

EDGMONT TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
May 19, 2010

Work Session – All members of the Board of Supervisors, the Township Engineer, the Township Manager, and the Assistant to the Township Manager attended an advertised work session which commenced at 6:30 p.m. During this time, Giuseppe Musso, the proprietor of the Trattoria Giuseppe restaurant in the Edgmont Country Fair shopping center, met with the Board to discuss a proposed enclosure to his outdoor patio eating area. This area of the building is currently enclosed by two (2) tents, for which a temporary Certificate of Occupancy expires after June 4, 2010. Mr. Musso expressed an interest in installing a canopy over the eating area until he can have a glass enclosure designed and approved for the patio. The Board expressed concern over the fact that the tents have been up for an extended period of time and were concerned for the safety of patrons using the tents. Mr. Musso agreed to have a plan for a canopy rendered and submitted to the Township prior to June 4, 2010.

The Board also met with Kevin McClelland, a resident of the Runnymede Farms development, who had expressed interest in the Comprehensive Plan Task Force. No action was taken.

1. Pledge of Allegiance & Open Meeting: Mr. Gravina called the meeting to order at 7:30 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; Samantha Reiner, Township Manager; and Christopher Bashore, Assistant to the Township Manager. Kenneth Kynett, Esq., Township Solicitor, and Edward Theurkauf, Township Land Planner, were absent. There were 7 guests.
2. Public Comment: There was no public comment at this time.
3. Minutes:
 - April 14, 2010: Mr. Gravina made a motion to approve the minutes from the April 14, 2010 regular meeting of the Board of Supervisors. Mr. Conan seconded the motion. Mrs. Reiner indicated that the Bill List from the April meeting had to be amended to reflect a different amount. The amount for the bill list should have read \$144,164.55. Mr. Gravina amended his motion to reflect the corrected bill list in the amount of \$144,164.55. Mr. Conan seconded the amended motion. Mr. Mackrides abstained due to his absence from the April 14, 2010 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 \$117,205.29. Mr. Gravina made a motion to approve the bill list as presented. Mr. Conan seconded the motion. There was no further discussion and the motion approving the bill list passed unanimously.
5. Reports: Mr. Gravina noted that reports for the month were available at the meeting and at the Municipal Office during regular business hours. Mrs. Reiner read her report onto the record, thanking the effort of the Bates family and all the volunteers from the May 1, 2010 Chester-Ridley-Crum Watersheds Association 13th Annual Stream Cleanup.
6. Old Business:
 - a. Public Sewers:
 - (1) Act 537 Plan – Mr. Gravina stated that the Task Activity Report proposed by Edgmont Township was approved by DEP. The revised Act 537 Plan draft report should be completed by Bradford Engineers and available for public comment and advertisement as of June 1st.

- (2) CDCA – The CDCA engineer met with engineers and board members from the 3 new municipalities and answered all questions about the new project. Mr. Fazler reports that he has no objection to the project moving forward. The CDCA board met Tuesday, May 11, 2010. Items discussed were as follows:
- CDCA advertised the construction of Phase I for bids and will open bids on June 1, 2010 and expects to finalize bonding arrangements to finance the project by June 8, 2010.
 - Upper Providence has opted out of the bond deal as they already have a lower rate for their funding.
 - Newtown and Upper Providence are swapping flows; Upper Providence is giving 100,000 gpd to Newtown and will be changing the map (exhibit) for the Service Agreement.
 - CDCA's engineer was directed to verify there is flow capacity in the lines Newtown will use for the additional capacity, and any related expenses to be paid only by Upper Providence and Newtown.
 - Edgmont released its 2009 payment and professional reimbursement checks to CDCA, which was hand-delivered by the Township Manager
 - Edgmont will check to see if the PaH2O grant money can be used to decrease the cost of the expansion project and the amount of bonds required to complete it.

Mrs. Reiner stated that Upper Providence has bond money available for their portion of the expansion project in the amount required by CDCA. This bond was at a better rate than if they had gone with the CDCA bond. Mrs. Reiner noted that Edgmont Township will owe approximately \$1.4 million for the expansion project. The Township must inform CDCA by June 1, 2010 of their intentions. Mrs. Reiner stated that she will reach out to the Township's H2O PA grant analyst to learn the availability of funds.

- (3) Sewer Project/DELCORA update – Mr. Gravina stated that there is no change to status of the agreement between the Township and DELCORA. The Board directed that Mr. Kynett prepare a draft agreement with DELCORA.

b. Comprehensive Plan Update Task Force: Mr. Gravina stated that at the April meeting of the Board of Supervisors, the following individuals were appointed to the Edgmont Township Comprehensive Plan Task Force:

- Michael McLane – resident of Deer Run
- Harry Robinson – resident of Castle Rock
- Joseph Mallen – resident of White Horse Village
- Mary Kay Burke – CEO of White Horse Village

An interview was conducted with Kevin McClelland, a resident of the Runnymede Farms development, during the work session.

Mr. Gravina made a motion to appoint Kevin McClelland to the Comprehensive Plan Task Force. Mr. Conan seconded the motion. There was no further discussion and the motion appointing Kevin McClelland to the Comprehensive Plan Task Force passed unanimously.

Mr. Mackrides stated that Kevin Coyne, a resident of the Township, had expressed an interest in serving on the Comprehensive Plan Task Force. Mr. Coyne currently serves as the alternate member of the Zoning Hearing Board and has served on the Zoning Hearing Board since 2004. Mr. Mackrides made a motion to appoint Kevin Coyne to the Comprehensive Plan Task Force.

Mr. Conan seconded the motion. There was no further discussion and the motion appointing Kevin Coyne to the Comprehensive Plan Task Force passed unanimously.

c. 1044 Wilson Avenue

Present: Armin Kaltenmeier, property owner

Mrs. Reiner stated that the final plan approval for the Rende Subdivision left the tree replacement for the newly created lot to be dealt with during the construction on the new lot by others. The new owners propose construction of a house and accessory structures that would, pursuant to ordinance, require 17 replacement trees. They wish to install solar panels and geothermal wells and seek a partial reduction of the replacement requirement from 17 to 10. Mrs. Reiner stated that she has discussed this with the applicants and their architect. Mr. Theurkauf, Township Land Planner, was not present, but indicated that he would not oppose the request for a partial waiver.

Mr. Gravina made a motion to approve the partial waiver request of Armin Kaltenmeier & Sabine Fitz, reducing the number of replacement trees from 17 to 10, pursuant to SLDO Section 811.A.3., and pursuant to landscaping and tree protection as shown on plans prepared by Kelly & Close Engineers dated 3/9/10, last revised 4/21/10, consisting of two sheets. Mr. Kaltenmeier asked for clarification about the partial waiver. Mr. Gravina stated that it means the applicant cannot remove more trees, but can save more if they like.

Mr. Kaltenmeier expressed a desire to relocate the location of the new house on the property in order to save a tree on the property. Mr. Gravina directed Mr. Kaltenmeier to meet with the Township professionals regarding this matter. Mr. Conan stated that the greatest item of concern are the setback requirements on the property.

There was no further discussion and the motion granting the partial waiver from tree replacement requirements passed unanimously.

d. 1830 Middletown Road – Issuance of Conditional Use Decision

Present: Ross Hellings, Applicant

Mr. Gravina stated that A Conditional Use hearing was conducted for this proposed development on April 14, 2010. The issuance of a decision was deferred to the May meeting of the Board of Supervisors in order for the Township to gain clarification on certain outstanding items. As previously discussed, the applicant is seeking Conditional Use approval pursuant to section 401.D.2. of the Edgmont Township Zoning Ordinance in order to utilize conventional lot development on a tract of 10 acres or more, as well as Conditional Use approval pursuant to section 1506.C.3.a. of the Edgmont Township Zoning Ordinance in order to locate stormwater and E & S controls in the flood-prone area.

Mr. Gravina made a motion to approve the Conditional Use application for the proposed development at 1830 Middletown Road. The decision read as follows:

DECISION

AND NOW, this 19th day of May, 2010, it is ORDERED that the Conditional Use Application of Hellings Properties, LP* (the "Applicant"), under the Edgmont Township Zoning Code, as amended, for the property known as 1830 Middletown Road, Edgmont Township, Delaware County, Pennsylvania (the "Property") to develop the Property for single-family detached dwellings (and related improvements) using Conventional Lot Development on tracts of ten (10) or more acres (the "Use"), pursuant to Article 4, Section 401 D.2 of the Edgmont Township Zoning

Ordinance, as amended (the "Zoning Ordinance"); and to install storm water management facilities within a flood prone area pursuant to Article 15, Section 1506 C.3.a. of the Zoning Ordinance, be and is hereby APPROVED and GRANTED, subject to the terms and conditions as set forth on Exhibit "A" attached hereto and made a part hereof.

The Applicant and other parties to the Conditional Use Hearing, if any, shall receive formal written Findings of Fact and Conclusions of Law (if required) upon completion of same by the Board of Supervisors. Appeal must be taken within thirty (30) days of the date of mailing of this Decision as set forth below.

CONDITIONS OF CONDITIONAL USE APPROVAL

The approval of Applicant's Conditional Use Application and the Board of Supervisors grant of Conditional Use Approval in the above matter is SUBJECT to the conditions listed below and references to this Decision shall include this Exhibit "A". Capitalized terms used shall have the meanings ascribed to them in the Decision except as otherwise defined herein below.

1. Except as otherwise provided herein, the Property shall be subdivided in the same general configuration as set forth on Applicant's Exhibit "4", being sheet 6 of a plan entitled CONSERVATION PLAN PROPERTY OF PAULETTE Y. SPINELLI, prepared by G.D. Houtman & Sons, Inc., dated March 24, 2009 and last revised March 10, 2010 (the "Plan").
2. The subdivision of the Property shall be limited to five (5) lots (each one a "Lot" and collectively the "Lots") which shall include the existing dwelling (and improvements) depicted on Lot 1 and four (4) new residential building lots (Lots 2, 3, 4 and 5) for the construction of a single-family detached dwellings and related improvements.
3. The Applicant shall Deed restrict the Lot identified as Lot 1 of the Plan, from and against further subdivision (the "Deed Restriction"). The Deed Restriction shall not prohibit minor lot line adjustment within the Property or with adjacent properties so long as such lot line adjustment does not result in, contribute to or allow the creation of any additional building lot(s) or residences on the Property or on any other property; and provided further that such lot line adjustment could be made on the date hereof without materially altering the Plan or rendering any part or portion of the Plan in violation of any Township ordinances. The Deed Restriction shall be in form acceptable to the Township Solicitor and shall be recorded and indexed against Lot 1 at the time of recording of any final subdivision and land development plan with evidence of such recording provided to the Township within five (5) days of said recording.
4. The existing detached garage structure located on Lot 1 shall not be used for residential purposes from and after the date of this Decision, notwithstanding that the same may have been so used or permitted in the past. This restriction shall be recorded and indexed against Lot 1 at or before the recording of any final plan with evidence of recording provided to the Township within five (5) days of said recording.
5. The Applicant shall not place any proposed on-lot septic system on any of the Lots (collectively the "Septic System") within 100' of any existing well. The Applicant shall field verify that there are no existing wells within 100' of any Septic System. Field verification may be satisfied by providing appropriate detail in notes on the Applicant's final subdivision and land development plans or by field specific location of existing wells and Septic Systems on the final subdivision and land development plans for the Property.
6. The primary septic area and disposal system for each of the Lots shall be approved by the Township and/or the Department of Environmental Protection. In addition, each of the septic

systems on the Lots shall be subject to written operation and maintenance requirements, in form and substance satisfactory to the Township (the "Septic Requirements"). The Septic Requirements shall be recorded and indexed against each of the respective Lots at or before the recording of any final plan with evidence of recording provided to the Township within five (5) days of said recording. The Septic Requirements shall at a minimum include provisions for the following:

- (a) Establishment and identification of a replacement septic area on each of the Lots. The Applicant shall not disturb areas on any of the Lots identified and approved as on-lot septic replacement areas, and shall take such measures to accurately and effectively preserve and protect the septic replacement areas from disturbance, as may be required by the Township, prior to any disturbance of any part or portion of the Property.
- (b) Performance by each of the Lot owners of all maintenance as recommended and/or required by the manufacturer of the Septic Systems for the Lot owners' respective Lot.
- (c) Submission to by each Lot owner, annually, to the Township, satisfactory evidence that each of the Lot owners has in force, a maintenance contract for the Lot owners' respective Septic Systems on the Lot owners' respective Lots, together with evidence that such maintenance has in fact been performed on the schedule recommended and/or required.
- (d) The Township may modify the frequency and content of any information submitted by the Applicant in connection with the use, maintenance and operation of the Septic Systems, after the date hereof and upon the written request of a Lot owner.
- (e) Such other requirements as the Township or DEP may require.

7. Each of the Lots shall be serviced by its own individual driveway, except as may be otherwise approved by the Township during the subdivision and land development process. In the event that the Township shall permit any of the Lots to share a driveway, a written agreement memorializing the use and maintenance of said driveway, approved by the Township, shall be recorded and indexed against each of the affected Lots at the time of recording of any final subdivision and land development plan with evidence of such recording provided to the Township within five (5) days of recording.

8. The Applicant shall provide tree replacement in connection with the proposed residential development of the Property to the satisfaction of the Township, which shall be determined and documented, in writing, prior to the disturbance of any part or portion of the Property.

9. All of the Lots shall be serviced by public water unless the Applicant shall demonstrate to the satisfaction of the Township, that public water is not reasonably available to the Lots.

10. Due to the nature of the soils on the Property, there shall be no more than five (5) bedrooms in any residential dwelling hereafter constructed on Lots 2, 3, 4 or 5. A bedroom shall include any room which is regularly used, intended for or prepared for sleeping. In the absence of evidence conclusively establishing that a room is not a bedroom, it shall be considered to be a bedroom.

11. The Applicant shall provide clean out facilities for pipes and other appurtenances installed as part of the storm water facilities, satisfactory to the Township.

12. The Applicant shall make improvements to the pond on Lot 1, as set forth in the Yerkes Associates, Inc. letter of March 19, 2010 (Board Exhibit B-7), together with such other improvements as may be required by the Township during the subdivision and land development

process, to help ensure that use of the pond as part of the proposed storm water management facilities for the Use, is proper and adequate.

13. The construction of the storm water management facilities shall be commenced and completed prior to the issuance of any permit for or commencement of construction of any dwelling on any Lot.

14. Each of the Lots shall be subject to written operation and maintenance requirements for the storm water management facilities, in form and substance satisfactory to the Township (the "Storm Water Requirements"). The Storm Water Requirements shall be recorded and indexed against each of the Lots at or before the recording of any final plan with evidence of recording provided to the Township within five (5) days of said recording.

15. This Decision shall be reproduced verbatim on any final, approved subdivision and/or land development plan and shall be recorded in the Office of the Recorder of Deeds in and for Delaware County with satisfactory evidence thereof provided to the Township. The terms and conditions of this Decision shall be binding upon the Applicant's successors and assigns in and to any part or portion of the Property. Any requirement in this Decision for written and recorded documentation may, as is practicable, be included in a single document, approved by the Township.

16. The Applicant shall comply with and be bound by the Applicant's evidence presented at the conditional use hearing(s) in this matter (which evidence is incorporated herein by reference), except to the extent that the same is inconsistent with or contrary to the terms and conditions of this Decision, and except to the extent of any modifications or revisions, generally consistent with this Decision, approved by the Township, during the subdivision and land development process, building permit process or any other permitting process.

17. This Decision shall in no way constitute approval, variance, waiver or a guarantee of approval or determination of compliance of the Applicant's proposed improvements or Use under any other Township rule, regulation, code or ordinance, however, it shall become a part of and be deemed incorporated in any and all permits and approvals, whether or not expressly appearing as a condition of said permits or approvals.

18. In the event that Applicant fails to comply with the provisions of this Decision, the Township may revoke any approval and/or certificate of occupancy which has been issued for the Property or improvements should said failure to comply continue beyond thirty (30) days from the date of notice from the Township of said non-compliance.

19. Except as provided herein, the terms and conditions of this Decision may only be modified by subsequent conditional use approval in accordance with applicable law and the Zoning Ordinance, as amended.

Mr. Conan seconded the motion. Mr. Hellings questioned condition #9 of the Conditional Use decision, which mandated that the lots be serviced by public water. Mr. Hellings questioned the term "reasonably available. Mr. Gravina stated that the Township had concerns about the potability of the water available on the site. Mr. Hellings must demonstrate to the satisfaction of Township professionals that there is potable water available on the site. Mr. Hellings asked how he could demonstrate potability of the water to the Township. Mr. Gravina stated that he must drill wells and test them for potability due to the history of the field and the high levels of nitrates found in the area. The applicant was directed to speak with Mr. Kynett.

There was no further discussion and the motion approving the Conditional Use application for 1830 Middletown Road passed unanimously.

e. 1830 Middletown Road – Preliminary Plan

Present: Ross Hellings

Mr. Gravina stated that the applicant is proposing a 5-lot major subdivision to be located at 1830 Middletown Road (property owned by Paulette Spinelli, under agreement of sale) utilizing the Conventional Lot Development option. A Conditional Use hearing was conducted April 14 and the applicant has been granted permission to use the conventional style development option, as well as to locate a portion of the stormwater management facilities in the flood-prone area. The plans, consisting of sheets 1 through 6, were prepared by G.D. Houtman & Sons and are dated March 24, 2009, last revised March 10, 2010.

Mr. Gravina expressed concern about locating the driveways for the four (4) new properties off of a common driveway. The Board believed that three (3) lots, one (1) street-facing and two (2) interior lots, could be serviced by a common driveway and have the final street-facing lot accessed from Slitting Mill Road. Mr. Gravina requested that the plan be amended to only have three (3) lots accessed by the common driveway.

Mr. Gravina made a motion to approve the Preliminary Plans prepared by G.D. Houtman & Son, dated March 24, 2009, last revised March 10, 2010 with conditions. The plans depict the subdivision of a tract of land located at 1830 Middletown Road into 5 lots. This motion also grants the following waivers from the Edgmont Township Subdivision and Land Development Ordinance:

- Appendix P, Section 405.A.12.e. – requiring minimum freeboard of 2 feet (plan proposes less than 2 feet for both basins)
- Article 8, Section 802.C.1.c – requiring rolled curbing for a local street with a 20 ft. wide cartway (plan proposes a private drive with a 50-foot wide R-O-W and 20 ft. wide cartway)
- Article 8, Section 811.B. – requiring the planting of shrubs (plan proposes buffer trees in lieu of shrubs)

This motion carries the following conditions:

- Complete compliance with the Conditional Use decision issued by the Board of Supervisors; decision to be reprinted verbatim on the Final Plans
- Submission of Final Plans;
- Satisfactory resolution of all outstanding items outlined in the Yerkes Associates review dated March 19, 2010, TCA review dated March 16, 2010, and the Delaware County Planning Department review dated April 16, 2009
- Satisfactory compliance with section 812 of the Edgmont Township Subdivision and Land Development Ordinance, requiring a fee-in-lieu of dedicated open space. Fee amount to be determined by the Board of Supervisors.
- Conditioned on the applicant securing all local and third party permits including:
 - Edgmont Township and the PaDEP for Planning Modules;
 - PaDEP for a Stormwater NPDES permit;
 - Edgmont Township for Highway Occupancy Permits for all driveways to be located off of Slitting Mill Road; and
 - Delaware County Conservation District approval of the overall E & S plans
- Conditioned on the applicant entering into a Developer's Agreement for the completion of any public improvements necessary for the completion of the subdivision

- Conditioned on the applicant submitting a Declaration of Covenants, Easements, & Restrictions for the entire parcel, including, but not limited to, the deed restriction language for lot #1 and all the notes outlined on the plan, and to include the shared maintenance of the stormwater system and driveway, satisfactory to the Township Solicitor.
- Conditioned on the restriction of construction of any proposed improvements until Final Plan approval is received from the Board of Supervisors.

Mr. Mackrides seconded the motion. There was no further discussion and the motion approving the Preliminary Plans for the 5-lot major subdivision at 1830 Middletown Road passed unanimously.

- f. 2010 Road Project – Mrs. Reiner stated that on May 13, 2010 the Roadmaster and municipal engineer reviewed all aspects of maintenance, stormwater management facility installation and repairs to the section of Valley road being considered for a road project. The projected cost of repairs was so close to the amount of liquid fuel allotment for 2010 it was determined there would not be remaining funds to consider repairs to Pheasant Lane this year. Potholes and seams will be repaired on Pheasant as necessary in 2010.

Mr. Gravina made a motion to authorize the Township to advertise for bids for roadwork, as described in Yerkes Associates May 14, 2010 Preliminary Construction Cost Estimate. Bids are to include provisions for prevailing wage, require PennDOT qualified/certified contractors, project completion prior to the end of August 2010, and be presented with and without the Stormwater management work. Sealed bids will be due at the Township Building no later than 4:00 p.m. on Wednesday June 16, 2010. Bids will be opened at 7:30 p.m. at the June 16, 2010 meeting of the Board of Supervisors.

Mr. Conan seconded the motion. Mr. Conrad stated that the Township may wish to have storm sewer work completed after the roadwork is finished in order to limit disturbance in the area. Mr. Conrad stated that he believes the critical part is drainage on the west side of roadway. There was no further discussion and the motion authorizing advertisement of 2010 road project passed unanimously.

7. New Business

- a. Escrow Release Request
i. 1221 Stackhouse Mill Road – Request #2
Present: Anthony Palmieri, Applicant/Property Owner

Mr. Gravina stated that this request is for the release of landscaping and inspection expenses. The total amount being requested for release is \$29,865.00. A recommendation from Thomas Comitta Associates (TCA) dated May 14, 2010 has been received by the Township. TCA recommends the release of \$26,985.00 for landscaping. In a letter dated May 14, 2010, Yerkes Associates recommends the release of \$1,500.00 for inspections and curbing. The total amount recommended for release is \$28,485.00. After this release, there will be \$119,098.50 remaining in escrow, with \$17,364.00 remaining in contingency.

Mr. Gravina made a motion a motion to approve the release request for the Palmieri subdivision (1221 Stackhouse Mill Road) in the amount of \$28,485.00 based on the review of Thomas Comitta Associates dated May 14, 2010 and the Yerkes Associates May 14, 2010. The amount of \$1,380.00 is being withheld for the remainder of the tree pruning and for one (1) red oak. After this release, there will be \$119,098.50 remaining in escrow, with \$17,364.00 remaining in contingency.

Mr. Gravina stated that he would like to hold the funds for tree pruning so that it can be inspected due to complaints received from residents in the area. Mr. Palmieri stated that he believed that he completed the tree pruning. The Board reviewed the comments made by Mr. Theurkauf in his May 14, 2010 review. Mr. Palmieri also questioned the planting of the red oak and whether or not a different tree type could be planted. Mrs. Reiner stated that the November 27, 2007 decision required the planting of one red oak and the location of the abandoned driveway. Mrs. Reiner stated that she will review this condition with the Zoning Hearing Board at their next meeting.

Mr. Mackrides seconded the motion. There was no further discussion and the motion passed unanimously.

ii. YBH – Request #5: Mr. Gravina stated that YBH has submitted a request for the release of funds for traffic signal and pedestrian crossing improvements. A meeting was held with this applicant on May 12, 2010, at which time they were deemed to be complete. The amount being requested for release is \$2,096.00. In a letter dated May 14, 2010, Yerkes Associates recommends the release of \$2,096.00.

Mr. Gravina made a motion to approve YBH Escrow release request #5 in the amount of \$2,096.00 based on the Yerkes Associates review of May 14, 2010, contingent upon completion of general clean-up along the traffic island curbs to the Township's satisfaction. Mr. Mackrides seconded the motion. There was no further discussion and the motion approving escrow release request #5 for YBH passed unanimously.

b. Resolutions

i. 2010 – 15: Recognition of the Bonner family – Mr. Mackrides noted that this resolution is being approved in recognition of the Bonner family, who recently received a Site Preservation Award from the Delaware County Heritage Commission. The resolution was read onto the record. Mr. Mackrides made a motion to approve Resolution 2010-15 in recognition of the Bonner family. Mr. Gravina seconded the motion. The Board thanked the Bonner family for their work in preserving the heritage of the community. There was no further discussion and the motion approving Resolution 2010-15 passed unanimously.

ii. 2010 – 16: Multi-Municipal Act 537 Plan Update – Mr. Mackrides stated that this resolution is for the multi-municipal Act 537 plan being revised by the Delaware County Planning Department. Mr. Mackrides made a motion to approve Resolution 2010-16. Mr. Conan seconded the motion. There was no further discussion and the motion approving Resolution 2010-16 passed unanimously.

c. Zoning Hearing Board

i. Lot #6 – Brick House Farm Estates – Request for 10' side / rear yard variance for a pool: Mrs. Reiner stated that this application was before the Zoning Hearing Board last month, but was not heard due to the lack of a quorum. The applicant is requesting to have a pool located closer to their property lines than allowed by the Township's Zoning Ordinance. No action was taken.

ii. Castle Rock – Requesting variances in order to construct additions to an existing house: Mrs. Reiner stated that the applicant is seeking to construct an addition and a patio onto an existing property in the Castle Rock development. The applicant is seeking variances from the side- and rear-yard setback requirements in the Township's Zoning Ordinance. The Board expressed concern over stormwater management due to the increase in impervious coverage and protection of the property's septic system. Mrs. Reiner

stated that she will explain the Board's concern to the members of the Zoning Hearing Board. No action was taken.

9. Miscellaneous Discussion

- a. Tents – Discussion of regulation criteria: The Board discussed adopting a policy on the erection of tents for various uses in the Township. A policy document will be drafted and reviewed by the Board at the June regular meeting.
- b. Edgmont Country Fair – Parcel B – Substitute of Surety (Cash v. Letter of Credit): Mr. Gravina stated that At the April 14, 2010 meeting of the Board of Supervisors, approval was granted for a reduction in the above referenced project's Letter of Credit in the amount of \$3,748.50. After the reduction, the Letter of Credit balance was \$8,800. The Township received a request from Joseph Damico, Jr., Esq., to substitute the remaining \$8,800 in the Edgmont Lot B, L.P. Letter of Credit with a cash escrow. Correspondence between Mr. Damico and Alternate Township Solicitor David Malman, Esq. has been provided for your review. Mr. Malman recommends that the Township accept a cash deposit pursuant to the terms outlined in Mr. Damico's letter of April 23, 2010. The Township deposited Mr. deBotton's \$8,800 check on May 11, 2010 and it has cleared.

Mr. Gravina made a motion to recognize applicant's attorney, Joseph Damico's statement contained in his letter of April 23, 2010 continuing all obligations of the applicant under the Improvement Security Agreement dated October 16, 2000; and to release the original Letter of Credit SM414695P in the amount of \$8,800 to applicant and accept in it's place cash in the same amount. Mr. Conan seconded the motion. There was no further discussion and the motion recognizing the substitution in surety passed unanimously.

10. Announcements

- a. The Board of Supervisors and the Planning Commission will meet on Monday, May 24, 2010 for their quarterly joint work session.
- b. The Board of Supervisors will meet on Wednesday, June 16, 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, May 24, 2010 at 7:00 p.m. for their regular meeting, with a work session at 6:30 p.m. to discuss proposed amendments to Article 18 of the Township's Zoning Ordinance, consider acceptance of their 2009 Annual Report, and discuss the exemption from DEP Planning for the Spinelli 5-lot subdivision.
- d. The Zoning Hearing Board will meet on Tuesday, May 25, 2010 at 7:00 p.m. for their regular meeting and will hear a request for a 10' variance for the construction of a pool in the Brick House Farm development and request for variances in order to construct additions to an existing house in the Castle Rock community.

11. Executive Session – During this time, those in attendance discussed items concerning Keinath v. Edgmont; property tax appeals; 1015 Wilson Avenue; and Dortone v. Edgmont.

12. Adjournment: At 9:45 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

May 19, 2010

Samantha Reiner	<u>2010 Road Project</u> – Advertise road project for bid. <u>Act 537 Plan Update</u> – Work with Walt Fazler on updates
Michael Conrad	<u>2010 Road Project</u> – Prepare bid specs
Kenneth Kynett	<u>DELCORA</u> – Prepare draft agreement <u>1015 Wilson Ave.</u> – Lien property