

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE  
December 2, 2002, 7:30Pm

In attendance were Supervisors Chairman Victor J. Orlando, Robert A. Genzano and L. Charles Scipione; Acting Secretary Elaine L. Adler; Township Solicitor Robert L. Boston; Township Building Inspector Gerald R. DiNunzio; and Planning Commission Member Kevin L. Flynn. There were six guests in attendance.

**I. Call to Order.**

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

**II. Approval of Minutes ( November 18, 2002 Regular Meeting).**

On the motion of Mr. Genzano, seconded by Mr. Scipione, the Board of Supervisors unanimously approved the November 18, 2002 regular meeting minutes as corrected. (Section V:B should read "2 TO 3.5 million dollars")

**III. Departmental Reports.**

**A. Township Solicitor Robert Boston.**

**1. Board Action on Conditional Use – Joyce Realty.**

Mr. Boston reviewed the Conditional Use Order. He stated that the Board is granting Conditional Use for a building length of 158 feet with horizontal set backs and modifying the pond standards from the Conditional Use Order of May 20, 2002.

Mr. Scipione made a motion, seconded by Mr. Genzano, to grant Conditional Use approval to Joyce Realty. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved the Conditional Use Order for Joyce Realty.

**2. Board Action on Conditional Use – Dalusio/Latoff.**

Mr. Boston stated that this Conditional Use is for approval of disturbance in an area of man made precautionary slopes.

Mr. Genzano made a motion, seconded by Mr. Scipione, to grant Conditional Use approval for the Dalusio/Latoff Jaguar/LandRover dealership. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved Conditional Use for Dalusio/Latoff.

**B. Building Inspection Report – Gerald R. DiNunzio.**

Mr. DiNunzio reviewed the November Building report with the Board of Supervisors. Mr. Scipione asked if the permit for Clemens Market was for expansion of the building. Mr. DiNunzio said the permit is for interior renovations, a new canopy and entrance way. He stated that the owner hopes to eventually expand into the Eckard Drug Store. He also stated that Phase III of Green Lane Village is completed and all the lots are sold in Phase IV.

Mr. Orlando had questions concerning the emergency entrance for Chesterfield II. Mr. DiNunzio stated that PECO would not move its electric pole so the contractor had to install a retaining wall because of a drainage issue. Mr. Scipione asked to see the

drawings of the new canopy recently installed at Penn Wood School as he had issues with the design.

**B. Planning Commission Report – Kevin L. Flynn.**

Mr. Flynn stated that the last Planning Commission meeting had been canceled as there were no agenda items. He advised the Board that the Commission would be reviewing the “Fountains at Westtown” and the final plan for the Daluiso/Latoff car dealership at this week’s meeting.

Mr. Orlando asked how the plan for the “Fountains at Westtown” is progressing. Mr. Flynn stated that Mr. McCawley has made a good effort to achieve what the Commission had requested. He stated that the buildings have been relocated on the plan to provide better access from Route 202 and Skiles Boulevard. He also stated that there are still some issues with landscaping and buffering on the site.

Mr. Genzano requested that Mr. Verdiani attend the December 16, 2002 Board of Supervisors meeting in order to answer any questions the Board might have concerning the adoption of the proposed revisions to the Township Zoning Ordinance.

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

Mrs. Eva Foster, 734 Westbourne Road, stated that she had read the zoning ordinance revisions and felt that overall they were fine. She said that her only issue is with the requirement on page 99 of the Ordinance that a fence be six inches from the property line. Mrs. Foster stated that the Township is forcing residents to give up six inches of their property. She referred to a case in Newtown Township, Bucks County that addressed a similar issue. She indicated that she would like Mr. Boston’s opinion on the issue of “taking”. Mr. Boston stated that he was not familiar with the case but he would look into this issue.

Mrs. Joyce Stephenson, 1093 Barnview Lane, said she was representing the residents of Barnview Lane as they were attending the Zoning Hearing for the new high school. She said she was here to protest the new proposed location of the high school on the site. Mrs. Stephenson said that after the last zoning hearing she was advised unofficially from a member of the WCASD School Board that the district had no preference for the revised location of the school; the location was changed due to pressure from the Board of Supervisors. She said the school would now be in the back yards of the Barnview Lane properties.

Mr. Genzano responded that the School District makes the decisions as to the layout of the site. Mrs. Stephenson said that in Section A1, terms and conditions, of the intergovernmental cooperation agreement between Westtown Township and the School District it states that any major modifications to the layout and use of the property will require approval by the Board of Supervisors. Mr. Orlando advised Mrs. Stephenson that the School Board had created and approved the agreement but the Board of Supervisors has not yet signed the agreement. Mr. Orlando also stated that the Township School Committee and consultants decided, based on input from Brandywine Conservancy, that this was the best area on the tract for the school. He stated it is 200 to 300 feet from the property line, which is a greater distance than any buffer requirement in the Township Ordinance. Mr. Genzano advised Mrs. Stephenson that the School Board is not involved in the creation of the plan; this is being done by the School District staff. He advised her to speak to Mr. Mark Groves who is a staff member involved in the project. Mr. Orlando said as the tract is not a flat piece of land, the contours of the tract need to be considered in development of the tract.

Mrs. Stephenson expressed her feelings that the tallest part of the building will be next to her property and that the only thing between the school building and her property is the railroad tracks. Mr. Scipione stated that the tract had to be evaluated as to the best solution and that the topography does not allow the site to be leveled. Mr. Orlando said the Township will attempt to look at the topography again and will mitigate the impact as much as possible.

Mr. Flynn expressed his concerns with lighting at the rear of the building, trash dumpsters, and after hour deliveries. Mr. Orlando advised Mr. Flynn to address these concerns when the Planning Commission reviews the land development plan.

Mr. Pavelchek asked if the proposed zoning revisions would be approved at the December 16<sup>th</sup> meeting. Mr. Orlando said the revisions would be on the agenda and public comment will be taken. He also stated that a vote may not necessarily be taken at this time.

**V. Old Business:**

**A. Revision of Proposed Fiscal Year 2003 Township Budget.**

Mr. Orlando advised those present that the proposed Fiscal Year 2003 Budget is being revised to remove the fire hydrant rental fee and raise the proposed mileage from 0.41 mils to 0.5 mils. Mr. Orlando stated that the fire hydrant rental cost will remain the same but this will eliminate the additional expenses generated by the billing and legal fees to lien unpaid accounts. He also stated that line item 411.240, Building Inspector, will be reduced by \$1,000 which will be added to line item 413, Fire Marshal.

Mr. Orlando said the Fiscal Year 2003 Budget is still open for public comment and will be voted on by the Board at the December 16, 2002 regular meeting. Mr. Orlando asked for public comment. There was no public comment at this time.

**B. Authorization to Advertise Proposed Use and Occupancy Permit Ordinance.**

Mr. Orlando reviewed the proposed Ordinance change. He stated that the Township will now require that all properties are checked for working fire alarms and that sump pumps, etc, are not connected to the sewer system.

Mr. Scipione made a motion, seconded by Mr. Genzano, to authorize advertising of the proposed Use and Occupancy Permit Ordinance. Mr. Orlando asked for public comment. There was no public comment at this time. The Board unanimously approved advertising of the proposed Ordinance.

**VI. New Business:**

**A.. Action on Westtown-Chester Creek Contract Change Orders.**

**1. General Contract – Change Order #21**

The Board of Supervisors discussed change order #21 which is for a manhole change but also extends the contract period for 109 days. Mr. Genzano expressed his concern that the contract should not be extended for this length of time as the manhole work should be completed in a timely fashion. The Board deferred payment of change order #21 for further review.

**2. Electrical Contract – Change Orders #2, 3,4,5, and 6.**

Mr. Scipione made a motion, seconded by Mr. Genzano, to approve the Electrical Contract change orders #2, 3, 4, 5, and 6. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors approved payment of the change orders.

**B. Action on the Extension of URS Contract for Westtown-Chester Creek Plant.**

Mr. Orlando said this is to extend the hours of the inspector on the site until the inspection phase is completed in approximately 2 and ½ months. He stated that the cost of the contract would be extended to \$35,500.

Mr. Genzano made a motion, seconded by Mr. Scipione, to extend the URS Contract up to \$35,500. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved extension of the URS Contract.

**C. Acceptance of the Final Plan for the Tract 2002-3, Dalusio/Latoff Landrover and Jaguar Dealership.**

On the motion of Mr. Scipione, seconded by Mr. Genzano, the Board of Supervisors accepted the final plan for Dalusio/Latoff. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved acceptance of the final plan and passed the plan to the Planning Commission for their review.

**D. Authorization to Advertise Bid of Snow/Ice Removal.**

Mr. Orlando asked to re-advertise the Snow/Ice Removal bid, as no bids were received from the last advertisement two weeks ago. He stated that Township is still in need of a contractor for one sector of the Township.

On the motion of Mr. Genzano, seconded by Mr. Scipione, the Board of Supervisors authorized advertising of the Snow/Ice Removal Bid. Mr. Orlando asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved advertising of the bid.

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

There was no public comment at this time.

**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