfast Estates in the Township (and one pending) – is this that big of an issue?
 - b. Julie Gear observed that alcohol consumption is typically associated with events. She is concerned about inebriated guests leaving events located in residential areas precisely when new teenage drivers are returning home to comply with the mandated curfew. She worries about the Township broadening this use. Mr. Pompo clarified that one of his goals is to ensure that event use is well defined and delimited (which it is currently not) to prevent unintended events.
 - c. Dottie Soland observed that there is an inconsistency in notice provisions and that the Zoning Hearing Board notice requirements contain the following caveat: "...failure to give notice as required by this subsection shall not invalidate any action taken by the Board." She is opposed to this allowance. She mentioned that the approval of nearby Whitewing Farm raised similar concerns. She also noted that Grace Winery in Delaware County is limited to 140 guests. She encouraged Board to consider an acre per person formula.
 - d. Pattie Lechmanik has concerns with events (not so much with B&Bs). Event use of a residential property is tantamount to allowing a level of commercial use in a residential

area. She recognizes that there is a continuum of commercial use – from the small events to large commercial venues. At what point on this continuum do events become incompatible with their residential surrounding? She is a proponent of strict parameters. Julie Gear agreed and noted that the Wawa in the Borough – which is a commercial use – has 65 parking spaces. She drew this comparison because an event use could require even more parking.

- e. Pat Comerford owns a large residential/agricultural tract that is subject to a conservation easement. He has envisioned using his property for events in the future. While he understands the concerns raised by others, he does not want to see the use eliminated or made too onerous. He is a proponent of the use being limited to historic properties.
- f. Tony Biacchi (Chair, Planning Commission) observed that the Board needs to address existing anomalies (e.g. Picnic Park, WCU, CCWA). He also believes the Township needs to recognize issues associated with alcohol consumption and associate the number of guests and occurrences to characteristic parameters (e.g. tract size and setting). The use of accessory structures should be considered.
- g. John Barrett noted that the current regulations are inconsistent and ambiguous – these problems need to be addressed. He sees three potential ordinances – one for B&Bs, one for special event venues (commercial), and a third for special events (noncommercial). He perceives that the Township is focused on property characteristics and urged the Board to consider the impact of events from the human standpoint – how will the use impact the neighborhood and the community setting? Julie Gear agreed. She recognizes the need to balance the rights of large property owners (like the Comerfords) and noted that there is not a one-size-fits-all solution; each property is unique.

The Supervisors thanked the public for their input. Mr. Pompo suggested the other members ruminate on the discussion so that the Board is in the position to give Mr. Comitta direction in September.

ANNOUNCEMENTS

1. Conditional Use Application for 415 Birmingham Road (B&B) – August 16 (6:00 pm)
2. Summer Concert Series; Thursdays in August (August 2-23) (6:30 pm) at East Bradford Park
3. Pickleball Clinic; August 11 (9:00 am) at East Bradford Park
4. Stargazing; September 14 (7:30 pm) at Starr Farm Park
5. Fall Foliage Field Trip; October 20 (8:00 am) at Hopewell Furnace National Historic Site

PUBLIC COMMENT: None

CONSENT AGENDA

Mr. Davis made a motion to approve the consent agenda, consisting of:

1. Minutes from:
 - a. July 10, 2018 6:00 pm (work session)
 - b. July 10, 2018 7:00 pm (regular meeting)
 - c. August 2, 2018 12:00 noon (work session)
2. Recognition of executive sessions on:
 - a. July 10, 2018 (personnel)
 - b. August 2, 2018 (real estate and litigation)
 - c. August 7, 2018 (litigation)
3. Bills to pay for August 2018
4. Resolution to dispose of records (Resolution 19-2018)

Mr. Snook seconded the motion. There was no further discussion and no public comment. The motion passed unanimously.

BUSINESS

1. SD #643 Cornwell – Carl “Bunny” Meister was present on behalf of the applicant. The Board confirmed that the properties will be deed restricted from further subdivision.

Mr. Snook made a motion to approve the Preliminary/Final Subdivision Plan for John Cornwell dated December 28, 2017 (last revised May 30, 2018) consisting of three sheets. In making the recommendation, Mr. Snook also recommended granting the following waivers/modifications on the basis that no construction is proposed with this application:

- a. Section 95-13.A.(5)(a) requiring an existing conditions presentation plan.
- b. Section 95-13.A.(5)(b) requiring a proposed improvements presentation plan.
- c. Section 95-13.C(2)(c) requiring that existing easements, rights-of-way, public lands, monuments, and other similar features be shown on the plan.
- d. Section 95-13.C(2)(d) requiring that existing rights-of-way, easements, streets, railroads, sewer, water mains, other utilities, watercourses, buildings, or other man-made features within 400 feet of the property be shown on the plans.
- e. Section 95-13.D(17)(a thru f) requiring a preliminary stormwater management plan.
- f. Section 95-13.D(18) (a thru c) requiring grading, excavation, erosion, and sedimentation control plans.
- g. Section 95-14.C(3) requiring existing easements, rights-of-way, public lands, monuments, and other similar features.
- h. Section 95-14.C.(4) requiring significant man-made facilities on the tract and within 50 feet of the boundaries of the tract.
- i. Section 95-14.C(16) requiring a complete soil erosion and sedimentation control plan.
- j. Section 95-14.C(18) requiring existing natural features within 50 feet of the proposed subdivision.

Mr. Snook’s recommendation was conditioned on:

- a. Compliance with all remaining professional review comments.
- b. DEP approval of the non-building waiver.

Mr. Davis seconded the motion. There was no further discussion and no public comment. The motion passed unanimously.

2. Broad Run Bridge – On August 3, 2018, the following bids were submitted via PennBid:

a. Flyway Excavating	\$409,490.00
b. Road-Con, Inc.	\$411,720.00
c. DOLI Construction Corp.	\$412,012.01
d. JMC Contractors, Inc.	\$418,008.00
e. DiRocco Bros., Inc.	\$450,840.00
f. Eastern Highway Specialists	\$480,097.00
g. A.J. Jurich, Inc.	\$554,040.00
h. Bill Anskis Co., Inc.	\$557,830.00
i. Column Construction	\$663,742.40

Carroll Engineering reviewed the bids and is recommending Flyway Excavating Inc. as the lowest qualified bidder in the amount \$409,490.00. The engineer’s estimate was \$400,000. This base amount does not include \$11,814.00 for a decorative façade treatment. There was discussion about the façade and Mr. Lucas noted that the façade of the new bridge will be more visible because the railing will be replaced with parapet walls. Mr. Snook made a motion to award the

bid – inclusive of the façade treatment – to Flyway Excavating (\$421,304.00 total). Mr. Davis seconded the motion. There was no further discussion and no public comment. The motion passed unanimously.

Craig Gear asked about the accident that initiated this project. The Board recounted that the bridge was damaged by a vehicular accident in July 2017. A subsequent inspection indicated that the damage caused by the accident was limited to the bridge railing and railing support system, but it also revealed that the bridge foundation had been undermined by high water levels in Broad Run to the point where the bridge can no longer safely convey expected traffic loads. Pattie Lechmanik inquired about the soundness of the façade price; Ms. Cantlin responded that Flyway's price is consistent with the other bids.

3. Strobe Property American Battlefield Trust Grant – The Township is in receipt of a grant agreement from the American Battlefield Trust. The Trust awarded \$20,000 for the Strobe acquisition project. Mr. Davis made a motion to approve the grant agreement. Mr. Snook seconded the motion. There was no further discussion and no public comment. The motion passed unanimously. Mr. Pompo announced that the Township recently launched a planning process to study Plum Run Corridor (inclusive of the Strobe property, the Strobe's Barn, and portions of the Tigue tract). Information about this effort is available on the website; all meetings are open to the public.

PUBLIC COMMENT: None

NEXT MEETING: The next meetings of the Board of Supervisors are scheduled for August 16, 2018 at 6:00 pm (conditional use hearing), September 6, 2018 at 12:00 noon (work session), September 11, 2018 at 6:00 pm (work session), and September 11, 2018 at 7:00 pm (regular meeting).

ADJOURNMENT / CONTINUANCE: At approximately 8:10 pm, the Board unanimously agreed to adjourn the meeting.

Mandie Cantlin
Secretary