

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE  
April 3, 2006, 7:30PM

In attendance were Supervisors Chairman Thomas A. Foster, Vice-Chairman Charles P. Barber and Carol R. De Wolf Police Commissioner; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Roadmaster Mark Gross; Township Planning Commission Chairman Kevin Flynn; and Parks Advisory Group Chairman Rob Upton. There were fourteen guests in attendance.

**I. Call to Order.**

As there was a quorum present Chairman Foster called the meeting to order and led those present in the pledge of allegiance.

**II. Approval of Minutes (March 20, 2006 Regular Meeting).**

Mr. Barber made a motion, seconded by Ms. De Wolf to approve the minutes of the March 20, 2006 regular meeting. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as corrected for spelling.

**III. Departmental Reports.**

**A. Township Building Inspector – John Wilson.**

Mr. Wilson reviewed the March Building Report. He reported that he had attended a class to be certified as a Building Code Official which will enable him to do plan review.

**B. Township Roadmaster – Mark S. Gross.**

Mr. Gross reported, as there was only one snow/ice storm in March, the Department was able to continue with stormwater work. The work included repairing a ditch on Johnny's Way where there was a large accumulation of silt. Mr. Gross stated that manhole castings are being replaced on the roads the Township will be resurfacing this summer. The new castings will help control the surface inflow and infiltration into the manholes. Mr. Foster asked if any curb work needs to be done, and if this is the responsibility of the homeowners, could the work be coordinated with the road resurfacing. Mr. Gross said the residents will receive a letter advising them of the schedule for the road work and information on curbs could be included in the letter. Mr. Barber asked who would be inspecting the road work. Mr. Gross responded that the Township Engineer will have an inspector on site daily to inspect the project. Ms. De Wolf asked that Mr. Layman determine if the costs of the inspections are included in the amount budgeted for the road work.

**C. Township Planning Commission – Kevin Flynn.**

Mr. Flynn reviewed the March 22<sup>nd</sup>, 2006 Planning Commission meeting. He stated that the Planning Commission is recommending that the Board of Supervisors grant preliminary plan approval to Sharon Bank with conditions. Mr. Flynn stated there is an issue concerning the cost of the potential widening of Green Lane. The applicant does not feel he should be responsible for the total cost of the project but would consider sharing the cost with the Township. The Commission also continued review of the zoning amendment revisions for the AC district. Mr. Flynn stated that the ordinance is not being written just for Crebilly but for all properties in the A/C district. The press release for Crebilly stated that the applicant is proposing a high density of 800 units on 100 acres. The applicant has never presented a site plan for the entire tract which is a concern of the Planning Commission. Ms. De Wolf asked if John Snook had made additional comments on the zoning revisions. She stated that the revisions need to be reviewed for language relating to public improvements and historic issues. Mr. Flynn responded that the last draft was in October 2005 and that Mr. Snook incorporated these comments in the newer draft

received this week. Mr. Foster asked Mr. Flynn for his suggestions concerning the other properties zoned A/C.

Mr. Flynn stated he feels that Crebilly should be a separate district or an overlay district. Ms. De Wolf stated that these options will have to be addressed. She also stated that this has been a long process but now that the intentions of the applicant are known we can move forward with reasonable zoning for the property. Mr. Flynn said he has great concerns with the proposal of 8 units per acre. Ms. De Wolf said the Board does share the concerns of the Planning Commission but needs more open dialogue. Mr. Flynn stated the Township needs to adopt a more proactive stance. Mr. Foster stated that the Board will meet with the Planning Commission before they meet with Crebilly.

**D. Parks Advisory Group – Rob Upton.**

Mr. Upton reviewed the March 14<sup>th</sup> Parks Advisory Group meeting. He stated that the new playground equipment for Oakbourne Park has been ordered and will be installed this month. Mr. Upton said that he and Mr. Layman had met with Robert Connolly, Business Manager of Westtown School, to discuss a cooperative agreement with the school for disposal of brush. The Township would provide tub grinding of the brush every few years. The Parks Advisory Group recommends continuing issuing wood removal permits as long as the wood is only from trees already down in the park.

Mr. Pavelchek stated that Friends of Oakbourne will be planting flowering Cherry Trees at Oakbourne on Friday April 21<sup>st</sup>. He also stated that Chester Ridley Crum Creek Watershed Association will be doing a cleanup of Goose Creek for Earth Day, April 22<sup>nd</sup>. Friends of Oakbourne will be meeting at 9:00am to do the portion of Goose Creek that runs through the Cope Tract. Mr. Upton stated the Friends are interested in raising funds for renovations to the Smith Mansion. He asked how the Board intends to use the Mansion in the framework of the Township. Ms. De Wolf said the Board has a desire to renovate the Mansion and is looking into acquiring funding. Mr. Pavelchek said the Friends are a non-profit organization. He stated when applying for grant money the grantor would like to know how their organization would benefit from the grant. Mr. Foster said once renovated the Township will be able to rent the Mansion for weddings, special events, business seminars etc. He stated that grant funding is not the total answer as he would like to see fund raising support from the community and know that the community is behind the renovation of the Mansion.

**IV. Public Comment Non-Agenda Items.**

Alan Peppelman, 1140 Old Wilmington Pike, said he was advised that representatives from Crebilly would not be attending the April 5<sup>th</sup> Planning Commission meeting so he did not attend. Now he understands they were at the meeting. He is concerned that the zoning will be changed for Crebilly but not for the properties on Old Wilmington Pike and if this happens their properties will not have any value. Mr. Layman said the Planning Commission would make any recommendations for changes in the zoning at a public meeting and Mr. Peppelman could make comments at that time. Mr. Peppelman said he will be attending all Planning Commission meetings. Mr. Foster advised Mr. Peppelman that his property is zoned R1 which would not automatically be re-zoned the same as a neighboring tract. Mr. Flynn advised Mr. Peppelman that Crebilly was a late addition to the Planning Commission's agenda.

Mr. Sherick and Mr. Moyer, representing Gaudenzia, were in attendance. Mr. Sherick asked the status of the repairs to the Pleasant Grove Pump station. Mr. Foster advised Mr. Sherick that the Township Solicitor has been in contact with Gaudenzia's Solicitor but an agreement could not be reached. He also advised Mr. Sherick that the Township Engineer and the manufacturer of the pump have both been assessing the pump problem and feel it is not just the impeller. Mr. Foster said until the Township has a more detailed analysis of what the cost will be an agreement cannot be signed. The offer was made to your solicitor that the Township would be willing to accept the risk, if Gaudenzia would grant the Township the two easements under discussion for the past few years. Mr. Foster said if you want to allow the Township to take the risk for the upgrade and Gaudenzia agrees to the terms that were presented to them the Township would reconsider. If not, Gaudenzia has the ability to do a pump and haul operation which the Township would agree to. Mr. Sherick stated that he did not know until tonight what the Township's conditions were or the additional problems with the pump station. He said Gaudenzia would be willing to give the Township what the Township needs as long as Gaudenzia can move forward and there is no

problem with the certificate of occupancy. Mr. Barber stated as long as the building meets code requirements a certificate of occupancy would be issued. Ms. De Wolf asked am I hearing that you are willing to accept what the Township solicitor has offered Gaudenzia. Mr. Sherick said Gaudenzia would be willing to grant the two easements. Mr. Foster said besides the two easements the Township solicitor also requested a master plan of the Gaudenzia property. Ms. De Wolf said she was not aware that a master plan of the property had been requested. She questioned if this was a site plan of what has been done or a definition of the intent of the use of the property. Mr. Foster said the Township needs to know the current use of the property. Mr. Moyer said it is a drug and alcohol rehabilitation center and the Board is welcome to visit the site at anytime. Ms. De Wolf said she is aware of that and supports what they do. Mr. Layman said he wanted to clarify what the Township means by a master plan. He stated we are looking for an accurate site plan, which the Township has never had, in order to see if the current activities on the property are non-conforming or conform to present zoning. Mr. Layman also stated when the Township solicitor reviews the easements and find that they are in order the planning module will be signed.

Richard Horan, Wedgwood Swim Club, 951 S. Matlack Street, thanked the Board for looking at the dangerous traffic situation at the entrance to the swim club. He stated fifty percent of the comments from a recent survey of members, many who are Township residents, were traffic concerns. He stated last month he had requested a yellow blinking light on S. Matlack Street before their entrance but feels that a three way stop sign might be a better answer. Mr. Foster responded that there would be problems with a three way stop sign at this location especially in winter. Mr. Foster said the Township would need to have a traffic study before they could do anything. Mr. Horan said the speed limit is 35mph and feels the speeding of the traffic is a Township concern. Mr. Foster said we are as concerned with safety as you are but can't just install stop signs. Ms. De Wolf said although you feel that stop signs may be helpful in certain situations they actually create more problems this is the reason the Township does studies to see whether stop signs are appropriate in certain locations. She also stated, as Police Commissioner, she will make sure that area is being patrolled. Mr. Barber suggested that Mr. Horan look into changing the location of the driveway which would be the most logical resolution to the problem. Mr. Horan said the club cannot do that at this time. He asked if a traffic study would be done. Mr. Foster said this is on the list of areas to be studied when funds are available. Mr. Horan asked about getting a recommendation from PennDOT. Ms. De Wolf said that would help if he could get them to do one.

**V. Old Business.**

**A. Contract for Sewer Line Under Route 202.**

Mr. Foster stated that the Board had approved a contract to investigate the sewer line which goes under Route 202 to Stetson Middle School. It has become apparent that there are additional problems with the line which require more than just an investigation. Mr. Layman said the additional problems were located before the contract with B & J Excavating was formally executed so the contract may be rescinded.

Mr. Barber made a motion, seconded by Ms. De Wolf, to rescind the contract with B & J Excavating. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously rescinded the contract.

**VI. New Business.**

**A. Award 2006 Road Improvement Bid to D. Malloy Paving in The Amount of \$220,060.00.**

Mr. Foster stated that the Township Engineer has reviewed the bids and recommends awarding the bid to low bidder D. Malloy Paving in the amount of \$220,060.00. The amount includes the base bid and both options A and B.

Mr. Barber made a motion, seconded by Ms. De Wolf, to award the 2006 Road Improvements Bid to D. Malloy paying in the Amount of \$220,060.00 for the base bid including options A & B. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the bid award.

**B. Grant Preliminary Land Development Plan Approval for Tract 2004-3 Sharon Bank.**

Present for Sharon Bank: Mr. Michael Gill, Solicitor and Martin Eustace, Engineer. Mr. Gill said they were present to ask the Board for preliminary land development approval. He stated that the Planning Commission has recommended approval conditioned on the Township Engineer's review letter of March 17<sup>th</sup>, 2006. The Township Engineer had concerns with the location of the stormwater rain tank. He stated that Mr. Pingar and Mr. Eustace had met on site with the Chester County Conservation District. The applicant has agreed to move the tank away from the right of way line. The second condition for approval is the widening of Green Lane for a future left turn lane onto West Chester Pike. Mr. Gill said from a planning perspective it makes sense to widen Green Lane now but the cost is an issue. The traffic impact study, required under the Subdivision and Land Development Ordinance did not show a warrant for a traffic signal or widening of Green Lane. During the Conditional Use Hearing the applicant agreed to do a post development traffic study but the widening of Green Lane or installation of a Traffic Study was not a condition of the Board of Supervisors granting of Conditional Use. He stated the applicant would be willing to share part of the labor cost but does not feel it should accept the whole cost burden as the widening of Green Lane was not warranted by the development. Mr. Foster asked about the issue of the pipe at south east corner of the property. Mr. Eustace stated that the pipe will take less flow when the property is developed than it is now. He said that a note will be put on the plan stating that to insure the integrity of the pipe it will be shored up during construction. If the pipe is damaged the damaged section will be replaced. He also stated he noticed that the Township had replaced the headwall. Mr. Gross said a trash rack was installed a year and a half ago. This was due to the debris and silt coming from the Sharon Bank site. It was a continuing maintenance problem for the Road Department especially after a heavy storm. Mr. Gill stated that he will make sure the debris on the site is cleaned up. Ms. De Wolf stated she feels the Board needs information from the meeting with the Conservation District. Mr. Foster said he does not feel the Board has enough information this evening to make a decision but would try to resolve some of the issues. A discussion was held concerning the widening of Green Lane. The Board broke for an executive session.

Mr. Foster advised the applicant that the Board needs more information from the Township Engineer on the widening of Green Lane before they can grant preliminary plan approval. He stated the Township does not have a problem with the relocation of the rain tank or the pipe. The only remaining issue is the road widening.

**VII. Public Comment (all topics)**

Walter Pavelchek, 1050 S. New Street, asked about the road work on S. New Street. Mr. Gross stated there was a water leak on S. New Street which has caused the road to sink over the pipe. Aqua will be responsible for excavating and repairing the road.

Mr. Pavelchek said he has attended almost all of the Planning Commission meetings in the past four years and it has been his observation, having studied the zoning revisions, that they should have been enacted for the properties in the A/C district a year or two ago. He stated the zoning for the A/C district is becoming the zoning for the development of Crebilly Farm. He stated that his observation is that the Planning Commission past and present are trying to dictate how the property should be developed and the applicant on the other side is trying to protect the rights of his property and get the greatest latitude. The total perspective of the A/C ordinance has been lost because of this.

**VIII. Payment of Bills.**

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve payment of the bills. The Board of Supervisors unanimously approved payment of the bills as presented.

**IX Adjournment.**

On the motion of Ms. De Wolf, seconded by Mr. Barber, the meeting was adjourned.

Respectfully Submitted  
Robert Layman,  
Township Manager

