

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
September 28, 2005**

A regular meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Edward G. Meakim at 4:04 p.m. on Wednesday, September 28, 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.

Mrs. Evelyn Baker, 900 Sheridan Drive, asked if the Public Hearing scheduled for October 26, 2005 for Pulte Homes of PA, L.P., would be only for Pulte's Conditional Use application or would it be for both the Conditional Use application and the request by Pulte for a text amendment change. Dr. White replied that the hearing would incorporate both the Conditional Use application and the request for a text amendment change. He said that the Board, at the conclusion of all hearings on the matter, would first render a decision on the text amendment request and if the change was approved, then render a decision on the Conditional Use application. Mrs. Baker asked how fixed the plan for the development was and if changes could still be made. Dr. White replied that the plan that has been presented is just a start.

Mr. Joseph E. Brion, Esquire, Township Solicitor, said that the reason for hearing the text amendment and Conditional Use application simultaneously was to allow more detailed testimony to be presented. He said that the text amendment change requires only minimal testimony whereas the Conditional Use application requires more specificity be presented by the applicant in such areas as density, stormwater management, road systems and vegetation management. Mr. Brion said that hearing more details provides more protection for the township in making the decision on the application. Mrs. Baker asked if there was still time to make significant changes to the plan and Mr. Brion replied that the applicant is presenting its plan to the township and residents are able to provide their input. Dr. White said that this is the 8th plan that has been presented for this property since he has been a supervisor and that this plan makes more sense than any of the others that have been presented. He added that the plan has not yet been reviewed by Mr. Richard Craig, Township Engineer, so it is not known if such things as the placement of the houses are suitable.

Mrs. Baker stated that the developer is proposing 530 dwelling units, which she said is practically a community in itself, with no amenities within the development. She said that in order for residents to obtain needed items they would be forced to drive on main arteries. For this reason she said it would be appropriate to have a commercial area as part of the development. She said that she had spoken to Mr. Craig and that Mr. Craig had advised her that the average trip per household per day is 4 or 5. She said that a center similar to the Parkway Center on High Street would reduce the number of trips coming and going at the two accesses to the development. Ms. McIlvaine said that a commercial area would likely attract people from outside the development thus increasing the traffic at the access points. Mr. Craig said that the idea of a commercial area was brought up at the last West Goshen Township Planning Commission meeting but that an analysis of the idea is needed to see if it would be feasible before action is taken. Dr. White said that Pulte does not build commercial developments and that the review process is just beginning on this project.

Mr. Brion advised Mrs. Baker that the hearing on this project is scheduled for October 26, 2005 and that her comments would be more appropriately made at that time when other residents are in attendance to respond and to present their views.

Mr. Meakim announced that due to a delay in the construction of the culvert for the North Hill development, construction will not begin until November 28, 2005 and will take about two weeks to complete.

Mr. Meakim announced that the October 12, 2005, regularly scheduled Board of Supervisors meeting is cancelled.

Mr. Meakim announced that on September 23, 2005 the Board of Supervisors met in Executive Session to discuss legal matters and on September 24, 2005 met in Executive Session to discuss real estate matters.

Mrs. Baker asked what legal and real estate matters had been discussed in executive session and Dr. White responded that the legal matter concerns an application before the Zoning Hearing Board for billboards on Route 202. Mr. Brion said that the Township is not opposing the billboard application but is defending a challenge to the constitutionality of the ordinance which was adopted in 2004. He said that the Board discussed how to prepare for defending the ordinance. Dr. White said that the real estate matter concerned the Jerrehian tract and that the Board had discussed what they would like to receive as open space and what could be done with the land.

On motion by Dr. White, seconded by Ms. McIlvaine, 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 Ms. McIlvaine, seconded by Dr. White, the Board unanimously approved Resolution 29-2005, establishing the 2006 Financial Requirements and the Minimum Municipal Obligations for all three pension plans.

Mrs. Baker asked if the Commonwealth contributes to the employee pension plans and Ms. Jeanne Denham, Finance Director, said that the contribution from the Commonwealth totals approximately \$300,000 per year.

Prior to the consideration of Ordinance 12-2005 amending Chapter 53 of the Code of West Goshen, titled, "Nuisances", by adding a new Section 53-1.I to declare as a nuisance the placement of any object, structure or property in a street or sidewalk which will obstruct, hinder or delay public travel thereon or create a safety hazard, Mr. Brion entered the following into the record:

- B-1: Proof of Publication in the Daily Local News on September 21, 2005.
- B-2: Letter of filing with the Daily Local News dated September 20, 2005.
- B-3: Letter of filing with the Chester County Law Library dated September 20, 2005.

Mrs. Baker asked what the nuisances are that led to this proposed ordinance, and Ms. McIlvaine answered such things as hockey games in the street. Dr. White said they also include basketball backboards and skate board ramps. He said that this ordinance will give the police a specific ordinance to cite when issuing citations.

Mr. Robert Murlless, 824 Halvorsen Drive, asked if this ordinance will prevent the Township trash hauler from leaving trash cans in the street instead of placing them on the sidewalk or grassy area. Dr. White said that the proposed ordinance does not cover the trash cans.

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the Board unanimously approved Ordinance 12-2005 amending Chapter 53 of the Code of West Goshen, titled, "Nuisances", by adding a new Section 53-1.I to declare as a nuisance the placement of any object, structure or property in a street or sidewalk which will obstruct, hinder or delay public travel thereon or create a safety hazard.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved a Final Subdivision Plan for two residential lots for Paul Lanni located at 1239 Ashbridge Road. Mr. Paul Lanni was present to represent the plan.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved tabling a Final Subdivision Plan for a lot line change for Michael J. Hazley, Inc., located at 1001 North New Street as no one was present to represent the plan.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved a Final Land Development Plan for a 16,800 square foot manufacturing facility and office addition for O'Rourke Steel located at 992 South Bolmar Street. Mr. Andrew Eberwein was present to represent the plan.

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On motion by Ms. McIlvaine, seconded by Dr. White, the Board unanimously approved Resolution 30-2005 establishing No Parking zones on Jones Lane.

Prior to the consideration of an Amendment to a License Agreement between West Goshen Township and the Jerrehian Partnership, Mrs. Baker asked for an explanation of the agreement. Mr. Brion said that there was an agreement that continued until September 30, 2005, with the Jerrehian Family to permit a temporary road to go through the Jerrehian property due to the bridge being out at North Hill. He said that due to a delay in the construction of the culvert, it will not be installed until November 28, 2005. Mr. Brion said that the amendment to the previous agreement will permit the Township to do construction on the new road culvert until December 31, 2005 and also gives the Township until May 31, 2006 to discuss with the Jerrehian Family the possibility of the temporary road becoming an emergency access out of North Hill as North Hill now has only one way out of the development. It then would become part of the hearings with Pulte for their development of the property. Mr. Brion said that therefore the agreement would do two things: Provide an emergency access for the North Hill residents on a permanent basis and provide a temporary access during construction of the culvert.

On motion by Ms. McIlvaine, seconded by Dr. White, the Board unanimously approved an Amendment to a License Agreement between West Goshen Township and the Jerrehian Partnership which extends the actual term to December 31, 2005 to accommodate the November culvert construction in North Hill.

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

There being no further business, on motion by Dr. White, seconded by Ms. McIlvaine, the meeting was adjourned at 4:36 p.m.

Respectfully submitted,

Sandra K. Turley
Assistant Township Secretary

**West Goshen Township
Supervisor Hearing
September 28, 2005**

S-08-05

Supervisor Hearing S-08-05, which was duly advertised and continued from August 8, 2005, was called to order by Chairman Edward G. Meakim at 4:41 p.m. All members were present.

Mr. Joseph E. Brion, Esquire, was present to represent the Township. Mr. John Good, Esquire, was present to represent the applicants. The applicants, Brian and Ellen McFadden, seek to amend the West Goshen Township Zoning Map, which is adopted in Section 84-5.A of the West Goshen Township Revised Zoning Ordinance of 1990 by rezoning parcels 52-5F-28 and 52-5F-21 located along Paoli Pike from C-2 Commercial Shopping Center District to C-1 Neighborhood Commercial District and to amend Section 84.18 G of the Code of West Goshen Township to read "mini-warehouse". The hearing also considered the possible adoption of Ordinance 2005-08 approving those changes.

See Court Reporter's Transcript

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Mr. Brion stated that the request to amend Section 84.18 G of the Code of West Goshen Township to read "mini-warehouse" was considered and granted in the adoption of Ordinance 07-2005 on August 10, 2005.

At the conclusion of the presentation of all testimony, on motion by Ms. McIlvaine, seconded by Dr. White, the Board unanimously approved Ordinance 08-2005 amending the West Goshen Township Zoning Map, which is adopted in Section 84-5.A of the West Goshen Township Revised Zoning Ordinance of 1990 by rezoning parcels 52-5F-28 and 52-5F-21 located along Paoli Pike from C-2 Commercial Shopping Center District to C-1 Neighborhood Commercial District.

The hearing ended at 4:56 p.m.