

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE  
September 17, 2007, 7:30Pm

In attendance were Supervisors Chair Carol R. De Wolf, Vice Chair Thomas A. Foster, and Charles P. Barber Police Commissioner; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; and Township Planning Commission Member Jim Lees. There were nine guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair Carol De Wolf called the meeting to order at 7:34 PM and led those present in the pledge of allegiance to the flag.

**II. Approval of Minutes (September 4, 2007 Regular Meeting).**

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the September 4, 2007 regular meeting. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as corrected.(Page 2 Section IV:C second paragraph change to "concerning the generator for the Traffic Signals).

**III. Departmental Reports.**

**A. Westtown-East Goshen Police Chief – John M. Dumond.**

Chief Dumond reviewed the August Police Statistics for Westtown. He reported on the recent serious fire at the Jefferson Apartments. He stated that the police and fire departments responded very quickly and that the police were able to help with the evacuation of the residents and their pets. There were no injuries connected with the fire. Mr. Barber asked about the complaints of speeding on Johnny's Way. Chief Dumond responded that the Traffic Unit had the speed board and speed trap on Johnny's way for several days. He stated in speaking with the Traffic Unit they indicated that the speeding was more serious on Route 352 which they also monitored and issued tickets. Mr. Barber also asked for an update concerning the gentleman with Alzheimers' who continues to wander away from home. Chief Dumond said the police have spoken to the family about this and asked that they be called immediately when this happens as too much time has elapsed before they are called. He stated the last time this happened they were able to find him within several hours. Mr. Barber stated that Detective Cahill has spoken to the family about the use of a monitoring leg or arm bracelet. He also asked if the family could be charged for the police time. Mr. Adams stated that without an ordinance, similar to what we have for false alarms, it would be difficult to charge.

**B. Township Solicitor – Robert F. Adams.**

**1. Conditional Use Applications Presby Homes & Crebilly Farms.**

Mr. Adams said this is on the Agenda to make the public aware that Presby Homes has submitted a Conditional Use application for a proposed Continuing Care Residential Community on the Crebilly Tract. This Conditional Use relates to the proposed revisions to the Zoning Ordinance and Zoning Map as a Special Use Overlay is being considered for the A/C District. The Board of Supervisors has agreed with the applicant that they will consider the Conditional Use application and the zoning revisions at the same time in order to address the overall development of Crebilly Farms. Mr. Adams stated that Crebilly Farms will also be submitting an application for Conditional Use for their 60 acre tract west of S. New Street. The hearing has been advertised for the Board's October 1<sup>st</sup>, 2007 meeting.

Ms. De Wolf asked to have clarified, before the hearings start, that Crebilly Farms and Presby Homes will be responsible for payment of any review fees. Mr. Layman will address this with both councils. Ms. De Wolf also asked that Fair Share Properties be contacted concerning the developers time frame for the proposed parallel road as it relates to Presby Homes. Mr. Foster said as discussed it is the Township's obligation to design and coordinate the parallel road. Mr. Layman will address this issue. Ms. De Wolf asked if David Babbitt has completed the fiscal impact study. Mr. Layman said that Mr. Babbitt would be meeting with him and Mark Gross this week. He will also be meeting with Chief Dumond and Robert Gliem, Township Fire Marshal. Ms. De Wolf asked that the Board be given any necessary materials they will need to study before the hearing.

**2. Conditional Use Hearing – Exxon/Juna, Inc.**

Mr. Adams stated that the hearing was convened on September 4<sup>th</sup>, 2007 and as the applicant was not present the hearing was opened and continued on record to tonight. At this time Mr. Adams reconvened the hearing and then continued the hearing to October 1, 2007. (Transcripts available upon completion, at the Township Office).

**C. Planning Commission – Jim Lees.**

Mr. Lees reported on the September 5<sup>th</sup> Planning Commission meeting. He stated that the Commission is recommending preliminary/final plan approval for the WaWa land development plan conditioned on the Township's Engineer's review letter. He stated that a letter was received from East Goshen thanking the Township for their cooperation and stated that they would be responsible for improvements on the north side of Manley Road. Mr. Lees stated that the applicant is willing to provide an escrow for the relocation of the entrance if that becomes necessary. Mr. Lees stated that the Commission is in agreement that the Zoning Map should be adopted with the ordinance. He also stated that the Commission reviewed the Jefferson Center Office Building plan and recommend approval with conditions. The Commission also met with the new equitable owner of the Jefferson Center Senior Apartments. The name of the development has been changed to Westtown Gardens. Mr. Foster asked about the fountain. Mr. Lees stated that the fountain has been removed from the plan and the area will now be landscaped. He also stated that there was excessive landscaping on the plan which will be changed. The developer will be planting larger trees to lessen the impact of the building size.

Ms. De Wolf asked about a memo dated 9/11/07 from the Planning Commission concerning the map and sections 2 and 3 of the proposed zoning revisions. Mr. Adams advised Ms. De Wolf that in preparing the advertisement it was determine that there were some issues with the numbering of the sections. There were no substance changes only structural.

**IV. Public Comment-Non Agenda Items.**

Jeff Watkin, 1003 Ashley Road, expressed his frustration with the West Chester Area School District who has never completed the fencing of the retention basin. He stated that if he installed a pool he would be required to have the pool completely fenced. Mr. Layman said as the Township does not have regulations for fencing basins the District has actually done more than they were required to do. Mr. Watkin stated the gate is always opened and there are definite safety concerns. He also stated that he has a signed memo from the District that they were to complete the work on his property by August 31<sup>st</sup> and nothing has been done. He said he would be attending the School Board meeting on Monday night concerning this. He said he knows that these are his issues but any help from the Township would be appreciated. Ms. De Wolf advised Mr. Watkin that the Township would do what they can to help him

**V. Old Business:**

There was no old business at this time.

**VI. New Business:**

**A. Adopt Resolution 2007-9 Returnable Bottle Bill.**

Mr. Layman advised the Board that Charlestown Township has asked for support from other Townships for this bill. He stated that this is on the Council of Governments agenda for their next meeting. Ms. De Wolf stated that the Board has discussed this in their workshop and are in support of the bill.

Mr. Barber made a motion, seconded by Mr. Foster, to adopt Resolution 2007-9 Returnable Bottle Bill. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted the Resolution.

**B. Review of Previously Approved Plan Tract 2001-5 Jefferson Center Office Building.**

In attendance for the applicant were Gary Whelan, and Bill Wendling, Pennoni Associates.

Ms. De Wolf stated that Tract 2001-5 was approved in 2003 but because of new stormwater regulations the Board needed to review and re-approve the plan.

Mr. Whelan stated that the original design was an all brick building in an early American style. They have redesigned the building to make it appear shorter and better fit into the landscape. He stated they had met with the Planning Commission at their last meeting and agreed to certain stipulations and conditions.

Mr. Wendling said the plan approved in 2003 was for a bank and office building. Mr. McCawley only built the bank. He stated that the lower parking has been redesigned to meet with original plan approval. He also stated that the lights need to be relocated as per the original plan. The stormwater management is now in compliance with the new ordinance. Mr. Wendling said in the original plan there was a bituminous trail that ran around the entire site and feels that this is no longer necessary as the fountain will not be built. Ms. De Wolf asked if the Planning Commission was agreeable to this. Mr. Lees responded that they were. Mr. Foster asked about sewer capacity. Mr. Whelan said under the Act 537 plan there should be capacity. He will submit a letter addressing this issue. Mr. Layman stated that the applicant might have to submit a sewer planning module. Mr. Lees asked about the possible drainage easement with St. Max. Mr. Wendling said he could not find the easement on the old plans but there is an existing swale. Mr. Whelan said this does not have anything to do with the project and they were only looking into this as requested by the Township. He stated that their attorney has spoken to Mr. Adams concerning this.

Mr. Foster made a motion, seconded by Mr. Barber, to re-approve the land development plan for tract 2001-5 Jefferson Center Office Building conditioned on the Township Engineer's letter of August 30, 2007, the Planning Commission Letter of September 15, 2007 and research of the easement issue. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously re-approved tract 2001-5 Jefferson Center.

**VII. Public Comment (All Topics).**

There was no public comment.

**VIII. Payment of Bills.**

On the motion of Mr. Barber, seconded by Mr. Foster, the Board of Supervisors unanimously approved payment of the bills as presented.

**IX. Adjournment.**

On the motion of Mr. Foster, seconded by Mr. Barber, the meeting was unanimously adjourned at 8:42Pm.

Respectfully Submitted,

Robert Layman  
Township Manager