

East Bradford Township Board of Supervisors Work Session Meeting Minutes May 12, 2020

The May work session meeting of the East Bradford Township Board of Supervisors (BOS) was held on May 12, 2020. In an effort to minimize public exposure to COVID-19 and maintain social distancing, the meeting was held via Zoom teleconferencing. A public notice was published in the Daily Local News on May 4, 2020. The agenda and dial in numbers were also posted on the Township website at <https://www.eastbradford.org/government/boards-commissions/> on May 11, 2020.

Board members present:

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

Board members absent: None

Staff/Professionals present:

Andrea Campisi, Director of Planning and Zoning
Mandie Cantlin, Township Manager/Secretary
Mark Lucas, P.E., Township Engineer
Rich Phifer, Property and Recreation Director

Staff/Professionals absent: None

Randy Behmke, Director of Public Works
Rich Hicks, Building Code Official/Fire Marshal/Codes Enforcement Officer/Deputy Zoning Officer
Michael Lynch, Director of Finance

Three guests (including applicants) were in attendance.

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

PUBLIC COMMENT: Mr. Pompo asked if any public comment was received via email in advance of the meeting. Ms. Cantlin confirmed that no comments were received. No comments were received during the meeting.

BUSINESS

1. SD #641 West Chester Crossing (DLN) – The applicant, Toll Brothers, was present and represented by Andrew Semon and Lou Colagreco, Esquire. There was discussion about the draft conditions of approval:
 - a. The draft conditions included a requirement that the proposed crosswalks at the intersection of Strasburg Road and N. Bradford Avenue be upgraded to either stamped or thermoplastic ladder style crosswalks or other similar treatment approved by PennDOT. This requirement originates from the conditional use decision. The applicant indicated that they will do whatever PennDOT wants, which will likely be thermoplastic. Mr. Colagreco will draft revised language for this condition.
 - b. In the event that Bradford Square does not provide the necessary approval and easements for the proposed trail, the applicant suggested language that would require the Township to take steps to acquire the same. The applicant agreed to construct the trail if said approval and easements are obtained within three years from plan recordation. Mr. Pompo suggested that the applicant cover the cost of acquisition, assuming this improvement is to be credited against the open space fee. Mr. Colegreco will discuss this with Mr. Semon.
 - c. The condition that requires that a sidewalk be installed when the driveway to Ace Hardware is constructed can be deleted. The right-of-way for this connection will be granted to the Township, so the Township will have this discretion. Whoever constructs the driveway connection should install the sidewalk.

- d. The condition that requires the applicant to provide plantings within the 40-foot easement connecting the site to Ace can be removed. The Board is amenable to the proposed shrubs, given that any plantings would have to be removed to install the driveway.
- e. The condition that requires the applicant to provide a revised landscape plan for the southern and southwestern property lines can be removed. The applicant's arborist will re-evaluate the remaining 20-foot evergreen buffer along the southern and southwestern property lines prior to completing clearing operations to determine if any further action should be taken with respect to removal of dead or dying trees and invasive plants/vines. Mr. Colagreco will amend this condition to indicate that plan changes will require Township approval.
- f. The applicant is proposing to amend the condition that requires all proposed zelkova trees along N. Bradford Avenue to be placed between the curb and sidewalk. If there are overhead utilities that would conflict with this placement, the applicant wants to retain some flexibility.
- g. With regards to the fee in lieu of recreational open space, the applicant is proposing three credits against the \$323,680 fee:
 - i. A \$67,034 credit for the community open space provided
 - ii. A \$35,000 credit for the cost to install the walkway along Bradford Square
 - iii. A \$75,000 credit to install the crosswalk to the shopping center

These credits are not typical. However, Board members noted that the R-Residential Overlay is unique, with design standards unlike other districts. Mr. Pompo indicated that he would be amenable to the \$35,000 and \$75,000 credits, but not for the open space. Mr. Davis and Mr. Snook were amenable to all proposed credits, given the unique nature of the development. In the end, the Board indicated support of a fee in lieu of open space in the amount of \$150,000 to be paid on a lot-by-lot basis at the time of certificate of occupancy. Mr. Lucas cautioned that the Board might consider an amendment to the R-Residential Overlay to protect against setting a precedent. The applicant will also draft language to incorporate to the conditions of approval in this regard.

The applicant will submit further revised elevations along with revised conditions of approval for the June 4 Board works session.

Before closing, the Board discussed the pole color for the pedestrian signal. They agreed that black is acceptable but would be amenable to an alternative (e.g. galvanized) if required by PennDOT.

2. Darlington Ridge Escrow Release #1 – Toll Brothers is requesting reduction of the performance guarantee secured by bond for the referenced project. Based on an inspection completed by Carroll Engineering Corporation and their representatives' recommendations, Mr. Lucas is recommending reductions in the amounts of \$780,931.56 for the general site work completed and \$645,247.67 for the sanitary sewer system installation completed, totaling an overall reduction of \$1,426,179.23. Mr. Snook made a motion to approve a total escrow release in the amount of \$1,426,179.23 for Darlington Ridge, as outlined in Mark Lucas' May 8, 2020 memo. Mr. Davis seconded the motion. There was no discussion and no public comment, and the motion passed unanimously.
3. ZHB 725 W Miner Street – The property owner, Jeff Hilker, was in attendance. Mr. Hilker is seeking a use variance to secure a second use on this nonconforming property. The property is zoned residential, but is subject to a special exception for an institutional use. The owner would now like to use the vacant carriage house as a residential rental structure. Ms. Campisi noted that there is a deed restriction on the property, that was required as a condition of the Mercer's Mill conditional use approval, that restricts the property to either residential or institutional use (but not both). Mr. Pompo observed that this is a complex proposal – the deed restriction, the conditional use approval, a use variance, a visible historic structure. The applicant will need to secure approvals from both the Supervisors and the Zoning Hearing Board and Mr. Pompo suggested that Supervisor approval should come first. He also encouraged the applicant to meet with the Historical Commission when they meet on May 19 to discuss the use of the historic structure. Mr. Snook inquired as to whether residential could be permitted as an accessory use; this is not currently provided for in the Code. Mr. Hilker commented that he is working to make the property better. He indicated he would postpone his testimony before the Zoning Hearing Board, attend the Historical Commission meeting, and return to the Supervisors in June.

4. RBA & Wireless Amendments – Last week, the Board reviewed this draft ordinance and Mr. Snook identified a discrepancy pertaining to trail dimensions. Mr. Lucas provided a corrected ordinance. The Board agreed to send the ordinance to the planning commissions (County and Township) for review prior to advertising.
5. Refuse and Recycling Contract – The initial term of the refuse and recycling contract will expire on December 31, 2020. There are two optional years built into the contract. The quarterly rate of \$64.90 has remained flat from 2018-2020. The rate is slated to increase 5% for 2021 (\$68.47) and 5.5% for 2022 (\$71.84). Last week, the Supervisors asked staff to determine whether the 2021 and 2022 rates are competitive and comparable with rates paid by other municipalities that recently bid this service. Ms. Cantlin polled Chester County municipalities and received three responses. The respondents reported quarterly rates between \$62.50 and \$85.00, which is consistent with East Bradford's contract. Mr. Snook made a motion to extend the current refuse and recycling contract through 2021 at the rate of \$68.47. Mr. Davis seconded the motion. There was no discussion and no public comment, and the motion passed unanimously.
6. Tennis Courts – Mr. Phifer reported that the Township has received several requests to reopen the tennis courts, which are currently closed, along with other organized recreational structures (e.g. basketball courts, playgrounds) in response to COVID-19. Mr. Phifer also shared recent guidance from the PA Recreation and Park Society (in collaboration with PA Department of Health). The guidance document would appear to put tennis courts in the general category of "outdoor athletics," which are slated to remain closed until the "green" phase. Mr. Snook suggested seeking guidance from PRPS with regards to tennis court in advance of the June 4 Board meeting. Until then, the courts will remain closed.
7. Other Items –
 - a. Darlington Ridge Monument Sign – Ms. Cantlin reported that Toll Brothers has submitted an amended monument sign. This will be on the Board's June agenda.
 - b. Copeland School Road Paving – Mr. Davis asked when PennDOT planned to pave Copeland School Road. Ms. Cantlin will find out.

EXECUTIVE SESSION: The Board met in executive session between 7:50 pm and 8:30 pm to discuss real estate and security matters. Staff was in attendance.

ADJOURNMENT / CONTINUANCE: At approximately 8:30 p.m. the Board unanimously agreed to adjourn the meeting.

Mandie Cantlin, Secretary