

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
TOWNSHIP ASSEMBLY HALL, 1039 WILMINGTON PIKE  
March 3, 2003 7:30Pm

In attendance were Supervisors Chairman Victor J. Orlando, L. Charles Scipione and Robert A. Genzano; Acting Secretary Elaine L. Adler; Township Solicitor Robert F. Adams; Township Building Inspector Gerald R. DiNunzio; Township Roadmaster Mark S. Gross; and Township Consultant John Snook Brandywine Conservancy. There were 43 guests attendance.

**1. Call to Order.**

Chairman Victor J. Orlando led the Board of Supervisors, staff and guests in the Pledge of Allegiance and called the meeting to order.

Mr. Orlando introduced Mr. Robert Layman who will be the new Township manager starting on March 17, 2003. Mr. Layman comes to Westtown from North Coventry Township, Chester County where he has been the manger for the past thirteen years.

The Board of Supervisors thanked the Township staff for their excellent job during the last four months.

**11. Approval of Minutes (February 18, 2003 Regular Meeting).**

On the motion of Mr. Genzano, seconded by Mr. Scipione, the Board of Supervisors unanimously approved the regular meeting minutes of February 18, 2003 with correction of minor spelling errors.

**111. Departmental Reports.**

**A. Township Building Inspector – Gerald R. DiNunzio.**

Mr. DiNunzio reviewed the February Building Report with the Board of Supervisors. He stated that road improvements, necessary for dedication of the roads in Phase III and Phase IV of Green Lane Village, will be completed at the same time for dedication in the spring. Mr. Orlando asked that the improvements to the intersection of Green Lane and Route 352 be expedited. Mr. DiNunzio responded that Mr. Iacobucci has submitted the necessary permits to PennDOT and the engineering will be completed when there is a change in the weather. Mr. Orlando asked about the retaining walls which have been constructed at the emergency entrance for the Reserve at Chesterfield. Mr. DiNunzio said the walls were added due to the ADA requirements for the grade of the walking trail. He stated that he will be meeting this week with the Chester Conservation District concerning removal of the erosion and sediment controls at the Westtown Associates office building. He also stated that Mr. Shields has rented part of the first floor office space to the American Cancer Society. Mr. DiNunzio informed the Board that the Jaguar dealership, 1568 West Chester Pike, will be connecting to the Township public sewer system through the Market Place Shopping center once an agreement is finalized with Mr. Brandolini.

**B. Township Road and Parks Department – Mark S. Gross.**

Mr. Gross stated that the Department had responded to eight snow and ice issues so far. He said he feels the Township is in good condition for the amount of snow that was removed in the last storm. Mr. Gross stated he is preparing a bid for line painting for the early spring.

Mr. Gross informed the Board that PennDOT has closed the stone bridge on Westtown Road, between Oak Lane and Westtown Way, indefinitely. He stated

this bridge is not on PennDOT's replacement list and as the "Singing Bridge" on Route 926 is to be replaced this year the detouring of these roads will cut the Township in two. Mr. Scipione asked if Mr. Gross and Mr. Capuzzi will be doing an annual road inspection of all Township roads as this has been such a severe winter. Mr. Gross responded yes and that he has been discussing this with Mr. Capuzzi. Mr. Genzano said he feels it will be a disaster if both Westtown Road and Route 926 are closed. He feels we need to contact PennDOT concerning this issue. Mr. Orlando suggested sending a letter to PennDOT expressing the Township's concerns. Mr. DiNunzio stated that the original concept plan for replacement of the "Singing Bridge" showed that a temporary roadway was to be built along the side of the bridge to keep the traffic moving. He suggested that now would be the time to discuss a temporary road with PennDOT.

#### **1V. Public Comment (Non-Agenda Items)**

Mr. Mollure, 929 Trellis Lane, stated that he had submitted a letter to the Board of Supervisors on March 15, 2002 requesting that the Board look at the parking situation in Wild Goose Farms and his request was denied by the Board at that time. He would like to present his letter to the Board again as parking in the development is becoming a problem as more teenagers in the development are now driving. He also stated as there is no parking on the roads he has received numerous tickets. Mr. Mollure stated that he had suggested in his letter that it might be possible to issue a parking permit to allow parking on one side of the street. Mr. Orlando advised Mr. Mollure that the Board did not approve parking permits as they did not want to set a precedent. He advised Mr. Mollure to re-submit his letter to the Board and they will re-visit the issue.

Mr. Robert Nicolaysen, 425 Homestead Lane, reiterated his request for office zoning in the R2 district north of the Township building on Route 202. Mr. Genzano advised Mr. Nicolaysen that the Board of Supervisors have patiently listened to him concerning this issue. Mr. Genzano again stated that he believes that 202 will become a limited access highway in the near future based on information provided to the Township by PennDOT. He said with no access on Route 202 this would bring commercial traffic through residential neighborhoods. He also stated that the Board of Supervisors feels the best zoning is to leave the area residential as it was originally zoned. Mr. Nicolaysen stated that he feels the Township has spent funds on a flawed zoning proposal.

Mr. Peter Stephenson, 1093 Barnview Lane, expressed his feeling that the Board of Supervisor's vote on the Intergovernmental Agreement with the West Chester Area School District ("WCASD") was a flawed vote. He stated he feels that as Mr. Genzano is a resident of the Plumly development he should have recused himself from voting. Mr. Stephenson stated that the properties on Barnview Lane bordering the school tract are affected much more by the proposed location of the school than the homes in Plumly which are on side streets off of Shiloh Road. He also said that Mr. Green, WCASD, advised him that the Township was responsible for the proposed school location and Westtown has been telling him the school district determined the location. Mr. Stephenson said Mr. Green is willing to debate this issue with Mr. Genzano.

Mr. Thomas Peterson, 901 S. New Street, addressed the proposed expansion of Tigue Road. Mr. Orlando advised Mr. Peterson that nothing new has been presented to the Township since the last Board meeting. Mr. Orlando assured Mr. Peterson that the Township will look out for the best interest of the residents where this issue is concerned.

Mr. Terrance Kyle, 1097 Barnview Lane, expressed his feeling that the Board of Supervisors did not represent the residents of Barnview in the siting of the location of the proposed high school but only represented the residents of Plumly. He asked the Board to explain again the rationalization of the placement of the proposed location of the high school. The Board of Supervisors advised Mr. Kyle that the topography of the tract was the determining factor in the proposed location of the school. Mr. Scipione stated that approximately 500 test borings were done on the site and the large amount of rock that was located was also a factor in siting of the high school. The Board of Supervisors

recommended that Mr. Kyle attend the Township Planning Commission Meetings when the preliminary plan for the high school is reviewed.

**V. Old Business.**

**A. Continue Hearing and Action on Adoption of Proposed Zoning Ordinance Amendments – Ordinance 2003-3.**

Mr. Adams stated that this hearing is a continuation of the December 16, 2002 hearing on the proposed Zoning Ordinance Amendments. At that time the Board of Supervisors heard public comment and received subsequent written comment. Mr. Adams stated that the Township consultants reviewed the comments and recommended changes to the proposed amendments which were substantial in scope and required re-advertisement of the Hearing. He also stated the properties involved were re-posted because of a change in the Zoning Map eliminating the ACO district.

Mr. Adams asked Mr. Snook, Township Consultant, to review the changes made to the amendments since the December Hearing.

Mr. Snook stated there are some minor changes pertaining to grammar, section titles, changes to definitions and changes in the sign section. He then summarized the significant changes incorporated in the January 29, 2003 proposed zoning revisions. (Ordinance 2003-3 available at Township Office.)

Mr. Adams stated that Mr. Snook and the Township consultants had reviewed and responded to Mr. Kalemjian's letter of February 20, 2003. He stated there are comments in the letter which are appropriate for further review and have been passed to the Planning Commission. Mr. Adams stated that this evening's Hearing is for the Ordinance in its present form.

Mr. Orlando asked for a motion for adoption of Ordinance 2003-2 Zoning Ordinance Amendments. Mr. Scipione made a motion, seconded by Mr. Genzano to adopt Ordinance 2003-2 with the following minor changes approved by Mr. Adams. Section 170-1514D.1A - change "lighting engineer employed by Township to "lighting engineer retained by Township"; 170-904.A.2.b.(2) change to "at time of submission of conditional use application".

Mr. Orlando asked for public comment.

Ann Nagle, 501 W. Pleasant Grove Road had questions on the Orvis tract concerning buffer requirements if the tract is developed under the new zoning revisions. She would like to see a substantial buffer between older single family residences and a possible development of Townhouses. Mr. Genzano stated that in the R1 district the rear yard set back is now 50' under the proposed R1 Flex. If anything other than single family homes are built the rear yard setback requirement would be 100'. Mr. Orlando also stated that if Townhouses were developed a 50' planted buffer would have to be included within the 100' buffer. Mrs. Nagle asked what the buffer would be for single family next to single family. Mr. Orlando responded 50' with no plantings required.

Mr. Robert McGreevy, 1133 Kolbe Lane, asked for an explanation of how the proposed zoning change on the properties on Route 202 just south of E. Pleasant Grove Road will affect Kolbe Lane. He was advised that the zoning on these properties has not changed and they are still in the Office Overlay district. Mr. Snook said there could be possible access on Kolbe Lane under Section 170-1203D if a property to be developed can not get permission from PennDOT to access on Route 202. Mr. McGreevy asked how he would know when a property was to be developed and would impact Kolbe Lane. Mr. Genzano advised Mr. McGreevy to check the Township web site for the agendas of the Board of Supervisors and Planning Commission meetings. Mr. McGreevy asked

if there is a requirement that Kolbe Lane be dedicated to the Township. Mr. Scipione advised him that there is a development agreement that once the road improvements are completed the road would be dedicated to the Township.

Mr. Robert Nicolaysen asked Mr. Snook how he feels about residential homes on Route 202. Mr. Snook said he would defer to the Board on that question as he was not involved in the part of the zoning revision process which removed the POC from the R2 district. Mr. Nicolaysen said he wanted Mr. Snook's opinion in the event he had to take this issue to court. Mr. Adams advised Mr. Nicolaysen to hire his own experts if he chooses to do so.

Ms. Carol DeWolf, 1033 S. New Street, advised Mr. Nicolaysen that the review of the POC was part of the Growth Management Plan and that Mr. Nicolaysen was targeting the wrong people and consultants. Ms. DeWolf asked if the conservation and design section of the Ordinance was reviewed in relation to the R1 Flex and the active adult community ordinance already in place. Mr. Snook stated the sections she is referring to have not been altered to create cross references. He also stated that the conservation design process applies to all development.

Mr. Craig Kalemjian, representing the Robinson Family, thanked the Board for consideration of their input so far. He suggested to the Board of Supervisors that they not vote this evening as their vote will impact not only Crebilly Farm but the other two large remaining tracts in the Township. He asked that the Board simply take public comment this evening and defer the vote. He also stated he has not had a chance to review Mr. Snook's comments to his letter of February 20, 2003. He would like the Board to consider the items they wish the Planning Commission to review and open a dialogue that would be satisfactory to both sides.

Mr. Walter Pavelchek, 1050 S. New Street, stated as he has attended most of the Planning Commission meetings on the zoning ordinance revisions he has been impressed with the amount of effort and consideration that has gone into the revisions. He stated, even though he doesn't always agree, the Planning Commission has worked toward the best vision that they see for the Township. Mr. Pavelchek asked that the Board consider changing section 170.18.04 "Balloons" to either allow them to be used for a longer period than twelve hours or not allow them at all. Mr. Genzano stated he feels that twelve hours is a reasonable time for commercial balloons. Mr. Pavelchek also stated his feelings on the landscaping section which he feels is too restrictive to the types of plantings that can be used. He said if the landscape plans must be sealed by an architect why are additional restraints being put on the plantings. Mr. Pavelchek said he feels this limits personal rights, an opinion that he has stated before. He thanked the Board for listening to his input.

Mr. Orlando asked for the Board's vote as the motion was on the floor. The Board of Supervisors unanimously approved Ordinance 2003-6 Revisions to the Township Zoning Ordinance

**B. Action on Contract Extension for Klipper Construction and Contract Extension for D. J. Adams, Inc.**

Mr. Orlando stated this extends the contract to April 25<sup>th</sup> to complete the restoration work that cannot be done until the spring.

Mr. Scipione made a motion, seconded by Mr. Genzano to extend both Klipper Construction and D.J Adams Contracts till April 25<sup>th</sup>, 2003. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the contact extensions.

**VI. New Business.**

**A. Request from residents of Green Lane to relocate the proposed walking Path.**

Mr. Alex Fenyes, President Green Lane Village Homeowners Association, presented a new trail proposal for Green Lane Village. He stated that the current trail on the approved plan is encroaching into wetlands. Mr. Fenyes said he was notified by the builder that construction of the trail would start by the end of March. He also mentioned that there is \$20,000 being held in escrow for the trail, bird platform and picnic tables. Mr. Fenyes was advised by the Board of Supervisors to contact Mr. Iacobucci and resolve this issue with the builder as the Township cannot stop him from constructing the approved trail but the Board has no objection to the change. Mr. Orlando asked Mr. Fenyes to keep the Township advised as to his progress with the builder. If a new trail is agreeable to the builder an addendum would need to be approved for the original Green Lane plan.

Mrs. Roberta Schaum, 834 Hinchley Run, said when she purchased her lot it was misrepresented to her that the trail was not going to be built and would not be behind her property. She is concerned now that the trail is to be built that it will destroy the natural wetlands. Mr. Scipione asked her if the trail is revised would it be behind her property. She responded that it would no longer affect her property.

Mrs. Cellucci, 818 Braeburn Court, said she was also told the trail was not to be built and if it is will impact the stream on her property.

Mr. Scipione also advised Mr. Fenyes to contact the construction foreman for the development and discuss the trail issue with him.

**B. Award of Mowing Contract to Green Start, Inc.**

Mr. Orlando stated that Green Start, Inc. was the lowest responsible bidder for the Turf Maintenance bid. The bid is for two years with a third year option. The cost for the first year is \$848.00 per cut and for the second \$878.00.

Mr. Genzano made a motion, seconded by Mr. Scipione, to award the Turf Maintenance bid to Green Start, Inc for \$848.00 per cut first year, \$878.00 per cut second year with a third year option. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously awarded the Turf Maintenance bid to Green Start, Inc.

**VII. Public Comment (All Topics)**

There was no public comment.

**VIII. Adjournment.**

On the motion of Mr. Scipione, seconded by Mr. Genzano, the Board of Supervisors unanimously adjourned the meeting.

Respectfully Submitted  
Elaine L. Adler  
Acting Secretary

