

Meeting Agenda for Caln Township
Board of Commissioners
May 11, 2023
7:30 PM
Hybrid Meeting

Call to Order: Commissioner Kennedy called the Board of Commissioners meeting to order at 7:30 PM. Commissioner Kennedy then called for the Pledge of Allegiance to the flag.

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

Staff Members Present: Kristen Denne-Township Manager/Secretary, and Denise Miller-Assistant Township Secretary, Lisa Swan-Finance Director/Treasurer, Ray Stackhouse-Building and Life Safety Director and Public Works Department Director.

Professionals Present: Kristin Camp Township Solicitor.

Special Guest: N/A

The Board of Commissioners May 11, 2023 agenda was posted on the Township website, and at the Township building on May 10, 2023. Agendas were made available for the public at the meeting.

The 2023 Township Board of Commissioners meetings were published in the Daily Local Newspaper on December 27, 2022.

Commissioner Evans Township Update

Welcome everyone, thank you for joining us. We're all in this together. Just a reminder, only questions or statements regarding an agenda item will be entertained under "Citizens to be Heard" at the top of the meeting. All other matters will be recognized during "Public Comment" at the end of the meeting.

1. News many have been dreading: The long-anticipated detour of Route 322/Manor Avenue has been announced by PennDOT. This work is required to connect utilities for the Mi Place development and will begin Monday, June 19, 2023. The road will be fully closed 24/7 and work could take up to two weeks to complete. Yes, it will be an inconvenience for us all, but it's got to be done. I'm grateful PennDOT chose to delay the closure until the end of the school year. A detailed map of the detour route can be found at www.calntownship.org.
2. Now for news I know should make you smile: The date for our 15th annual Caln Community Day has been announced – Saturday September 9, 2023. Here's hoping for spectacular weather!
3. The national COVID-19 emergency has ended: They were some very scary years. We lost friends, loved ones, businesses, and the emotional wellbeing of our youth. We were the first generations in over 100 years to experience the tragedy of a pandemic. We can honor all that we lost by remembering how lucky we are to have made it through alive.

4. CONGRATULATIONS! Yesterday our Caln Privileged Citizens group celebrated their 50th Anniversary. Many of you may not be familiar with who the Caln Privileged Citizens are, so I'll share something I wrote after being a guest speaker at their November 2022 meeting:

When we hear “privileged”, our ears tend to rise with questions - No, the Caln Privileged Citizens do not get the winning lottery numbers ahead of time; they don't get special treatment from the police, they don't even get to cut the line at the Post Office. They're not privileged in that sense. You see, to join the privileged citizens, you must be over 60, and live in Caln Township (Caln), and their ages run the gamut from 60 to well over 100. They meet monthly for fellowship, entertainment, and enjoy the occasional bus trip. They also give back, their annual food and clothing drive benefits the Coatesville Y. Really, we're the privileged ones... we're privileged to have them as part of our community. It's often said that our civilization is defined by how we honor our legacy. By keeping this vital group going, we're building a stronger future.

5. Speaking of privileged: Not that long ago, the right to vote was given to only a privileged few. Your vote is your voice. Next Tuesday, May 16 is the 2023 Municipal Primary election, don't miss your chance to be heard. No matter who you vote for, please vote. You can find your polling place on the map on the Caln Website.

Caln 1 is right here at the Municipal Building

Caln 2 and Caln 4 vote at Coatesville Area High School

Caln 3 pole is at the Coatesville Area School District Building on Zinn Road in Thorndale

6. SPREAD KINDNESS EVERYONE: Anger, grudges, and resentments are not worth our time or energy. Compassion, Empathy, Peace, and Love – these are what make the world go round, and the greatest gifts any of us can give or receive.

Presentation: Cohen Property – Concept of an Overlay District – Ms. Denne shared the Cohen property proposed map for Mr. Eli Kahn's presentation. Mr. Kahn, owner of E. Kahn Development Corporation noted that Cohen Brothers is a truck repair and salvage facility run by Allan Cohen located at 4109 Lincoln Highway and was started in 1950. The business occupies approximately 29 acres of land, which runs from Business Route 30, Lincoln Highway north up to what was proposed to be the connection of G.O. Carlson Boulevard, to the west is the Caln Village Shopping Center, to the north/west is a large apartment complex, and to the east there is a large residential project. Mr. Kahn also noted that much of the 29 acres is covered by trucks and is in the FEMA flood zone. The areas on the plan sketched as townhomes are the only part of the property that is buildable with today's requirements, and not in the FEMA flood zone.

Mr. Kahn noted that the Cohen family has an opportunity to sell their business to a group who will continue with this use. It is a fairly easy transaction for them to contemplate, however; financially it is not the best for the family. The best option would be to develop the property into a residential community of some greater density in the current TV-1 and R-4 zoning. Mr. Kahn also noted that the front part of the property is zoned TV-1 and the rear part of the property is zoned R-4.

Mr. Kahn noted that they previously were negotiating an agreement with Aldi and then Kmart sold their property to Lomax Carpet and Tile and Aldi moved onto their property. Mr. Kahn also noted that they presented this plan a year and a half ago along with one on Parkside Drive and soon after that they were told that the Township is pursuing their own zoning changes.

Mr. Kahn noted that once this proposed project has been completed, the flood plain will be a beautiful swath of green that will run through the two projects. They are proposing access to the southern portion off route 30 and access from the back of Park Drive. Mr. Kahn also noted that the impervious and building coverage is okay, however; they need to modify setbacks. Their goal is to come before the Board with an overlay district and push it hard through the Township.

Mr. Kahn noted that he would like to get an idea to see if the Township would accept a consideration of an overlay district and then forwarding it to the Township and Chester County Planning Commission for a review.

Commissioner Young asked if the project would be for four dwelling units per acre. Mr. Kahn responded that currently it allows 116 units, and they are proposing 95 to 100. Ms. Camp asked if the problem is the area and setbacks that do not work because of the flood plain area. Mr. Kahn responded that the bulk area requirements do not allow it. There are areas that they looked at to squeeze a few units in to make it more efficient. These units are 20 feet wide, and the current township ordinance allows for 24-foot townhouses. Some of the townhomes would be a little deeper. Currently there is no stormwater on the property, however; they will be designing this in accordance with the Township stormwater. Ms. Camp asked Mr. Kahn if they had an engineer look at designing this with riparian bulk. Mr. Kahn responded that it is better to sell the property to a developer. There is not enough density to make the current code of 24-foot townhomes. Ms. Denne asked Mr. Kahn if they looked at the possibility of keeping the 24-foot townhome but making a stacked style townhome that would allow more density to keep that 24-foot townhome. Mr. Kahn responded that they did look at it and they will continue to look at it. Mr. Kahn also responded that stacked townhomes are successful in areas where there are young people because there are a lot of steps. Commissioner Young asked Mr. Kahn if these townhomes would be rentals or owner occupied. Mr. Kahn responded that these would be a "for sale" product. Commissioner Kennedy asked Mr. Kahn if 50% of the property is in the flood zone. Mr. Kahn responded that it is probably more than that. Commissioner Kennedy asked Mr. Kahn what he would do for building purposes if it were more than 50% of flood plain. Mr. Kahn responded that what is proposed to be built is outside the flood plain. Ms. Camp asked Mr. Kahn how trucks can be in the flood plain if it floods. Mr. Kahn responded that it rarely floods. Ms. Camp asked if the land would be usable land for residents. Mr. Kahn responded that you could possibly put in a trail or tie into the sidewalk on Park Drive or to the east. It would also be part of a Homeowners Association. Commissioner Tindaro asked Mr. Kahn how many parking spaces they will have. Mr. Kahn responded that there would be one or two spaces in the garage, one space in the front of the garage, and overflow spaces throughout the development.

Commissioner Tindaro asked if there will be fire walls between the townhome walls. Mr. Kahn responded that the International Building Code requires that, and they will also have fire hydrants. Commissioner Tindaro asked if there will be additional fire protection on the roofs. Mr. Kahn responded that it will be what is required. Commissioner Young asked if there will be sprinklers. Mr. Stackhouse replied that sprinklers are required.

Ms. Camp asked Mr. Kahn if the Cohen's would see this project through to development and then sell it after it was approved. Mr. Kahn responded that they would proceed with hiring counsel to prepare an overlay ordinance and submit it with the Cohen family as the Applicant. They would work with them to have concept sketches of what the houses will look like and at some point, they would have a building company purchase the property and build the homes.

Ms. Camp asked Mr. Kahn about the environmental condition of the property. Mr. Kahn responded that last year the Cohens completed Phase 2 work on removing tanks, and soil samples were taken throughout the property. He also responded that there would be additional testing as they remove the inventory. Ms. Camp noted that the whole process will take a year and a half from beginning to end. Mr. Kahn responded that it should be done in six months because the changes are not overly difficult.

Commissioner Evans noted that he is happy to see Mr. Kahn's presentation. Commissioner Evans also noted that from when he ran for Commissioner, he has been adamant regarding how Lincoln Highway looks because it is the key to the future of Caln. If Lincoln Highway is left looking the way it is, then Caln will be left behind.

Commissioner Kennedy called for Board and public comments.

Joseph Daniel Hagen of 217 Park Drive asked if this project would make the stormwater worse on Park Drive. Ms. Camp responded that this would have to be studied.

Cheryl Spaulding of 406 Lloyd Avenue asked the status of the Township rezoning. Commissioner Kenney responded that the Board is working on it. Ms. Camp responded that the Board has a lot of issues that they have been dealing with so at the next meeting they will possibly schedule some meetings and will address the county's deadline.

Licia Carini of 103 Ayerwood Drive noted that this would be a wonderful amenity and could revitalize the shopping center. Mr. Kahn responded that it would help the shopping center.

Commissioner Evans proposed a motion that this Board make a decision to allow this overlay to be developed, seconded by Commissioner Young.

The vote passed 4-0.

Ms. Camp noted that she will speak with Mr. Stackhouse and then contact Mr. Kahn with the process to move forward.

Citizens to be Heard

Cheryl Spaulding of 406 Lloyd Avenue asked if the Board previously decided that there would be no overlay? Commissioner Young responded that was in Ray Ott's Plan. Commissioner Evans responded that they have focused on Lincoln Highway with design guidelines and the uses for different areas and landscaping on Lincoln Highway. They started talking about uses for the other five zoning districts, which they were going to keep as they were to expediate the process. However, they are going to make some changes to them. It would still be 1-5 rather than zoning blue, orange and green. Ms. Camp responded that once the final document is ready and they have an ordinance from

beginning to end then it must be sent to the Township Planning Commission, the County Planning Commission and then they go to a ordinance hearing. Commissioner Evans noted that he thought that the Township was waiting to hear back from the county with comments on the draft. Ms. Camp responded “no”.

Township Solicitor – Ms. Camp

Ms. Camp asked Ms. Denne if she would like her to stay for “Additional Business” to answer questions if they come up. Ms. Denne responded “yes”.

Township Engineer

N/A

Township Manager – Ms. Denne

Ms. Denne noted that the Route 322, Horseshoe Pike closure will not start on June 12, 2023 like PennDOT said. Once PennDOT determines a date, PennDOT will make an official statement as to when it will close.

Ordinances and Resolutions for Consideration

Request for Consideration to Approve Resolution 2023-12 for the Disposition of Township Records – Commissioner Kennedy entertained a motion to approve Resolution 2023-12 for the disposition of township records. Moved by Commissioner Young and seconded by Commissioner Tindaro.

Commissioner Kennedy called for Board and public comments. There were none.

The vote passed 4-0.

Resolution for Consideration to Approve Resolution 2023-13 a Resolution of the Board of Commissioners of Caln Township Declaring an Emergency Condition Pursuant to Section 1802 of the First-Class Township Code, 53 P.S. §56802, and Authorizing the Township to Enter a Contract for the Temporary Shoring of a Retaining Wall Along the South Side of G.O. Carlson Boulevard Between North Bailey Road and James Buchanan Drive – Commissioner Kennedy entertained a motion to approve Resolution 2023-13 a Resolution of the Board of Commissioners of Caln Township declaring an emergency condition pursuant to Section 1802 of the First-Class Township Code, 53 P.S. §56802, and authorizing the Township to enter a contract for the temporary shoring of a retaining wall along the south side of G.O. Carlson Boulevard between North Bailey Road and James Buchanan Drive. Moved by Commissioner Evans and seconded by Commissioner Young.

Ms. Camp noted that Mr. Stackhouse contacted her last week and notified her that there is a retaining wall along G.O. Carlson Boulevard that is in danger of collapse. Ms. Camp also noted that the normal procurement process takes quite awhile to advertise, receive bids, determine the lowest responsible bidder, and give a notice to proceed. There is a provision in the First-Class Code that in an emergency, which could create a danger to public health and safety then you can forgo the public advertising process. As soon as the Township receives the easement

agreement from the effected property owner then the Township can hire a contractor to do the work.

Commissioner Kennedy called for Board and public comments. There were none.

The vote passed 4-0.

Finance Department

Request for Consideration to Approve the Accounts Payable Bill List for Checks 50026 to 50118 – Commissioner Kennedy entertained a motion to approve the accounts payable bill list for checks 50026 to 50118. Moved by Commissioner Young and seconded by Commissioner Tindaro.

Commissioner Kennedy called for Board and public comments. There were none.

The vote passed 4-0.

Minutes to Approve/Acknowledge

Request for Consideration to Approve the April 27, 2023 Board of Commissioners Minutes – Commissioner Evans asked if the minutes could be tabled because he has a few items to revise.

Commissioner Kennedy called for Board comments.

Commissioner Young made a motion to table the April 27, 2023 Board minutes, seconded by Commissioner Tindaro.

The vote passed 4-0.

Boards and Commissions Updates – Summary by Applicable Board Liaison

Parks and Recreation – Commissioner Kennedy noted that there will be a concert in the park featuring Jimmy Jorge and the Latin Express on June 2 at 8:00 PM, July 7 at 8:00 PM the movie “Puss in Boots”, National Night Out on August 1 featuring Chico’s Vibe and fireworks starting at 6:00 PM, the Chester County Historic Preservation Network Town Tour featuring the Spackman-Davis Farm from 5:30 PM to 7:00 PM, and Community Day on September 9 from 3:00 PM to 8:00 PM.

COG – Commissioner Kennedy noted that they discussed membership, website design, the proposed animal shelter, and legal advice for their scholarship. Commissioner Kennedy asked Ms. Camp if she was contacted by COG regarding advice on the scholarship. Ms. Camp responded that Stacy Fuller gave an opinion, so she did not feel comfortable also giving an opinion.

Municipal Authority – N/A

DARA – N/A

Fire Board – N/A

Historical Commission

Commissioner Evans noted that the Historical Commission met on Wednesday April 19, 2023 and had a quorum with ten of the eleven members in attendance (Nine in person and one via zoom), plus three guests.

Commissioner Evans noted that they heard updates from all their sub-committees. Of great concern is the rain gutter left hanging semi-detached along the front of the Spackman-Davis Farmhouse – It sends the message to potential vandals that no one is keeping an eye on the property. There were questions of whether open space funds would be used to replace the farmhouse roof and repair the porch, as this possibility had come up at a Board of Commissioners (BOC) meeting a couple months back, but there have been no updates.

Commissioner Evans noted that Chair Stephens shared that their Historical Commission leadership had a nice chat with a potential buyer for the Buchanan House, and thought he had a good plan for the property. If he were to move forward with buying it, the Historical Commission could consider giving him a positive recommendation.

Commissioner Evans noted that there has been new progress in their efforts to get Edges Mill Milling District on the National Register. Commissioner Evans also noted that they have been coordinating with Megan McNish at the Chester County Historical Preservation Network to incorporate some tweaks to their HPO to ensure we're compliant for future Certified Local Government eligibility.

Commissioner Evans noted that their connection to the Old Caln Historical Society has never been stronger. I am happy to say that they had beautiful weather and a nice turnout for last Saturday's annual flea market. Lots of great finds. Licia and I came away with a very cool birdhouse and a beautiful print of Spackman-Davis Farm.

Commissioner Evans noted that the main event of their meeting was planning for the upcoming July 20, 2023 Historic Town Tour and Village Walk (TTVW) we're hosting at Spackman-Davis Farm. We voted to form a steering sub-committee to develop possibilities for consideration by the entire Commission, and that steering sub-commission has been working on a presentation to share with the BOC, hopefully at the last meeting of May. Unless something pressing and unexpected comes up between now and the event, we won't be taking on anything else until after the TTVW. We could potentially have 350 people attend our tour and there's lots of "I"'s to dot and "T"'s to cross.

Commissioner Evans noted that their next scheduled meeting is next Wednesday May 17, 2023 at 7:00 PM. You can join us right here live, or from home via Zoom. We're a fun group who like getting things done – please consider coming to one of our meetings.

Lincoln Highway – Commissioner Young noted that they discussed getting this group started again. Commissioner Young also noted that he spoke with Commissioner Evans and Adam Thomas from the Township Planning Commission about an outside group with businesses and the Township would participate in that group, and the businesses would run it.

Commissioner Kennedy noted that she spoke to Mr. Thomas about a Jr. Ambassador pilot program for the Planning Commission.

Ingleside Golf Course – Commissioner Tindaro thanked new golf manager/superintendent Nicole Shannon for all she has accomplished in her short time working at the golf course. Commissioner Tindaro noted that their next meeting will be held on May 22 at 5:45 PM at the golf course club house.

Additional Business

Request for Consideration to Approve D. E. Gemmill Inc. in the Amount of \$15,236.56 for the 2023 Road Repainting Pavement Markings – **Commissioner Kennedy entertained a motion to approve D.E. Gemmill Inc., in the amount of \$15,236.56 for the 2023 Road Repainting Pavement Markings. Moved by Commissioner Young and seconded by Commissioner Evans.**

Commissioner Kennedy called for Board and public comments.

Commissioner Young noted that bids were also received for \$19,660.08 and \$30,309.29.

The vote passed 4-0.

Request for Consideration to Approve the Request from 3246 West Summit Avenue Seeking Relief from Caln Township Code; Chapter 74-5 G. (1), Which Requires a Minimum of a Five-Foot Setback to the Property Line – Mr. Stackhouse noted that the owner of 3246 West Summit Avenue submitted a permit to extend his driveway to the read of his yard off his current driveway. The ordinance requires a 5-foot setback which the homeowner is not able to comply with.

Mr. Ken Severn the owner of 3246 West Summit Avenue, noted that he would like relief from the setback code so he has easier access to his shed for his classic car, and he no longer would have to pay to store it. Mr. Severn noted that he spoke with his neighbors, and they understand what he would like to do with the setbacks, and they understand that the roots of their pine trees that extend into his yard will be dug up during the driveway process. Mr. Severn also noted that he informed his neighbors that he will pay for any damage to those trees. His neighbors accepted however they are not willing to put anything in writing.

Commissioner Kennedy called for Board and public comments. There were none.

Commissioner Young made a motion to grant the request for a waiver for 3246 West Summit Avenue seeking relief from the Caln Township Code Chapter 74-5 G. (1) waiving the 5-foot setback from the property, seconded by Commissioner Evans.

The vote passed 4-0.

Public Comments

Mark DeYoung of 20 Beaver Run Road asked if the Township is developing a plan to market the LERTA program. Commissioner Young responded that is why they are restarting and reorganizing the Lincoln Highway group and then using that group to market the LERTA program. Their first speakers will be Marian Moskowitz from the Chester County Planning Commission and the Chester

County Economic Development Council. Mr. DeYoung also thanked the Board for the street sweeping service.

Joseph Daniel Hagen of 217 Park Drive asked if the Township has plans to replace the basin down the road from him. Ms. Denne responded that he could ask the Township Engineer this question at the next meeting when he is present. Ms. Denne noted that the Township has plans to replace the whole stormwater system on Park Drive.

Adjournment – Commissioner Kennedy entertained a motion to adjourn the May 11, 2023 Board of Commissioners meeting at 8:50 PM. Moved by Commissioner Evans and seconded by Commissioner Young.

The vote passed 4-0

Respectfully Submitted,

Denise Miller
Assist. Township Secretary