

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
APRIL 8, 2019

Minutes of the Regular Meeting of Township Council held on April 8, 2019 at 7:00 P.M. in the Township Administration Building located at 27 North Pennell Road.

Present: Stephen Byrne, Scott Galloway, Mark Kirchgasser, Susan Powell, Walter 'Bok' Read, Meredith Merino, Joseph Damico, Esq., Eric Janetka

Absent: Norman Shropshire

1. OPENING

Chairman Mark Kirchgasser called the meeting of the Council to order at 7:00 P.M. and led recitation of the Pledge of Allegiance to the Flag.

Mr. Kirchgasser asked the public if anyone was videotaping the meeting. Mr. A.G. Ciavarelli, 301 New Darlington Road, stated he was videotaping the meeting.

2. APPROVAL OF MINUTES

Mr. Carlson made a motion to approve the minutes of March 11, 2019 and Mr. Read seconded the motion. The motion carried with a vote of 5-0. Mr. Kirchgasser abstained.

3. COMMENTS FROM THE PUBLIC

Mr. Charlie Williams, 248 Lenni Road, stated on S. Pennell Road between Wildwood Avenue and Chestnut Road there is liquid oozing out of the soil and collecting and running towards the storm drain. He stated there is a rut worn in the road. He stated there is a jelly type substance located at the fire hydrant. Mr. Kirchgasser stated Mr. Janetka would look into the issue.

Mr. Brian Fasy, 186 Woodlark Lane, stated he has been a resident for 18 years and is mostly satisfied with all the services provided by the Township. He stated he has a complaint about his street as stated Aqua has been working on his street for several weeks. He stated there are holes in the road and he wants repairs made. Mr. Janetka stated the standard is to do a half lane width mill and overlay on the roads they are working on. Mr. Janetka stated in the winter paving cannot be done. He stated the warmer weather will now allow Aqua to set up the repairs to the numerous streets.

Mr. A.G. Ciavarelli, 301 New Darlington Road, stated there has been a lot of pipeline activity near the Glenwood School and is the Township aware of this activity. Mr. Kirchgasser stated there are two types of activity, one is the moving of equipment to the 610-drill site. He stated this is to drill underneath Baltimore Pike from an area immediately adjacent to Granite Farms Estate to an area to the rear of the State Police Barracks. He stated there was excavation work done near Glenwood School. Mr. Janetka stated this was to install security cameras. Mr. Kirchgasser stated this work was done on a Saturday which complies with the Township Ordinance for not excavating within a quarter mile while any school is in session. Mr. Ciavarelli asked how Sunoco plans to proceed with the installation of the pipeline along Pennell Road from Riddlewood to Glen Riddle Road. Mr. Kirchgasser stated the Township

has been briefed and his understanding is that it is on the table for a major modification. He stated the Township has no idea of what Sunoco plans to do at the 620-drill site. Mr. Ciavarelli stated there has been a lot of activity at Sleighton Park. Mr. Janetka stated they are not expanding the area and have delayed the effort to drill from the intersection of Forge Road and Valley Road. Mr. Ciavarelli asked if they were digging up pipe they had previously installed. Mr. Janetka stated they are building drilling pads. Mr. Janetka stated it is all directional drill from Sleighton Park to Rocky Run.

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser stated the residents should be aware of the unfortunate end of the disappearance of John Morphet. He stated he wanted to compliment Township employee, Vince Derrick who put in an exceptional amount of his time during the search. Mr. Kirchgasser stated Vince went above and beyond in his efforts.

Mr. Kirchgasser shared a note he received from Councilwoman Powell. "Mark, when Council was polled about videoing meetings a year or more ago my response was, I am not opposed to it. At that time with only having three or four residents voice an interest, it did not merit the time, expense or energy of implementing a program that I would otherwise support. I was also unsure of how many residents would view the recorded meetings. This week I noted that the last meeting was live-streamed and posted to Facebook by an audience member that was viewed almost 800 times. I think this amount of engagement should encourage us to move forward in creating a plan for shared, taped meetings. As a result of that, I have asked Mr. Damico to review the Township policy for videoing. He has brought along a summary for the balance of Council to review. I am asking Ms. Merino this evening if she could please get with Mr. Haines and develop a plan that would advance the Township's efforts to improve the audio-visual aspects with our microphones and TV's and to finally get some video recording going of these meetings." Mr. Kirchgasser thanked Mrs. Powell for advancing the idea.

B. COMMITTEE

Mr. Galloway stated the Land Planning Committee had three items on the agenda. The first being Erdy McHenry as the Township's architect that presented and discussed the draft designs and budget estimates for the Roosevelt Community Center. This included the scope and layout of the planned relocation of the Middletown Free Library. Mr. Galloway stated the second item was a presentation from Scott Cooper in reference to a proposed self-storage facility along East Baltimore Pike near the PECO sub-station. Mr. Galloway stated the final item was Main Line Health-Riddle Hospital to discuss the proposed expansion of the campus including a building, which would house single beds for patients. He stated there was discussion about a couple of variances in reference to height of buildings and set-back requirements.

- C. MANAGER NO REPORT
- D. ENGINEER SEE ATTACHED
- 5. OLD BUSINESS N/A
- 6. PUBLIC HEARING N/A
- 7. NEW BUSINESS

A. Consideration to Introduce Ordinance for text amendments of Chapter 275, Mall Conversion Overlay ('MCO;) District, Section 270-140.8.B(1) amending signage regulations.

Mr. Riper stated there are two minor changes to the MCO regulations that are before Council in terms of a proposed Ordinance amendment. He stated the first relates to the sign regulations pertaining to commercial buildings which limits signage for a multi-tenanted building to 3% of the floor space or 2,000 square feet or whichever is less. He stated this provision is a carryover from the prior B-2 regulations that reference multi-occupancy buildings. He stated there was no thought to the fact there might be some buildings that are single occupancy. He stated this surfaced when the Wawa was proposed. He stated staff recommended applying for a variance to address the issue of signage. Mr. Riper stated a building of 5,000 square feet with two tenants would be entitled to significantly more signage than the same building with one tenant. He stated they applied for the variance and had the hearing last month and are waiting for a decision. Mr. Riper stated there are two buildings that will have the same problem. He stated instead of asking for a variance each time they would like to request a change of the text amendment. He stated the change is eliminating the requirement for a multi-occupied building and the regulations for the sign limitations stays the same. He stated this means a single occupied building receives the same signage as two tenants in the same building.

Mr. Riper stated the other change has to do with the apartments. He stated the current regulations allow for two identification/address signs each of which can be 75 square feet. He stated the question is what signage should be considered identification signage and what signage should be considered for address signage. Mr. Riper stated they have agreed to limit the signage to 150 square feet (two signs at 75 square feet) but are asking for four signs to divide the 150 square feet four ways. Mr. Riper stated he believes staff supports both changes. Ms. Merino stated this is correct. Mr. Read asked if there are any limits to the number of occupants to a building. Ms. Merino stated the maximum occupancy is 8 or 9 to a building and the spaces are smaller so the signage would be proportionally smaller.

Mr. Galloway made a motion to introduce the Ordinance and Mrs. Powell seconded the motion. The motion carried with a vote of 6-0.

Mr. Byrne asked if he knows what is going into the J.C. Penney building. Mr. Riper stated he is not sure. Mr. Kirchgasser stated the original tenant contract was attempted to be shared with the second tenant asking for more of a build out

B. Authorization for Approval: Brandywine Valley SPCA Contract for Animal Protective Services, June 1, 2019 - May 31, 2023

Ms. Merino stated this is a five-year renewal contract for animal control services with the Brandywine Valley SPCA. She stated the Township has had a contract with them since 2015. She stated the Township has a good working relationship and staff supports the renewal.

Mr. Galloway made a motion to approve the contract and Mr. Read seconded the motion. The motion carried with a vote of 6-0.

C. Council Review of Zoning Hearing Board application(s):

1) Application 2019-06: Ponds Edge, LP; 1278/1318/1328 W. Baltimore Pike.

Mr. Riper stated the variance application is filed on behalf of Ponds Edge, LP. He stated the original Ordinance required 23-foot front-yard setback on the front-loaded units and a 23-foot rear-yard set-back on the rear-loaded units. He stated this enables a car to be able to park with extra room. He stated the buyer does not want to change the size of the buildings in terms of length. He stated the front-loaded units will be 60 feet long and the rear-loaded units will be 40 feet long. He stated the plan originally had a flat facade across the front of the building pads. He stated the buyer would like to stagger the fronts 2 feet between each unit. He stated the buyer is asking to diminish the setback to 21 feet for every other pad. Mr. Riper stated he believes staff agrees it is a de minimis request and requested Ponds Edge to apply to the Zoning Hearing Board for relief.

Mr. Riper stated each pad contains four to six units. He stated there is a limitation in the Zoning Ordinance that requires that no pad can be more than 160 feet long. He stated this would accommodate six units across the front based on the original design. He stated the buyer is proposing 28-foot-wide units constant. He stated the total length of the building will be 168 feet. He stated the second relief would be to enlarge the 160-foot limitation to 168 feet. Mr. Kirchgasser asked if Council should send representation to the Zoning Hearing Board. It was decided to let the Zoning Board handle the application.

Mr. A.G. Ciaverelli, 301 New Darlington Road, asked if the changes will have any impact on the original design. Mr. Riper stated there are other requirements that will be met. He stated there is no increase in density.

Mr. Andrew Fallon, 295 Glen Riddle Road, asked if the developers will come before Council or is it a done deal. Mr. Kirchgasser stated this plan has been going on for the past 10 years. He stated there is a buyer who has some small adjustments within the Zoning to add changes to the facade and to the width of the building. Mr. Fallon asked if there will be another presentation. Mr. Kirchgasser stated there will be a full presentation for the Zoning Hearing Board. Mr. Fallon asked if the plans will be presented before Council. Mr. Riper stated they will be coming before Council.

Mr. Charlie Williams, 248 Lenni Road, asked if the buyers of Ponds Edge have been made aware of the valve station that's in the middle of their development. Mr. Kirchgasser stated he is not aware of a valve station in the development. Mr. Kirchgasser stated there is a valve station at the rear of the property. Mr. Riper stated there is a document called a Declaration of Covenants which is required by the Uniform Planned Community Act. He stated the public offering statement must list all easements and all things that would have a material effect on the property. He stated every homebuyer would have notice of this.

D. Approval of April 8, 2019 Bill List

Mr. Kirchgasser read the bill list aloud.

RECREATION FUND

PNC Credit Card - To G/F	Supplies	\$	298.50
	Trips	\$	<u>30,970.90</u>
		\$	31,269.40

CAPITAL RESERVE FUND

Core Engineered Solutions	Fuel System Replacement	\$	25,876.62
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Mr. Carlson made a motion to approve the bill list and Mr. Byrne seconded the motion. The motion carried with a vote of 6-0.

Mr. Kirchgasser adjourned the meeting at 7:30 P. M.

Respectfully Submitted,



Sharon Browne, Recorder