

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD
October 1, 2001

In attendance were Supervisors Chairman L. Charles Scipione, Vice Chairman Victor J. Orlando and Kenton S. Stokes; Township Manger Michael A. Cotter; Township Road Master Mark S. Gross and Township Planning Commission Chairman Don L. Verdiani. There were seventeen guests in attendance.

I. Call to Order

There being a quorum present, Chairman L. Charles Scipione led the Board of Supervisors, staff and guests in the Pledge of Allegiance and called the meeting to order.

II. Approval of Minutes (17 September 2001).

On the motion of Dr. Stokes, second Mr. Scipione the Board of Supervisors unanimously approved the minutes of 17 September 2001as corrected.

III. Departmental Reports.

A. Township Building Inspector – Michael A. Cotter.

Mr. Cotter reviewed the September Building report with the Board of Supervisors.

Mr. Scipione asked about the progress of the new municipal Building. Mr. Cotter stated that a walk through is scheduled for 15 October with a move in date of 19 October. The electrician is behind with the site lighting but the general contractor should be substantially finished by 12 October. He stated that last thing to be done is the wearing course on the driveway.

Dr. Stokes suggested that the Township have a “open house” celebration for the residents.

B. Roads and Parks – Mark S. Gross.

Mr. Gross covered the September Road and Parks report with the Board of Supervisors. He stated that the department has been concentrating on tree trimming for the traffic signals this past week. The Shiloh Road signal will be on flash next week once PECO has completed their work. He also stated that the Township changed the stop sign location at Johnnys Way and Shady Grove Road and installed a stop ahead sign at that location. Mr. Orlando asked if the school is experiencing any problems with through traffic since the closing of Oak Lane. Mr. Gross responded that there are no significant changes in the traffic. Because of the changes in the Johnnys Way intersection Mr. Orlando requested that Mr. Gross have four-way stop sign placards installed.

Mr. Gross stated that work done at Oakbourne Park includes re-seeding areas near the baseball fields and rebuilding the porch railing at the kitchen entrance of the Mansion.

The road crew removed the concrete at the front entrance of the new Township Building which is to be replaced. They also posted 88 no hunting signs on Township open space.

Mr. Gross reported that a sludge pump at the Westtown-Chester Creek plant had to be rebuilt. Mr. Orlando mentioned that he did not see any night-lights on at the sewer plant last week. Mr. Gross stated that some of the light were removed by the contractor when working on the clarifier and he will look into this matter. Mr. Scipione asked why it appears that there are so many pump failures and is this caused by inferior pumps. Mr. Gross stated it has to do with the age of the pumps and that they are run 24 hours a day. There are two sludge pumps which are run alternately and there are back up pumps for emergency use.

Mr. Gross reviewed the 2001 Infiltration and Flow program with the Board of Supervisors. The areas to be done this year are Elk Lane through Lees Link to Westtown School and Westtown Village (Dalmally Drive) to the center of Pleasant Grove. Mr. Cotter stated that the Township will be instigating aggressive grease trap enforcement.

Mr. Gross stated that Mr. Capuzzi is working on a plan to widen the radius at the entrance of the new municipal to correct the sharp turn into the driveway when heading north on Route 202.

The Township will do a pilot program of crack sealing this fall in the Radley Run area west of S. New Street. Mr. Gross stated that this is a cost effective way to prolong the life of the roads. West Goshen will supply the machine and work with our road crew to do the project.

C. Financial Report – Michael A. Cotter.

Mr. Cotter reviewed the September financial report with the Board of Supervisors. He stated a payment of \$358,913 was made toward renovations to the Westtown-Chester Creek Plant and a payment of \$63,843 for installation of the traffic signals. Mr. Scipione asked how the maintenance for the signals is paid. Mr. Cotter responded the maintenance is included in the operating fund.

D. Planning Commission – Don Verdiani.

Mr. Verdiani covered the 19 September 2001 Planning Commission with the Board of Supervisors. He stated that the West Chester Regional Planning Commission is planning to hold seminars on Act 67 and Act 68. The committee for small lot agriculture uses will not meet until January. This will provide enough time to send a survey to property owners and compile the results before the meeting is held. Mr. Verdiani stated that the field trip to a Pulte development in Kennett Square was helpful to the Commission.

The Commission reviewed the simple lot subdivision for the Robinson/Mauger property on 631 E. Street Road. Mr. Verdiani stated that the Commission recommends approval of the plan based on the Township Engineer's letter of 7 September 2001 and that the new lot will be merged with the Robinson's existing lot and a new deed created.

The Commission also reviewed the McCawley/Jefferson Center plan for a bank and office building. The Commission has issues with the size of the buildings and the stormwater management. The Commission has requested to meet with the Township Solicitor to review the conditions of the Curative Amendment.

Mr. Cotter announced that the 3 October 2001 Planning Commission meeting has been re-scheduled to 10 October 2001.

Mr. Verdiani stated that the Commission adopted Resolution 2001-5 in support of the Keystone Recreation Park and Conservation Grant application.

Mr. Orlando asked about the apartments proposed for the McCawley tract. Mr. Verdiani stated that once the change in the POC zoning is adopted the plan could move forward. Mr. Cotter stated that the amendment to the POC has been advertised.

IV. Old Business.

A. Action on the Brandolini Companies Chesterfield II Preliminary/Final Land Development Application, West Chester Pike and South Chester Road.

Mr. Cotter introduced to those present, Charles Durkin, Fred Snow, and Sean McCauley, representing Brandolini Companies, and Ray Iacobucci Fortress Development.

Mr. Cotter reviewed the plan with the Board of Supervisors. He stated that there were

two

issues remaining, the proposed elevation and review of the architecture and material for townhouses as per the Conditional Use Order. He also stated that Chesterfield Homeowners Association will need to sign off on the landscaping and trail issues.

Mr. Orlando asked if Mr. Capuzzi has reviewed the plan. Mr. Cotter responded that he had and that Mr. Capuzzi only has minor concerns. Mr. Cotter also stated that the Planning Commission recommends approval of the plan based on the Planning Commission resolution 2001-4.

Mr. Durkin said the plan is for 49 Townhouse units with a walking trail around the entire project. Mr. Cotter asked about the sewer connection. Mr. Durkin stated that he has been in contact with URS concerning this matter.

The architect for Fortress Development reviewed the Townhouse construction. He stated that the homes are for the upscale buyer and will be in the upper \$200,000 price range. They will be three stories with two car garages, and the living space will be on the second and third level. The total floor area will be 24 X 60 feet which is approximately 2600 square feet. The material to be use will be vinyl siding with stone being used only at the garage level. Mr. Scipione stated that he did not care for the plastic look of the vinyl. The architect said the newer vinyl gives a better appearance. Mr. Orlando asked about the parking. The architect advised him that there would be sufficient parking for four cars.

Mr. Scipione expressed his disappointment in the selection of proposed material and suggested he would like to see the use of stucco. He also stated that he would like to see a typical elevation of an end unit as he cannot evaluate the elevation from the line drawing.

Dr. Stokes stated this is why architectural approval was a stipulation of the Conditional Use Hearing. The Board does not want to see a vinyl building they want to see a substantial building of quality that will match what is now in the Chesterfield development. Dr. Stokes stated that brick should also be considered for the buildings. Mr. Orlando said the Board would like to see materials compatible to what is there now. The architect stated that the units they built in Penn Oaks have a masonry siding that looks like wood which might be acceptable to the Board.

Approval of the Chesterfield II Preliminary/Final plan was tabled till the 15 October 2001 meeting.

V. New Business.

A. Action on the Westtown Associates Pumping Station Indemnification and Maintenance Agreement.

Mr. Cotter advised the Board of Supervisors that the Department of Environmental Resources is requiring that Westtown Township submit the Application for Westtown Associates for the Part II permit which is necessary for the installation of the pump station for their office building. Mr. Cotter said the maintenance agreement, which has been reviewed and approved by Mr. Adams, holds the Township harmless. There is also no cost to the Township for the installation of the public sewer facilities.

Mr. Orlando made a motion, second by Dr. Stokes, to execute the Westtown Associates Pumping Station Indemnification and Maintenance Agreement. Mr. Scipione asked for public comment. There was no public comment at this time. The Board of Supervisors unanimously approved execution of the Agreement.

B. Acceptance of the Marion Reynolds Bartram Simple Subdivision Plan, 103 Bartram Lane.

Mr. Cotter stated that the plan calls for a three-lot subdivision which will divide the three structures that are currently on the property, the barn, the main house, and the tenant house, into separate lots. He also stated that by creating a separate lot for Dudas Diving Duds (the barn) a commercial building and business will now be established in a residential district and would require a zoning change. Mr. Scipione asked if this could be waived. Mr. Cotter responded no because the use of the lot would be commercial. Mr. Scipione said he felt it should be waived as this is a functioning business in a residential area and has been for some years. Mr. Cotter said at the present time this is a non-conforming use. Mr. Scipione expressed his opinion that the business should be able to stay as a non-conforming use. Mr. Cotter said this issue was discussed with the Bartrams in 1997 when they previously wanted to subdivide and they were advised not to subdivide. Mr. Orlando asked how the sewage would be handled on the lots. Mr. Cotter said that public sewer is not proposed for any of the lots and he is assuming the lots will share septic systems. Mr. Scipione stated the plan should be reviewed as a subdivision and a zoning hearing should not be required as the business should continue as a non-conforming use. Mr. Cotter said as Zoning Officer he feels it should go to the Zoning Hearing Board because the non-conforming use is being taken away from the residential property and put on a separate lot. Dr. Stokes said he understands both sides of the issue and it appears that this could be commercial spot zoning. Mr. Scipione suggested the lot be created with deed restrictions.

On the motion of Mr. Orlando, second Dr. Stokes the Marion Reynolds Bartram Simple Subdivision was passed to the Planning Commission for their review.

C. Appointments to the Agriculture Security Area Advisory Committee.

Mr. Cotter stated that the Robinson Family has made application for five of the Crebilly Farm parcels to be included in the Agriculture Security District. This application must be reviewed by the Township Planning Commission and Agriculture Advisory Committee.

Mr. Cotter stated that the Agriculture Security Advisory Committee was created as a five-member board and at the present time it is only a two-member board. He stated that he had contacted Mr. Richard Hodgson and received a letter from him expressing his willingness to serve on the committee. He asked that the Board appoint Mr. Hodgson to the committee.

Mrs. Eva Foster, 734 Westbourne Road, said that when the committee was first formed in 1989 Marshall Jones was a member and when he resigned Mr. Hodgson was appointed at that time. Mr. Cotter advised Mrs. Foster that the Township records do not show that Mr. Hodgson was appointed.

Mr. Orlando made a motion, second Dr. Stokes, to reappoint/appoint Mr. Hodgson, Mrs. Foster and Dr. Stokes to the Agriculture Security Area Advisory Committee. The motion was unanimously approved.

Dr. Stokes advised those present that the West Chester Area School District is looking at two properties in Westtown for the new Henderson High School. The properties are Crebilly Farm, and the Jones Farm. He stated that if a property is in the agriculture security district it makes it much harder for the school district to take the property by eminent domain.

Mr. Philip Jones, 1004 Jennifer Lane, asked what is the time frame of the approval process. Mr. Cotter stated that after the application is advertised the public has fifteen days to submit their objections to the Township. The application is reviewed by the Planning Commission and the Advisory Committee who make their recommendations to the Board of Supervisors. The Board of Supervisors will then hold a public hearing which will be in early November.

Mrs. Foster asked who will be asked to fill the two remaining positions on the committee. Mr. Cotter said he will be contacting Joseph Stratton and Peter Flynn but that the position is opened to any interested resident.

Mrs. Jean Growth, 1121 S. Concord Road, suggested that the openings for committee be advertised in the Township Newsletter. Mr. Scipione advised Mrs. Growth that that newsletter was at the printers.

D. Resolution 2001-21 Disposition of Records.

Mr. Cotter advised the Board of Supervisors that this is the Township's semi-annual discarding of records under the statues of the Commonwealth.

Mrs. Foster asked what records were being discarded. Mr. Cotter advised Mrs. Foster that there was a handout of the records available for review.

VI. Public Comment.

Mr. Robert Genzano, 1023 Plumly Road, asked the status of the SPI's for Westrum. Mr. Cotter stated that the SPI's will be considered after Westrum has satisfied the five major issues in Mr. Snooks review letter to meet the conditions of the Conditional Use Order. Westrum will be attending the 17 October Planning Commission Meeting to address this issue.

Mrs. Growth expressed her concerns about the dangerous curves on Oakbourne Road near Jeroma Lane and who is responsible for the road. Dr. Stokes stated that PADOT is responsible for the road and that the Township has sent them a letter requesting that they correct the situation and at the minimum install a guardrail. Mr. Cotter suggested that Mrs. Growth and other concerned residents write to Senator Thompson and Representative Flick, who are aware of the situation, and express their concerns.

Mrs. Kathryn Retallick, 1432 Johnnys Way, asked why Toll Brothers can call the "monstrosity" they are building on Westtown Road in West Goshen Westtown Chase. Mr. Orlando said whether we like it or not people like to think they are living in Westtown especially near Westtown Road..

VII. Adjournment.

As there was no other business or comment, on the motion of Dr. Stokes, second Mr. Scipione, the Board of Supervisors adjourned the meeting.

Respectfully Submitted,
Michael A. Cotter,
Township Manager