

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
April 28, 2004**

A regular meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Patricia B. McIlvaine at 4:07 p.m. on Wednesday, April 28, 2004, at the West Goshen Township Administration Building. All members were present. Ms. McIlvaine opened the meeting with the Pledge of Allegiance to the Flag.

Ms. McIlvaine opened the floor for public comment.

Mr. Carlo Silvesti, 1121 Laurel Drive, said he had the same concerns that were brought to the attention of the Board of Supervisors on March 26, 2003 by the residents of his neighborhood. He said there is excessive traffic as a result of the timing of the traffic signals at Route 202 and Boot Road which causes traffic to back up and drivers to cut through his street or make U-turns to avoid the congestion. He asked what the potential alternatives were to solve the problem. He added that there are twenty-seven children in the neighborhood and with school bus stops and summertime activities he is concerned a disaster is going to occur. Mr. Silvesti said that drivers are ignoring the "No U-turn" signs along Boot Road.

Ms. Thekla Hickman, 1120 Laurel Drive, said that her neighbor has seven children and she does not want it on her conscience if one them is hurt as a result of the traffic situation.

Ms. Helen White, 1122 Laurel Drive, stated that her son was hit by a car while in her driveway. She said that placing the "No Left Turn" sign at Hamlet Hill Drive and Boot Road made the problem worse. Ms. White said that her sewer pipe was broken by a car turning around in her driveway. She added that she has written to PennDOT asking for turning lights on the traffic signal at Phoenixville Pike and Boot Road and at Phoenixville Pike and Greenhill Road.

Mr. John Abate, 1129 Laurel Drive, said that he lives on the corner of Boot Road and Laurel Drive and that the majority of the U-turns are made in his driveway. He said that drivers honk their car horns at him if he is blocking his driveway or moving slowly exiting it. He added that he drives his daughter to the school bus stop for her safety.

Ms. Janice Ingram, 1126 Laurel Drive, said that residents would like to present the following suggestions for improving the traffic situation in their neighborhood:

1. Installing "No Left Turn" signs during the hours of 6:00 a.m. and 9:00 a.m. at Boot Road and Hamlet Hill Drive, Boot Road and Laurel Drive, Boot Road and Delmar Avenue and Boot Road and Arlington Avenue.
2. Improve the intersections by adding Left Turn Signals at Boot Road and Phonenixville Pike and at Phoenixville Pike and Greenhill Road.
3. Adding a "No Left Turn" sign exiting Hamlet Hill Drive onto Greenhill Road.

Ms. Ingram said that the Parkchester Development was willing to work with the Hamlet Hill Development to solve the traffic problem in both of the neighborhoods.

Mr. George Laxton, 1123 Laurel Drive, stated that the traffic signals at Route 202 and Boot Road have had problems with the timing since they were installed. He said that the entire signaling process needs to be revised at the intersection.

Ms. Sharon Lynn, Township Manager, said that the traffic signals at Route 202 and Boot Road were studied in 2002 and changes were made to the timing of the signals and that meetings were held with the residents of

Hamlet Hill over the course of six to eight months. She said that PennDOT approved the "No Left Turn" signs at Boot Road and Hamlet Hill but would only allow them if the turns were forbidden at all times and not for specific hours only. She added that since then the Township has had a dedicated traffic officer for that area and other parts of the Township. She said that drivers are now circumventing the traffic congestion by driving through Arlington Avenue, Delmar Avenue and Laurel Drive. Ms. Lynn said that the Township has to work with another entity, PennDOT, to solve the problem and that will take some time. She added that PennDOT asked West Goshen Township to do a traffic study at Phoenixville Pike and Boot Road and to provide them with traffic counts to see if a left turn signal is justified. She said the Township will set up a meeting with residents and PennDOT to express the concerns about the area and try to resolve the problems. She added that the Township cannot do it alone and that input from the residents is needed.

Mr. Silvesti questioned why PennDOT was requiring the "No Left Turn" sign for all hours when he has seen signs in other municipalities limiting the no turning times. Dr. White explained that the limited signs cannot be enforced. Mr. Silvesti said that he thought 90% of the drivers would honor the signs and Dr. White responded that the Township needs to find a more permanent solution. Mr. Silvesti requested that a solution be found.

Ms. Ingram requested that the sign at Boot Road and Hamlet Hill Drive be removed.

Mr. Aaron Walters, 1002 Boot Road, said that if a solution is not found the situation will only get worse. He asked why, when major developments are planned, more exits to and from Route 202 are not considered. He said "No Left Turn" signs will not solve all the problems because drivers are still making left turns into Hamlet Hill Drive.

Ms. Lois Dunn, 1266 Arlington Avenue, said that the new townhouses being constructed at Phoenixville Pike and Boot Road will add to the traffic problem.

Mr. Laxton said he has seen no difference in the timing of the traffic signals at Boot Road and Route 202.

Ms. Janet Vokoun, 1010 Laurel Drive, said she does not want a "No Left Turn" sign installed on her street. She added that one of the factors causing the problem is drivers trying to get to Route 322.

Dr. White advised the residents that on April 29, 2004, at 7:00 p.m. at the West Chester Borough Building, the West Chester Regional Planning Commission will present the results of the West Chester Regional Traffic Circulation and Feasibility Study of the greater West Chester Area. He said that the West Goshen Township Board of Supervisors is committed to obtaining two new ramps for Route 202 – one from Route 322 east to Route 202 north and a slip ramp from Route 202 south to Route 322 west. He added that West Chester Borough and East Bradford Township want the ramps also, although obtaining state funding for the projects will be difficult because of budget cuts. Ms. Lynn advised that all residents are welcome to attend the meeting at the West Chester Borough Building.

Dr. White said that a meeting will be arranged by West Goshen Township for the residents of the Hamlet Hill and Parkchester Developments to discuss the traffic situation. Mr. Wayne Walters, 1128 Laurel Drive, asked when the meeting would be scheduled. He added that it is unsafe to walk on Laurel Drive in the morning. Ms. Lynn said that West Goshen Township Police are doing the traffic count at Phoenixville Pike and Boot Road and it will be sent to PennDOT when it is completed. She said the Township will ask PennDOT to expedite its study of the material and the Township will try to schedule a meeting in two to three weeks. Mr. Walters said he didn't think the Township had done anything about the traffic in the past two years and Ms. Lynn responded that the Township has been enforcing the traffic laws. Mr. Meakim said that the Township is doing what it can to solve the problem.

Dr. White said the Township can only do so much since PennDOT is responsible for Boot Road. He noted that it took seven years to get the Five Points Road and Paoli Pike project approved.

Ms. Dunn said that developments are being approved with no thought to the traffic congestion that will result from the building. She said the developments should be stopped. Mr. Ronald C. Nagle, Esquire, Township Solicitor, stated that the Board of Supervisors have limited authority to stop development and that the Commonwealth of Pennsylvania has the final say in what is approved. He said that infrastructure is not keeping pace with development. Mr. Nagle said that the law in Pennsylvania states that if a developer complies with the zoning regulations, the developer has the right to build on his property. He added that the law in Pennsylvania states that a builder cannot be forced to do road improvements.

Dr. White said that when the original plan for the Village of Shannon, which is in the Parkchester neighborhood, was brought before a previous Board of Supervisors, it was not approved. The developer brought suit in Commonwealth Court of Pennsylvania and the Court approved this development. He said the Board of Supervisors was powerless to stop it.

Ms. Dunn asked if roads were taken into consideration before a development was approved and Dr. White said in Pennsylvania it is not. He said the development of property in Pennsylvania has to be done according to the Municipal Planning Code. Mr. Nagle said a developer can only be required to improve the roadway beside his property.

Dr. White said the Board will work toward solving the traffic problem for the residents of Laurel Drive, Arlington Avenue and Delmar Avenue and try to find a solution that will please the whole community. Ms. McIlvaine said that in two to three weeks the Board will schedule a meeting with the residents and those of Hamlet Hill.

Mr. Laxton asked if the meeting could be held at the site of the problem and Mr. Meakim said that too many people would be involved and the meeting will be held at the Township Administration Building.

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 Mr. Meakim, seconded by Ms. McIlvaine, the Board unanimously approved Resolution 8-2004 setting a date of September 8, 2004, for a Public Hearing to present the draft of the West Goshen Township Comprehensive Plan.

On motion by Dr. White, seconded by Mr. Meakim, unanimous approval was given for the following contributions to local non-profit organizations for 2004:

- | | |
|---------------------------------------|---------|
| 1. Good Fellowship Ambulance Club | \$6,800 |
| 2. Neighborhood Health Agencies, Inc. | \$4,000 |
| 3. West Chester Public Library | \$5,000 |

The following bids for the 2004 Street Resurfacing were opened and read by Mr. Richard J. Craig, Township Engineer:

Vendor	4835 Tons ID-2 Top (ADT 0-3000) In-Place/Ton	Total Amount of ID-2 Top Bid
Allan A. Myers, L.P. P. O. Box 19490 Worcester, PA 19490	\$38.70 per ton	\$187,114.50
SA Macanga Inc. 919 Camaro Run West Chester, PA 19380	\$39.60 per ton	\$191,466.00
Dan Malloy Paving Inc. 1060 Boot Road Downingtown, PA 19335	\$37.83 per ton	\$182,908.05

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved awarding the bid to the low bidder pending a review of the bids by Mr. Craig.

The following bids for Cold Recycled Bituminous Base Course were opened and read by Mr. Craig.

Vendor	Cold In-Place Base Recycling 28,650 Square Yards	Emulsified Asphalt 57,260 Gallons	Total
Asphalt Paving Systems P. O. Box 530 Hammonton, NJ 08037	\$4.92 per square yard \$140,958.00 total	\$1.00 per gallon \$57,260 total	\$198,218.00
E. J. Breneman 1117 Snyder Road West Lawn, PA 19609	\$4.88 per square yard \$139,812.00 total	\$1.00 per gallon \$57,260.00 total	\$197,072.00

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved awarding the bid to the low bidder pending a review of the bids by Mr. Craig.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved a Final Land Development Plan for a 2,098 square foot warehouse addition for Leisure Graphics, Inc. located at 808 Lauber Road. Thomas Kukoda was present to represent the plan.

Mrs. Baker asked where the loading dock would be located for the warehouse and Mr. Craig said that one was not required for this plan as only small box trucks will be using the facility. Mrs. Baker asked why there was no screening along the side of the plan where a cemetery is located and Mr. Craig responded that the code does not require any screening for a cemetery.

Board of Supervisors Meeting
April 28, 2004
Page 5

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously approved a Final Subdivision/Land Development Plan for a 13-unit townhouse development for the Domestic Violence Center of Chester County, Inc., located at 105 Garfield Avenue. Mr. Robert Luebbbers and Ms. Dolly Wideman-Scott were present to represent the plan.

Mrs. Baker asked if this was the same plan that had been presented to the Board during the Public Hearing on April 10, 2002, and Mr. Craig said that it was except the plan was reversed so as not to disturb wetlands in the area.

Ms. McIlvaine opened the floor for public comment. No comments were made.

Ms. McIlvaine said that the Board was going to entertain a motion to adopt a formal declaration to initiate procedures for a Municipal Curative Amendment under Section 609.2 of the Municipalities Planning Code as follows and she read the following:

In the evaluation of the Township's Sign Regulations of the West Goshen Township Zoning Ordinance, codified in Chapter 84, §84-52 of the Code of West Goshen Ordinances, we have determined that the provisions of said Section related to off-site advertising signs, including but not necessarily limited to the provision for off-site signs and billboard signs, whether freestanding or attached, may be invalid by excluding or not adequately providing, either by use type or size, for such signs, including billboard signs, which the Township may otherwise be required to provide for as allowable uses or by different regulations applying to such uses, in the Zoning Ordinance.

We have therefore determined to implement the procedures for a municipal curative amendment of the forgoing provisions of the sign regulations of §84.52, as authorized by Section 609.2 of the Municipalities Planning Code. This is intended as a formal declaration thereof and a proposal to prepare a curative amendment to overcome the said invalidity pursuant to the provisions of Section 609.2, and it is so moved, adopted and declared.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved initiating procedures for a Municipal Curative Amendment of the forgoing provisions of the sign regulations of §84.52 as authorized by Section 609.2 of the Municipalities Planning Code.

Dr. White explained that West Goshen Township does not presently have a billboard ordinance. Mr. Nagle said that this is a protective measure to prevent someone from being able to erect a billboard. He said the Board is studying how to handle this and that once the Board makes a declaration third parties are prevented from filing to erect billboards. He said the law allows the Township to "cure" the situation within six months. He said the Board will pass a resolution stating what the Township intends to do and then the matter will be address by ordinance.

Mrs. Baker asked if billboards could be banned and Mr. Nagle replied they cannot be banned but limits can be placed on their use.

Mr. Laxton said that he appreciates all that the Board has done to address the traffic problem in his neighborhood although the solutions have not always helped. He asked if the Board of Supervisors meetings could be changed to start at a later time than 4:00 p.m. Ms. Lynn said that the meeting with PennDOT will start at 7:00 or 7:30 p.m.

There being no further business, on motion by Mr. Meakim, seconded by Ms. McIlvaine, the meeting was adjourned at 5:15 p.m.

Board of Supervisors Meeting
April 28, 2004
Page 6

Respectfully submitted,

Sharon Lynn
Township Manager