

**East Pikeland Township
Board of Supervisors Meeting**

March 12, 2014

A public meeting of the Board of Supervisors of East Pikeland Township was held on Wednesday, March 12, 2014 at the Township Building, 1158 Rapps Dam Road, Kimberton. Present were Chairman Ron Graham, Vice Chair Rusty Strauss, Supervisor Ben Campbell and Township Manager Kim Moretti.

Mr. Graham called the meeting to order at 7pm.

Minutes

Mr. Strauss made a MOTION to approve the February 4, 2014 Board of Supervisors meeting minutes. Mr. Campbell seconded the motion and it passed unanimously.

Department Reports

Township Manager's Report – Mrs. Moretti reported that in February the 2013 recycling report was completed for Chester County; the annual financial report was submitted to DCED with the assistance of the elected auditors; a pre-construction meeting was held for the second pedestrian bridge project on the French Creek Trail; the annual Certified Local Government report was submitted and several meetings were held regarding development projects. Mrs. Moretti announced that the site of the Continental Powder Works was chosen for a tour during the Pennsylvania Preservation Conference in July. The conference attracts attendees from across the state and it is an honor to be chosen.

Police Department – Chief Franciscus provided a report of February 2014 statistics: 203 police responses, 1 assault, 3 thefts, 4 burglaries, 4 felony/misdemeanors, 1 juvenile arrest, 15 traffic citations were issued and 10 reportable accidents. The CNG vehicle is back in service after requiring some repairs to the CNG system. The unmarked car has been painted and is back in service. The Chief commended the Public Works crew for snow removal during February storms.

Park & Recreation Report – Jerry Miller, Chairman of the Park & Rec Board provided a summary of activities they are currently working on, including: guidance for two Eagle Scout projects, Spring Clean-up along the French Creek Trail on April 5th, and the annual Easter Egg Hunt at Kimberton Park on April 12th.

Old Business

Mr. Campbell made a MOTION to approve Escrow Release No. 5 for Telvil/Hunsberger Subdivision in the amount of \$16,569, with \$3,000 released directly to the township for future repairs to Hunsberger Road and \$13,569 used to establish the required 18-month maintenance security. Motion was seconded by Mr. Strauss and passed unanimously.

New Business

Mr. Strauss made a MOTION to accept the resignation of part-time police officer Jerry Ferriola, effective March 20, 2014. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to approve hiring Paul Kingsbury and James Robb as part-time police officers, effective immediately. Mr. Campbell seconded the motion and it passed unanimously. Chief Franciscus introduced both officers who were present. They are both Act 120 qualified and ready to begin in-house training.

Mr. Strauss made a MOTION to appoint Martin Sheehan to the Open Space Committee with term ending December 31, 2016. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to authorize advertisement of intent to amend the zoning ordinance to include a Revitalization Overlay District at Rapps Dam Road and Route 23. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to adopt **RESOLUTION 2014-02**, authorizing the use of a credit card for certain township transactions, as monitored by the township manager. Mr. Campbell seconded the motion and it passed unanimously.

Mr. Strauss made a MOTION to adopt **RESOLUTION 2014-03**, issuing a Certificate of Appropriateness for a commercial sign at 2185 Kimberton Road. Mr. Campbell seconded the motion and it passed unanimously.

Ed Latshaw gave an overview of the proposed ordinances to be passed in order to comply with Act 167 for stormwater management.

Mr. Strauss made a MOTION to adopt **ORDINANCE No. 158**, amending the 2002 Zoning Ordinance on certain standards and criteria for erosion and sediment control and stormwater management.

Mr. Strauss made a MOTION to adopt **ORDINANCE No. 159**, amending the 2001 Subdivision and Land Development Ordinance on certain standards and criteria for erosion and sediment control and stormwater management.

Mr. Strauss made a MOTION to adopt **ORDINANCE No. 160**, amending the East Pikeland Township Code of Ordinances by deleting Chapter 9, Grading and Excavation, and repealing and replacing Chapter 22, Stormwater Management in compliance with Act 167.

Jon Gayl asked if the new ordinance would allow for new, alternative stormwater management systems. Ed Latshaw responded that there are a variety of Best Management Practices (BMPs) that are encouraged to adequately manage stormwater. The goals are to achieve volume control and rate reduction.

There being no further questions, Mr. Campbell seconded all three motions and they passed unanimously.

Discussion Items

Open Space – Davis Property – Stock Illoway presented the Open Space Committee’s interest in pursuing purchase of the Davis property in Kimberton Village as open space. The property consists of six parcels adjacent to Kimberton Park, KYAL ball fields and Kimberton Fire Co. and offers an advantage to each of these uses. Preservation of the property would also provide a buffer to historic Kimberton from unknown commercial development. A memo from Township Planner, Ed Theurkauf, was also presented. The memo listed the many advantages this property holds for the township, including: trail planning, recreation planning, cultural resource planning, natural resource planning, community services and compliance with local and regional open space policies. The Open Space Committee is asking the Board to authorize an appraisal of the property as a first step.

Jon Gayl asked why the Open Space Committee had not contacted KVBA since they feel development of the Davis property is needed to revitalize Kimberton Village. Stock responded that if the township purchases the property they can move forward with planning and involve KVBA in those planning efforts.

Helena Van Vliet, a member of KVBA, commented that she is very much in favor of the proposal.

Bob Campbell asked where the contaminated section of the property is located, which Stock pointed out on a map. Ron Graham responded that the contamination issue was well studied when the Kimberton Elementary School was proposed for this site.

John Schott stated that when the Planning Commission was revising the Comprehensive Plan that there was discussion that the township was lacking in recreational facilities. This property will serve recreational needs.

John Colarusso commented that the advantage to this property is that the adjacent uses are all compatible and ready to use this property within a short period of time.

Al Koons, KYAL representative, feels this property would be a good fit for them. They are looking for space for more ball fields. They would be willing to maintain the property as they do the current ball fields.

Jon Gayl questioned how feasible the property would be financially. Stock responded that that is why an appraisal is needed.

There being no further questions, Mr. Strauss made a MOTION to authorize an appraisal of the Davis Property for the purpose of open space preservation. Mr. Campbell seconded the motion and it passed unanimously.

Zoning Hearing Application – 8 Grover Lane – Todd Wallence and Jerry Miller presented plans submitted to the ZHB requesting variances to build a single-family home on the property. The parcel is 5 acres and while it was originally supposed to be accessed from Grover Lane, the driveway easement runs over the neighbor’s well and a barn is partially within the easement. They are proposing access off of Ashley Road instead. They have applied to DEP for wetlands crossing permits. Variances are needed for riparian buffer encroachment and wetlands buffer encroachment.

Mr. Graham asked if there is any concern about flooding if a house is built. Jerry Miller responded that the area where the house is proposed is the driest part of the property.

Ed Latshaw responded that the applicant is are taking the proper course of action. He has reviewed the plan and issued a review letter.

There being no further discussion, Rusty Strauss made a MOTION to support this application to the Zoning Hearing Board for four variances. Mr. Campbell seconded the motion and it passed unanimously.

KVBA/Kimberton Zoning – Doug Fitzsimons updated the Board on the progress KVBA has made since the last presentation. Using a form-based approach, a proposed ordinance was developed. The ordinance contemplates adding additional properties to the KR zoning district. When presented to the Planning Commission, it was suggested that KVBA meet with the Board of Supervisors. The Planning Commission suggested that the proposed ordinance be stripped down to an overlay for development of the village circle and the two adjacent commercial properties.

Mr. Strauss asked if the proposed ordinance describes an overlay for the entire KR district to which Doug Fitzsimons said was true. Mr. Strauss stated that the primary goal is the plaza/center square and this proposal looks well beyond that goal.

Mr. Graham agreed and added that this process has taken much longer than anticipated and has become bogged down in other issues beyond the plaza area. He would like to see the ordinance concentrate more on redevelopment than new development.

Bob Smiley, land planner for KVBA, explained the KR overlay concept. The three main objectives of the ordinance are: 1) core section of the village would be the focus of amendments to Section 1111 of the current zoning ordinance; 2) overlay would allow additional uses compatible with current zoning; and 3) the current Traditional Neighborhood Development (TND) map would be amended. He added that it does not hurt to apply natural features provisions to the entire district. But, if desired by the Board, he can pull out those provisions that just apply to the plaza area for the two proposed developments.

Jon Gayl stated that they are prepared to move forward with the plaza as Phase 1, but would like to see Phase 2 being zoning amendments that support more residential development which is needed to support commercial development in the village. He also asked who will pay for the reviews. Mr. Strauss stated that in the MOU the township did agree to pay for some review, but not to the extent of this proposed ordinance.

Helena Van Vliet commented that the plan had been to start the project small and grow it concentrically, as appropriate. Terry Brett added that he and Jeff Effgen have been ready to go with their proposed commercial developments.

John Schott said that the Planning Commission was not expecting a re-write of the entire KR district or an amendment to the zoning map. They expected an ordinance geared toward the plaza project.

Bob Campbell stated that he feels his properties are being excluded from the discussion and that his property is far more important to the future of Kimberton and that by concentrating on the plaza area it doesn't benefit the community.

Mr. Strauss responded that this project started out as Walkable Kimberton, that KVBA was the one to present the plaza project, and that is what the township was expecting to see put forward.

John Colarusso added that the Planning Commission was not happy with the proposal for other reasons:

- 1) The KR zoning would be expanded by adding more parcels. This would need to be studied.
- 2) It is an entirely different style of zoning which the Planning Commission has no experience with.

Mr. Graham summarized the discussion and stated the township expects to see a zoning amendment concentrating on the plaza area.

Public Comment

None

Announcements

The township declared Snow Emergencies on February 5 and February 12, 2014.

Mr. Graham announced that he and Mr. Campbell had dinner together, but no township business was discussed.

Mr. Graham and Mr. Strauss both participated in a meeting with PennDOT about a legal issue regarding the 422 Spur.

There being no further business, the meeting adjourned at 8:15 p.m.

Submitted by,
Kim Moretti, Township Manager