

## EAST MARLBOROUGH TOWNSHIP BOARD OF SUPERVISORS

### Meeting of the Board – April 1, 2013

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**Public Hearing – Ordinance 2013-04** Chairman Cuyler H. Walker called the Public Hearing to order at 6:45 p.m. to consider the proposed Nuisance Ordinance.

Jack Greenwood asked about how burning would be handled. Response: It is addressed in the Zoning Ordinance. Another attendee asked about barking dogs. Response: That type of nuisance typically is handled as a private nuisance; the ordinance deals more with public nuisances.

Board members requested some corrections to citations in the text of the ordinance. By unanimous vote (5-0), the Board approved the ordinance, with the understanding that the minor changes will be made prior to execution.

**Public Meeting.** Chairman Cuyler H. Walker called the public meeting to order at 7:12 p.m. in the Township Building, by leading the group in the pledge of allegiance. Supervisors Richard P.S. Hannum, Robert F. Weer, Eddie G. Caudill, and Richard E. Hicks were also present, as were Solicitor Fronefield Crawford, Jr., and Engineer James W. Hatfield.

#### **Public Comment Period.**

**Jonathan Silver**, representing the Onix Group, requested Board approval of extended hours for the Plaza Azteca restaurant in commemoration of Cinco de Mayo. By unanimous vote (5-0), the Board approved extending the hours for only the following:

Saturday, May 4, 2013 until 1 a.m.

Sunday, May 5, 2013 until 12 midnight.

**Chairman Walker** noted the following recognitions for our Supervisors;

Mr. Robert Weer was inducted into the Unionville “Wall of Honor,” based primarily on his community service on both the Unionville-Chadds Ford School Board and on the East Marlborough Township Board of Supervisors, and

Mr. Richard Hicks has been selected to serve on the PA State Association of Township Supervisors legislative committee; Mr. Hicks is currently president of the Chester County Association of Township Officials.

**Minutes of March 4, 2013.** By unanimous vote (5-0), the Supervisors approved the minutes as prepared.

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**Unionville Ice Cream Shop – Conditional Use Order.** The Supervisors voted unanimously to approve each of the Conditions:

- #1 – Specifications for grease trap to be approved by Township consulting engineer
- #2 – Compliance required with applicable signage and handicap requirements,
- #3 - Maintain parking facilities sufficient to handle customers and events,
- #4 – Prohibit second floor use as a conference center; but may be used in accordance with zoning ordinance standards,
- #5 – Usage of property must be substantially in accordance with testimony at the hearing,
- #6 – Regulates delivery times: 7:30 a.m.- noon M-F and 8-noon on Saturdays; no deliveries on Sunday,
- #7 – Regulates trash pick-up times: 7:30-noon M-F; 8-noon on Saturdays; no trash pick-up on Sundays,
- #8 – Requires that trash receptacles be enclosed,
- #9 – Regulates signage, including appropriateness in Historic District (no internal illumination),
- #10 - Permits both indoor and outdoor seating
- #11 – Requires Emergency Services contribution
- #12 – Requires conformance with all zoning regulations, noting especially Section 1811 Performance Standards,
- #13 – Requires reimbursement of Township expenses, including legal and hearing expenses,
- #14 – Permits Board of Supervisors to modify terms of approval, without re-opening the hearing.

The Board voted unanimously (5-0), to approve the entire Conditional Use Order.

**Certificate of Appropriateness** - By unanimous vote (5-0), the Board accepted the recommendation of the Historic and Architectural Review Board to approve the restoration of the front porch at 5 Cemetery Lane.

**Whitewing Farm North – Release of Maintenance Guarantee.** By unanimous vote (5-0), the Board accepted the recommendation of Jim Hatfield and approved the close out of the account, approving the release of \$30,725.

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**Marvin Subdivision** – Henry Raimato represented the applicant, Anne Marvin, in requesting preliminary and final approval of a simple 2-lot subdivision in the AP District, providing for one lot of 1.7508 acres with an existing house, and a second lot of 21.3509 acres, with an existing studio. The larger lot is restricted from further subdivision. By unanimous vote (5-0), the Board approved the subdivision, including the eight waivers, as requested.

**Bank of America.** Joseph Brion, Esq. (of Buckley Brion) and Adam Brower (EB Walsh) represented the applicant in seeking preliminary plan approval for Bank of America, to be located at the northeast corner of the intersection of US Route One and Schoolhouse Road. The Supervisors voted unanimously (5-0) to approve the Preliminary Plan, with the following conditions:

- 1) The access from Route One shall be via a straight-through road, which will be one way until the northern end of the site, at which point it can be two-way to permit vehicles to enter from Onix Drive as far as the northern drive of the Bank. The applicant will design and submit drawings of the straight-through drive to Traffic Planning and Design for review and input.
- 2) The foot-print of the bank can be as large as 4274 square feet. In a separate unanimous vote (5-0), the Supervisors agreed to amend the Conditional Use order to provide for the larger footprint.
- 3) Sidewalks shall be provided along the entire perimeter of the site; the applicant agreed to construct the sidewalk along Schoolhouse Road to the point of its intersection with Onix Drive, provided that the adjacent property owner gives approval for construction on his property, if needed.
- 4) The architectural plan of the building shall be changed to provide a brick base façade of 18-24 inches, in accordance with the design of most of the other commercial buildings along the Route One Corridor in East Marlborough.

**Unionville Park – DCNR Application for Grant for Phase II Design and Construction.** By unanimous vote (5-0), the Board approved **Resolution 2013-07**, certifying the grant application.

**Road Report.** Roadmaster Dennis Mellinger prepared the April 2013 Report, providing for oiling and chipping of roads in LaReserve, Fox Hollow, and Wiltshire, as well as paving Brooks Road. In addition, he requested purchase of a replacement dump truck for \$130,999, and a replacement backhoe for \$77,000. By vote of 4-1, with Mr. Weer opposed, the Board approved

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the purchase of the backhoe and a 3-5 year lease-purchase of the dump truck. The board deferred action on purchase of the boom mower, also requested by Mr. Mellinger.

**Unionville Traffic Control.** Mr. Hannum reported that we have now been advised that PennDOT may approve a reduced speed limit to 30 mph, as well as an advisory speed of 25 mph for certain locations in the Village.

**Unionville Village Master Plan.** The proposal from Glackin Thomas Panzak proposes to prepare a plan showing street trees, additional sidewalks, crosswalks, among other traffic calming measures. By unanimous vote (5-0), the Supervisors approved \$5,600 to complete the Master Plan.

**Longwood Gardens Fireworks Displays.** By unanimous vote (5-0), the Board approved the list of fireworks displays for the following dates, with rain dates in parentheses:

- Saturday, May 25 - (26<sup>th</sup>, 27<sup>th</sup>)
- Wednesday, July 3 -(4<sup>th</sup> , 5<sup>th</sup>)
- Saturday, July 20 – (21<sup>st</sup>, 22<sup>nd</sup>)
- Saturday, August 17 – (18<sup>th</sup>, 19<sup>th</sup>)
- Saturday, August 31 (Sept. 1<sup>st</sup>, 2<sup>nd</sup>)
- Saturday, September 14 (15<sup>th</sup>, 16<sup>th</sup>)

**Recycling Ordinance** – The supervisors decided to delay the public hearing, pending input from PA DEP and CC Recycling.

**Bills.** By vote (5-0), with each supervisor abstaining on a single vote with a perceived conflict of interest, the attached list of invoices was approved for payment, with the following totals:

|                 |              |
|-----------------|--------------|
| General Fund    | \$150,200.10 |
| Payroll         | \$ 46,062.13 |
| Sewer Fund      | \$154,608.83 |
| State Fund      | \$ 11,021.34 |
| Unionville Park | \$ 44,022.10 |

**Treasurer’s Report.** By unanimous vote (5-0), the Board accepted the attached report, as prepared.

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The public meeting was adjourned at 9:27 p.m., at which point the supervisors went into executive session with the solicitor to discuss pending legal matters.

EAST MARLBOROUGH TOWNSHIP

Jane R. Laslo, Secretary/Manager