

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
August 24, 2005**

A regular meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Edward G. Meakim at 4:02 p.m. on Wednesday, August 24, 2005, 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. No comments were made.

Ms. Diane Clayton, Assistant Zoning Officer, announced that the Zoning Hearing Board of West Goshen Township will conduct a public hearing on Monday, September 12, 2005, at 7:00 p.m. at the Township Administration Building to hear ZHB 08-05. The applicant and legal owners are Mark and Carol Mehok, 878 Derby Drive. The property for which the application is being made is located at 878 Derby Drive and zoned R-3 Residential District. The applicant is seeking use approval by Special Exception for a "noncommercial recreational use". Additionally the applicant is seeking dimensional variance relief from the following area and bulk regulations: Lot size, lot width at building line, side yards and rear yard and any other relief necessary to construct a multiple use recreational court in the rear yard.

On motion by Ms. McIlvaine, seconded by Dr. White, 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.

Prior to the consideration of Ordinance 09-2005 amending the West Goshen Township Subdivision and Land Development Ordinance, which is codified as Chapter 72 of the Code of the Township of West Goshen, by amending Section 72-13 regarding Preliminary Plan Review and Approval, Section 72-14 regarding Final Plan Review and Approval, and amending the West Goshen Township Revised Zoning Ordinance of 1990, which is codified in Chapter 84 of the Code of West Goshen, specifically Section 84-70 regarding procedures for filing petitions to rezone and proposed amendments to the Zoning Ordinance, Ms. Kristin Camp, Township Solicitor entered the following exhibits into the record:

- B-1: Proof of Publication in the Daily Local News on August 10 and August 17, 2005.
- B-2: Letter of filing with the Daily Local News dated July 20, 2005.
- B-3: Letter of filing with the Chester County Law Library dated July 20, 2005.
- B-4: Letter from the West Goshen Township Planning Commission to the Board of Supervisors dated August 22, 2005.
- B-5: Letter from Chester County Planning Commission dated August 16, 2005, regarding review of the Subdivision and Land Development Ordinance.
- B-6: Letter from Chester County Planning Commission dated August 16, 2005, regarding review of the zoning amendment.

Ms. Camp explained that there were two review letters from the Chester County Planning Commission because the proposed ordinance included changes to both the Subdivision and Land Development Ordinance and to the Zoning Ordinance. She said that one comment made by the Chester County Planning Commission noted that the title of the ordinance said that there would be an amendment to Section 72-15 when in fact there is no amendment to Section 72-15. Ms. Camp said she had deleted the reference to Section 72-15 in the final proposed ordinance.

Mrs. Evelyn Baker, 900 Sheridan Drive, asked for a brief explanation of the proposed ordinance and Ms. Camp replied that it had been brought to the Board's attention that the West Goshen Township Ordinance as it was written granted authority to the West Goshen Township Planning Commission to approve preliminary plans when in fact it has been the policy of West Goshen Township that the Board of Supervisors approve preliminary plans. She said that Section 1 of the proposed ordinance takes the power for approval of preliminary plans from the West Goshen Planning Commission, which has not been exercising that power, and gives it to the Board of Supervisors.

Dr. White said that in his term as a member of the Board of Supervisors only final plans have been presented to the Board. He asked Ms. Camp that if in the future the Board wished to see a plan earlier could they request to do so and Ms. Camp said they could under the proposed ordinance. Dr. White said that in the past the West Goshen Planning Commission has looked at preliminary plans and have advised the applicant if the Planning Commission looked favorably on the plans when they should be looking at sketch plans and not a partially engineered plan. Ms. Camp replied that a preliminary plan can be a fully engineered plan. She said that a preliminary plan has vesting rights if it is approved by the Board of Supervisors.

Mrs. Baker said that she does not understand the exact scenario for this ordinance. She asked if a big development was under consideration and the developer proposed a certain plan which the Township wished to have input on before a great deal of engineering had been done, what would be the process to follow. Ms. Camp said that the preliminary plan would go to the West Goshen Township Planning Commission for a recommendation to the Board of Supervisors and then the Board of Supervisors would decide if the plan was acceptable to them. The final plan would then come before the Board of Supervisors for approval after it was submitted to the Planning Commission and the Planning Commission made a recommendation to the Board of Supervisors.

Ms. Baker asked what Ms. Camp was referring to when she said that a developer could build a development if a preliminary plan was approved by the Board of Supervisors and Ms. Camp said she was referring to the provisions in the Municipal Planning Code which state that if a plan is approved by the Board and then the ordinance is changed, the developer can still build under the plan approved before the ordinance was changed.

Mr. Robert Murlless, 824 Halvorsen Drive, asked if there was a requirement that a preliminary plan be approved before a final plan is submitted and Dr. White answered there is no requirement for a preliminary plan.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved Ordinance 09-2005 amending the West Goshen Township Subdivision and Land Development Ordinance, which is codified as Chapter 72 of the Code of the Township of West Goshen, by amending Section 72-13 regarding Preliminary Plan Review and Approval, Section 72-14 regarding Final Plan Review and Approval, and amending the West Goshen Township Revised Zoning Ordinance of 1990, which is codified in Chapter 84 of the Code of West Goshen, specifically Section 84-70 regarding procedures for filing petitions to rezone and proposed amendments to the Zoning Ordinance.

On motion by Ms. McIlvaine, seconded by Dr. White, the Board unanimously approved Resolution 26-2005 establishing 25 miles per hour speed limits on Holly Road and Trinity Drive.

Mrs. Baker asked if a speed limit sign is posted after the approval of a resolution establishing a speed limit and Mr. Meakim said that a sign is posted after approval of the speed limit. Mrs. Baker asked what the speed limit is on Spruce Avenue and Dr. White replied it is 25 miles per hour. Mrs. Baker said there are no signs posted on Spruce Avenue and Mr. Richard Craig, Township Engineer, said he would check for the signs to be sure they are posted.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved the signing of the 2005 Road Re-surfacing Contract with Allan A. Myers. Bids were opened and read at the July 13, 2005, Board of Supervisors meeting and the bid was accepted at the July 27, 2005, Board of Supervisors meeting.

Prior to the consideration and possible approval and signing of the Decision and Order for Supervisors Hearing S-03-05, West Chester University's application to install exterior field lighting for two multi-purpose athletic fields located on the south campus of West Chester University, Ms. Camp said that public hearings were conducted on April 13, 2005, April 27, 2005, July 13, 2005 and July 27, 2005. She said that a Decision and Order has been drafted and the Board has had an opportunity to review the proposed Order which would approve the application subject to eight conditions. Dr. White said that the Board had originally agreed to the terms of the lighting ordinance which allows the use of lights on no more than two consecutive days and that the Board had

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thought the use of the lights on Saturday was not appropriate, but that this Decision and Order does allow the use of the lights on Saturday. He said for that reason he is opposed to the Decision and Order. Mrs. Baker said that she was appreciative of the requirement of an automatic timer on the lights.

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the Board voted 2 to 1 with Dr. White dissenting to approve the Decision and Order for Supervisors Hearing S-03-05, the application of West Chester University to install exterior field lighting for two multi-purpose athletic fields located on the south campus.

Mr. Meakim opened the floor for public comment.

Mr. Murlless asked when the hazardous waste collection was scheduled to take place at the Chester County Government Services Building and Ms. Sandra Turley, Assistant Township Secretary, replied that the next collection would be in October. She said that the information about the collection can be found on the Chester County website at chesco.org.

Mr. Jerry Hertel, 1152 Mountainview Drive, Exton, said that he noticed trees are being removed at the site of the West Chester Area School Districts athletic fields on Pottstown Pike. He said that he was concerned about the application before the Board for the development of the Jerrehian tract. He said that this is a unique site with serpentine barrens. Mr. Hertel said that he is in the Biology Department at West Chester University and would like to know the current thinking of the Board in regards to the Gordon Center and the development of a road through the Gordon Center. Dr. White said that part of Tigue Road is in East Bradford Township and that East Bradford Township is not in favor of opening the road, which will preclude any construction of the road through the Gordon Center at this time. Mr. Hertel said that the Gordon Center is the last link to Penn's Woods and encouraged the Board to consider the long term view and not just the short term concerns.

Mr. Hertel asked that the Board do what is right in conserving as much as possible of the Jerrehian property and Dr. White replied that the Board should be able to preserve between 130 and 150 acres of land.

Mrs. Baker said that the Board should consider another access road into the new Jerrehian development from Green Hill Road or reserve a 50 foot greenspace for a future road. She said that adequate parking should also be provided for the proposed trails on the Jerrehian property.

Mrs. Baker asked the Board if there was any information on the proposed conference center on the campus of West Chester University and Dr. White replied there was none. Ms. McIlvaine advised Mrs. Baker to contact West Chester Borough or the Chester County Chamber of Commerce for information on the conference center. Dr. White said that the conference center would be of no benefit to West Goshen Township or its residents.

Dr. White said that a parking area for the trails on the proposed Jerrehian development could be provided for on the West Chester Area School District property where the athletic fields are being built as this is adjacent to the start of the proposed trails.

There being no further business, on motion by Ms. McIlvaine, seconded by Dr. White, the meeting was adjourned at 4:39 p.m.

Respectfully submitted,

Sandra K. Turley
Assistant Township Secretary