

EDGMONT TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
March 17, 2010

Work Session – Members of the Board of Supervisors, municipal professionals, the Township Manager, and the Assistant to the Township Manager attended an advertised work session which commenced at 6:30 p.m. Those in attendance generally discussed items on the agenda. No action was taken.

1. Pledge of Allegiance & Open Meeting: Mr. Gravina called the meeting to order at 7:35 p.m. with the Pledge of Allegiance. In attendance were Ronald Gravina, Chairman; Joseph Conan, Vice-Chairman; Wm. “Chip” Mackrides, Member; Michael Conrad, P.E., Township Engineer; Kenneth Kynett, Esq., Township Solicitor; Samantha Reiner, Township Manager; and Christopher Bashore, Assistant to the Township Manager. Edward Theurkauf, Township Land Planner, was absent. There were 4 guests.
2. Public Comment: There was no public comment at this time.
3. Minutes:
 - February 17, 2010: Mr. Gravina made a motion to approve the minutes from the February 17, 2010 regular meeting of the Board of Supervisors upon a final review for any additional corrections. Mr. Mackrides seconded the motion. Mr. Conan abstained due to his absence from the meeting. There was no further discussion and the motion approving the minutes passed with two (2) “Yes” votes and one (1) abstention.
4. Bill List: Mr. Gravina noted that the bill list for the month totaled \$199,477.37. The bills were unusually high due to an escrow release to YBH in the amount of \$74,571, a transfer to the Fire Company in the amount of \$11,322.54, and payment for snow removal in the amount of \$37,455. Mr. Gravina specifically reviewed invoices for Petty Cash, the municipal credit card and Webpage design. He found all to be in order. Mr. Gravina made a motion to approve the bill list in the amount of \$199,477.37. Mr. Mackrides seconded the motion. There was no further discussion and the motion approving the bill list passed unanimously. The Treasurer also presented the Annual Financial and Audit Report for the year 2009 prepared by Barbacane Thornton & Company, noting there were two comments – one pertaining to having a solicitor review and approve the Employee Manual and the other having to do with the computer software. No financial issues were called out.
5. Reports: Mr. Gravina stated that monthly reports were available at the rear of the meeting room and at the Township office during regular business hours. Mrs. Reiner read her report onto the record, noting the upcoming deadlines for the 2010 U.S. Census and the upcoming Appreciation of the Arts Night.
6. Old Business:
 - a. Public Sewers:
 - (1) Act 537 Plan – Mr. Gravina stated that Newtown Township was before the Pennsylvania Environmental Hearing Board on February 18 & 19 for a hearing on an appeal of its 537 Plan filed by Newtown resident Patricia Wilson. The hearing ended late Friday afternoon with no decision rendered. Briefs were requested with a filing schedule set by the court. Edgmont received information from Aqua’s attorney indicating a settlement of Aqua’s appeal against Newtown is near. This is not the first statement of this kind. The board should review and consider approving the Task Activity Report prepared by Bradford Engineers and authorize sending it to the PaDEP

in advance of an amended Act 537 Plan. Mrs. Reiner noted that this is required to qualify the engineer's expenses for partial reimbursement by the DEP.

Mr. Gravina made a motion to direct the Township Manager to have Bradford Engineers prepare and send the Task Activity Report to DEP. Mr. Conan seconded the motion. There was no further discussion and the motion directing the Township Manager to have the Task Activity Report sent to DEP passed unanimously.

- (2) CDCA – Mr. Gravina noted that the CDCA board did meet on March 9, 2010. A meeting summary was provided from representative Lindsey Conan, Esq. Edgmont brought up the fact that it has not received adequate explanation of the additional project work and expense proposed in the construction plans and again asked for a meeting with the project engineer, Charles Catania, Jr.
- (3) Sewer Project/DELCORA update – Mr. Gravina stated that there is no change to the status of an agreement with DELCORA. The Township still must prepare an Agreement between Edgmont Township and DELCORA.

b. Comprehensive Plan Update Task Force: This matter was tabled for discussion during Executive Session.

c. Arbors at Edgmont – Status Update: Mr. Gravina stated that the Arbors HOA is requesting that the Township act to release all remaining improvement funds to the HOA for the continued maintenance and upkeep of the sewage treatment system. The Board directed David Malman, Esq., Alternate Township Solicitor, to prepare an agreement for signature by the Arbors HOA and the Township in order to resolve the matter of the \$32,000 in escrow, with any interest generated by either the \$15,000 or the \$32,000 account to remain and be reinvested into that account and to require municipal and HOA signatures in order for checks to be negotiated.

7. New Business

- a. Resolution 10-11: Resolution of Appreciation for John Neff & Neff Construction Company: Mr. Gravina stated that this resolution is to recognize the hard work of John Neff and the crew of Neff Construction Company during the recent storms. Mr. Gravina noted that while he is a paid contractor, Mr. Neff has been a friend of the Township for a number of years and displayed an exemplary effort in clearing the roads after the snow storms. The Board also noted that the Township had received several comments commending the high-quality performance displayed by the crew.

Mr. Gravina made a motion to approve Resolution 10-11, recognizing John Neff & Neff Construction Company for their work during the recent snow events. Mr. Conan seconded the motion. There was no further discussion and the motion approving Resolution 10-11 passed unanimously.

- b. Halcyon – Request for extension of Conditional Use approval
Present: Joseph Barakat, Property Owner

Mr. Barakat appeared before the Board of Supervisors in order to request an extension of his approvals for the proposed Halcyon development along Middletown Road (PA 352). Preliminary Plan approval was received from the Board of Supervisors on May 17, 2006. Mr. Barakat stated that he has been unable to move forward with the project due to the state of the housing market. Mr. Gravina stated that there is still time remaining on his approval time clock. If an extension were to be granted at this time, it would most likely

run for one year from the date of this meeting (March 17, 2010 through March 17, 2011). Mr. Gravina recommended that the applicant come before the Board in January 2011 in order to request an extension of his approvals. Mr. Kynett asked if the applicant had obtained relief from zoning. Mr. Barakat stated that he has and that he recently appeared before the Zoning Hearing Board in order to obtain an extension of this zoning relief approval.

Mrs. Reiner questioned the status of Mr. Barakat's Conditional Use approval. Mr. Barakat stated that he was unaware that he needed an extension of that approval. Mrs. Reiner noted that Conditional Use approval holds for one (1) year. Mr. Kynett reviewed section 2112.D.2. of the Edgmont Township Zoning Ordinance and opined that since the applicant obtained the necessary subdivision and land development approval for the project, an extension for the Conditional Use approval may not be warranted. In this case, the applicant would be subject to the five-year completion provision stipulated in the PA Municipalities Planning Code (MPC) running from preliminary plan approval. Mr. Gravina recommended that the applicant return to the Board of Supervisors in November. No action was taken and Mr. Kynett was to follow up on the expiration of zoning relief.

c. 4949 West Chester Pike – Frank C. Videon Dodge – Minor Land Development Application

Present: Michael Lyons, Esq., Applicant's Attorney
Steven Videon, Applicant/Land Owner

Mr. Gravina stated that this applicant was last before the Board of Supervisors in December with a Conditional Use application for an auto-body shop to be located at 4949 West Chester Pike. Approval was granted on December 21, 2009. The Conditional Use decision is reprinted on this new plan.

Traditionally, for safety reasons, the Township does not allow accessory buildings such as detached garages or sheds, etc., to be erected or used on non-residential properties unless authorized by the Board. This applicant has submitted a land development application in order to document the existing and proposed use and location of three (3) storage sheds on the property, one (1) of which is to be relocated near the edge of the parking lot. There is no new construction proposed on this plan or for this property.

Mr. Lyons noted that the shed located closest to the property line is owned by the Mestichelli's and it was discovered that it was on Mr. Videon's property after the tract was surveyed. Mr. Videon indicated that he has no issue with it remaining on the property. Mr. Mackrides suggested that something be memorialized in writing to that affect.

Mr. Conrad stated that he had spoken with Susan Sharp, Edgmont Township Building Department Administrator, and she indicated that Mr. Videon will be required to obtain the necessary permits in order for the sheds to remain. Mr. Gravina asked if sheds were a permitted accessory use in a commercial zoning district. Mr. Conrad stated that the Township Zoning Ordinance does not address sheds in commercial zoning districts. Mr. Gravina stated that the Zoning Ordinance needs to be clarified for the future. Mr. Conan noted that sheds can be a useful means of storage for certain items in non-residential districts, but those uses must be specified. Mrs. Reiner noted that she polled members of the Delaware County COG and spoke with the Delaware County Planning Department (DCPD). Some townships allow them, while others do not.

Discussion turned to the issue of dumpster screening. Mr. Gravina stated that it is difficult for property owners to maintain the necessary fencing. This may be due to negligence on

the part of the waste hauler. Mr. Conan suggested the use of landscaping to screen the dumpster. Mrs. Reiner asked how long the dumpster has been on the property. Mr. Videon indicated that it had been on the property for approximately three (3) years. Mr. Gravina asked if it was naturally screened. Mr. Videon stated that it was.

Mr. Gravina made a motion to approve the final land development plan for 4949 West Chester Pike, prepared by Chester Valley Engineers, dated January 22, 2010, last revised March 12, 2010, consisting of one sheet. The plan depicts the existing conditions of the property and the relocation of one (1) storage shed behind the present parking lot of the property. Approval is granted with the following condition(s):

- Complete compliance with the Yerkes Associates review dated February 5, 2010 and the Thomas Comitta Associates review dated February 9, 2010;
- Shed not to be located in an area of steep slopes; and
- Screening of the dumpster to be resolved to the satisfaction of the Township Engineer.

Mr. Conan seconded the motion. Mrs. Reiner questioned Mr. Videon on the status of his completion of the conditions from his Conditional Use approval. Mr. Videon stated that he has addressed five (5) of the conditions to date. Mr. Videon asked about the status of the updates to the Township's sign ordinances. Mrs. Reiner stated that the committee has been working to refine the definitions in the ordinance and has not yet addressed the sign regulations for the C-2 zoning district. Mr. Videon stated that he desires to install a sign for his new franchise in the location of the existing wall sign for Frank C. Videon Dodge. Mrs. Reiner invited Mr. Videon to present his plan for a sign to the Township and it will be reviewed.

There was no further discussion and the motion approving the land development plan for 4949 West Chester Pike passed unanimously.

d. Zoning Hearing Board

- i. Eagle National Bank – Request for extension of approval: Mrs. Reiner stated that this applicant will be re-appearing before the Zoning Hearing Board in order to request an extension of their zoning relief. At the February meeting, the Zoning Hearing Board requested that the applicant prepare a project timeline and present it at the next meeting. The Board expressed concern over the Zoning Hearing Board stipulating provisions of this nature. No action was taken to oppose the request for an extension if one is necessary.

8. Miscellaneous Discussion

- a. Annual Road Inspection – set date: The annual road inspection will occur on April 5, 2010. Mrs. Reiner will send an e-mail out to all involved to remind them of the date.
- b. WREN Grant Application proposal – Mrs. Reiner stated that significant erosion has occurred on the Township property near the intersection of Gradyville and Delchester Roads. This erosion is the result of stormwater run-off from the road. Mr. Bashore stated that he has researched funding to install a rain garden on the municipal property along the side of the building near a downspout. Funding is available through the Water Resources Education Network (WREN) grant. A proposal has been drafted, requesting \$5,000. Mr. Bashore noted that the match can be either a cash or non-cash match. Donations in the amount of \$330 have been secured thus far. Mrs. Reiner stated that some funds may need to come out of the Township budget, in which case they can be pulled from the Capital Improvement's fund. The Board expressed concern in pulling funds from this account since this project was not budgeted for this year. Mrs. Reiner stated that pulling from this

account is a worst case scenario. The Board directed the staff to submit the application and allowed for no more than \$1,500 to be used for this project, if necessary.

- c. "Welcome to Edgmont" signs: Mr. Bashore presented a map of the Township identifying proposed locations for the approved "Welcome to Edgmont Township" signs. There were nine (9) signs proposed at the borders of the Township. The Board directed the Township staff to purchase signs, but not to exceed \$2,500.
- d. PSATS Convention – Discussion was had on the details of attendance. Mr. Gravina, Mrs. Reiner, and Mr. Conan will not be attending this year.
- e. Spring 2010 Newsletter – Review and recommended revisions: The Township staff has prepared a rough draft of the spring 2010 edition of the "Edgmont Update." Mr. Bashore stated that he hopes to send it to the printer by April 1, 2010 and is still awaiting information on taxes and to do an article on the upcoming Appreciation of the Arts Night. The Board reviewed the newsletter and offered revisions.
- f. 2nd Annual Community Art Show March 31, 2010 – summary, details: Mr. Bashore stated that he has recruited approximately 20 volunteers to participate in this year's event. These volunteers include residents of the Township (including some from White Horse Village) and students from neighboring universities. Light refreshments will be provided. Invitations have been sent to all elected and appointed officials.
- g. CRC 13th Annual Stream Clean Up – Volunteers and Coordinator: Mr. Bashore stated that he will be working with Drew Bates to coordinate this year's event. The Board expressed a desire for Edgmont Township's project to be the stream on the Township's property. Mr. Bashore will contact the Chester-Ridley-Crum Watersheds Association to discuss this possibility.
- h. Spinelli subdivision – Mrs. Reiner briefed the Board on the Conditional Use application for the proposed 5-lot subdivision at 1830 Middletown Road. The Conditional Use application is for conventional lot development of a tract greater than 10 acres and to install stormwater management facilities within the flood prone area. The plan proposes the installation of a stormwater basin on lot #1 to collect run-off from the new lots and a pipe will be installed to drain water into the existing pond on lot #1. Mrs. Reiner stated that the plan will take as much water away from Slitting Mill Road as possible. Mr. Conrad stated that there are two (2) watersheds on the tract, but the bulk of the property is in the Chester Creek watershed. Mr. Mackrides asked about the diameter of the pipe proposed for installation. Mr. Conrad stated that the applicant is proposing the installation of a 15" diameter pipe.

Mr. Gravina expressed concern over the proposed culverts filling with silt and cited the culverts on Stackhouse Mill Road near an active stream as an example of where this has occurred. Mr. Kynett stated that the Township's stormwater ordinance requires an Operation & Maintenance agreement to be established and recorded with the final plans. Mrs. Reiner stated that it would be similar to what was done with the Palmieri subdivision at Stackhouse Mill Road and Pony Trail Drive; lot #1 would accept the drainage of the subdivision and each of the property owners would contribute financially to the stormwater management system's upkeep.

Discussion then turned to the deed restriction language for lot #1. The applicant would like to retain the ability to adjust the lot line for lot #1 with adjoining properties. Mrs. Reiner stated that the applicant would restrict the lot from future subdivision which would create a

new building lot. Mr. Conrad stated that the subdivision requires the largest lot to remain a certain acreage in order to support the lot averaging proposed for the development. Mr. Gravina expressed that the stormwater basin on lot #1 was a good thing because that would encumber the lot and may prevent significant adjustment. Mr. Conrad asked if the lot would be restricted from future subdivision. Mr. Kynett stated that it will not be restricted from a lot line adjustment, so long as it does not create another building lot either on the site or on an adjacent property. At this time, it was determined that the apartment use should be abandoned entirely because it did not meet the criteria of the ordinance and it would be difficult to regulate.

Discussion then turned to the garage apartment on lot #1. Mrs. Reiner stated that the Planning Commission stated that the applicant may use the apartment dwelling for a blood relative so long as there is not a kitchen in the apartment. The Board concurred. Mr. Kynett asked if the Township required 10 acres to have a second dwelling unit. Mrs. Reiner stated that the Township Zoning Ordinance does stipulate this provision. Mr. Kynett stated that if it is not 10 acres, the apartment use must be abandoned because the property would not qualify.

Mr. Conrad stated that the Planning Commission discussed having the applicant extend public water to the site. Mrs. Reiner noted that public water is available approximately 2,000 linear feet in either direction from the site. The applicant stated that a public water extension would cost approximately \$200,000. Mr. Gravina stated that the applicant is requesting relief and they must meet the criteria. Mr. Conrad stated that the applicant was informed that Pennsylvania will begin requiring all residential dwellings to be sprinkled beginning in January 2011. No action was taken.

- h. DeHaven – prior reverse subdivision – Mr. Gravina noted that a new developer was interested in purchasing this property from the bank, and will go through the subdivision process (including Conditional Use) followed by the DeHavens. He hopes to build a house on the newly created lot and sell the existing house.
- i. Sunoco – expand parking – Mr. Conan noted that the owner/operator of the Sunoco service station in Gradyville expressed an interest in expanding his parking capabilities. He was directed to meet with the Township administrative staff on this matter.

9. Announcements

- a. The 2nd Annual Appreciation of the Arts Night will be held at the Edgmont Township Municipal Building on Wednesday, March 31, 2010 from 5:30 p.m. to 8:30 p.m. This event is free to the public and light refreshments will be served.
- b. The Board of Supervisors will meet on Wednesday, April 14, 2010 at 7:30 p.m. for their regular meeting, with a work session at 6:30 p.m.
- c. The Planning Commission will meet on Monday, March 22, 2010 at 7:00 p.m. for their regular meeting, with a work session at 6:30 p.m. and will consider Spinelli's request for conventional lot development of 14+ acres on Slitting Mill Road.
- d. The Zoning Hearing Board will meet on Tuesday, March 23, 2010 at 7:00 p.m. for their regular meeting and will re-consider a request for extension by Eagle National Bank.
- e. Census Day is April 1, 2010. Please remember to complete your Census forms and return them to the U.S. Census Bureau Office.

10. Executive Session – During this time, those in attendance discussed matters concerning ambulance service; Keinath v. Edgmont; and the Comprehensive Plan update task force membership. No action was taken.

11. Old Business – revisited: After concluding their executive session the Board re- convened and directed the Manager to contact the Alternate Township Solicitor to prepare Interrogatories in Aid of Execution on the Scheivert matter and push to collect funds due he Township.
12. Adjournment: At 9:25 p.m., Mr. Gravina made a motion to adjourn the meeting. Mr. Conan seconded the motion. There was no further discussion and the motion adjourning the meeting passed unanimously.

Respectfully submitted,

Samantha Reiner
Township Manager

ACTION ITEMS

March 17, 2010

Samantha Reiner	“Welcome to Edgmont Township” signs – Order signs from H.A. Wiegand Sign Company (not to exceed \$2,500) WREN Grant application – Complete and file application by March 26, 2010 Stream Clean Up – Discuss other project opportunities with Anne Murphy of CRC Annual Road Inspection – Send out confirmation e-mail Comprehensive Plan Task Force – Set up interviews and prepare task force packets
Bradford Engineering	537 Plan revision – Prepare and submit task activity report to DEP
David Malman	Arbors at Edgmont – Prepare agreement with Homeowners Association Edgmont v. Scheivert – Prepare Interrogatories in Aid of Execution