

## WILLISTOWN TOWNSHIP BOARD OF SUPERVISORS

July 20, 2020 AT 7:00 PM via Zoom

The Regular Meeting of the Willistown Township Board of Supervisors came to order at 7:00 PM. Supervisors William R. Shoemaker, Robert T. Lange, and Barbara L. Handelin were present. Also present were Township Manager Sally Slook, Police Chief Robert Klinger, Lt. Jeff Heim, Zoning Officer Robert Smiley, and Assistant to the Township Manager Jennifer Jacobs.

Supervisor Shoemaker led a moment of silence for military personnel, first responders, all front-line workers in the current pandemic, as well as Retired Sergeant David J. Boyle, who passed away early in the morning. Sgt. Boyle was a key member of the Willistown Township Police Department for 29 years and will be missed.

### **Announcements**

None

### **New Business**

**Minutes** – Supervisor Handelin moved to approve the minutes of the meeting of June 29, 2020. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Expenditures** - Supervisor Handelin moved to approve the list of expenditures and interfund transfers dated July 17, 2020. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Employment Agreements of Police Chief Robert Klinger** -Supervisor Lange moved to approve the employment agreements of Police Chief Robert Klinger. Supervisor Handelin seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Employment Agreements of Lieutenant Jeffrey Heim** -Supervisor Lange moved to approve the employment agreements of Lieutenant Jeffrey Heim. Supervisor Handelin seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Authorization to Advertise** - Authorization to Advertise an Ordinance Pursuant to Section 139-162.C of the Willistown Township Code Providing for Revisions to the Historical Resources Inventory of Willistown Township. The Ordinance will remove the property from the Historic Resources Inventory at 7043 Goshen Road (UPI 54-6-87). Supervisor Handelin moved to authorize the advertising. Supervisor Lange seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Escrow Release** - Authorization to Release Escrow Funds for the Development known as Paoli Walk to Grays Investment Properties, L.P. The current release request is in the amount of \$105,200.00 and is request #12. The remaining balance in the account after Release #12 will be \$12,527.63. Supervisor Lange moved to approve the escrow release. Supervisor Handelin seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Escrow Release** - Authorization to Release Escrow Funds to Devon Road Partners for the Development known as Chapel Hill. The current release request is in the amount of \$289,100.00 and is request #11. The remaining balance in the account after Release #11 will be \$763,168.15. Supervisor Lange moved to approve the escrow release. Supervisor Handelin seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.

**Subdivision and Land Development:**

- a) Motion to Approve Application S-2-18, the Application of a simple two lot subdivision dividing a historic house from enough land to create a second lot. The proposed subdivision is located at 57 Grubb Road, 54-1P-174. Supervisor Lange moved to approve the subdivision of 57 Grubb Road. Supervisor Handelin seconded the motion. There were no comments from the Board or the public, and the motion carried 3-0.
- b) Motion to Approve Final Application of S-3-18, Willistown Point, 1720 West Chester Pike, L.P., Rouse/Chamberlin, LTD. This proposed subdivision will create 39 townhomes with the consolidation of the UPI parcels: #54-8-29, #54-8-30, #54-8-31, and #54-8-32 with a 1.36 acre portion of Worington Commons Open Space Area (UPI #54-8-28) to create a combined 10.788 acre (gross) parcel. Supervisor Handelin moved to approve the final application of S-3-18, Willistown Point, 1720 West Chester Pike, L.P., Rouse/Chamberlin, LTD. Supervisor Shoemaker seconded. Supervisor Lange said he has been opposed to this project since the beginning. He is disappointed Worington Commons sold off their open space allowing this development to happen, which will add additional traffic to an already heavily traveled road. There were no further comments from the Board or the public, and the motion carried 2-1.
- c) Motion to Authorize the Township Manager to execute the required Developer Agreements relating to Application S-3-18, upon submission in form and substance to the satisfaction of the Township Solicitor. Supervisor Handelin moved to approve the authorization. Supervisor Shoemaker seconded. Mahala Renkey, 45 Tulip Drive, asked if these were the Developer Agreements where the Township gives the Developer the right to leave "spoils" on the property. Solicitor for the Township Vince Pompo explained that tonight's Developer Agreements list the parameters the Developer has to meet in order to obtain building permits and continue with the compliance through the entire development scheme. There is a Financial Security Agreement, which is the terms for posting financial security for the improvements that will be constructed. There is a Landscape Covenant, which detail the terms for the landscaping installation per the approved plans and will be continually maintained. Finally, there is a Stormwater Best Management Practices Operation and Maintenance Agreement whose terms require that the future owner/HOA of the development maintain the stormwater facilities installed during development. Mr. Pompo says he is not aware of any provisions in those agreements which specifically address spoils. There are earthmoving and grading plans approved by the Township, as well as the Chester County Conservation District and the Pennsylvania Department of Environmental Protection. Mike Conrad, Willistown Township Engineering Consultant, added the Chester County Conservation District, and the Pennsylvania Department of Environmental Protection would give their input regarding any spoils placed in any stream corridor or riparian buffer. Discussion ensued. There were no further comments from the Board or the public, and the motion carried 2-1. Supervisor Lange, as stated previously, is opposed to the development.

- d) Motion to Approve Preliminary Application S-2-18, Troutbeck Farms Subdivision: This 64.32-acre tract is located between Hickory Lane, Monument Road, Stonehenge Lane, and Forest Lane. This proposed subdivision will create 34 single-family detached dwelling lots at 16,000 square feet per lot. The plans depict the lot line change between UPI parcels: 54-2-41.3A and 54-241.3B, and the consolidation of parcels 54-2-41.3, 54-2-41.3A, 54-2-41.3E, 54-2-31.4A, and 54-2-41.6 into one parcel. Supervisor Shoemaker read the conditions into the record.

*These are the conditions of preliminary plan approval. The preliminary land development plan as referenced herein includes plans and additional materials as follows:*

*A plan entitled "Preliminary Subdivision and Land Development Plans" prepared by dH Enterprises, dated June 1, 2018, and last revised February 5, 2020, consisting of twenty-five (25) sheets (the "Plan"). In addition, the Plan shall include those additional materials, plans and correspondence as referenced in the memorandum of John M. Gaadt, AICP, Michael Conrad, P.E. and Edward A. Theurkaur, RLA, ASLA. APA (the "Township Consultants") of March 2, 2020, as further supplemented by this correspondence. A copy of the March 2, 2020 Memorandum is attached hereto as Exhibit A. Notwithstanding the above, this approval and the Plan does not include the Minor Subdivision Plans prepared by dB Enterprises dated November 28, 2018 and last revised February 5, 2020. The approval of the Minor Subdivision Plans shall be the subject of a separate approval by the Township. The Board grants a waiver from Section 73-55.1. of the Environmental Protection Ordinance (EPO) to permit 2-inch trees to be provided at one per 5,000 square feet of riparian buffer, and the remaining requirement substituted with smaller container plantings, subject to the conditions set forth in Comment 36.A.6. of the March 2, 2020 Memorandum, and the conditions of this preliminary plan approval. The Board approves the proposed cul-de-sac street in excess of 1,600 pursuant to Section 123-24.A. of the Subdivision and Land Development Ordinance (SLDO), subject to the evaluation/suitability of Friarsheel Lane as an emergency access only to be determined by the Board as opposed to the full street access as currently shown on the Plans, as further detailed in the March 2, 2020 Memorandum. The Board further grants a waiver from Section 123-25.A of the S LOO to allow for a width of 18 feet instead of 22 feet and without curb for the connector access from proposed Walnut Tree Lane to Friarsheel Lane. The Board grants a waiver from Section 123-38.B and C of the SLDO to permit the use of Belgian Block for roadway curbing as recommended by the Township Consultants' memorandum of January 20, 2020. The Applicant shall comply with each of the following conditions of preliminary plan approval to the satisfaction of the Township prior to the approval of the final plan: 1. Applicant shall comply in all material respects with any of the outstanding comments set forth in the aforementioned March 2, 2020 Memorandum to the satisfaction of the Township Consultants and the Board of Supervisors, as supplemented by the following conditions of this preliminary plan approval. 2. Applicant shall comply in all material respects with the comments set forth in the letter of Michael W. Schneider, P.E., of Pennoni Associates, the Township Traffic Engineer, dated January 20, 2020, including but not limited to a monetary contribution toward future improvements at the Sugartown Road/Paoli Pike intersection to reduce queues and minimize impacts to the Forest Lane/Sugartown intersection in the amount no less than 3.7% of the costs of those improvements as estimated by the Township Traffic Engineer at the time of final plan approval, and to be paid prior to the recording of the final plan. A copy of the January 20, 2020 letter is attached hereto as Exhibit B. 3 Applicant shall comply in all material respects with the comments set forth in the letter of William Malin, of Carroll Engineering, the Township Sewer Engineer, dated July 15, 2020 with the exception that the HOA will be*

*responsible for maintaining the sewers only within the development and not within the existing public roads and easements. A copy of the July 17, 2020 letter is attached hereto as Exhibit C.*

*4. Applicant shall obtain sewage facilities planning module approval by the Board of Supervisors and PaDEP prior to final plan approval. As per Exhibit C, the Plans shall be revised to show the off-site sewer facilities connected to the Township's existing sewer system in Brampton Chase via Monument Road, Sugartown Road, and an existing sewer casement as shown on the recorded plan for Brampton Chase. Applicant shall afford existing properties along Monument Road and Sugartown Road the opportunity to connect to the sewer facilities to be installed by the Applicant in the aforesaid roads. 5. Applicant shall comply in all material respects with the comments set forth in the Chester County Planning Commission comment letter dated June 25, 2018. A copy of the June 25, 2018 letter is attached hereto as Exhibit D. 6. Within thirty (30) days of the date of this letter, and pursuant to Section 503 of the MPC, 53 P.S. § 10503, Applicant shall pay to the Township any outstanding invoices associated with this matter.*

Supervisor Handelin moved to approve the preliminary plan approval subject to those conditions. Supervisor Lange seconded the motion. Bill Malin noted the date of his letter is July 17, 2020, not July 15, 2020, as read into the record, and Supervisor Shoemaker said they would amend the motion accordingly. Supervisor Lange inquired about the tree size waiver. Supervisor Shoemaker answered the waiver was granted because research shows smaller trees have a higher chance of surviving transplant shock. Supervisor Lange also commented he is sad to see another farm developed, and he wished the previous owner had been more willing to work with the Township and Willistown Conservation Trust to prevent this large development on a beautiful farm. Lou J. Colagreco, Counsel for Troutbeck Farms, asked about condition 2 on the fair share contribution at the intersection of Sugartown Road. He pointed out there is outstanding data still needed to help them set the definitive number, and the cost of those improvements have been deferred to the final plan. He asked if they can defer the percentage amount of the contribution to the final plan as well. Supervisor Shoemaker stated they have agreed on the 3.7%, and he believes those numbers will be developed before the final plan. PennDOT has proposed a number of different plans for the intersection, ranging substantially in estimated cost. The Township will support a reasonably priced solution to this issue. The Township will work closely with the Developer to come up with numbers they all agree on for the new intersection. Mr. Colagreco agreed with Supervisor Shoemaker and thanked the Township for being fair and accommodating. Lee Drinkwater, 1 Friarsheel, said she had discussed sewer hookup and subdivision of her property with the Developer, but it was not mentioned in the conditions. Supervisor Shoemaker said those would not be conditions of the preliminary plan. Mike Kerr, 33 Stonehenge, asked if the Developer was placing sewer service connections for homes along the route at the time of initial installation. Mr. Moser said they are just installing the sewer line. Supervisor Shoemaker said for the Township to ask the Developer to put stubs by every property along the route was discussed, but the additional cost would be passed on to the Township. Everyone along the route will be given the opportunity to connect at the homeowner's expense. Mr. Moser stated there is enough capacity for everyone to connect along the sewer line placement (east on Monument Road, south on Sugartown Road, and into the Brampton Chase neighborhood), but no price has been determined. Alex Coates, 28 Stonehenge Lane, asked why Stonehenge Lane residents won't be able to tie into the sewer. Supervisor Shoemaker stated part of Stonehenge would have the ability to tie in but tying in the whole development would be an expensive project. There were no further comments from the Board or the public, and the motion carried 3-0.

**Police Report** – Chief Klinger reported they are investigating a fatality involving a bicycle and a motor vehicle on the 800 block of Providence Road. Additionally, there was a case of contractor fraud on Callery Way, and charges have

been filed against the contractor. There was a smashed window at Okehocking Preserve, and valuables were taken from the vehicle. Chief Klinger reminded residents and visitors enjoying the Township parks and preserves during the pandemic to lock valuables in their trunk or leave them at home. Finally, there was an arrest for a weapons offense on King Road and another arrest on West Chester Pike for a PFA violation.

**Citizens' Comments**

Supervisor Bob Lange sent his condolences to the Boyle family and said Dave will be missed. He told a story of Dave storing his boat in one of Supervisor Lange's equipment sheds. Everything in the shed was destroyed when the shed collapsed during the blizzard of 1996, except Dave's boat.

**Next Meeting**

The next meeting of the Board of Supervisors is scheduled for Monday, August 17, 2020, at 7:00 PM and will be held via Zoom.

**Adjournment**

Seeing no further business, the meeting adjourned.

Sincerely,



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Sally Slook, Township Manager