

**WEST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
February 26, 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 26, 2003, at the West Goshen Township Administration Building. Ms. McIlvaine was absent. Mr. Meakim opened the meeting with the Pledge of Allegiance to the Flag.

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

Ms. Sharon Lynn, Township Manager, announced that West Goshen Township will hold a public forum discussion on Monday, March 10, 2003, at 7:00 p.m. in the Public Meeting Room on the 2<sup>nd</sup> floor of the Administration Building to address progress being made concerning the Comprehensive Plan update. She added that the Comprehensive Plan Task Force has been meeting since December 2002 and she invited all to attend and participate by providing their input for the Plan.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved the bills to be paid from the General Fund, the Sewer Fund, the Capital Reserve Fund, and the Waste and Recycling Fund.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved Resolution 8-03, honoring Mr. Robert L. Brown on the occasion of his retirement from the West Goshen Township Sewer Authority. Mr. Meakim stated that Mr. Brown had been a member of the Sewer Authority from 1964 through 2002 and had served as Chairman for 35 years from 1965 through 2000. Mr. Meakim added that Mr. Brown will be honored by the Sewer Authority at its meeting on March 12, 2003.

Ms. Nancy D. Rodgers, Zoning Officer, announced that the Zoning Hearing Board of West Goshen Township will conduct a public hearing on Tuesday, March 11, 2003, at 7:00 p.m. at the Township Administration Building 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.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved Resolution 9-03 honoring Mr. Harry E. Johnson on the occasion of his retirement from the West Goshen Township Zoning Hearing Board. Mr. Meakim noted that Mr. Johnson served on the Zoning Hearing Board from 1977 through 2002 and was Chairman for 19 of those years. Mr. Meakim on behalf of the Board presented a plaque to Mr. Johnson in appreciation of his dedication to the Township. The Board also presented Mr. Johnson with a ceremonial chair inscribed with the Township seal, Mr. Johnson's name and his years of service to the Township.

Dr. White on behalf of the Board presented to Mr. Raymond H. Halvorsen, former West Goshen Township Supervisor, a ceremonial chair inscribed with the Township seal, Mr. Halvorsen's name and his years of service to the Township.

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

Mr. Meakim announced that a reception in honor of Mr. Johnson would follow the meeting in Meeting Room A and that all were invited to attend.

Mr. Meakim announced that the Board of Supervisors Conditional Use Hearing for the application by Educational Properties Group would begin at 6:00 p.m.

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There being no further business, on motion by Mr. Meakim, seconded by Dr. White, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Sharon Lynn  
Township Manager

**West Goshen Township  
Supervisor Hearing  
February 26, 2003**

S-2-03

Supervisor Hearing S-2-03, which was continued from February 12, 2003, was called to order by Chairman Edward G. Meakim, Jr., at 6:04 p.m. Ms. McIlvaine was absent.

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.

Prior to the start of testimony, Ms. Anne M. Carroll, a member of the West Chester Borough Council, stated that the Borough had retained Patrick O'Donnell, Esquire, to represent its interests at the hearing but because of a conflict in Mr. O'Donnell's schedule he could not be present at this time. She asked that West Chester Borough be made a party to the proceedings and that no additional testimony nor a decision on this application be made until the West Goshen Township Zoning Hearing Board rules on the application before it from Educational Properties Group, Inc. regarding the Special Exception to the Flood Hazard District. Mr. Nagle recommended to the Board that the hearing not be delayed. Mr. Kiefel stated that he also objected, as this would present a hardship for his client. On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously voted to proceed with the hearing.

See Court Reporter's Transcript

A recess was taken at 7:14 p.m. and the hearing resumed at 7:25 p.m.

At the conclusion of all testimony and comments, on motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved closing the record.

The hearing was recessed at 8:32 p.m. for deliberation on the application by the Supervisors. The hearing resumed at 8:58 p.m.

Mr. Nagle requested that the hearing record again be opened to enter into the record a facsimile sent to West Goshen Township by Mr. Ernie B. McNeely, Manager for West Chester Borough, requesting that the Borough be made a Party to the Proceedings and further requesting that the hearing be continued. Mr. Kiefel entered his objection to this request due to the fact that no record had been developed as to a specific interest to West Chester Borough and further that the Municipalities Planning Code defines a party as a "person aggrieved" and the Borough is not a "person". Mr. Nagle stated that nothing has been presented to show West Chester Borough is aggrieved by the application. He further advised that nine residents of West Chester Borough were granted party status. He added that there is nothing in Pennsylvania law that requires a municipality to grant another municipality on its borders party status. Ms. Carroll reiterated the request she had presented earlier.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously voted to deny the request by West Chester Borough to be made a party to the proceedings and the request for a continuance of the hearing at which point Mr. Nagle closed the hearing.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved the application of Educational Property Group, Inc. for a Conditional Use Approval to establish a private Dormitory and accessory facilities on the subject property of which it is the equitable owner located at 230 East Rosedale Avenue to be comprised of 130 apartment units containing a total of not more than 460 beds pursuant to §84-37.A(17)(b) and §84-57.10.B(3) subject to the following conditions:

1. The Applicant shall comply with the objective criteria and standards of the above Sections, except as modified on the amended conditional use plan with respect to parking setback, or as otherwise approved by this Board during the subdivision and land development approval process.
2. The design of the proposed buildings and facilities, design features and construction façade materials shall be in accordance with the plans and materials, as revised, submitted by the Applicant during the Conditional Use hearings.
3. The Applicant shall secure any required zoning relief and/or approvals, as required, if any, from the Zoning Hearing Board.
4. The Applicant shall implement at its costs, as agreed, the off-site traffic, roadway and intersection improvements at the intersection of Rosedale Avenue and South Matlack Street, as depicted on the Conditional Use plans.
5. The Applicant shall secure, as agreed, from West Chester University and/or the Commonwealth of Pennsylvania General State Authority or other such entity having jurisdiction the necessary right-of-way to allow the re-alignment of the Rosedale Avenue and South Matlack Street intersection, as depicted on the Conditional Use plans.
6. The number of individual apartments shall not exceed 130, and the number of individual beds therein shall not exceed 460 in number, and the number of individual parking spaces provided on the property shall in any event equal the number of beds contained within the buildings.
7. Applicant shall incorporate its lighting plan for the Board's confirmation and approval during the subdivision and land development approval process, and it shall strictly implement the plan as finally approved by this Board.
8. Direct vehicular access from the property shall be restricted to Matlack Street, as depicted on the conditional use plans, or as otherwise approved by the Board during the subdivision and land development approval process.
9. No vehicular access, other than an emergency access, which shall be gated and locked, shall be permitted from the property to Rosedale Avenue.
10. The Board shall approve all pedestrian access ways and sidewalks during the subdivision and land development approval process.
11. The Applicant shall comply with all of its undertakings and representations made to this Board in its application and during the Conditional Use hearings, except as may be otherwise approved by the Board.
12. The Applicant's compliance with the foregoing conditions shall be determined by the Supervisors during the subdivision and land development approval process.

13. Noise restrictions to be enforced by security officers on duty at University Suites and included in lease by applicant.
14. Extend fence on east side of the project as per the direction of the Township Engineer.

The hearing was adjourned at 9:08 p.m.