

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
OAKBOURNE MANSION 1014 SOUTH CONCORD ROAD
November 5, 2001

In attendance were Supervisors L. Charles Scipione, Victor J. Orlando, and Kenton S. Stokes; Township Manager Michael A. Cotter; Township Building Inspector Gerald R. DiNunzio; Township Roadmaster Mark S. Gross; and Planning Commission Member Mary Paumen.

I. Call to Order

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 (15 October 2001).

Approval of the minutes was deferred to the 19 November meeting.

III. Departmental Reports

A. Township Building Inspector – Gerald R. DiNunzio.

Mr. DiNunzio apologized to the Board that, due to computer problems, he did not have the October Building Report to submit this evening. He then reviewed with the Board of Supervisors the changes he has been implementing in the Building Department since August. He stated that he has been able to close out over 130 active permits, some dating back to 1995, which were on file when he started as Building Inspector. He is working on updating the monthly building report and improving the building permit review process.

Mr. DiNunzio advised the Board of Supervisors that he attended the first seminar on the new international building codes. He will prepare an overview for the Board on the changes in the code and how they will effect the Township's current building regulations. He also suggested reviewing the Township permit fees to see how they compare with other Townships.

Mr. DiNunzio reported on Green Lane Village. He stated that Phase II is complete and the curbing is being installed in Phase III.

Mr. Scipione discussed with Mr. DiNunzio the review and signing of building permits for new construction. The Board of Supervisors will review the permits but feels it is not necessary to sign them.

B. Road and Parks – Mark S. Gross.

Mr. Gross reviewed the October Building report with the Board of Supervisors. The line painting is 90% completed and went well as the intersections and stop bars were painted at night. He stated that the Road Department replaced an inlet on Hilltop Road and storm drainpipes on Carolyn Drive that were creating sinkholes. The Township has received 200 tons of salt and the snow plow contractor's equipment has been inspected.

Mr. Gross stated that the radius of the entrance to the new municipal building has been widened for better access. Mr. Orlando asked that PADOT be contacted to define the deceleration lane into the new building.

The 2001 Inflow and Infiltration program has been completed. The sanitary sewer line from the Westtown Village Shopping Center appears to be clear. Mr. Gross stated that the grease flow from the shopping center needs to be controlled. Mr. Cotter said that the business owners would be required to retrofit their grease traps early next year. Tree roots were cut out at the cul-de-sac on Elk Lane and at Lees Link. A twenty-foot pipe has

been dislodged on Carroll Brown Way and needs to be excavated and replaced. Mr. Gross remarked that the I & I program is very beneficial in helping to maintain the Township sanitary sewer lines.

The manhole covers will need to be replaced in the Pleasant Grove development as they are leaking water and girt into the sewer systems, which is causing problems at the Pleasant Grove Pump Station. Mr. Gross stated that this work should be contracted for and done as soon as possible.

C. Financial Report – Michael A. Cotter.

This item was tabled.

D. Planning Commission – Mary Paumen.

Ms. Paumen reported on the 17 October 2001 Planning Commission Meeting. She stated that the Commission reviewed the Bartram Simple Subdivision for the first time and feel there are some zoning, road and stormwater issues with the plan. The Commission recommends preliminary approval for the McCawley Jefferson Center office and bank buildings conditioned on Mr. McCawley meeting all the conditions of the Township Engineers review of the plan, elimination of some sidewalks, additional landscaping, and speed bumps adjacent to Kindercare.

IV. Old Business.

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

Attending the meeting for Brandolini Companies were attorney Fronfield Crawford, Fred Snow, Sean McCauley, Engineer Charles Durkin, Ray Iacobucci, contractor, and Tom Bello architect.

Mr. Cotter reviewed with those present URS's memo of 2 November 2001, pertaining to installation of the sanitary sewer and storm water for the site. Mr. Cotter stated that the URS memo would be a condition of plan approval.

Mr. Bello reviewed the following changes in the plan with the Board of Supervisors Changes have been made in the front elevations, shutters added to the windows, windows will be offset with bays, additional landscaping will be provided, shorter driveways installed, and the dormers will remain.

Dr. Stokes expressed his concerns that the architecture of the rear of the building has not changed. Mr. Bello stated that with the changes in the landscaping the rear of the townhouses would not be seen from West Chester Pike.

Ms. Paumen stated that the Planning Commission has made three recommendations for approval of the plan which are waiver of the roof height line, changing the façade for diversity and adding more landscaping. Mr. Iacobucci stated that the back of the buildings will be part stucco, with gray decks, and beaded siding. Mr. Scipione stated that

he wants the rear elevations treated as to not be monotonous in appearance. Mr. Iacobucci stated that he did not bring the plans of the rear elevations as he thought the Board had approved them at the last meeting.

Mr. David Malmen, attorney for the Chesterfield Homeowners Association ("Association") stated that he had received a letter on 11 October concerning attending the 15 October Board of Supervisors meeting but no one from the Association was able to attend. He expressed the concerns that the Association pertaining to the rear elevations. He stated that the Association needs more time to review the plan as this is the first time that they have seen the elevations. Mr. Malman said that there are no objections to the front of the units and the Association is comfortable with the overall concept.

Mr. Scipione stated that he would like to see the rear elevations again to satisfy the Board of Supervisors and the Homeowners Association.

The Board of Supervisors was offered an extension for plan approval until the 19 November meeting by Brandolini Companies in order for the Homeowners association and the Board to further review the plans. The Board of Supervisors accepted the offered extension.

B. Action on the Robinson Request to Amend the Westtown Agriculture Security Area To Include the Properties Known as the Crebilly Farm.

Mr. Cotter reviewed with those present the Robinson's request to include 5 parcels of their land in the Township's Agriculture Security Area. He stated that the Planning Commission and the Agriculture Security Committee both recommended the Board of Supervisors approve including the Crebilly Farm in the Agriculture Security Area.

Mr. Craig Kalemjian, attorney for the Robinson Family, stated that the Robinson application meets all the necessary criteria outlined in State Act 43 for inclusion in the Agriculture Security Area. He also stated that Crebilly is a working Farm and the Robinson family plans to continue the farm use at the present time.

Mr. Orlando made a motion, second by Dr. Stokes, to include five parcels of the Crebilly Farm in the Agriculture Security Area. Mr. Scipione asked for public comment at this time.

Mr. Derald Hay, 926 Oakbourne Road, asked what is the purpose of putting the property in the Agriculture Security Area. Mr. Kalemjian responded that it helps to keep the farm a working farm and the property from being taken through condemnation. Mr. Hay asked how the applicant could reverse this decision. Mr. Kalemjian stated that the landowner could take his property out of the Agriculture Security Area whenever he would wish to do so.

Mr. Scipione stated that this does not change the use of the land only helps in keeping the land from being condemned.

Mr. Robert Pingar, 1003 Russell Road, asked if the land is sold does the inclusion in the Agriculture Security Area transfer with the property. Mr. Kalemjian stated he was not able to answer that question at the present time.

Mr. William Wood, 1063 Dunvegan Road, stated that he has enjoyed living next to Crebilly for a number of years and approves the farm being included in the agriculture district.

Mr. William Tamburro, 1066 Dunvegan Road, also stated his approval.

The Board of Supervisors unanimously approved inclusion of the Crebilly Farm in the Agriculture Security Area.

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

Mr. Cotter reviewed the changes to the agreement. He stated that the terms of the agreement would be for five years and the Township would be consulted as to fees charged to the residents for use of the fields.

Mr. Steven Lagoy, attorney for East Side Little League stated that the changes have been made in the agreement. He then expressed his concerns on the how the user fees for the residents would be calculated. He suggested that the fees be based on the total

yearly budget of East Side Little League divided by the days of league play. A discussion was held concerning the calculations of the user fees. Mr. Orlando stated that he had suggested a flat fee of \$25.00 per day as a fair assessment for other organizations that wished to use the fields.

Mr. Lagoy suggested approving the agreement conditioned on East Side Little League accepting the \$25.00 per day.

Mr. Orlando made a motion, second by Dr. Stokes to approve the East Side Little League Use and Maintenance Agreement conditioned on East Side Little League's acceptance of the \$25.00 per day user fee. Mr. Scipione asked for public comment at this time.

Mr. Walter Pavelchek, 1050 S. New Street, stated that the Parks Advisory Group would find this agreement acceptable.

The Board of Supervisors unanimously approved the Agreement.

D. Action on the Preliminary/Final Simple Subdivision Application of Phillip and Nancy Robinson.

Mr. Cotter stated that the plan shows that the new lot will be made part of the Robinson property as required for plan approval

On the motion of Dr. Stokes, second Mr. Orlando, the Board of Supervisors unanimously approved the Preliminary/Final Simple Subdivision Application of Philip and Nancy Robinson.

V. New Business:

A. Discussion of the Proposed Condemnation of the Maple Shade Farm 1100 Shiloh Road, by the West Chester Area School District.

Mr. Cotter reviewed Resolution 2001-23 with the Board of Supervisors, opposition to the West Chester Area School District's condemnation of the Maple Shade Farm for the site of the proposed New Henderson High School. Mr. Cotter stated that the resolution would be forwarded to the School District along with a letter stating the Board's concerns. Mr. Cotter stated that as Township Manager he feels this is not a good location for the proposed high school. Mr. Scipione stated that the Board of Supervisors intends to take a very strong stand with the School District against the new high school at this location.

Mr. William Wood stated he feels the 80 acres proposed for the school is not adequate for the high school.

Mr. Cotter stated that the Township has no legal recourse in this matter. Under the law of the Commonwealth the Township can only take political action not legal action.

Dr. Stokes stated that anyone is entitled to sell their property and that zoning is the only recourse that the Township has. He also stated that the School Districts taking of the land is compounded by the proposed Westrum/Pulte development planned for the property.

Mr. Arnold Owen 1140 S. Concord Road, stated his concern that Shiloh Road will not be able to handle the traffic for a new school and that he was opposed to another school in Westtown.

Mr. Myron Grubuagh, 1024 Dunvegan Road, asked if PADOT would contribute to improvements on route 926? Mr. Scipione stated that they would not. Mr. Grubuagh asked if Maple Shade Farm could be included in the Agriculture Security Area. Dr. Stokes responded that the Jones family has never expressed an interest in being included in the security area.

Mr. Pingar stated that the Township has its fair share of schools and this will affect the Township ratable. He asked how the Township can legally fight this. Mr. Scipione stated that the Township has not legal recourse and cannot appeal any condemnation of the property.

Dr. Stokes reminded those present that Shiloh Road is now a Township Road and the cost of any improvements on the road are paid for by the residents. The Township will lose real estate transfer taxes and the Berkheimer tax if the school district condemns the Jones property.

Mr. Hay, asked when will the school district might make a decision on the Jones property? Dr. Stokes responded at the school board meeting on the 19th November. Dr. Stokes stated that the Township does not even have a legal right to review the plan for impact on the roads and storm water management. Mr. Orlando said the Township is familiar with the process having gone through this when Starkweather was built and Stetson expanded.

Ms. Paumen suggested that the residents who have been attending the Township meetings and expressing their concerns about the Jones tract attend the school board meeting in support of the Township.

Mrs. Joan MacKenzie, 906 Little Shiloh Road, said she is concerned about the increase in traffic and speeding on Little Shiloh Road and Shiloh Road. There is a swale in the front of her property where there have been numerous accidents and she is afraid there will be more. She also stated that she does not want an athletic field with lights.

Mr. Don MacKenzie asked about attending the school board meeting. Mr. Scipione advised all the residents to attend and speak out with their concerns.

Mr. Stokes said that the meeting would be advertised in the local paper. Mr. Cotter suggested that residents write letters and contact the school board.

On the motion of Dr. Stokes, second by Mr. Orlando, the Board of Supervisors unanimously approved Resolution 2001-23.

Mr. Pavelchek questioned when the growth is in the northern end of the school district why would the school board be considering a tract in this area. Dr. Stokes said the school district would re-district so that students would attend the high school closest to the area where they live.

B. Acceptance of the Joyce Realty Corporation Kirkwood Center Land Development Application.

Mr. Cotter reviewed the application with the Board of Supervisors. He stated that the Township Engineer and URS have reviewed the plan. Melissa Kay, representing Spencer Qualls, asked the Board of Supervisors to accept the plan as preliminary/final as these two reviews had been completed. The Board advised Ms. Kay that the plan would be accepted as preliminary.

On the motion of Dr. Stokes, second by Mr. Orlando, the Board of Supervisors accepted the Land Development application of the Joyce Realty Corporation as a preliminary plan and passed the plan to the Planning Commission for their review.

C. Action on the Township Administration Building Audio/Visual Equipment Bid.

Mr. Cotter advised the Board of Supervisors that two bids had been received and that Total Video Products were the low bidder in the amount of \$20,748.00. He stated that the bid meets all the bid requirements.

Dr. Stokes made a motion, second by Mr. Orlando, to award the Township Administration Building Audio/Visual Equipment Bid to Total Video Products in the

Amount of \$20,748.00.

Mr. Robert Genzano, 1023 Plumly Road, asked if the bid includes facilities for Public Access Television. Mr. Cotter stated that the building has been wired for access and that Comcast would do the modular set up in the future.

The Board of Supervisors unanimously accepted the Total Video Products bid.

V. Public Comment.

Mr. William Steele, 1055 E. Niels Lane, said that he is opposed to any changes in the R1 zoning. Because of his opposition he had sent a notice informing residents about the 10 October Planning Commission meeting as Mr. Snook was to review the changes to R1 zoning. He stated that his wife had been in the Township Office recently and that Mr. Cotter had intimidated his wife by asking her to check with him first before any letters were sent to residents. Mr. Cotter told his wife that there were two meetings with angry residents in attendance. Mr. Steele asked the Board of Supervisors how they felt about this.

Mr. Cotter advised Mr. Steele that he only suggested that the Steeles call the office before they put a letter to make sure that the correct facts about the meeting are given to the residents. He stated that he had told Mrs. Steele that he had numerous phone calls after the meeting from residents who had attended the meeting because they were given the impression that a vote was to be taken on the R1 zoning which was not the case.

Mr. Cotter said it was not his intention to discourage Mrs. Steele from notifying the residents he just wanted to make sure the facts are correct.

VI. Adjournment.

As there was no other business or comment, the Board of Supervisors, on the motion of Kenton S. Stokes, second Victor J. Orlando, adjourned the meeting.

Respectfully Submitted
Michael A. Cotter
Township Manager