

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
February 12, 2003**

A regular meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Edward G. Meakim, Jr., at 4:04 p.m. on Wednesday, February 12, 2003, at the West Goshen Township Administration Building. All members were present. Mr. Meakim opened the meeting with the Pledge of Allegiance to the Flag.

Mr. Meakim opened the floor for public comment.

Mrs. Evelyn Baker, 900 Sheridan Drive, stated that at the Board of Supervisors meeting on January 22, 2003 there was a discussion about the possibility of opening Tigue Road to provide access to Route 202. She advised there is presently access by using Jacqueline Drive from New Street to Route 202 south. Dr. White replied that PennDOT will close that access when Route 202 is widened and that it is located in a residential area in Westtown Township to which Mrs. Baker responded that residents need as many accesses to Route 202 as possible. She further stated her belief that this is no worse than going through the environmental area that belongs to West Chester University. Mrs. Baker commented that West Goshen Township should not bear the full expense to provide access when Jacqueline Drive is available.

Mr. Meakim announced the appointment of Theresa A. Davis as Alternate to the West Goshen Township Sewer Authority Board.

Mr. Meakim announced that the Board of Supervisors met in an executive session on January 25, 2003 to discuss legal matters.

Ms. Nancy D. Rodgers, Zoning Officer, announced that the West Goshen Township Zoning Hearing Board will hold a public meeting on Thursday, February 13, 2003 at which time ZHB #4-03 will be heard. The applicant is Educational Property Group, Inc., 47 Marchwood Road, Suite 2A5, Exton, PA 19341. The legal owner of the property is Philadelphia Ventures, N.V., c/o Morgan Lewis Bockius, LTD, 1701 Market Street, Philadelphia, PA 19103. The conforming property for which the application is made is 9.7 acres and located at 230 East Rosedale Avenue. The zoning for the property is I-2 Campus Light Industrial. The applicant is seeking a Special Exception to the Flood Hazard District, and Special Exceptions to permit roads and permeable parking areas in a flood hazard district and to permit grading or fill in a flood hazard district and any other relief necessary to demolish existing warehouses and to construct a private dormitory to serve West Chester University and parking for such facility.

Ms. Rodgers further announced that the Zoning Hearing Board will hear further testimony and possibly render a decision on the application of West Chester University, Facilities Planning and Construction Department, 201 Carter Drive, West Chester, PA on February 27, 2003 at 7:30 p.m. The legal owner of the real estate is The Pennsylvania Department of General Services, Commonwealth of Pennsylvania, Harrisburg, PA. The conforming property is 28.05 acres and is bound to the north by East Rosedale Avenue, to the west by South High Street and to the east by South Matlack Street. The applicant is seeking a Special Exception and Variances to allow for the building of a School of Music/Performing Arts Center, elevated parking structure, surface parking lot and utility building.

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the Board unanimously approved the Board of Supervisors minutes from January 8 and January 22, 2003 and the annual Organizational Meeting of January 6, 2003.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved the Treasurer's Report dated December 31, 2002 for the General Fund, the Sewer Revenue Fund, the Waste and Recycling Fund, and the Capital Reserve Fund, as well as the bills to be paid from the General Fund, the Sewer Fund, the Capital Reserve Fund, and the Waste and Recycling Fund.

Sgt. Donald A. Loane gave the Police Report for the month of January, 2003.

Ralph Brown, Fire Marshal, gave the Fire Marshal Report for the month of January, 2003. Mr. Brown also gave the report for Good Fellowship Ambulance Company. The report for Goshen Fire Company was not available. Mr. Brown thanked Chief Michael Carroll, Township Manager Sharon Lynn and Sgt. Loane for their support at the scene of an explosion which occurred at 560 Sunset Hollow Road on January 22, 2003.

Mr. Brown gave the Building Inspection Activity Report for January, 2003.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved a Final Subdivision Plan for lease lines for four commercial rental units for Stephen R. Conway of Conway Mechanical located at 821 Lincoln Avenue. Ms. Jenny Conway was present to represent the plan.

Prior to consideration of the possible approval of Ordinance 2-03, Mr. Ronald C. Nagle, Township Solicitor, entered into the record the following exhibits: B1 – Proof of Publication in the Daily Local News on January 31, 2003; B2 – Proof of Filing with the Daily Local News; B3 – Proof of Filing with the Chester County Law Library.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Ordinance 2-03 amending Chapter 78 of the Code of the Township of West Goshen entitled “Vehicles and Traffic” by designating and subjecting the roads and intersections described to the regulatory controls established and mandated in Chapter 78.

In response to Mrs. Baker’s inquiry, Mr. Nagle explained that this Ordinance incorporates all of the changes made by resolutions in 2002 into the Vehicle and Traffic Code of West Goshen Township.

Prior to consideration of the possible approval of Ordinance 3-03, Mr. Nagle entered into the record the following exhibits: B1 – Proof of Publication in the Daily Local News on January 29 and February 5, 2003; B2 – Chester County Planning Commission Review; B3 – Proof of Filing with the Daily Local News; B4 – Proof of Filing with the Chester County Law Library. Mr. Nagle explained that the purpose of this Ordinance was to comply with the mandate of Act 43 of 2002 of the Legislature of the Commonwealth of Pennsylvania. He stated that this mandate compels the Township to allow “No-Impact Home Based Businesses”. He added that the Township has had a provision for “Home Occupations” and that the legislature has said the Code must be amended to include “No-Impact Home Based Businesses” which are light activity businesses and are clearly secondary to the use as a residential dwelling. These prohibit customer, client or patient traffic (whether vehicular or pedestrian) pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Mrs. Baker asked if this would supersede the current West Goshen Township Ordinance and Mr. Nagle replied it would not, but that this would amend the Ordinance. He added that the Ordinance under consideration would further require the Board to schedule Conditional Use Hearings within sixty days from the date of the Township’s receipt of the applicant’s application, the Board would have to hear the application in 180 days, the applicant should complete the presentation of his case in chief within one hundred days of the first hearing but can ask for an extension of time with each subsequent hearing being held within forty-five days of the last hearing unless the applicant requests otherwise and persons opposed to the application must complete the presentation of their opposition to the application within one hundred days of the first hearing held after the completion of the applicant’s case in chief.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Ordinance 3-03 amending the West Goshen Township Revised Zoning Ordinance of 1990, as amended, which is codified as Chapter 84 to comply with the revisions to the Pennsylvania Municipalities Planning Code, which were enacted as Act 43 of 2002.

Mr. Meakim opened the floor for public comment. No comments were made.

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There being no further business, on motion by Mr. Meakim, seconded by Ms. McIlvaine, the meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Sharon Lynn
Township Manager

**West Goshen Township
Supervisor Hearing
February 12, 2003**

S-2-03

Supervisor Hearing S-2-03, which was duly advertised, was called to order by Chairman Edward G. Meakim, Jr., at 4:39 p.m. All members were present.

Ronald C. Nagle, Esquire, Township Solicitor, was present to represent the Township. John H. Kiefel, Esquire, was present to represent the applicant, Educational Properties Group, Inc. The applicant is seeking a Conditional Use approval to permit an educational use consisting of private dormitories in the form of Student Housing in apartment-style units with 12 efficiency units, 24 three bedroom and 94 four bedroom units (130 units containing 460 beds) on property located in the I-2 Light Industrial District at 230 East Rosedale Avenue. The Applicant is the equitable owner of the property, which consists of 9.8 acres of land.

See Court Reporter's Transcript

After the testimony of two witnesses, the hearing was continued to a date certain of February 26, 2003 at 6:00 p.m.

On motion by Dr. White, seconded by Ms. McIlvaine, the hearing was adjourned at 6:16 p.m.