



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the second February Meeting

February 22, 2023

1. Call to Order

Chairman Brian Dunn called to order the second February meeting at 6:33 p.m. The meeting was a hybrid with participants attending both in person and via Zoom.

Those in attendance in addition to Mr. Dunn were:

Rajesh Kumbhardare, Vice-Chairman
Theresa Santalucia, Supervisor
Pam Gural-Bear, Township Manager
Jennifer Keller, Operations Manager
Lee Benson, Police Chief
John Weller, Planning Director
Caroline Partridge, Finance Director
Brannon Tupper, Township Engineer
Ed Culp, Interim Public Works Director
Sean Kilkenny, Solicitor
Alex Baumler, Solicitor
Pat Layman, Minutes

ANNOUNCEMENTS:

The Board of Supervisors met in executive session prior to tonight's meeting to discuss matters of personnel and litigation.

The President of the Pennsylvania State Association of Township Supervisors (PSATS) has appointed Rajesh Kumbhardare to a three-year term of the Townships Over 10,000 Population Committee of PSATS. Congratulations to Rajesh!

PUBLIC COMMENT:

Resident Libby Madarasz asked about the status of PREIT's plans for the Exton Square Mall property noting that various Facebook posts and an article in the Philadelphia Inquirer suggested that PREIT was planning to sell the property for apartment complex construction. Mr. Kumbhardare said the Township anticipated this possibility and previously amended its Ordinances to require properties of 10+ acres in the Town Center District to submit a Master Plan to avoid piecemeal development of the site. Mr. Weller added that a possible sale of the site to Brandywine Realty Trust previously fell through, but that PREIT is still interested in keeping the property. Ms. Madarasz asked if there was any limitation on the number of apartment complexes that could be built on the site. Mr. Weller said there was not, however, there are limits on building heights, building coverage, open space, etc. that would ultimately limit the number of units that could be built.

LAND DEVELOPMENT PLANS:

1. Whitford Road Wawa Land Development Plan

Mr. Weller provided an overview of the plan of Whitford Property, Inc. to consolidate two parcels located at 401-403 W. Lincoln Highway and demolish the existing Sunoco gas station and a portion of the existing office building to accommodate a 5,585 sq. ft. convenience store and gas station with eight gas pumps. The access drives to Lincoln Highway and Whitford Road will be revised, and there will be a new access to Waterloo Blvd. The Applicant received a variance from the Zoning Hearing Board relative to an expansion greater than 50%, signage, and placement of trash enclosure. The Board of Supervisors approved the Conditional Use application for the project on June 8, 2022.

The land development plan presented this evening was reviewed by the Planning Commission on September 20, 2022, and again on January 5, 2023, when a unanimous motion was passed recommending approval with various waivers and conditions. The Planning Commission recommended that the Applicant explore the possibility of providing a dedicated left-turn lane for westbound drivers to enter the site from Waterloo Blvd. The Township's traffic consultant has, however, advised that this is not warranted and could become problematic if volume increases on Waterloo Blvd. The plan will require a traffic impact fee of \$36,000, but there is no open space requirement.

In attendance on behalf of the Applicant were Ryan Whitmore with Landcore Engineering; Matthew Hammond from Traffic Planning & Design; Michael Spiegel from Wawa; and Peter Carakillion of Whitford Properties.

Mr. Kumbhardare questioned the disagreement of Theurkauf with the Planning Commission's suggested waiver of parking lot landscaping and planting islands (referenced in #5 of the Theurkauf review letter dated February 2, 2023). Mr. Weller said the Planning Commission felt that bollards and required landscaping would restrict vehicles travelling through the site and could present an unsafe condition.

Mr. Weller noted that the recommended motion includes payment of \$8,000 for the installation of up to four license plate readers. Also, the extent to which Whitford Road is restored (referenced in condition #16 of the recommended motion) is still to be determined by PennDOT.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to approve the preliminary/final land development plan of Whitford Property, Inc. for the construction of a Wawa convenience store, gas station, and other site improvements as depicted on the 33-sheet plan set prepared by Landcore dated August 5, 2022, and most recently revised January 27, 2023 (the "Plan"), subject to the following twenty-one waivers and conditions:

1. The Plan is approved as a Final Plan, pursuant to the provisions of §281-10.H of the West Whiteland Township Subdivision and Land Development Ordinance ("S/LDO").

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2. Waiver of §270-29.A(5)(d) of the Stormwater Management Ordinance to allow the stormwater basin closest to Waterloo Blvd. to have an emergency spillway with not less than six (6) inches of freeboard, pursuant to comment #15 of the Spotts, Stevens and McCoy ("SSM") review dated February 13, 2023.

3. Waiver of §281-32.C of the S/LDO to allow curbs with a reveal of not less than six (6) inches, pursuant to comment #1 of the SSM review dated February 13, 2023.

4. Waiver of §281-35.D(1) of the S/LDO to allow evergreen trees as street trees, pursuant to comment #2 of the Theurkauf Design and Planning ("Theurkauf") review dated February 2, 2023.

5. Waiver of §281-35.E(3) of the S/LDO to allow the decorative trash enclosure and gate around the stormwater basin in lieu of the required buffer, pursuant to comment #3 of the Theurkauf review dated February 2, 2023.

6. Waiver of §281-36.B of the S/LDO such that street trees may be placed as shown on the Plan, outside of a street right-of-way, pursuant to comment #7 of the Theurkauf review dated February 2, 2023.

7. Waiver of §281-37.B(1) of the S/LDO such that no planting island is required within the row of angled parking spaces between the existing office building and the proposed convenience store, pursuant to comment #8 of the SSM review dated February 13, 2023 and comment #5a of the Theurkauf review dated December 9, 2022.

8. Waiver of §281-37.B(3) of the S/LDO such that nine-foot-wide planting islands need not be provided next to the last parking spot in each row of parking to allow the parking lot design shown on the Plan.

9. Waiver of §281-37.B(4) of the S/LDO to allow the parking lot landscaping as shown on the Plan, which does not provide a shade tree in every parking lot island as required but is consistent with comment #5d of the Theurkauf review dated December 9, 2022.

10. Waiver of §281-37.D of the S/LDO to allow the building façade plantings as shown on the Plan.

11. Waiver of §281-48.C(3)(c) of the S/LDO such that lighting need not be reduced after 11:00 p.m. due to this being a 24-hour operation, pursuant to comment #13 of the SSM review dated February 13, 2023.

12. Waiver of §281-48.C(3)(g) to allow the under-canopy lighting as shown on the Plan, subject to the fixtures having a full-cutoff design, pursuant to comment #14 of the SSM review dated February 13, 2022.

13. The Applicant shall provide a blanket easement or make some other arrangement acceptable to the Township to allow access to all utility lines and related infrastructure, pursuant to comment #17 of the SSM review dated December 20, 2022.

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14. Payment of a fee traffic impact fee of \$36,225.00 pursuant to Township Ordinance No. 427, condition #4 of the D&O, and comment #5 of the McMahon review dated December 20, 2022. Said fee shall be paid in full at or before such time that application is made for the first Building Permit pursuant to this project.

15. Pursuant to condition #3 of the D&O, all signage shall comply with Article XVII of the Township Zoning Ordinance, except where the Township Zoning Hearing Board granted relief to such provisions at the hearing held on June 24, 2021, in which case the signage shall be consistent with such relief.

16. The Township desires that, upon completion of construction, the Applicant restore the Whitford Rd. cartway as described in comment #2 of the Director of Engineering memorandum dated August 31, 2022; that is, that the segment of N. Whitford Rd. between Lincoln Hwy. and Waterloo Blvd. be milled and overlaid from curb to curb. However, the Township recognizes that Whitford Rd. is under PennDOT jurisdiction and that PennDOT is the final arbiter of the extent of restoration that will be required and that it will be fully described in the Highway Occupancy Permit for this project.

17. The Applicant shall pay \$8,000 toward the installation of up to four (4) license plate readers shall be provided, pursuant to the Township Police Department memorandum dated September 2, 2022. Said payment shall be made in full at or before such time that application is made for the first Building Permit pursuant to this project.

18. All remaining consultant and Staff concerns shall be resolved to the satisfaction of the Township.

19. Execution and recording of the Township's Stormwater Facilities Maintenance Agreement and Landscaping Restrictive Covenant, pursuant to Township practice. If the Applicant makes no material revisions or additions to the standard form of the said documents, then the Board of Supervisors hereby authorizes the Township Manager to sign these forms on behalf of the Township.

20. Execution of a Developer Agreement and a Financial Security Agreement pursuant to Township practice. The amount of such security shall be based upon construction cost estimates for the site improvements, including landscaping, to be provided by the Applicant; such estimates shall be reviewed and deemed sufficient by SSM and Theurkauf. If the Applicant makes no material revisions or additions to the standard form of the said agreements, then the Board of Supervisors hereby authorizes the Township Manager to sign these forms on behalf of the Township.

21. Payment of all outstanding Township invoices within 45 days of the date of final plan approval.

Mr. Dunn called for public comment. Resident JoAnn Kelton asked about the license plate readers. Chief Benson explained that they will be located within the traffic signals, and not on

the Applicant's property. The readers will be on continuously but will not capture faces of those in vehicles. There being no further comment, the motion was unanimously approved.

CONSENT AGENDA:

Mr. Kumbhardare noted a correction to the February 8, 2023, draft minutes regarding the vote on Resolution 2023-15.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to approve the Minutes of February 8, 2023, as corrected by Mr. Kumbhardare. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

BUSINESS:

1. Review of 2022:

a. Acknowledgment of State-mandated 2022 Annual Report for the Planning Department

Mr. Weller presented the 2022 Planning Department Annual Report to the Board of Supervisors. The Report is required by the Municipalities Planning Code (MPC) to be presented to the Board on an annual basis. The Report details the land development activity of the Township. Mr. Weller noted that while development activity fell off somewhat in 2022, he does not see this as a continuing trend, noting there are numerous projects on the horizon that will be coming this year for review.

b. Draft State of the Township Report

Ms. Gural-Bear presented the draft State of the Township Report to the Board of Supervisors and requested feedback. The Report provides a snapshot of the Township's goals, financial state, projects, etc. for the year 2022. Of special note, 333 new businesses opened up in West Whiteland last year!

Mr. Kumbhardare suggested adding more recent photos of the zipline, restrooms, and other amenities at the new Swedesford Recreation Area. Thanks to Katie Pusey, Public Information Officer, for drafting the State of the Township Report.

2. Resolution 2023-16 Adopting Chester County Hazard Mitigation Plan

Ms. Keller reviewed her Memorandum dated February 22, 2023. George "Bud" Turner was in attendance and explained that the Plan is an update of the ongoing plan for Natural Disasters.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to adopt Resolution 2023-16 adopting the Chester County 2021 Hazard Mitigation Plan as the official Hazard Mitigation Plan of West Whiteland Township, and to direct officials and agencies to implement the recommended

activities assigned to them in the implementation strategy. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

3. Authorization to Advertise Responsible Contractor Ordinance

Mr. Gural-Bear explained that the proposed ordinance will establish criteria for contractors to bid on municipal projects. She suggested the Board may want to consider a higher bidding threshold. Mr. Kilkenny suggested increasing the threshold to \$250,000 so as not to be burdensome to contractors of smaller projects, but noted that this ordinance is meant to address bigger projects such as the new Public Works Facility. The higher threshold can help ensure that experienced contractors are obtained for what can be considered "once in a generation" projects.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to authorize advertisement of the proposed Responsible Contractors Ordinance increasing the proposed threshold to \$250,000. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

4. Resolution 2023-17 Matching County Grant for Exton Park

Ms. Gural-Bear reviewed her Memorandum dated February 17, 2023, and explained that the Township is preparing an application for the Chester County Municipal Park and Trail Improvements Grant. The maximum grant award is \$250,000 and carries a matching requirement of 50% which has already been planned in the Capital Improvements Plan and will come from the Open Space Fund. This will cover the third phase of the Exton Park development and will include pickle ball and tennis courts, connector trails, and dog park amenities.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to execute Resolution 2023-17 authorizing the Board of Supervisors to execute the Chester County Round 35 Grant Application for the next phase of improvements at Exton Park. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

5. Execution of County Vision Partnership Program Contract for Parks Wayfinding Signage Manual

Ms. Gural-Bear advised that the Grant Agreement for the Parks Wayfinding Signage has been received. This was previously approved by the Board of Supervisors and was informational only with no motion needed.

6. Appointment of Auditor

Ms. Partridge advised that four companies responded to the RFP for auditing services. The lowest bidder, SB & Company, was located in Maryland and had most of its clients there. Ms. Partridge explained that while Maillie was more expensive, they have a bigger team, provide data analysis, and can handle the volume of upcoming projects in a timely manner.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to award the contract for services of Township Auditor to Maillie LLP in the amount of \$180,000 for service over a five-year

period from March 2023 (Audit 2022 Financials) through March 2027 (Audit 2026 Financials) and to authorize the Township Manager to execute a services agreement with Maillie, LLP. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

7. Authorizations

a. Sound Amplification & Off Hours Use of Boot Road Park – Grove United Methodist Church

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to authorize the use of sound amplification in Boot Road Park for church services on April 9, 2023, from 6:30 a.m. to 7:30 a.m. and to authorize the off hours use of Boot Road Park for church services on April 9, 2023. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

b. Special Event – Cinco de Mayo Benefit Bike Ride and Walk

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to authorize the temporary closure of Swedesford Road between Ship Road and Valley Creek Blvd. in both directions, on Sunday, May 7, 2023, from 8:00 a.m. – 2:00 p.m. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

8. Approval of Township Payment Report for February 22, 2023

Staff answered various questions from Board members.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to approve the Township Payment Report for February 22, 2023. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

9. January Financial Report

The Board had no questions on the Report.

10. Township Commission Updates from Board Liaisons

Ms. Santalucia advised that presentation of the Historic Preservation Awards has been scheduled for March 29 (on a separate night from the regular Historical Commission meeting) at a location to be determined.

Mr. Kumbhardare reported that the Planning Commission recommended approval of a subdivision to accommodate an existing home and two additional lots with no improvements planned for at this time. Additionally, Church Farm School presented an updated Concept Plan for new student housing along with a retail component proposed to provide revenue to the School. Mr. Kumbhardare liked that the dormitory portion of the plan was in keeping with the historic nature of the campus, but did not think the retail was appropriate for this area of the Township. The Townships Over 10,000 Population Committee met and discussed ways to protect residents

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(advance notifications, 180-day waiting period) when a municipality considers selling its sewer system to a private enterprise.

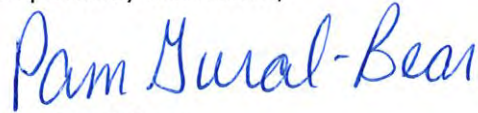
11. Staff Updates

Mr. Tupper advised that due to complications, work on a bio-retention basin in Swedesford Chase could not be completed, but the funds received for same from a 2018 Pennsylvania DEP Grant have now been approved to be used for a bio-retention basin on the Township's property at 601 Boot Road.

ADJOURNMENT

The meeting adjourned at approximately 7:32 p.m.

Respectfully submitted,



Pam Gural-Bear
Recording Secretary