

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
June 28, 2006**

A regular meeting of the Board of Supervisors of West Goshen Township was called to order by Chairman Dr. Robert S. White at 4:06 p.m. on Wednesday, June 28, 2006, at the West Goshen Township Administration Building. All members were present. Dr. White opened the meeting with the Pledge of Allegiance to the Flag.

Dr. White opened the floor for public comment. No comments were made.

Ms. McIlvaine announced that dedication ceremony for the new Robert E. Lambert Park on Pottstown Pike will be held on July 16, 2006 at 12:00 p.m. She said this will be one of the few parks in the area with a skate park and she invited everyone to attend the ceremony. Ms. Sharon Lynn, Township Manager, said that the skate park is an exciting venture and that the equipment is currently being installed.

On motion by Mr. Meakim, 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.

The following bids for the Wilson Drainage Replacement were opened and read by Mr. Richard Craig, Township Engineer:

VENDOR	OPTION 1	OPTION 2
Chester County Site Contractors 900 Airport Road West Chester, PA 19380	\$69,758.42	\$119,460.14
AFP Contracting 127 Telegraph Road Coatesville, PA 19320	\$133,488.00	\$193,228.00
Road-Con, Inc. 917 Old Fern Hill Road, Suite 500 West Chester, PA 19380	\$96,706.00	\$171,049.00
DiRocco Brothers, Inc. 509 Maple Avenue West Chester, PA 19380	\$60,520.00	\$115,700.00
Bertolet Construction Corp. 100 South Church Road Wernersville, PA 19565	\$135,000.00	\$267,000.00
M. Scavello 197 Quarry Road King of Prussia, PA 19406	\$118,871.13	\$236,890.85

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the Board unanimously approved awarding the bid to DiRocco Brothers, Inc., pending a review of the bids by Mr. Craig.

On motion by Mr. Meakim, seconded by Dr. White, the Board voted 2-0 to approve the Decision and Order for H. A. Steen Industries, Inc. The hearing for this application was held on June 14, 2006. Ms. McIlvaine abstained from voting as she was not present for the hearing on the application.

Prior to the consideration of Ordinance 06-2006 amending the West Goshen Township Revised Zoning Ordinance of 1990, which is codified as Chapter 84 of the West Goshen Township Code, to amend Section 84-47 titled, "Projections Into Required Yard Areas" to adopt regulations concerning the erection of fences, walls and flagpoles, Mr. Joseph E. Brion, Township Solicitor, presented the following exhibits: B1 – Proof of Publication in the Daily Local News; B2 – Letter to the Daily Local News; B3 – Letter to the Chester County Law Library; B4 – Letter of review from the West Goshen Township Planning Commission; B5 – Letter of review from the Chester County Planning Commission. Mr. Brion outlined the specific changes contained in the proposed ordinance.

Mrs. Evelyn Baker, 900 Sheridan Drive, inquired about the height allowed for fences and asked why this ordinance was being considered. Dr. White said that the change to the ordinance would give the Township more regulation of fence installations as well as uniformity of standards required.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved Ordinance 06-2006 amending the West Goshen Township Revised Zoning Ordinance of 1990, which is codified as Chapter 84 of the West Goshen Township Code, to amend Section 84-47 titled, "Projections Into Required Yard Areas" to adopt regulations concerning the erection of fences, walls and flagpoles.

Prior to the consideration of Ordinance 07-2006 which establishes the contractual provisions pursuant to which the Township will grant to Verizon Pennsylvania, Inc., a non-exclusive, revocable cable communications franchise, Mr. Michael Gill, Township Solicitor, presented the following exhibits: B1 – the Proof of Publication in the Daily Local News; B2 – Letter to the Daily Local News. Mr. Gill said that this is a 10 year agreement with an automatic 5 year renewal and provides for a 5% franchise fee to be paid to the Township. Mr. Gill stated that this agreement was negotiated with the West Chester Area Council of Governments (WCACOG) and that the WCACOG had recommended approval of the ordinance at their May 2006 meeting. Mr. Gill said that this ordinance was the subject of a Staff Report that had been distributed to the Board of Supervisors on June 28, 2006.

Dr. White said that Verizon will provide competition for the only current cable provider in the Township, Comcast Cable. He stated that Verizon is currently pushing for legislation in the state legislature that would provide for a statewide franchise but that if approved, this agreement would be "grandfathered" and supersede any statewide franchise that may be approved in the future. Mr. Gill said that there is also federal legislation pending to provide for national franchise agreements but that Verizon has indicated they will honor the agreement with the Township if the federal legislation is approved. Mrs. Baker asked what the state and federal legislation would provide for and Mr. Gill responded that both would remove the right to negotiate franchise agreements from local municipalities. Mrs. Baker asked about the placement of the cable and Mr. Stanley Schuck from Verizon replied that the cable will be underground and on poles in the right of way.

Ms. Lynn said that the Staff Report was reviewed by the Board of Supervisors. She said that West Goshen Township will be the first member of the WCACOG to approve the Verizon Franchise.

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the Board unanimously approved Ordinance 07-2006 which establishes the contractual provisions pursuant to which the Township will grant to Verizon Pennsylvania, Inc., a non-exclusive, revocable cable communications franchise

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the Board unanimously approved the Declaration of Covenants, Conditions and Restrictions for the Robert E. Lambert Park.

Ms. Lynn explained that the Declaration of Covenants, Conditions and Restrictions was required by Chester County since the Township received a grant from the County for the construction of the park. She said that the document states that the park will remain a park in perpetuity.

On motion by Dr. White, seconded by Ms. McIlvaine, the Board unanimously approved a Final Land Development Plan for a 2,000 square foot building addition for the West Chester Fire Training Center located at 351 Snyder Avenue. Mr. Andrew M. Rongaus was present to represent the plan.

On motion by Dr. White, seconded by Mr. Meakim, the Board unanimously approved a Final Subdivision/Land Development Plan for revisions to 15 residential lots for Cold Springs Run, L.P., located at 806 Old Westtown Road. Mr. Ray Gamble was present to represent the plan.

Prior to the consideration of the signing of a contract with Asphalt Paving Systems, Inc., for the 2006 Road Re-paving Project, the bids for which were opened on June 14, 2006, Dr. White said that the 2006 budget for road repair was \$1,000,000 and the bid by Asphalt Paving Systems was \$200,000 more than that. He said that the Board had looked at the roads that were proposed for repaving and determined waiting another year to do all of the roads would leave them in poor condition so he was proposing that money from the Capital Fund be used to make up the difference between the budgeted amount and the actual cost of the re-paving. Mrs. Baker asked what roads are included in the project and Ms. Lynn replied that roads in Mrs. Baker's neighborhood including Spruce Avenue. Mrs. Baker indicated that there is a drainage problem on Spruce Avenue that causes water to go under the pavement and Mr. J. David Woodward, Jr., Streets Superintendent, explained that the existing base will be recycled which will help the structure of the roadway and help prevent the water problem.

On motion by Mr. Meakim, seconded by Ms. McIlvaine, the Board unanimously approved the signing of a contract with Asphalt Paving Systems, Inc., for the 2006 Road Re-paving Project.

The meeting was recessed at 4:37 p.m. and resumed at 4:49 p.m.

Dr. White announced the discussion and possible motion to approve the Flexible Design Option Overlay District to the R-3 Zoning District and Zoning Map change.

Mrs. Baker asked for an explanation of the change. Dr. White responded that the Flexible Design Option allows condominium type ownership where the homes are not subject to the standard R-3 conditions and the home owners do not own the land on which the house is built. The homeowners' association owns the land. Mr. Brion said that the Flexible Design Option creates more open space than a conventional design. Mrs. Baker asked if this is the only tract of property affected by this change and Dr. White replied that 276 acres are needed for the Flexible Design Option and there is no other tract of land of this size available in West Goshen Township.

Mr. James Ingram, 962 North Penn Drive, said that he does not understand the difference between open space and the Flexible Design Option when the land being proposed for open space is not developable in large part. He added that the earlier plan submitted by the Jerrehian family for the same tract of land had more open space than the current plan before the Board. Mr. Craig explained that Mr. Ingram was confusing green space, which would belong to the homeowners, with open space, which would belong to the Township. He said that the original Jerrehian plan contained green space not open space as compared to this plan which has approximately 114 acres of open space to be deeded to the Township as park land and the original plan had basically no open space to be used by the community. Mr. Ingram said he believed that the stormwater management on the property needs to be looked at more carefully so that unmanaged stormwater is not allowed to flow into the stream channels. Mr. Craig advised Mr. Ingram that unmanaged stormwater is not permitted under the stormwater ordinances already in place and enforced in West Goshen Township.

Mr. Ingram said that the Pennsylvania Historic Museum Commission (PHMC) which is the state agency in Pennsylvania that is charged with reviewing applications of Section 106 clearance received an application from Pulte for certain approvals. He stated that in February 2006 the PHMC wrote a letter saying the agency would not approve this project because it would have an adverse impact on the historic nature of this property. He said that a group of residents sent letters to the Board of Supervisors informing them of this letter and asking them to require the Pulte/Jerrehian team to deal with the residents who want to be part of the discussion with the PHMC, as the law does allow residents to be part of the discussion. Dr. White said that he had reviewed the

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letter from the PHMC that Mr. Ingram was referring to and that the letter does not exactly say what Mr. Ingram said it did. Dr. White said that the letter states that the development around the entities such as Greystone Manor cannot exist if it has adverse effects on the building or area in question. He said it does not say that the property cannot be developed. Dr. White said that the manor house will sit on 25 acres of land and have approximately 13 acres of open space surrounding it.

Mr. Brion advised that the developer of the property will be required to comply with all permits whether they are local, state or federal.

On motion by Mr. Meakim, seconded by Dr. White, the Board unanimously approved Ordinance 09-2006 for the Flexible Design Option Overlay District to the R-3 Zoning District and Zoning Map change.

Dr. White opened the floor for public comment. No comments were made.

There being no further business, on motion by Mr. Meakim, seconded by Ms. McIlvaine, the meeting was adjourned at 5:11 p.m.

Respectfully submitted,

Sandra K. Turley
Township Secretary

**West Goshen Township
Supervisor Hearing
June 28, 2006**

S-03-06

Supervisor Hearing S-03-06, which was continued from May 10, 2006, was called to order by Chairman Dr. Robert S. White at 5:27 p.m. All members were present.

Mr. Joseph E. Brion, Esquire, was present to represent the Township. Mr. Jack D. Wuerstle, Esquire, was present to represent the applicant. The applicant, West Goshen Town and Country, L.P., is seeking to amend the West Goshen Township Revised Zoning Ordinance of 1990, as amended, which is codified in Chapter 84 of the West Goshen Township Code, to amend the definition of canopy in Section 84-8; to amend the regulations for outdoor dining as an accessory use to a restaurant in the C-2, C-4 and C-5 Zoning Districts; to amend the building setback line for a canopy over a drive-through lane for a bank or financial institution in the C-2 Zoning District to be 50 feet and to amend Section 84-55.E(1)(a) to allow parking spaces for a shopping center in the C-2 District with a gross floor area of at least 100,000 square feet to be 9 feet wide by 18 feet long and possible approval of Ordinance 08-2006 granting the request.

See Court Reporter's Transcript

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the Board voted 2-1, with Dr. White dissenting, to approve Ordinance 08-2006 granting the request.

On motion by Ms. McIlvaine, seconded by Mr. Meakim, the hearing ended at 5:42 p.m.