

East Bradford Township Board of Supervisors Work Session Meeting Minutes August 6, 2020

The August work session meeting of the East Bradford Township Board of Supervisors (BOS) was held on August 6, 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 August 3, 2020. The agenda and dial in numbers were also posted on the Township website at <https://www.eastbradford.org/government/boards-commissions/> on August 3, 2020.

Board members present:

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

Board members absent: None

Staff/Professionals present:

Randy Behmke, Director of Public Works
Andrea Campisi, Director of Planning and Zoning
Mandie Cantlin, Township Manager/Secretary
Rich Hicks, Building Code Official/Fire Marshal/Codes Enforcement Officer/Deputy Zoning Officer
Mark Lucas, P.E., Township Engineer
Michael Lynch, Director of Finance
Rich Phifer, Property and Recreation Director

Staff/Professionals absent: None

Approximately 30 guests (including applicants) were in attendance.

CALL TO ORDER: The meeting was called to order at 12:00 p.m. by Chair Pompo. Mr. Pompo recognized the Public Works staff for the work they did this week in the wake of Tropical Storm Isaias.

PUBLIC COMMENT: No comments were received during the meeting and no comments were received in advance of the meeting.

BUSINESS

1. Recognition of Executive Sessions – Mr. Pompo announced that the Board conducted executive sessions on July 14, 2020 to discuss real estate, personnel, and legal matters and on July 21, 2020 to discuss real estate and personnel issues.
2. Public Services
 - a. Verizon Small Cell Wireless Facilities – Last month, Verizon Wireless representatives were in attendance to voice their interest in expanding their infrastructure to support the 5G network. As part of this expansion, Verizon is proposing new poles at 401 Shropshire Drive and 802 Sconnelltown Road. In response, the Board asked Ms. Cantlin to prepare a letter to residents in the vicinity of the proposed new locations to obtain feedback. The Board wanted to understand from residents whether there is a data problem that needs to be solved. And, if there is a need for a new pole whether there are aesthetic preferences.

Letters were mailed to residents in July asking them to complete a survey to provide input. Approximately 125 letters were distributed to Shropshire residents and approximately 20 to Sconnelltown residents. A brief summary of the survey results is provided below:

Shropshire

- Responses received: 89 (71% response rate).

- Approximately 56% of respondents use Verizon Wireless service.
- Of the residents with Verizon Wireless service, about 72% are satisfied with the service (17% are dissatisfied and 11% have a neutral opinion).
- When it comes to installing new and/or supplemental facilities to enhance Verizon's 5G network:
 - About 61% of respondents are opposed to the *general concept* of expanding the network (24% in favor and 15% neutral).
 - Approximately 92% are opposed to a new pole at 401 Shropshire Drive (8% in favor).
- Of comments received in opposition to the pole, most of the comments had to do with aesthetics (32 comments). Property values (9), health/safety (8), and precedent (4) were also mentioned.
- Of comments received in favor of the pole, most of the comments had to do with poor service (3 comments). Aesthetics (1) and network enhancements (1) were also mentioned.
- The Board was also in receipt of a petition signed by about 120 neighborhood residents.

Sconnelltown

- Responses received: 6 (30%).
- Approximately 83% of respondents use Verizon Wireless service.
- Of the residents with Verizon Wireless service, about 20% are satisfied with the service (40% are dissatisfied and 40% have a neutral opinion).
- When it comes to installing new and/or supplemental facilities to enhance Verizon's 5G network:
 - About 50% of respondents favor the *general concept* of expanding the network (33% oppose and 17% neutral).
 - Approximately 50% are opposed to a new pole at 401 Shropshire Drive (33% in favor and 17% neutral).
- Of comments received in opposition to the pole, responses pertained to aesthetics (2), property values (1), health/safety (1), and precedent (1).
- There were two favorable comments pertaining to poor service (no others).

Ms. Cantlin mentioned that Verizon confirmed that they would agree to cover \$2,500 for Township legal fees associated with any reviews, provided invoices are itemized.

No Verizon representatives were available to participate in today's call.

The following public comments were received:

- Peter Tiball noted that other utility facilities are in disrepair and he is concerned that a Verizon pole could suffer the same fate. He also noted that there are poles on Rt 52 that Verizon should consider for colocation before erecting a new pole at 401 Shropshire. Jeff Cantwell agreed.
- Nicole Coultres asked who has the final say in this proposal. Mr. Pompo clarified that there is no formal proposal before the Township; Verizon simply informed the Township in late June of its interest to erect two new poles. If Verizon decides to pursue an application to erect new poles, the Township will evaluate the proposal against its ordinance. However, wireless communications are heavily regulated by the FCC and PUC and the laws tend to favor utilities. Ultimately, it is possible that Verizon could erect a new pole with or without the Township's approval. She inquired whether the Board was in favor of the concept. Mr. Pompo replied that the Board does not yet have a formal proposal to respond to, but that the Board anticipated the neighborhood's concern, which is why they sought feedback from nearby residents.
- Audrey Wilson inquired about the need for the new facility at 401 Shropshire and asked whether there are other options. Ms. Cantlin responded that there are five locations under consideration (two colocations, one pole replacement, and two new poles). In terms of need, the Township has asked Verizon to specify the need for the new poles.

- Matt Doyle observed that the neighborhood has underground utilities and a pole would negatively impact the neighborhood aesthetics. He expressed that he has had issues in the past with Verizon (re: utility installation) and asked whether the pole should be placed at the highest point. He too observed that there are poles on Rt 52. AJ Urbanski and Linda Kinnick agreed. He asked whether the Darlington Ridge development is driving this inquiry.
- AJ Urbanski noted that she did not experience any service issues during the shut-down. She also asked whether there were colocation options. Verizon is considering several colocations in addition to the two new poles.
- Tom Coultres asked for additional location options. There are a lot of children in this area and he is concerned that a pole could be a visual impediment for children playing.
- Nicole Coultres asked for a contact at Verizon. Ms. Cantlin will provide.
- Jeff Cantwell inquired whether the fact that neighborhood utilities are underground would impact PUC and/or FCC regulatory considerations. Mr. Pompo does not think so. Municipalities used to be able to require underground utilities during land development, but they cannot now.
- Chuck McGrory understands that this matter has been under consideration for months and questioned why resident input was not asked for sooner. Mr. Davis and Ms. Cantlin clarified that while Verizon first forwarded a Wireless Communications Facilities Master License Agreement to the Township in December, the Township only became aware of the new pole concept in late June. Mr. McGrory asked whether health implications of a pole installation are known and also indicated that wireless service has been satisfactory through the pandemic.
- Matt Doyle inquired whether a small cell could be located at the intersection of Route 52 and Rosedale, where a traffic signal had been proposed in the past, or close to a nearby retention basin. Audrey Wilson expressed concern about water in the retention basin.
- Pat Chesko asked whether a small cell could be located near Bradford Retail. AJ Urbanski agreed. Ms. Cantlin replied that a cell is already proposed at this location.
- Linda Collinson agreed with comments/concerns raised about health and aesthetics.
- Elizabeth Wagner also expressed concerns about aesthesis, particularly in a neighborhood with underground utilities.
- William Wood echoed the concerns raised.
- Chuck McGrory inquired whether other municipalities are dealing with this issue. Ms. Cantlin commented that she did reach out to other municipalities when the Township received the License Agreement to find out whether others had received the same thing (they had not). Other municipalities do periodically receive these types of inquiries. Mr. Pompo explained that sometimes it is businesses lacking adequate cell service that raise the issue to the Township. That is not what happened in this case.

The Supervisors indicated that Ms. Cantlin would share the survey results, petition, public comments and the meeting recording with Verizon representatives. She will also notify residents if there are any substantial updates.

3. Planning / Zoning

- a. SD #650 Radford Sketch Plan – Staff and the Planning Commission reviewed the revised sketch plan last month. As currently designed, the plan requires the following variances from the Zoning Code.
 - 115-19.C(1) to not provide the required minimum net lot area for Lot 2 of 43,560 square feet.*

- 115-43.D(3)(c)[2] to disturb more than 50% of the ground area of the single-family dwelling on Lot 2, including necessary improvements to accommodate construction of the home on the lot.
- 115-52.B(2) to not provide the required 25-foot perimeter buffer on a portion of Lot 2.*
- 115-19.H to not provide the required 150 foot setback from the historic resources on 790 Hillsdale Road.*
- 115-19.C(7) to not provide the required side yard setback of 20 feet for Lot 1.

*Can either be eliminated or minimized with plan amendments.

In addition, the plan shall be revised to include the 50-foot building setback line for Lot 2. The applicant's next step is to apply for a zoning variance.

Mr. Pompo suggested that the applicant should seek any zoning relief that might be needed from the Zoning Hearing Board but emphasized that the applicant must comply with the stormwater management provisions. Mr. Radford also asked for relief from the fee in lieu of open space provision on the basis that he is spending more on the project to create an environmentally friendly structure. The Board recognized that requests for subdivision modifications will be considered during the land development process. In addition, while the Board recognized the benefits of this innovative concept, they noted that cost is not a compelling basis for relief from this provision of the Code. The Township has required that other applicants with similar projects adhere to this requirement.

- b. SD #641 West Chester Crossing (DLN) – Andrew Semon and Lou Colagreco were present on behalf of Toll Brothers. While reviewing the planning module application, West Chester Borough determined that a portion of the sewer line that will be used by Toll is in need of repair. The Township is in receipt of a tri-party agreement between West Chester Borough, the Township, and Toll that requires Toll to repair the sewer line. The agreement stipulates that East Bradford will require that the repair be included in the financial security for the project and will not release the posted security without written approval from the Borough. Further, East Bradford will not issue use any occupancy permits until the Borough confirms that the project is completed in an acceptable manner. The Township solicitor has reviewed the agreement and determined that it is satisfactory. Mr. Snook made a motion to authorize the Township Manager to execute the agreement on behalf of the Township. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.
- c. 725 W Miner Street (Hilker) Conditional Use – The conditional use hearing is scheduled for August 11 at 7:00 p.m. Ms. Cantlin informed the Board that the posting for the hearing was erected a day late due to Tropical Storm Isaias. The Township Solicitor is in the process of discussing this issue with the applicant's council. Because the applicant ultimately runs the risk concerning proper notice, they will have the opportunity to decide between postponing to another date (which would be re-advertised) or opening and conducting the hearing as originally scheduled. In the case of the latter, the Township would set and announce a subsequent hearing night on the record to allow for any additional potential parties to participate before a decision is rendered. The property would be posted soon after August 11, with the posting established at least one week in advance of the second hearing night.
- d. Farm @ 415 Birmingham Conditional Use – The Board will continue the hearing during the August 11 meeting.
- e. 983 Regimental Drive Zoning Variance – Debra Shulski, Esquire was present on behalf of the applicant. The property is a corner lot bounded by Regimental and Riflery Drives and has a gross lot area of one acre. A single-family detached dwelling with a rear patio and a driveway to Regimental Drive exist on the property. According to the building permit that was issued when the home was constructed in 1994, the lot was zoned R-2, which required a 50-foot building setback. The current R-2 zoning requires a 75-foot building setback. The site plan attached to the building permit indicates that the house complied with all required setbacks when it was constructed. The site is served by public water and sewer.

An application for two variances was received on July 24, 2020 from Gina Gerber, Esquire, on behalf of the property owners, Richard and Kathleen Kelly. The owners propose to construct an addition with a 1,026 square foot footprint onto the existing single-family dwelling to house an in-law suite. A new driveway to Riflery Drive is also proposed. The addition does not extend beyond the 50-foot setback but encroaches into the 75-foot setback.

The application requires the following variances:

- §115-15.C(5) to permit 23.9% lot coverage when the maximum allowable is 15%.
- §115-15.C(7) to the extent necessary to permit the proposed addition to encroach into the 75 foot building setback. The addition does not encroach any further than the existing nonconforming 50 foot building setback.
- Any other relief deemed necessary.

There was discussion about the impact of the earlier rezoning. While area and bulk provisions were generally made more restrictive, Ms. Shulski believes that the 15% lot coverage requirement remained unchanged.

Mr. Pompo made a motion to remain neutral on the application but noted that if the case was solely for setback relief, he would recommend supporting the application. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.

- f. West Chester Borough Zoning Amendment – The Township is in receipt of a West Chester Borough ordinance that proposes to rezone all existing land (9 parcels) that is presently zoned Institutional in the southern portion of the Borough that is owned by West Chester University to a new district entitled Planned University Campus District. The district contains new uses as well as bulk, area and setback requirements. The land area on the north side of the Borough that contains Chester County Hospital, will remain zoned Institutional. In general, the proposed amendment appears to carefully consider and plan for any future impacts related to further development of the University through the Campus Plan requirement. The benefit of the Campus Plan is that Borough officials, as well as area residents and business owners, have the benefit of knowing how and where the University plans to expand in the future rather than reviewing piecemeal land development applications on a case by case basis. The Board had no concerns.
- g. Open Space, Recreation, and Environmental Resources (OSRER) Plan – Ms. Cantlin observed that the OSRER Plan is due for an update. She inquired whether the Township might use this opportunity to address some specific (strategic) needs (e.g. Bradford Avenue corridor planning, park carrying capacity, related staffing support). She noted that the County’s Vision Partnership Program grant program is accepting applications this fall and that the next step would be to discuss the project with the County. The Board is supportive of this approach. Ms. Cantlin will meet with the County and return to the Board in September with the County’s feedback.
- h. Misc. Ordinance Amendments – Ms. Campisi presented an updated ordinance to the Board. The ordinance includes provisions that pertain to
 - Definition of structure and accessory structure
 - Review of permits that impact historic structures
 - Lenape Road speed limit correction
 - Several on street parking prohibits

The Board agreed to release the ordinance for planning commission review.

- i. Official Map – Mr. Phifer presented draft changes to the Official Map. Over the next month, he will review comprehensive planning documents and will obtain updated parcels from the County. The Board will continue discussion in September.
- j. Zoning Cure – Ms. Campisi presented draft ordinance provisions for the hotel/motel cure. Ms. Campisi asked whether the Board wanted to differentiate between hotels and motels. The Board decided to keep both terms without differentiation. There was discussion about establishing a minimum number of rooms and customary accessory uses (e.g. gyms, restaurants). There was also discussion about the height limit of 35 feet, which is customary throughout much of the Zoning Ordinance. The Board considered the implications of allowing a higher structure subject to increased setbacks and/or design standards.

- k. Event Ordinance – During the month of July, the Township collected comments on the draft event ordinance. Most of the comments revolve around the types of events covered, the scope of the Private Special Event definition, and administration of the regulations. The Board recognized the thoughtful and insightful comments received from the volunteer boards and committees, as well as residents. Mr. Pompo emphasized the importance of dealing with the administration of this ordinance, noting that events that have occurred successfully in the past without the need for support services would not need further evaluation. Ms. Cantlin asked for some additional time to review the administrative processes associated with this regulation and return to the Board in September.
- l. Open Burning Regulations – Earlier in the summer, the Environmental Advisory Council expressed interest in prohibiting open burning with some exception given to agricultural properties. The Supervisors in turn asked the staff to find out whether there were any established agricultural exemptions for this purpose. In an effort to answer this question, Ms. Cantlin spoke to representatives at the County and State. She reported that there is not a blanket open burning exemption that would apply to agricultural properties (based on acreage for example). Rather, it is the type of burning activity – the purpose of the burning – that would determine an exemption. So for instance, anyone who would burn for vegetation management would be allowed to do so. However, any type of burning that is intended to get rid of waste – regardless of size or use – would be prohibited. Therefore, it would appear that exempting burning based on a property characteristic would be inconsistent and incompatible with State and County regulations. Staff will evaluate the Township’s ordinance and present amendments to ensure consistency with County and State regulations.

4. Budget / Finance

- a. Highway Improvement Fund – Earlier this year, the staff contemplated eliminating the Highway Improvement Fund and consolidating the remaining balance (approximately \$115k) with the Capital Reserve Fund. The Highway Improvement Fund was created in the 1990s to receive developer contributions. However, the Township never completed an Act 209 study to support the collection of impact fees, so the Township has not continued to collect these fees. Given that the fund was created for a specific purpose, Mr. Pompo advised that the funds should be expended in accordance with their intent. Therefore, he suggested that the fund be retained. The Board concurred.

5. Parks, Recreation, and Trails

- a. Trail Blazer Run – In discussion with the Trails Committee, the recommendation is being made to cancel the 2020 Trail Blazer Run in light of ongoing health risks associated with the COVID-19 pandemic. The Board was in agreement.
- b. Mt. Bradford Preserve Eagle Scout Project – An Eagle Scout candidate presented his project proposal to install a visitor information kiosk at Mt. Bradford Preserve to the Parks and Recreation (P&R) Board in July. The P&R Board voted in favor of recommending the project for approval. The Board was supportive of this project.
- c. Shaw's Bridge Park – In order to mitigate the impacts of increased public use of Shaw’s Bridge Park, including lack of social distancing / mask wearing amidst the pandemic, large amounts of trash being left in and around garbage bins, human defecation in the park, violation of park rules governing the consumption of alcohol, amplification of music through sound systems, and unauthorized grill and camp fire use, the P&R Board discussed several potential actions to take at Shaw’s Bridge Park. The Supervisors agreed that this is an important planning consideration and that this discussion should extend into an OSRER Plan update. They also suggested that the County be brought into the discussion given that County wide growth is likely contributing to increased park use.
- d. Multi-use Field Permitting – The P&R Board discussed permissible team/group sport uses of the multipurpose fields at their June meeting. This came about in large measure due to observed Lacrosse practices that popped up at East Bradford Park during the red phase COVID shutdown when fields were closed and not being permitted for team use. The P&R Board discussed their traditional stance to only permit soccer teams on the multipurpose fields. After discussion, the Board expressed that it is inclined to open this field to other sports and activities. Mr. Phifer will convey the Board’s inclination to the P&R Board when they meet later in the month.

- e. Harmony Hill Nature Area – Thanks to the assistance of a few dedicated volunteers, considerable time has been spent this summer cleaning out and removing invasive ailanthus trees from within the architectural barn ruins at Harmony Hill. The space is being rejuvenated into an interpretive site for use in Township-led history hikes. As a matter of public safety and for the purpose of preserving the remaining ruins at the site, it is apparent that immediate attention is needed to cement cap four sections of wall, a free-standing pillar and an old stone stairway that, through weathering and public foot traffic, have begun to quickly erode over the last couple of years. Weaverland Masonry has submitted a proposal to complete the needed work for \$3,150. Based on their previous quality work at Strode's Barn and consistently reasonable fees, the Board agreed to expend funds from the Parks' budget for this purpose.

6. Other

- a. Brandywine Picnic Park – The staff met with representatives from Blinding Edge Pictures regarding using the park property as a backlot for the remaining run of the Apple Plus show Servant. Once the production concludes, Blinding Edge would plan to donate the open space to Brandywine Conservancy. The staff is in the process of evaluating the proposed use against the Zoning Ordinance. One of the most significant hurdles has to do with constructing structures in the floodplain. Mr. Snook inquired whether it made a difference that the set structures would be temporary. Mr. Lucas responded that the ordinance does not make this distinction.
- b. Ravine Road Bridge – The Ravine Road bridge was damaged during the recent tropical storm. The Township is in the process of scheduling an inspection. If the bridge passes inspection, Public Works can get it passible with about \$2000-\$3000 worth of stone and blacktop. The Board was amenable with this approach.

EXECUTIVE SESSION: The Board met in executive session with staff from 3:45 pm to 4:30 pm to discuss real estate and personnel matters.

ADJOURNMENT / CONTINUANCE: At approximately 4:35 the Board unanimously agreed to adjourn the meeting. There was no discussion and no public comment and the motion passed unanimously.

Mandie Cantlin, Secretary