

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD  
October 15, 2001

In attendance were Supervisors Chairman L. Charles Scipione, Vice Chairman Victor J. Orlando and Kenton S. Stokes; Township Manger Michael A. Cotter; Township Solicitor Robert F. Adams; Township Engineer Angelo M. Capuzzi; Westtown-East Goshen Police Chief John M. Dumond; and Planning Commission Member Carol DeWolf. There were twenty-nine 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 (1 October 2001).**

On the motion of Dr. Stokes, second Mr. Scipione the Board of Supervisors unanimously approved the minutes of 1 October 2001.

**III. Departmental Reports.**

**A. Westtown-East Goshen Police Chief John M. Dumond.**

Chief Dumond reviewed the September Police Report with the Board of Supervisors. He reported on an incident at Gaudenzia, 1030 S. Concord Road, which had happened earlier in the day. A resident of Gaudenzia, who appeared to be dangerous, had left the premises. He was apprehended several hours later on Sissinghurst Drive in the Pleasant Grove Development. Mr. Scipione stated that he was aware of this incident as he had received a call from a resident of Pleasant Grove.

Mrs. Susan O'Neill, 321 Sissinghurst Drive, stated that she was unaware that Gaudenzia was a halfway house and that criminals were in residence there. She expressed her concerns and stated that she would like to be informed immediately when an individual has left the premises. Chief Dumond advised Mrs. O'Neill that the police department is not always notified when someone is missing from Gaudenzia. Mr. Scipione said he felt there should be a way for the Township, police department and residents to be notified when something like this happens in the future.

Mrs. O'Neill asked what agency determines who will be sent to Gaudenzia. Mr. Cotter advised Mrs. O'Neill that Gaudenzia is a non-profit facility for treatment of persons with drug or alcohol abuse problems. Gaudenzia accepts paid clients as well as clients referred by the Philadelphia and Chester County Courts. Mr. Cotter stated that it has been his understanding that anyone assigned to Gaudenzia must be a first time offender with no record of violence. He also stated that a meeting will be arranged with Chief Dumond, officials from Gaudenzia, and the Township to discuss this situation and the criteria for accepting clients at the facility. The Township will also discuss the use of the facility under the Township's zoning regulations.

Mr. Scipione stated that after Chief Dumond and Mr. Cotter meet with the officials from Gaudenzia the residents will be informed as to their findings.

**B. Solicitor – Robert F. Adams**

**1 Referral of Robinson Amendment Request to the Agriculture Security Area Advisory Committee and the Planning Commission for Review and Recommendation.**

Mr. Adams stated that the Robinson family's request to be included in the Agriculture Security Area has been advertised and that the public had a fifteen-

day period to present their comments on the application. After the fifteen-day period the application is to be referred to the Planning Commission and the Agriculture Advisory Committee for their review. Mr. Cotter asked that the Board of Supervisors also appoint Peter Flynn and Joseph Stratton to the Advisory Committee.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors made a motion to appoint Mr. Flynn and Mr. Stratton to the Advisory Committee and to refer the application to the Planning Commission and Advisory Committee for their review.

Dr. Stokes advised those present that the West Chester Area School District has been considering the Crebilly Farm property for the new Henderson High School. He stated that by putting the property into the Agriculture Security District the Robinson family will have a legal recourse against the property being taken by the school district.

Mrs. Jane Wendel asked if this would preclude other developments.

Dr. Stokes stated that being included in the Agriculture Security District does not prevent an owner from developing his property but gives him protection for the agriculture use of the land and protection from condemnation of the property.

The notion was unanimously approved by the Board of Supervisors.

**2. Execution of the East Side Little League Use and Maintenance Agreement.**

Mr. Adams stated that he has reviewed the lease and feels that the lease is fair and reasonable to both parties. The lease protects the Township and allows the residents limited use of the fields when not in use by East Side Little League. Mr. Adams said he feels that East Side Little League has done a very good job in maintaining the facilities.

Mr. Orlando questioned allowing use of the fields on Sunday, which has not been permitted in the past. Mr. Cotter responded that only make up games are now allowed on Sundays but that the Park Advisory Group felt that Sunday games should be allowed after 1:00Pm. He stated that allowing games on Sunday gives the league more playing time and reduces the need for new fields.

Mr. Orlando said he felt that this would set a precedent, as the soccer league would also want to have Sunday game time. Mr. Cotter said that Sunday play would only be allowed at the Oakbourne fields.

A discussion was held as to whether East Side Little League would be able to charge the residents a user fee when the fields were use for other than league games. Mr. Adams suggested deferring action on the agreement until Mr. Cotter discussed this issue with the league representatives.

Mr. Scipione said the Board would defer taking action on this item in order to review the length of time of the agreement and the user fees.

**C. Township Engineer – Angelo M. Capuzzi.**

**1. Green Lane Sanitary Sewer Construction Payment Release #2, \$2,575.07.**

Mr. Capuzzi stated that this release is for the installation of the sanitary sewer line for the residents on Green Lane, which was done in conjunction with Phase II of Green Lane Village. The sanitary line has been inspected and is in order. Mr. Cotter stated that he is working with Mr. Adams on the tapping fee agreement for tie-in by the residents.

On the motion of Mr. Orlando, second Dr. Stokes the Board of Supervisors unanimously approved the Green Lane Sanitary Sewer Construction Payment release # 2 in the amount of \$2,575.07.

**2. Construction Updates.**

Mr. Capuzzi reported on Green Lane Village stating that Phase II is almost completed with nine houses sold. PSWCO is installing the water line for Phase III and IV. He also stated that the landscaping is being completed at the SBA tower in Oakbourne Park. The final paving, landscaping and lighting are being completed at the new Township Administration building.

**D. Planning Commission – Carol DeWolf.**

Mrs. DeWolf reported on the October 10<sup>th</sup> Planning Commission meeting. She stated that DEP has requested that Westtown School submit a Component 3 Sewage Module and not the waiver that was previously submitted. Mrs. Adler was directed by the Commission to complete the required form presented by Westtown School's engineer and submit to DEP.

Mrs. DeWolf stated that Mr. Cotter is organizing a joint meeting of the Planning Commission and the Agriculture Advisory Committee to review the application of the Robinson family for inclusion in the Township Agriculture Security District.

The Commission discussed with Mr. Snook, of Brandywine Conservancy, his memo of 10 October 2001 for revisions to the R-1 zoning. The Commission also discussed the proposed office and bank for the Jefferson Center with Mr. McCawley. Mr. Adams had attended the Planning Commission meeting in order to answer any questions that the Commission had regarding the Curative Amendment/Settlement Agreement with Mr. McCawley for the tract.

**IV. Old Business.**

**A. Action on the Brandolini Companies Chesterfield Phase II Land Preliminary/Final Development Application.**

Mr. Cotter introduced Mr. DeBello, architect for Brandolini Companies who reviewed the plan revisions with the Board of Supervisors. He stated that stone and vinyl siding would be used on the sides and front of the units. The rear of the buildings will have stucco and siding with the elevation broken up by the use of decks. A man made material that has the appearance of wood will be used for the decks. Dr. Stokes asked about front elevation. Mr. Iacobucci responded that there would be a two-car garage similar to the design of the Townhouse development they did in Middletown Township.

The Board discussed with the developer the change in the building height from 38' to 41.5' if dormers are used to obtain a better appearance in the roofline. Mr. Adams advised the Board of Supervisors that under the Conditional Use provisions the Board at its discretion may attach conditions to the approval of the area and bulk requirements.

He stated that the Board did not address this in the order but they did address approval of the architectural standards. He advised the Board of Supervisors that if they like the appearance of the dormers they could approve the additional increase in height.

Dr. Stokes advised Mr. Iacobucci that he would like to see some offset between the buildings in the rear as there appears to be no privacy between the homes.

Mr. Orlando stated that it appears the developer has met all the conditions of the Planning

Commission but asked if they have resolved their issues with the Chesterfield Homeowners Association. Mr. Iacobucci stated that he had advised the Association that they would be attending the meeting this evening but that no one appears to be present from the Homeowners Association. Mr. Orlando advised Mr. Cotter to send a letter to the attorney for the Homeowners association telling them the status of Chesterfield's plan and asking why the Township has not received their comments.

Mr. Capuzzi asked if Mr. Iacobucci has received any comments from URS on the sanitary sewer line. Mr. Iacobucci stated that he has sent the plans to URS but has not received their comments.

**B. Action on Ordinance 2001-7 an Ordinance Amending the Code of Westtown Township, Chapter 170, Zoning, by Changing the Definition of the Term Floor Area Ratio by Providing for Multi-Family Dwellings in the POC Planned Office Campus District by conditional Use and by Establishing Comprehensive Regulations for Multifamily Dwellings.**

Mr. Cotter reviewed the ordinance with the Board of Supervisors. He stated that ordinance change only pertains to the Jefferson Center in the R1 district on route 202. The ordinance gives a density bonus of 10% for architectural and landscape features above what is required for age-restricted apartments or condominiums. The Board of Supervisors would have final approval on these features.

Mr. Adams stated that the 1994 Curative Amendment for the McCawley tract limited the tract to 175,000 square feet of office space. The Planning Commission had concerns that the age-restricted condominiums proposed for the site were exceeding the square footage allowed under the Curative Amendment but felt they were preferable to an office complex on the site. Mr. Adams advised the Board of Supervisors that they had the authority to approve the ordinance amendment even though it was not part of the original stipulation. The ordinance has been advertised and could be adopted this evening.

Mr. Cotter stated that the focus of the ordinance is on the architecture of the buildings and addresses the Planning Commission's concerns on the bulk and size of the buildings. Mr. Adams said the Board of Supervisors will make the final decision of the architecture of the apartments.

Mr. Orlando made a motion, second by Dr. Stokes, to adopt Ordinance 2001-7 amending the POC district. Mr. Scipione asked for public comment at this time.

Mr. Pavelchek, 1050 S. New Street, asked if the age restrictions could be removed at a future date. Mr. Adams responded that there will be a condominium declaration on the property which will restrict the age limit.

Mr. Robert Genzano, 1023 Plumly Road, asked if adoption of the ordinance would have the potential to affect other properties in the Township. Mr. Adams stated that this ordinance is for the POC district on route 202 only.

The Board of Supervisors unanimously approved Ordinance 2001-7.

**C. Action on the Preliminary/Final Simple Subdivision Application of Philip And Nancy Robinson, 631 E. Street Road.**

As the Robinson's were not in attendance at the meeting to answer the Board of Supervisors questions pertaining to revisions of the plan this item was tabled to the 5 November 2001 meeting.

**D. Action on Resolution 2001-20, the Westtown School Lower School Expansion Sewage Facilities Planning Module.**

Mr. Cotter stated that the module has been reviewed and is acceptable under the Act 537 Plan.

On the motion of Dr. Stokes, second by Mr. Orlando, the Board of Supervisors unanimously approved Resolution 2001-20.

**E. Award of the Township Administration Building Sign Proposal to KC signs in the Amount of \$2,077.44.**

Mr. Cotter reviewed the proposed sign with the Board of Supervisors. The sign will be mounted between two stone pillars.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved the KC sign proposal in the amount of \$2,077.44.

**F. Approval of the Agreement with EarthCare for Sludge Removal.**

Mr. Cotter stated that the Township is in receipt of all the appropriate bonds and insurance from EarthCare and the agreement is in order for the Board's execution this evening. EarthCare was the only bidder and is the Township's current hauler for the Westtown-Chester Creek plant.

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved execution of the EarthCare Agreement for sludge removal.

**V. New Business.**

**A. Authorization to Execute the Thornbury Commons Chapter 94 Consistency Determination Request.**

Mr. Cotter advised the Board of Supervisors that Thornbury has acquired capacity from the West Goshen Municipal Authority to tie-in Thornbury Commons to their sewage treatment plant through Westtown Township main. He stated that Thornbury has also met all the Chapter 94 requirements of the Department of Environmental Resources. Thornbury Commons will generate 9,000gpd's and will not have an impact on Westtown's facilities.

On the motion of Mr. Orlando, second Dr. Stokes, the Board of Supervisors unanimously approved execution of the Thornbury Commons Chapter 94 Consistency Determination Request.

Mr. Pavelchek asked if this agreement would affect the Township's agreement with West Goshen. Mr. Scipione responded that Westtown has its own capacity agreement with the West Goshen Municipal Authority.

**VI. Public Comment.**

Mr. James Hanak, 304 Baywood Road, presented information to the Board of Supervisors on PEG. He discussed the expertise that is available in this area to produce public shows for cable television in order to provide information to local communities.

Mr. Cotter stated that at the present time local municipalities and the West Chester Area School district are working with Comcast, under the municipalities franchise agreements, to establish a studio for this purpose.

Mr. Hanak requested that Westtown's Board of Supervisors recognize Brandywine Media Arts Corporation as Westtown's designated contact to work with Comcast to establish the studio.

Mr. Cotter said that at the present time Westtown will continue to work with the intergovernmental group on this project. Mr. Cotter suggested that Mr. Hanak might like to make a presentation to this committee. Mr. Genzano offered to attend the next meeting of the committee.

Mr. Genzano asked when the grand opening for the new building would be held. Mr. Cotter

stated not until the new meeting room is ready which should be the first meeting in December.

**VII. Adjournment.**

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

Respectfully Submitted,  
Michael A. Cotter,  
Township Manager