

WALLACE TOWNSHIP BOARD OF SUPERVISORS
SEPTEMBER 20, 2006

APPROVED

The Chairman called the Meeting of the Wallace Township Board of Supervisors to order on Wednesday, September 20, 2006, at 8:05 AM in the Municipal Building.

Supervisors present: Robert V. Bock, Chairman
Bryan M. McDonough, Member

PUBLIC COMMENT

None.

CORRESPONDENCE

1. CCPC to Twp. Secretary, dated 9/5/06, re: review of the Moore subdivision plan
2. Glen Moore Fire Company to BOS, dated 9/10/06, re: EMC recommendation
3. Dave Beideman to BOS, dated 9/11/06, re: 60-day extension for review of Donaldson/Avenick lot line change
4. DEP to Evans Mill Environmental, dated 9/11/06, re: receipt of application for planning modules for the Marshal Lea subdivision
5. Mike DiSantis to BOS, dated 9/12/06, re: resignation from the WTMA
6. CVC to Twp. Office, dated 9/12/06, re: E&S observation on the Highspire Estates project
7. CVC to Twp. PC, dated 9/12/06, re: review of the Moore subdivision plan
8. CVC to Twp. PC, dated 9/12/06, re: review of the Donaldson/Avenick lot line change
9. CVC to Twp. PC, dated 9/12/06, re: review of the Devereux land development plan
10. Tim Wloczewski to GenTerra Corp., dated 9/14/06, re: zoning interpretation for the Old Orchard project
11. CVC to Twp. PC, dated 9/14/06, re: review of the E&S plan for site distance on the Old Orchard project
12. Denise Yarnoff, Esq. to Twp. Secretary, dated 9/14/06, re: extension of time for review of the Hamilton subdivision plan
13. John Milner Assoc. to Twp. HC, dated 9/14/06, re: scope of work for the Lamb Tavern Springhouse
14. Kim Venzie, Esq. to Twp. Secretary, dated 9/14/06, re: drafts of revised twp. agreements for review
15. Dave Beideman to Twp. HC, dated 9/15/06, re: request for placement on the agenda for the Donaldson/Avenick lot line change
16. WTMA to Twp. Secretary, dated 9/15/06, re: approval of the Pump & Haul Agreement for the Highspire Estates project
17. John Good, Esq. to Twp. Secretary, dated 9/18/06, re: review comments regarding the Pump & Haul Agreement for the Highspire Estates project
18. Joseph Ryan, Esq. to BOS, dated 9/18/06, re: 90-day extension for review of the Popjoy plan
19. Kim Venzie, Esq. to Twp. PC, dated 9/18/06, re: request for review of amendments to the FHWSO of the zoning ordinance
20. Twp. PC to BOS, dated 9/19/06, re: recommendation for Devereux Land Development plan

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FIRE COMPANY

Jack Stewart reported that the fire company report will be mailed to township once it has been completed.

ROAD REPORT

Road report for the month of August: 1396.1 miles driven, 34.2 hours on the equipment meters, and 515 man-hours logged.

Monday morning road inspections. Cleaned all drains. Removed a tree on Mapleflower Road. Replaced more stops signs and 35 mph signs with high intensity signs. Had Reilly Sweeping in to clean up loose stone on Barneston Road from the oil and chipping project. Trash and mowing in all parks. Completed safety inspection at parks. Removed large pine tree near tennis courts.

Proposals have been received for milling and replacing of bad areas on Marshall and Green Pond Roads. Proposals received are: Charlestown Paving - \$7,610; Macadam - \$9,500; and J.L. Hanna - \$8,950. All proposals received are under \$10,000 so formal bids are not required. Mr. Bock moved to accept the proposal from Charleston Paving for the above referenced road projects. Mr. McDonaugh seconded the motion. There being no further discussion or public comment, the motion was unanimously approved. Mr. McDonaugh stated that the money to complete the work was in the budget.

ZONING REPORT

Tim Wloczewski reported that ten (10) new building permits were approved for the month of August as follows:

- #06-59 – 200 Highspire Road (Covered Porch)
- #06-69 – 141 Highspire Road (Porch Pad)
- #06-71 – 100 Shaw Drive (Interior Renovations)
- #06-72 – 909 Fairview Road (Shed)
- #06-73 – 180 Indiantown Road (Fence)
- #06-74 – 60 Brittany Lane (House)
- #06-76 – 191 Mapleflower Road (Porch Roof)
- #06-77 – 30 Margaret Court (In-ground Pool)
- #06-78 – 141 Messner Lane (Shed)
- #06-79 – 30 Margaret Court (Addition/Renovations)

The school district has been granted approval to proceed with their land development. A pre-construction meeting was held with the township engineer and the Chester County Conservation District. The permit for the building is currently under review.

PLANNING COMMISSION

Skip McGrew reported that at the last Planning Commission meeting a number of subdivisions were reviewed.

LaPorta – application has been received, currently under review by the township engineer.

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Devereux – the land development plan, in conjunction with the conditional use order, has been reviewed by the township engineer. The first 8 conditions deal with security issues and will defer any comments to the police department. It is understood that the police department is scheduled to meet with Devereux to discuss all security issues on site.

Regarding fire safety, it was noted that the 10,000 gallon water tank mandated by the order was not included in the plan submitted. Furthermore, Devereux failed to submit the written fire alarm protocol within the sixty day period mandated by the order. Some documents have recently been submitted, but the Township has no indication that the Fire Marshall has approved them.

Regarding the preservation of historic structures on-site, the applicant has stated that Devereux has completed that stabilization and weatherproofing of Croft House. However, the Planning Commission noted that Devereux filed for a permit to demolish Croft 19 days after the Conditional Use order was issued, and the Land Development Plan submitted for review also calls for the demolition of Croft. This would appear to be a direct violation of the order.

Noting that processing of the land development plan could not continue unless the applicant was in compliance with the conditional use order, the Planning Commission unanimously moved to recommend that the Board of Supervisors deny this application because Devereux has failed to comply with the conditional use order.

Denise Yarnoff, Chip Grono, Greg Newell and Lori McGlocklin were present to discuss this recommendation with the Board. Ms. Yarnoff argued that the demolition plan would not be carried out until what she interpreted as a six month good faith period has passed, and that the permit filing was intended to protect Devereux's right to demolish. She further stated that in her submission letter with the application it clearly stated that Devereux would not demolish the building for two years. Devereux has put on a new roof, weather proofed, painted woodwork, and cleaned out the building, and they are actively looking for reuse of the building as well as grant money to allow Devereux to maintain the building. Mr. Grono added that Devereux had no intention of using the Croft Building, as it does not work well for Devereux, but would make it available to the Township or a third party. Mr. McDonough asked if a cost analysis had been completed on the building regarding reuse. Mr. Grono stated that they have not to date since the building was not ready for show. Now that work has been done they will begin a cost analysis as well as starting showing the building. They have also begun to form a committee to find a use for the building. Mr. Bock asked if Devereux would be willing to have a resident from the township on this committee. Devereux welcomed anyone the board would recommend.

As to the fire tank will be shown on the next plan submission. The fire protocol was submitted based the time frame allotted but that was due to numerous discussions with the fire marshal as well as a safety inspection.

Mr. Bock stated that he would prefer to defer any decision on this matter until the Board has had a chance to discuss with the fire company and the police chief as well as waiting to hear the Historical Commission's recommendations regarding the Croft Building. He would like the applicant to continue the review process with the Planning Commission regarding the land development plan. The applicant agreed to this.

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Donaldson/Avenick Lot Line Change – applicant has responded to the review letter from the Township Engineer. The plan did not appear to adversely affect the historical structures on property, but would defer this decision to the Historical Commission. Appears to be no other significant issues and would recommend the required waivers for Board of Supervisors approval. A revised plan making several minor corrections is expected.

Hankin – applicant did not appear

Moore - plan submitted for review called for a Tier III subdivision instead of Tier I. Because the applicant does intend a Tier I approach, many of the review letter comments do not apply. Recognizing that no immediate development of the two 10 acre lots is proposed, the Planning Commission agreed that the plan should demonstrate that building sites are available on each lot, that adequate storm water management and erosion controls can be implemented, and that the private lane is adequate to support future development. Mr. Newell asserted that the prior subdivision plan contained approval for the length of cul-de-sac and frontage considerations. He was asked to provide that plan for review by the Township Engineer.

Maes Subdivision in West Brandywine - GenTerra has not yet filed a subdivision plan for the portion of the Maes property in Wallace. Mr. Kologie will attempt to get a copy of this plan and determine if an application is needed.

Popjoy – Commission was advised that the applicant wants to return to the sketch plan phase. Will await direction from the applicant.

Old Orchard - A revised E&S Plan for the PennDOT required entrance regrading has been reviewed to the satisfaction of the Township Engineer. Approval to proceed is recommended. The applicants request for a ruling from the Zoning Officer on the need for a special exception from the Zoning Hearing Board is still pending.

Carr Sketch Plan - Mr. Carr's request for advice from the Township Solicitor is still pending before the Board of Supervisors.

Diament Sketch Plan - Zoning Hearing Board meeting has been scheduled for October 24.

Girl Scout Camp – consultant meeting was held with the township engineer. The applicant was advised that absent a formal agreement between the developer and Natural Lands Trust for a conservation easement, any plan submitted cannot be considered.

SALDO revisions are pending. Point persons have been established for all pending subdivision before the Commission. 2007 budget request has been submitted to the township per their request.

SUBDIVISIONS

1. #04-1 – Old Orchard Estates
2. #05-4 - Hankin
3. #05-5 - Popjoy
4. #06-2 – Avenick/Donaldson
5. #06-3 - Moore

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SUBDIVISIONS – CON'T

6. #06-4 – Devereux Land Development

7. #06-5 – LaPorta

OLD BUSINESS

Northern Federation – Informational meeting to discuss the Resource Protection Plan has been scheduled for Oct. 10th at the Owen J. Roberts High School.

Beverly Bock provided an update on the Lamb Tavern Springhouse. A scope of work has been received from Milner Assoc. A follow up email was received requesting to support the roof rafters. The Board asked the maintenance department to look at this and see if anything could be done before the winter season.

NEW BUSINESS

Mr. Bock moved to approve Resolution #06-10 regarding approval of a pump and haul agreement for the model and spec homes within the Highspire Estates subdivision. Mr. McDonaugh seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

Mr. Bock moved to approve Resolution #06-11, designating the National Incident Management System (NIMS) as the basis for all incident management within the township. Mr. McDonaugh seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

Interviews were conducted of four candidates who submitted letters of interest to the township regarding the vacancy position on the Board of Supervisors. Candidates interviewed were Jeffrey Camp, Barbara D'Angelo, Janet Grashof and Bill Moore. Mr. Bock stated that a decision will be made at the October 4th meeting. If no decision can be reached between the Board than the vacancy board member will be commissioned, for a period of fifteen days, to help reach a decision.

PUBLIC COMMENT

None.

ADJOURNMENT

Meeting adjourned at 10:15 AM. Next meeting is Wednesday, October 4, 2006 at 7:30 PM.

Respectfully submitted,

Kimberly A. Milane-Sauro
Secretary