

**WALLACE TOWNSHIP BOARD OF SUPERVISORS
MARCH 15, 2007**

The Chairman called the Meeting of the Wallace Township Board of Supervisors to order on Wednesday, March 15, 2007, at 7:40 PM in the Municipal Building.

Supervisors present: Robert V. Bock, Chairman
Janet A. Grashof, Vice Chairman
Bryan W. McDonough, Member

PUBLIC COMMENT

None.

MINUTES

Tabled to next meeting.

TREASURER'S REPORT

General Fund Receipts deposited during the month of February totaled \$119,938.56.

Expenditures from the General Fund for the month of February totaled \$130,673.82.

Mr. Bock moved to approve forty-one (41) bills, payable from the General Fund, for the month totaling \$123,903.90. Ms. Grashof seconded the motion. There being no further discussion or public comment, the motion was approved by a majority vote with Mr. McDonough voting nay. Mr. McDonough stated that the reason for his nay vote was due to the fact that an invoice for the Brandywine Conservancy, for the proposed woodlands ordinance, was included in the total number of payables and he would not be voting on any further spending since this was already over budget.

Mr. Bock moved to approve one (1) bill, payable from the General Fund, for the month of January totaling \$1,452.60. This was an invoice payable to the Brandywine Conservancy for the proposed woodlands ordinance. Ms. Grashof seconded the motion. There being no further discussion or public comment, the motion was approved by a majority vote with Mr. McDonough voting nay.

CORRESPONDENCE

1. EB Walsh to CCCD, dated, 2/13/07, re: resubmission of the E&S plans for the Hamilton subdivision
2. East Nantmeal Supervisors to Twp. Treasurer, dated 2/20/07, re: reimbursement for fire company's workman comp insurance
3. Devereux Foundation to Jane Davidson, dated 2/21/07, re: update on the Croft House
4. Conestoga Rovers to BOS, dated, 2/21/07, re: January 2007 stream monitoring report for the Hamilton subdivision
5. CVC to PC, dated 2/25/07, re: review of the Camp Indian Run subdivision
6. CVC to PC, dated 2/27/07, re: review of the Hankin subdivision plans
7. NLT to BOS and PC, dated 2/27/07, re: review comments on the Hankin preliminary subdivision plans

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8. Applied Geosciences to DelVal Soils, dated 2/27/07, re: review comments on the water balance report for the Hamilton subdivision
9. Entech Engineering to WTMA, dated 2/28/07, re: review of sanitary sewer collection/water distribution system for the Hamilton subdivision
10. Chris DellaPenna to PC, dated 2/28/07, re: resubmission of the Diament subdivision plans
11. Denise Yarnoff, Esq. to Twp. Office, re: notes from PennDOT meeting for the Hamilton subdivision
12. EB Walsh to PennDOT, dated 3/1/07, re: revised submission of the Highway Occupancy Permit for the Hamilton subdivision
13. Larry Hepner to WTMA, dated 3/5/07, re: mowing of the drip irrigation fields for the Hamilton subdivision
14. PC to BOS, dated 3/7/07, re: recommendation letter for conditional approval of the central phase of the Hamilton subdivision
15. Michael Malloy, Esq. to BOS, dated 3/7/07, re: extension of time for review of the Hamilton subdivision
16. 60-day extension for review of the Old Orchard subdivision plans
17. John Good, Esq. to John Diament, dated 3/12/07, re: compliance with zoning ordinance and ZHB decision for the Diament subdivision plan
18. PUC to Twp. Office, re: report from PECO regarding Comcast service to township building
19. Twp. Historical Commission to PC, dated 3/13/07, re: recommendation on Landscape Plan for the Camp Indian Run subdivision
20. Tim Wloczewski to Bell of PA, dated 3/14/07, re: review of permit application
21. PC to BOS, dated 3/15/07, re: revised recommendation letter for conditional approval of the central phase of the Hamilton subdivision

ZONING REPORT

Tim Wloczewski reported that three (3) new building permits were approved for the month of February as follows:

- #07-05 – 50 Sean Lane (Finished Basement)
- #07-06 – 101 Howson Lane (Generator)
- #07-08 – 861 Little Conestoga Road (Deck)

An Enforcement Notice was sent to the property owners of 420 Barneston Road regarding several complaints from neighboring properties concerning the abundance of vehicles and an accumulation of junk piled on their property. A prior Notice of Violation sent went unanswered. The owners were provided an additional 30-days to comply with the current zoning ordinance.

The timber harvest plan submitted by White Oak Forestry for the Galuska property has been reviewed and is found to be in compliance with the zoning ordinance. Proof of insurance was missing but has been provided to the township office. Ms. Grashof moved to approve the timber harvest plan submitted by White Oak Forestry. Mr. McDonough seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

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POLICE REPORT

Chief Kocsi reported that for the month of February the activity report is as follows: 69 investigations; 33 traffic citations; 6 traffic warnings; 3 traffic accidents; 3 criminal arrests and 2 summary arrests.

Some construction issues have arisen with the new building that has pushed the move date for the police department to the end of the month or early April.

For anyone that travels Dowlin Forge Road and Edges Mill Road, there will be scheduled road closures in the coming weeks and some expected delays along Creek Road (State Route 282).

The next Commission meeting is scheduled for March 22nd at 8:00 AM at the Wallace Township Municipal Building.

HISTORICAL COMMISSION

Beverly Bock reported that the Commission reviewed the Landscape Plan and the Historical Report from Wise Preservation for the Camp Indian Run and that both have been approved by the Commission.

Jane Davidson continues to work with Devereux regarding adaptive reuse of the Croft House.

PARK BOARD

Mark Bainbridge presented his son, Mark, Jr., who has come up with an idea and would like to present it to the Board.

Mark Jr. presented:

Litter Day

On this day, everyone will pick up litter on their residence or within view of their residence. They are also encouraged to pick up any litter they see anywhere.

The benefits of Litter Day:

- help animals and the environment
- makes people proud of their community

The Board thanked Mark for his presentation and Mr. Bock asked him to provide a date to the Board and they will make a proclamation for this day.

Mark Bainbridge reported for the Park Board – Dave Beideman continues to work on the topographical survey for Ray Park. The GGS is still working on a plan for the batting cages at Wagenseller Park. Dates have been set for the Easter Egg Hunt, Community Day, and Halloween Party. Also the Board is starting the process of looking for sponsors for Community Day.

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EAC/WOODLANDS TASK FORCE

Mark Eschbacher reported that the EAC did not hold a meeting last month but that they did meet with the Woodlands Task Force and finalized the zoning ordinance portion of the woodlands ordinance. Also a presentation of the native plant species survey was made by Janet Ebert.

The EAC has been received a Merit Award from the Pennsylvania Environmental Network for their work in drafting the proposed woodlands ordinance. Along with the award the Township was provided a \$500 check.

FINANCIAL PLANNING COMMITTEE

Bill Moore reported that due to the rescheduling of the Supervisors meeting, the FPC did not meet this month. They will hold their work session on April 5th.

PLANNING COMMISSION

Bill Moore reported that the Planning Commission held a work session on February 28th, to discuss the Hankin project, as well as their regular meeting on March 14.

At the March 14th meeting a number of subdivisions were reviewed.

Seibert Sketch Plan – Tier II plan, 6 lots located on Indian Run Road. Issue with driveway as it relates to historic properties on either side. The applicant is also proposing to keep the driveway at a width of approximately 10-12 feet unpaved. Applicant will be proceeding with the submission of a preliminary plan application.

Camp Indian Run – Applicant will be attending the PC work session on March 28th to discuss preliminary plan approval.

Devereux – plan note still make reference to the Croft House being demolished. Applicant has stated that if the building remains a Class II they would remove the note from the plan. Access proposed will have to reviewed and may need to be moved away from a historic home.

Diamant – 2 lot subdivision located on Indiantown Road. Letter has been received from John Good, the applicant's attorney, regarding the greenway areas. In the letter it states that the PC recommended that the lot owners hold the greenway. For matters of clarification, the PC did not recommend this, merely stated that they would be agreeable to having the lot owners hold the greenway easements. Applicant would like to have this greenway deeded to each lot owner and have deed restrictions. The PC would prefer to have a conservation easement in place.

Popjoy – plan currently expires before next PC meeting but have been advised by the township secretary that an extension is due from the applicant with a day or two. The plans still show a sewage treatment field located on the lands in Wallace Township. Conditional use hearings continue in Upper Uwchlan. Mr. Bock stated that he has spoken with the Upper Uwchlan Township Manager and that a letter will be sent to them from the Board reitering Wallace's position regarding the sewage fields.

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The PC recommended by a 3 to 1 vote to forward the zoning portion of the Woodlands Ordinance to the Supervisors so they can begin the review process with the County and the township solicitor.

At the February 28th work session, the PC recommended conditional plan approval of the Central Phase for the Hamilton subdivision. A number of conditions were discussed and a letter has been supplied to the Board outlining those conditions.

- The water line routing was a point of focus. Several of the PC members walked the site through the preserve area and determined that a significant number of trees would have to be removed as well as crossing of a creek. The PC recommends that the water line be run along Little Conestoga Road in order to preserve the canopy in the preserve area.
- Village Scale Criteria - The applicant feels that they have met the conditions of the ordinance and that no relief is needed. Mr. McGrew stated that during conditional use the applicant had stated that the plans were only conceptual and did not provide any calculations to the township. Since the plan had changed after the conditional use hearings, the PC does not feel that this ordinance requirement has been met. Mr. Bock stated, and believes the Board is in agreement, that once the Board accepted the alternate plan, that the village criteria was made a mute point. As such, the Board will remove this paragraph from the list of conditions.
- Salt Shed – area around the wastewater treatment plant has been marked for a future building. Hankin has agreed to construct a salt shed for the township and will add a note to the plans.
- Applicant is to comply with tracking items as listed in the Conditional Use Order

The applicant requested that the language in the PC recommendation regarding approval from the Historical Commission be changes as the ordinance states only that the Historical Commission has the right to review and comment, but not approve. Board agreed to change the language to "...regarding the landscape plan...". Date on letter from the Municipal Authority needs to be changed to December 13, 2006. Additional recommendations have been received from the township consultants. These recommendations outline some additional conditions that the Board may want to consider during their approval. Both of these emails were received after the PC February work session. The Board agreed to incorporate these additional recommendations into their approval. Mr. Bock moved to approve the preliminary plan for the central phase of the Hamilton subdivision based on the March 15th recommendations of the Planning Commission, as well as the recommendations from Natural Lands Trust in an email dated March 7th and the recommendations from Castle Valley Consultants in an email dated March 7th. Mr. McDonough seconded the motion. There being no further discussion or public comment, the motion was unanimously approved.

SUBDIVISIONS

1. #04-1 – Old Orchard Estates
2. #05-4 - Hankin
3. #05-5 – Popjoy
4. #06-4 – Devereux Land Development
5. #06-6 – Camp Indian Run
6. #06-7 – Diamant

OLD BUSINESS

Hankin Sewer Agreement – Mr. McDonough questioned whether or not the WTMA has the ultimate authority to accept dedication of the sewage facilities. Keith Fetter, WTMA solicitor stated that this was correct, in that the WTMA does have the ultimate authority to accept dedication. The WTMA is a legal entity which operates independently even though it was created under the Supervisors. If at anytime the Supervisors are dissatisfied with the WTMA they can simply disband them. Kim Venzie, township solicitor, stated that she has reviewed the agreement and finds the language as presented acceptable. Planning Commission member, Skip McGrew stated that the Conditional Use order states that dedication can be accepted by the Municipal Authority or the Board of Supervisors. Ms. Grashof moved to approve the Agreement for Construction and Operation of Community Sewage Facilities for the Hamilton Subdivision (aka Hankin) as presented and previously approved by the Wallace Township Municipal Authority. Mr. Bock seconded the motion. There being no further discussion or public comment, the motion was approved by a majority vote with Mr. McDonough voting nay.

Denise Yarnoff, Esq. was present to discuss the reclassification of the Croft Building located on the Devereux property. Bob Wise, applicant's historical consultant, has stated that the building does not meet the criteria of a Class I structure per our zoning ordinance. Devereux is currently considering the use of the Croft Building for its own purposes and will agree to remove the pending demolition permit if the Board decides not to reclassify the building. Planning Commission member, Bill Moore, stated that the PC did walk the property and noticed that Devereux has done numerous improvements to the building. Mr. Bock moved to not proceed with the reclassification of the Croft Building at this time, with the understanding by the applicant that, in the future, this building could be reclassified as well as the applicant's agreement to withdraw the pending demolition permit. Ms. Grashof seconded the motion. Denise Yarnoff, Esq., representative for the applicant agreed with the motion as presented. There being no further discussion or public comment, the motion was unanimously approved.

Mr. McDonough stated that at the last police commission meeting his request for a copy of the check detail was denied. The commission stated that even though a formal request, via email, was made, they would not be supplying a written response. Mr. McDonough would like a formal letter, on township letterhead, be sent to the police commission requesting a copy of the check detail and/or a written response for denial.

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NEW BUSINESS

Denise Yarnoff, Esq. and Albert Greenfield, III were present representing the Greenfield project. Ms. Yarnoff presented the Board with proposed language for an overly district which would allow the township to keep the underlying "FRR" and "T" districts and permit additional uses. Applicant feels that this would be the path of least resistance for what they are proposing to utilize the site for as a golf course and housing units are currently not permitted in either district. Applicant feels that full participation by all parties at the beginning of this project is imperative and sets the tone for the future of this project. Township solicitor, Kim Venzie stated that overlay districts are often a better alternative to townships then removing the underlying district. She further stated that she does agree with the applicant that all party participation in the beginning is better. Ann Hutchinson of Natural Lands Trust stated that overlays are pretty easy to work with but would recommend that the Board first be provided with a complete site analysis plan and a by-right plan to determine if what is being proposed is even feasible as well as allowing the board to see what could go there as opposed to what the applicant is proposing. Ms. Venzie stated that Ms. Hutchinson's suggestion is not an unreasonable request of the applicant. Applicant agreed to prepare a site analysis plan and present it at the PC's April work session.

Woodlands Ordinance will be tabled to the next meeting.

PUBLIC COMMENT

Mr. McGrew asked the township solicitor the status of her review of the stormwater ordinance. Ms. Venzie stated that she has reviewed the document and provided comments to the township engineer.

Mr. Wloczewski stated that he has been contacted by John Seibert regarding the site distance issues with his driveway. He will continue to work with him.

Ron Test, new owner of the Blue Heron, was present to introduce himself to the Board. There is currently no liquor license for the building so he is looking at other uses instead of fine dining. He will come back to the Board with a proposal in the near future.

ADJOURNMENT

Meeting adjourned at 9:50 PM. Next meeting is Wednesday, March 21, 2007, at 8:00 AM.

Respectfully submitted,

Kimberly A. Milane-Sauro
Secretary