

Caln Township Chester County, Pennsylvania
Board of Commissioners February 29, 2024
7:30 Hybrid Business Meeting Minutes

Board Members Present: Paul Mullin-President, Joshua B. Young-Vice President, Jane Kennedy-Commissioner, Lorraine Tindaro-Commissioner, and Mark Evans-Commissioner.

Staff Members Present: Don Vymazal-Township Manager and Secretary, Denise Miller-Assistant Township Secretary and Administrative Assistant, Abbey Swan-Community Outreach Specialist, Lisa Swan-Director of Finance and Township Treasurer, Police Chief Elias, Ray Stackhouse-Director of Building and Life Safety, Johnnie Huggins-Public Works Director, Scot Gill-Municipal Authority Director, and Nicole Shannon-Ingleside Golf Course General Manager/Superintendent.

Professionals Present: Kristin Camp-Township Solicitor, Ross Bickhart P.E.-Gilmore & Associates, Gina Gerber-Attorney with Riley Riper Hollin and Colagreco and Engineer Victor Kelley with Commonwealth Engineers both representing Bondsville Road Realty Ventures, LLC. Developer Mr. Risbon was also in attendance.

Special Guest: N/A

The Board of Commissioners' (BOC) February 29, 2024, agenda was posted on the Township website, at the Township building on February 28, 2024, and agendas were made available for the public, at the meeting. The 2024 Township BOC meetings were published in the Daily Local Newspaper, on December 27, 2023.

Commissioner Mullin called the meeting to order at 7:30 PM. Commissioner Mullin then called for the Pledge of Allegiance to the Flag.

Opening Comments Link

Citizens to be Heard

Cathy Callaghan of 931 Bondsville Road is concerned that residents could not log onto the Bondsville Apartments Zoom meeting. Ms. Callaghan noted that at the meeting it was said that there will be four stories and the May 25 minutes state that there may be only three. Commissioner Mullin noted that this question will be answered under the Bondsville Road Realty Ventures discussion.

Mr. Vymazal asked Commissioner Mullin if 5.2 on the agenda could be moved to the top of the agenda, requested by the Chief of Police. Commissioner Mullin agreed.

1.1 Resolution 2024-04 Authorizing the Township to Enter into an Intergovernmental Cooperation Agreement for the Purchase of a Record Management System, used by the Police – Ms. Camp noted that the police currently have the Metro Alert System and the company that bought them decided to replace it with a new system.

Commissioner Mullin asked Ms. Camp to outline the scale of the rates. Ms. Camp noted that because of the migration cost and getting the system in order, the first year is free for a user license in the amount of \$42,557.59 and \$10,463.00 for two to five years. Commissioner Evans noted that the price will be lower if additional municipalities join. Commissioner Young asked how much the current system is. Chief Elias replied that it is approximately \$6,000.00 per year. Chief Elias noted that they applied for a Local Share Grant (LSA grant), which will cover the first year and data migration.

Commissioner Mullin entertained a motion to approve Resolution 2024-04 authorizing the Township to enter into an Intergovernmental Cooperation Agreement for the purchase of a record management system, used by the Police. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 5-0.

2. Township Solicitor

2.1 Discussion Bondsville Road Realty Ventures, LLC Land Development Plan Extension Request –

Ms. Camp noted that the BOC agreed in 2011 to allow by conditional use (CU), Mr. Risbon's petition to amend the zoning ordinance to allow within the R4 district a term called "Senior Independent Living Facility", which is for 55 years of age and older. In 2013 the BOC approved the CU decision and then the Applicant had to go to the Zoning Hearing Board (ZHB) because some proposed constructions happened in flood plains and riparian buffer. In December 2016, the ZHB issued a decision granting a special exception for encroachments within the flood hazard and riparian wetland buffer. In September 2017, the applicant received preliminary land development approval for a Senior Independent Living Facility, which was followed by final land development approval in June 2018. In May 2023, Mr. Risbon indicated that he wanted to pursue moving forward with the development and with his partner he indicated that they were considering potentially reducing the height of the building and reducing the overall number of units. June 9, 2023, the BOC discussed and did not render a decision to extend the life of the plan. Ms. Camp also noted that the way the Township zoning ordinance is written that when you have a CU approved, it says that your CU will expire if within one year of the decision the applicant does not obtain building permits to construct whatever was approved that is not required by state law. This is something that the Township zoning ordinance imposes as a requirement. The other part that is imposed by State law is when an applicant or developer receives preliminary land development plan approval, the law says that they have a period of five years from the date of preliminary plan approval to substantially complete the improvements on the plan and if they do not do that within the five year time frame you have the ability to request or to require them to take the plan that was approved and bring it current to whatever ordinances were adopted after the 5 year window expired.

Ms. Gerber noted that the most interesting thing this evening is that if you look at the final plan that was approved in 2018, the date of intended construction was 2020 and we all have a general idea what went on then, so there was no feasibility of this plan being built at the time intended when this was approved. The applicant is looking to move forward with this plan now that the cloud has lifted. This plan is still viable and beneficial for Caln Township. Ms. Gerber also noted that they can look at their plan in more detail to see how the plan complies. A substantial part of the stormwater management (SWM) complies with the new ordinance, however, there are some differences between what the township ordinance requires and what this plan shows. They are willing to do what they can to try and meet the purpose and intent of the new 2022 SWM ordinance with the assistance of the Township Engineer. Ms. Gerber noted that they cannot promise that they will meet every letter of the law. There were some waivers that were granted with respect to the SWM on the original plan that they are still going to have to pursue if they move forward.

Ms. Gerber noted that if the Township is generous enough to consider vesting this plan under the prior ordinance, there are some concessions that they can make on their end to make sure that the SWM that is being proposed on this site is as good as it possibly can be, and match as closely as it can be to the Township's new ordinance.

Ms. Gerber noted that the plan is compliant with NPDES standards, which is a permit that is required and has been extended to meet the development of this property. They are pursuing four stories, which was originally proposed and approximately fifty-seven units. Ms. Gerber also noted that there is a tributary of a stream which goes through this property which posed challenges to neighboring properties, so in 2018 a very robust culvert system was proposed and there was a very robust SWM system that was required to meet the ordinance, at that time. They went above and beyond that only because of this particular property.

Ms. Gerber noted that they hosted a virtual meeting on February 21, 2024, with neighboring properties. The client has agreed to make concessions on the landscaping plan to work with those homeowners immediately abutting this site. The applicant also agreed to meet with these owners at the site in terms to see what he can do to help buffer and screen this location.

Commissioner Tindaro asked if the green roof will be on top of the fourth story. Ms. Gerber replied that it will be on the roof of the building. This will help with the infiltration and SWM on the site.

Commissioner Evans and Commissioner Mullin had concerns with the floodplain. Ms. Gerber replied that the latest update to the floodplain map occurred in 2017, and those floodplain changes were captured in the final approved plan. Ms. Gerber also replied that from a FEMA perspective the floodplain designation has not changed. The 2017 floodplain changes are captured in the final plan that was approved by the Township, which is what they are asking the Township to invest this evening.

Commissioner Evans is concerned that most of the SWM has been completed and the property behind this property building has a lake running through his yard. Ms. Gerber replied that the large permanent basin to the rear of the site has been put in, and additional SWM will go in if the project moves forward. Ms. Camp replied that you must start construction on something that you received zoning relief for. Ms. Camp also replied that they were able to show her and Mr. Stackhouse that this occurred.

Ms. Camp asked Mr. Kelley if there are substantially more SWM management facilities so the neighbors will see a vast improvement. Mr. Kelley replied that the green roof will reduce the runoff for that area. This was padded in the northern section where the building and parking lot is. The improvements to the stream which is shown on the right side of the screen in blue is the stream improvement, so the culvert is where the driveway crosses that stream and the channel from the culvert out to Bondsville Road is being greatly improved to channelize the water which right now if it does not stay in that tributary it goes over and through the back of the neighbor's property. Mr. Kelley also replied that a lot of that will be funneled at least up to the east for that section of creek. Beyond the culvert it is staying in its natural state, as it is now. Commissioner Evans asked what happens to the east end. Mr. Kelley replied that it goes back to the existing stream bed. Where some of the flooding occurs is when you start to get into the tail water or the back water from Beaver Creek, which is where you're getting the impact of where this small tributary goes into that area, it floods the whole watershed of Beaver Creek, so they have very little impact on that. Mr. Kelley also replied that they looked briefly into the [Chester County Water Authority](#) adopted by the Township; however, they have not looked further because they still have to do calculations. They certainly should meet the intent of all that. There are little nuances in the way things are modeled. Also, they needed to get waivers because they do not have infiltration on the site.

Ms. Gerber noted that the building pad on the site was compacted by the fill on the property and 75% of the sewer EDU's have been reserved and paid for.

Commissioner Mullin asked Mr. Risbon to clarify why he decided to go from eliminating the fourth floor back to the original plan. Mr. Risbon replied that it could still be a three-story building. Mr. Risbon also replied that they have not performed the architectural aspect of it yet.

Cathy Callaghan of 931 Bondsville Road spoke on the projects' February 21, 2024, Zoom meeting. Ms. Gerber noted that anything downstream happening on this property will not affect properties that are upstream. Ms. Gerber also noted that owners are suffering from general flooding and lack of SWM in areas of the township.

Commissioner Mullin noted that he is concerned with all the SWM waivers they received. Ms. Gerber replied that a lot of those waivers are regarding infiltration.

Commissioner Mullin noted that the plan states “the applicant did not agree to 100% of the units as fifty-five and older.” Ms. Camp replied that the Fair Housing Act and Federal Law states that 80% of residents are restricted to fifty-five and older. Mr. Risbon noted that their targeted goal is to have 80% 55 years of age and older.

Commissioner Mullin asked about the nine-acre Edge parcel that was proposed in lieu of the \$120,000.00 “fee in lieu” of open space fee. Ms. Camp replied that the Township did not accept the proposal.

Commissioner Mullin asked about the east bound on ramp from the thirty bypass. Ms. Camp replied that there was conversation when they were proposing that the Township utilize the nine-acre as open space that the Township would put trails there and it was concluded that this was not an appropriate place to put trails.

Commissioner Mullin asked if there will be a privacy fence along the entrance. Mr. Kelley replied there is a fence on the south side of the entrance going up to roughly where the stream is. Mr. Kelley also replied that the fence is on the approved plan. Mr. Risbon replied that they are willing to do a green buffering where they can put it. There is also currently a green buffering there. Ms. Camp asked if this statement is over and above the plan. Mr. Risbon replied “yes.”

Commissioner Mullin asked if the owner in front of their property was at the Zoom meeting. Mr. Risbon replied “no.” Commissioner Mullin asked what type of privacy will be installed along the parking lot. Mr. Risbon replied, “evergreen screening.” Mr. Risbon also replied that there is currently evergreen screening in place. Also, the property owner bought his property after they received final approvals. Commissioner Mullin asked if the fourth story residents will see the owners’ pool. Mr. Risbon replied that he does not believe so with the screen that is currently there. Mr. Risbon also replied that the average height of a residential home is approximately thirty-five feet, and their building is less than fifteen feet higher. Commissioner Mullin asked if the Thorndale Fire Company has a ladder that will reach the fourth story. Mr. Stackhouse replied “no.” Mr. Risbon replied that this building is required to be sprinklered.

Commissioner Mullin noted that he is concerned with the traffic impact and asked if there will be a new traffic study done. Ms. Camp replied that it would if the Board required them to go through the CU process again. Mr. Risbon replied that their PennDOT permit ran out, so they had to redo the traffic impact study and it fell within the same perimeters.

Commissioner Mullin noted that in 2012/2013 a resident mentioned the character of the neighborhood. Mr. Risbon replied that there are apartment complexes within ½ mile to this project and one on G.O. Carlson Road is a very large complex. Commissioner Mullin asked if he is speaking about the Park Drive area. Mr. Risbon replied “yes.”

Dan Hagen of 217 Park Drive noted that at one of Mr. Risbon’s meetings he asked about parking, how the water would be affected if the parking lot changed, SWM, and where the project is feeding water to is part of the problem because there is already erosion to Beaver Creek.

Marianne Cattell of 1 Marshall Drive asked how far from the base has the building been built up. Mr. Risbon replied that it is approximately three feet. Ms. Cattell asked if the traffic study was available to see. Mr. Risbon replied that it is public information. Ms. Cattell asked where the visitor car parking lot is and who the joint venture company is. Mr. Risbon replied that they will have a management company on site to police the complex. And he does not want to say the joint venture company, at this time.

Cheryl Spaulding of 406 Lloyd Avenue commented on their SWM and the possibility of a major flood.

Mark DeYoung of 20 Beaver Run Road commented on the number of exceptions given and recommended that the BOC decline this project.

Brett Klukan of 3525 Hazelwood Avenue commented on the green roof and asked if they would only use native plants as part of their landscape. Mr. Kelley replied that the green roof is a requirement of the NPDES permit.

Bob Fernholz of 48 Marshall Circle asked if this property would stay as a Senior Independent Living Facility if ownership changes. Ms. Camp replied that it will stay as it is a defined term in the Township zoning ordinance.

Tony DiSario of 251 Loomis Avenue is concerned that there will not be enough parking.

Ms. Camp notified the Board that there is not a time requirement for them to make a decision. Commissioner Mullin noted that the Board would like to discuss this further.

2.2 Bondsville Road Realty Ventures, LLC Conditional Use Decision Extension Request – Discussed under item #2.

3. Gilmore & Associates

3.1 Reed Street Drainage Improvements Project Payment Application #7 in the Amount of \$19,239.28, payable to Foresite Concepts, LLC – Mr. Bickhart presented Payment Application #7 for the Reed Street Drainage Improvements Project.

Commissioner Mullin entertained a motion to approve application #7 in the amount of \$19,239.28 payable to Foresite Concepts for the Reed Street Drainage Improvements Project. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 4-0.

3.2 Spackman-Davis Farmhouse Roof Project Gilmore and Associates Change Order #1 for a "Not-to-Exceed" Amount of \$6,800.00 – Mr. Bickhart presented change order #1 for the Spackman-Davie Farmhouse Roof Project.

Commissioner Mullin asked if a roofing company can also do the roof. Mr. Bickhart recommended one contract and using a subcontractor to do the porch.

Tony DiSario of 251 Loomis Avenue asked if there is money in the budget to do this work. Commissioner Evans replied that there is money allocated in the budget to work on the Farm. Commissioner Young replied that the BOC will have to discuss how to approach if it comes in over budget.

Commissioner Mullin entertained a motion to approve Gilmore & Associates change order #1 for a "Not-to Exceed" amount of \$6,800.00 for the Spackman-Davis Farmhouse Roof Project, for porch foundation and structural retrofit design and bidding services. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 4-0.

4. Township Manager

4.1 2024-2025 Property Maintenance Advertisement – Mr. Vymazal presented the 2024-2025 Property Maintenance Bid Packet for Advertisement.

Commissioner Young noted to remove section #17 from the contract because it is regarding Ingleside Golf Course and their employees will be mowing their basin.

Commissioner Mullin entertained a motion to advertise the 2024-2025 Property Maintenance on March 2nd and March 5th. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 5-0.

4.2 DPP 2022 Properties, LLC – Request to Waive the Amended Conditional Use \$4,000.00 Application Fee for The Farmhouse Coffee & Espresso Bar – Commissioner Mullin presented the amended CU Application.

Applicant, Dana Petrizzo noted that she paid \$4,000.00 for her first CU application. Commissioner Evans noted that a CU cost is for the solicitor to review and advertise. Mr. Evans also noted that the Township fee schedule needs to be revised. Commissioner Young asked if this application is for the removal of brick. Ms. Petrizzo replied that it is. Ms. Petrizzo also noted that she would have mentioned the brick sidewalk if you go through land development first. Moving forward Commissioners Young, Evans, and Mullin recommend an escrow fee approach. Commissioner Mullin asked Mr. Stackhouse to give a background of the \$4,000.00 fee. Mr. Stackhouse replied that it used to be \$2,500.00 and he raised it to \$4,000.00 because the Township was losing money on large projects. Mr. Stackhouse agreed with the Board that the fee should be escrow based and along with Mr. Vymazal they will change the fee schedule.

Commissioner Mullin entertained a motion to waive the amended conditional use application fee of \$4,000.00 for DPP 2022 Properties, LLC for the Farmhouse Coffee & Espresso Bar located at 4000 Lincoln Highway. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

4.3 Authorize Township Manager or Board President to Sign the 2024 Road Program PSA for a “Not-to-Exceed” Cost of \$29,670.00 – Mr. Vymazal presented the 2024 Road Program PSA.

Commissioner Young asked if this can be committed to being completed before October. Mr. Bickhart replied that he will try to make this happen before October.

Commissioner Evans asked if Aqua will return to pave Lloyd Avenue. Mr. Stackhouse replied that they will not pave the entire width of the road. Commissioner Young asked if the Township waived their road opening fee. Mr. Stackhouse replied “no.” Commissioner Young asked Mr. Vymazal to contact someone at the state level to get a high-level contact at Aqua. Mr. Vymazal replied that he will reach out to someone at the state level.

Tom Parr of 582 Lloyd Avenue commented on the Lloyd Avenue Aqua project.

Mark DeYoung of 20 Beaver Run Road noted that he would like to see Lloyd Avenue paved in its entirety.

Commissioner Mullin asked if the Township wants more roads to pave to add to their list. Mr. Stackhouse replied that this would be a different PSA. Mr. Bickhart noted that they did an evaluation of the roads, and he could move a road up on the list if the Public Works Department finds that one needs to be repaired now. Ms. Swan noted that the road evaluation is on the township website.

Commissioner Mullin entertained a motion to authorize the Township Manager or Board President to Sign Gilmores & Associates PSA for the 2024 Road Program for a “Not-to Exceed” Cost of \$29,670.00. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 5-0.

5. Board Minutes to Approve

5.1 January 11, 2024

Commissioner Mullin entertained a motion to approve the January 11, 2024, Board Minutes. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

5.2 January 25, 2024

Commissioner Mullin entertained a motion to approve the January 25, 2024, Board Minutes. Moved by Commissioner Young and seconded by Commissioner Tindaro. The vote passed 5-0.

5.3 February 8, 2024

Commissioner Mullin entertained a motion to approve the February 8, 2024, Board Minutes. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

6. Resolutions

6.1 Resolution 2024-03 Establishing the 2024 Fire Police Officers for the Thorndale Volunteer Fire Company –

Commissioner Mullin entertained a motion to approve resolution 2024-03 Establishing the 2024 Fire Police Officers for the Thorndale Volunteer Fire Company. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

6.2 Resolution 2024-04 Authorizing the Township to Enter into an Intergovernmental Cooperation Agreement for the Purchase of a Record Management System, used by the Police – Adopted under the “Township Solicitor”.

6.3 Resolution 2024-05 Supporting the Pennsylvania Commission for the United States Semiquincentennial –
Commissioner Evans noted that July 4, 2026, will be the celebration of the 150 Anniversary of this country.

Commissioner Mullin entertained a motion to approve Resolution 2024-05 supporting the Pennsylvania Commission for the United States Semiquincentennial. Moved by Commissioner Evans and seconded by Commissioner Young. The vote passed 5-0.

7. Finance Department

7.1 Finance Report – Ms. Swan gave a brief report on the Township finances. Ms. Swan noted that the tax bills were mailed and there is a 2% discount if paid by April. Trash and sewer bills will be mailed March 1 for February and March payments.

7.2 Check Approval

Commissioner Mullin entertained a motion to Approve Checks 51540 to 51639 and Manual Check 300. Moved by Commissioner Young and seconded by Commissioner Tindaro. The vote passed 5-0.

8. Department Reports

8.1 Police – None

8.2 Thorndale Fire Company – Chief Taylor gave a brief report on his department. Chief Taylor noted that the fund drive donation letters were mailed, and their blood drive is on April 2.

8.3 Building & Life Safety – Mr. Stackhouse gave a brief report on his department. Mr. Stackhouse noted that Chipotle Restaurant has opened, and FEMA is in their final review for reimbursement payment.

8.4 Public Works – Mr. Huggins gave a brief report on his department.

a. Discussion South Caln Road Guiderail Installation – Mr. Huggins noted that the guiderail was installed on South Caln Road.

- b. Street Sweeper Rental Bids – Mr. Huggins noted that he would like to rent a sweeper and utilize employees to use it from April 15 to May 15. This will be a savings for the Township. Commissioner Young asked if the company dumps the trash and hauls it away. Mr. Huggins replies that they will dump the trash at the public works location.

Commissioner Evans noted that this week there was a panic button alarm set off at Copeland Run Academy. The alarm was set up to go the Owner or the Board President. Commissioner Evans asked who pays for that alarm. Mr. Stackhouse replied that he cannot answer this because this was not a specific emergency or dispatch.

Commissioner Mullin entertained a motion to approve Bortek Industries’ proposal for the rental of a street sweeper in the amount of \$11,250.00, for 30 days. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

8.5 Minquas Fire Company Ambulance – Assistant Chief Wagner gave a brief operational report.

8.6 Ingleside Golf Course – Ms. Shannon gave a brief report on her department.

- a. New Club Logo – Commissioner Kennedy noted that the logo will make a nice postcard for visitors to purchase.

Commissioner Mullin entertained a motion to approve the new logo as presented. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

Commissioner Mullin entertained a motion to approve the new logo as presented. Moved by Commissioner Evans and seconded by Commissioner Tindaro. The vote passed 5-0.

- b. Discussion-Potential Billboard Design – Commissioner Mullin noted that Commissioner Kennedy would like to see “Caln Township” bolder on the design. Ms. Shannon replied that it will look bigger on the billboard. Ms. Shannon also noted that she will update her design. Commissioner Evans asked if it should say “Caln Township” or “Thorndale.” The Board agreed to keep it “Caln Township.”

9. Additional Business – There was none.

10. Public Comment – There were none.

Adjournment – Commissioner Mullin entertained a motion to adjourn the February 29, 2024, Board meeting. Moved by and seconded by Commissioner Young. The vote passed 5-0.