

**MINUTES OF THE  
EAST COVENTRY TOWNSHIP  
BOARD OF SUPERVISORS  
MEETING HELD MAY 13, 2019**  
*(Approved June 10, 2019)*

The Board of Supervisors held its regular monthly meeting on Monday, May 13, 2019. The following Supervisors were present for the meeting: W. Atlee Rinehart, Anthony Duffy, Ray Kolb, Karen Nocella and Michael Albert Moyer. Also present were David G. Krainik, Township Manager, Brady L. Flaharty, Township Engineer and Mark A. Hosterman, Township Solicitor.

Mr. W. Atlee Rinehart called the meeting to order at 7:07 p.m. and the pledge of allegiance was recited.

Mr. Hosterman stated that an executive session was held immediately preceding this meeting to discuss two personnel matters, two matters of real estate acquisition, and one enforcement matter.

**1. ORDINANCES**

There were no Ordinances brought before the board.

**2. SOLICITOR'S REPORT**

Mr. Hosterman stated the Board of Supervisors has a proposal in order to obtain a conservation easement on the Kulp property at 1528 Harvey Lane. It would be a 25.6-acre conservation easement. Once the conservation easement is on the property there would be no further subdivision of the property. Natural Lands would be the easement holder, East Coventry Township would be the beneficiary. The purchase price for the easement totals \$276,100, however, there is a grant from Chester County Preservation Partnership in the total amount of \$84,712. That grant is conditioned on public access requirements in the nature of a trail and the county has made a further condition that the trail be located in an adjoining PECO right-a-way to connect to the Ussler Tract and also across the Nocella property in East Coventry Township in order for this easement to be grant eligible. East Coventry Township would cover all the transaction costs for Natural Lands Trust which are estimated to be about \$45,000 but to be on the safe side we would do a not to exceed \$50,000 on the transaction costs. If it tops out at \$50,000 the total amount from Open Space Funds would be \$241,388. Mr. Hosterman is looking for a motion on that particular proposal to authorize our Chairman of the Board of Supervisors to execute the proposal.

Mr. Rinehart made a motion to authorize the Chairman of the East Coventry Township Board of Supervisors to execute that certain Conservation Easement Proposal dated May 7, 2018 pertaining to the Kulp Property at 1528 Harvey Lane for the purchase of a conservation easement on 25.6 acres in the amount of \$276,100 less \$84,712 in grant money from Chester County Preservation Partnership and to cover the expenses of Natural Lands not to exceed \$50,000 for a total expenditure from Open Space Funds not to exceed \$241,388 and to further authorize the Township Solicitor and Manager to perform all tasks necessary to close on the acquisition of the easement. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Duffy made a motion to authorize the Township Solicitor and Manager to perform all tasks necessary to obtain a trail easement agreement over the Nocella property on Bishop Road as required by the conditions of the grant for the Kulp conservation easement and to cover all transactional costs of the acquisition of the trail easement from Open Space Funds which trail easement has been offered for dedication to the Township by the property owner without request for payment for the value of easement itself. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-1 with Mrs. Nocella abstaining.

### 3. MINUTES

#### April 8, 2019, Meeting Minutes

Mrs. Nocella indicated a correction on Page Three that needed to be made. Mr. Kolb made a motion to approve the minutes after changes. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

### 4. PUBLIC COMMENT

Tom Oeste, attorney with Buckley Brion in West Chester, PA, who is present with Jacob Singer who owns a property at the corner of Route 724 and Peterman Road. A study of the Route 724 Corridor was done by the Chester County Economic Development Council with help from the West Chester University Geography Department. The Council and West Chester University chose certain properties to focus on for potential development. Mr. Singer's property is one of the properties that was focused on which is a 7-acre tract. Mr. Singer did not have any input in this process. They came up with the best use of this property is for apartments and retail.

Mr. Oeste stated they have concerns over how much retail they can get on this site, one of the reasons is that East Coventry Township is a dry township, which they respect, but in order to attract restaurants you need liquor licenses, it is very difficult to keep a restaurant in business, even a pizza shop that doesn't have at least a beer license. There is an opportunity for some limited retail but primarily it would be an apartment site. The rentals would be about \$1,300 or \$1,400 a month for a one bedroom and maybe \$1,800 a month for a two bedroom. These apartments are typically occupied by young professionals or even empty nesters who are downsizing and now moving into apartments. They envision that they could create a nice development for the Township, and it shouldn't be a burden on the school district because there are few, if any, children in these apartment complexes. At the present time, this would not be permitted by our zoning because it is in the C Commercial District and we don't allow residential uses except for limited single-family detached uses. They would need either a text amendment or a map change in order to pursue this project. They obviously don't want to do that unless the Township has some interest in it. Mr. Oeste and Mr. Singer feel it's a good project for the Township but can't proceed unless the Board of Supervisors are interested and would like some indication. At this time, they don't have anything prepared as far as a sketch because they don't want to spend any money or substantial money until they have some indication. Obviously, the Board of Supervisors are not committing to it but if they feel it's something reasonable then the next step will be taken. The site is vacant and has been vacant for many years and Mr. Singer would like to do something with the property and feels it would help the Township.

Mr. Moyer stated he does not like that idea but one thing he is committed to doing is repealing prohibition in East Coventry Township to give the property owner a better opportunity to bring a restaurant to that location. Mr. Oeste asked if they could get some indication at some point, doesn't have to be tonight, whether or not to pursue the idea. Mr. Rinehart stated he would like them to pursue the idea and he would like to see that area improved. Mr. Oeste also stated that although the sidewalks are slated for the other side of Peterman Road, Mr. Singer is willing to have sidewalks on his side of the road. Mr. Rinehart recommends they go to the Planning Commission and then bring it back to the Board of Supervisors. Mrs. Nocella stated she feels it would be very attractive and would be a great place to put apartments and retail and cafes. With the Schuylkill River Trail going to be directly across the street she feels this would attract people. Mr. Duffy's concern is traffic management. Mr. Kolb stated that a four-story structure would be a burden on the fire department. Mr. Oeste stated that they envision three-story structures. Mr. Duffy stated they are not approving the project right now.

Mr. Kolb thanked Mr. Flaharty and Arro Consulting, Inc. for the stream cleanup on April 27, 2019.

Mr. Kolb stated that Mr. Hughes did the Eagle Scout Project on Saturday at Ellis Woods Cemetery and it turned out really nice. Mr. Kolb also stated that John Koury spoke to him the other week about an

Eagle Scout plaque for the job that his son did on Towpath Park on the bridge. Mr. Kolb said he told him that none of the Eagle Scout Projects in the Township have a plaque anywhere. Mr. Kolb feels it would be good to have a central plaque to have all the names of the boys and their projects. Mrs. Nocella stated that the grant proposal they are doing now is for signage. Hopefully once we get the grant money and get started on the signs for the trails, they are going to include the Eagle Scout Projects. Mr. Rinehart asked how many years the Eagle Scout Projects have been going on. Mr. Kolb stated he would need to do some research.

Mr. Kolb stated he would like to see the Maack property go back to being grass (no crops) when it comes up again for lease in 2020 and let it go for 5 years. Mr. Kolb feels this will help the water problems in that area. Mr. Kolb made a motion for when the Maack property lease comes up in 2020 to change the agreement to only have grass planted. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Sally Kolb stated there is a property across from Kolb's Store that has an absentee landlord and there is raw sewage running into the field beside it and has been for years. She wanted to know if there is any movement on it. Mr. Kolb said he had called Hollis Weston about it from Chester County Health Department but doesn't know what is going on. Sally Kolb stated that with all the rain it's running into the road. Mr. Duffy asked if there are any residents living there. Sally Kolb said there are a lot of transient people coming and going. Mr. Kolb stated the Manager needs to call the Chester County Health Department and make them aware there is sewage running down the road. Mrs. Miller, Zieber Road, stated that it's like a dumping ground, there is trash all over the side of the driveway.

Mr. Rinehart stated he had a great time at Hershey for PSATS seminar.

Mr. Duffy wanted to remind everyone that the Celebration of the Life of Ann Sage is Saturday, May 18<sup>th</sup> at 10 am at St. Matthew's Lutheran Church at 2440 Conestoga Road, Chester Springs.

## **5. REPORTS**

### **Township Manager's Reports**

#### **Consideration of Approval of Proposal for a Boundary Survey and Conservation Easement Plan for 644 Schoolhouse Road.**

Mr. Kraynik stated that he recommends the Proposal from Boucher & James, Inc. for a cost of \$7,800.00 be approved. Mr. Duffy made a motion to approve the Proposal from Boucher & James, Inc. for \$7,800.00. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### **Consideration of Approval of the Phase I Environmental Assessment for 644 Schoolhouse Road.**

Mr. Kraynik stated that he recommends the Proposal from Boucher & James, Inc. for a cost of \$1,275.00 be approved. Mr. Duffy made a motion to approve the Proposal from Boucher & James, Inc. for \$1,275.00. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### **Review Preliminary Proposed Engineering Design Issues for Route 724 and Peterman Road.**

Mr. Kraynik stated that he had John Yurick from McMahan & Associates come to the meeting tonight to review the design issues. John Yurick stated that there are three issues: 1) widening the road, 2) sidewalk on west vs. east side of the road, 3) turn restrictions at Old Schuylkill Road & Route 724.

Regarding widening the road, Mr. Yurick said they had the engineers go back and look at their design and see if they can keep the existing eastern curb line and build the road improvements to the west and the sidewalk would remain on the east side. What they came back with is feasible and it looks to have less impact to the properties on the eastern side.

The sidewalk is slated to be on the east side of Peterman Road. The benefit of it being on the east side is a better connection to the pedestrian network in that area. The purpose of improving this intersection is to funnel west bound traffic to the signal on Peterman Road. It would be beneficial to have the sidewalk on the east side so when crossing the road at the light it would avoid that left turn conflict with vehicles. Mr. Kolb asked if the sidewalk is on the east side, would the sidewalk be in front of the poles or behind. Mr. Yurick stated the sidewalk would be in front of the poles.

Regarding the turn restrictions at Old Schuylkill Road, there would probably need to be some kind of restriction. The idea is to shift traffic to the light at Peterman Road. Emergency vehicles would need to be able to use Old Schuylkill Road at any time. This issue can be worked out at a later date.

Mr. Moyer is opposed to not allowing people to come out from Manatawny Manor and not be able to turn left. He feels it should be preserved for emergency vehicles but also feels it should be open to allow people who choose to turn left there instead of going to the light.

Scott Maerten, 87 Peterman Road, has some concerns regarding this project. He is concerned about the expansion of the east side of the road, sidewalk in front of his property which he does not want, and the restriction of the left turn from Old Schuylkill Road onto Route 724. Mr. Kolb stated that he feels having the sidewalks on the east side is more beneficial. Mr. Kolb stated most people who go down Peterman Road will be wanting to make a left onto Route 724 so if the sidewalk is on the eastern side then pedestrians walking across the crosswalk will not interfere with the traffic turning left onto Route 724. Mr. Maerten stated there is a lot of traffic that goes down Old Schuylkill Road to go west on Route 724 and not that much traffic goes down Peterman Road at this time. A discussion ensued.

In regards to the sidewalks, it was stated that the telephone poles would not need to be moved. George Colette, 80 Country Lane, asked who's responsible for the sidewalk. It was stated that the homeowner is responsible.

John Yurick stated he does need a motion regarding widening the road at this time to move forward with the project. The sidewalks and restrictions for turning from Old Schuylkill Road onto Route 724 do not need to be decided tonight but they will need to be decided soon.

Mr. Rinehart made a motion to widen Peterman Road on the West side. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Rinehart made a motion to table the sidewalks and turning from Old Schuylkill Road onto Route 724 at this time. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Walt Woessner, 164 Schoolhouse Road, asked if the traffic signal will be programmed so if there is no traffic at the light on Peterman Road that it's not holding up traffic in the other direction. Mr. Rinehart stated they usually are programmed.

Mr. Moyer asked for an update on Zieber Road. John Yurick stated the project manager said that all permits are in place. The next step is for the Township to contact the property owners to secure the temporary construction easements. Once they are secured, they can move right into the bidding process. They still expect it to be a 2019 project.

Mr. Kraynik has had some discussions with property owners and the solicitor regarding placement of above ground swimming pools and would like the Board to authorize the solicitor to draft an Ordinance changing the setback for above ground pools. Mr. Rinehart made a motion for the solicitor to draft an Ordinance changing the setback for pools. Mr. Duffy seconded the motion. Mr. Hosterman stated that

he does not know that the Ordinance currently differentiates between above ground and inground pools. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### Special Fire Police Services

- Ryerss Farm Family Fun Day on June 15, 2019 (Rain date June 16, 2019) from 11:00 am to 5:00 pm. Mr. Kolb made a motion to approve the Special Fire Police Services for Ryerss Farm Family Fun Day. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### Consideration of approval of the Township Engineer's Report.

Mr. Flaharty had nothing to report at this time. Mr. Kolb made a motion to accept the Engineer's Report. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Kolb made a motion to accept the various reports. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote the motion carried 5-0-0.

### **6. SUBDIVISIONS AND LAND DEVELOPMENT**

#### Schuylkill River Trail, Phase 2 – Consideration of Waivers from Stormwater Management Ordinance as part of Application for Drainage Permit DRA 18-04.

Mr. Flaharty reviewed the following waivers and they were voted on:

1. Mr. Rinehart made a motion to approve a waiver of §125.H to allow the water quality and runoff volume to be addressed for the project in its entirety, rather than by each separate drainage area. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.
2. Mr. Duffy made a motion to approve a waiver of §128.1.F to allow the peak flow rate control to be addressed for the project in its entirety, rather than by each separate drainage area. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.
3. Mr. Kolb made a motion to approve a waiver of §129.6 to allow the requirements of this section to not be met for Swales 1-4, inclusive, conditioned upon the Applicant obtaining an NPDES Permit from the Pennsylvania Department of Environmental Protection, which shall be a Special Condition of the Drainage Permit. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.
4. Mr. Rinehart made a motion to approve a waiver of §142.1.B(7) to allow legal property boundaries, including the total project property boundary and size with distances marked to the nearest foot and bearings to the nearest degree, and boundaries, size and description of purpose of all existing easements and deed-restricted areas of the project property, with distances marked to the nearest foot and bearings to the nearest degree, to not be provided. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

#### Schuylkill River Trail, Phase 2 – Consideration of Resolution No. 2019-10 for Preliminary/Final Land Development Approval for the Parkerford Trailhead.

Michael Gill of Buckley, Brion, attorney for Chester County was present along with David Stauffer, Capital Projects Coordinator for the County of Chester Department of Facilities & Parks. Mr. Gill stated that land development for the trail itself is not necessary but it is for the trailhead. Mr. Flaharty wanted clarification from the Board of Supervisors regarding the lighting and when it should be cut off at night. The Board of Supervisors agreed that it should be cut off at 11:00 pm since the trail is only open from dawn to dusk. Mr. Moyer made a motion to approve Resolution 2019-10 Preliminary/Final

Land Development Approval for the Parkerford Trailhead. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**7. ZONING HEARING BOARD APPLICATIONS**

There were no Zoning Hearing Board applications brought before the board.

**8. OTHER BUSINESS**

Consider Approval of a PA Bicentennial Farm Sign for the Historic Old Farm, 583 Old Schuylkill Road, as recommended by the Historical Commission.

Mr. Rinehart made a motion to approve the PA Bicentennial Farm Sign for the Historic Old Farm at 583 Old Schuylkill Road. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**9. EXONERATIONS**

Mr. Kolb made a motion to accept the exonerations. Mr. Duffy seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**10. PAYMENT OF BILLS**

Mr. Kolb made a motion to approve the payment of bills as presented.

<u>Fund Name</u>	<u>Amount to Pay</u>
General Fund	\$ 228,291.78
Open Space	8,516.00
Sewer Operating Fund	9,717.40
Sewer Capital Fund	33,043.47
Traffic Impact Fee Fund	-
Capital Reserve	3,116.86
Highway State Aid Fund	3,764.53
TD Escrow	-
<b>Totals</b>	<b>\$ <u>286,450.04</u></b>

Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

Mr. Kolb made a motion to dress down for the June, July and August Board of Supervisors meetings. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 5-0-0.

**11. ADJOURNMENT**

Mr. Kolb made a motion to adjourn the monthly meeting at 8:23 pm. Mr. Duffy seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Respectfully submitted,

David G. Kraynik  
Township Manager