

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
February 20, 2007 – 7:00pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, and Marty Shane. Carmen Battavio and Joe McDonough were absent. Also present were Township Manager Rick Smith, Jim McRee (Planning Commission), Phyllis Marron (Park & Rec), Jane Fava (Conservancy Board), Jack Yahraes (Municipal Authority), Elaine Blair (Hershey's Mill Rep), and Township Solicitor Jeff Sommer.

EXECUTIVE SESSION

The Supervisors interviewed an ABC candidate until 7:20pm.

WORKSHOP

Review of Minutes

The minutes of January 29, January 30, and February 6 were reviewed and corrected.

Agenda Review

The agenda for the evening was reviewed.

Deer Count

After some discussion, the Supervisors agreed to accept the February 20 proposal from Stockton Infrared Thermographic Services for \$19,950, which includes 1,000 more acres than the proposal of February 10 at \$17,500. Rick pointed out that by paying within 10 days, the Township will receive a 10% discount.

1419 Center Street

Rick gave an update on this property. The Township has cut the grass and removed all trash and debris. Jeff will proceed with filing a municipal lien.

Ice Skating on Twp Ponds

The Supervisors reviewed the February 7, 2007 email from Renee Kretschmaier of BG Galmer & Co. regarding ice skating on Township ponds, and made a decision to post signs at East Goshen ponds to limit Township liability. The signs will say "Skate at Your Own Risk."

Liaison Reports

Thom gave a report from the February 1 Park & Rec meeting.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Don McConathy called the meeting to order at 8:00pm and led everyone in the Pledge of Allegiance to the flag. He announced that two of the Board members were away on vacation.

Recording of Meeting

Don asked if anyone would be recording the meeting. Resident Abbas Rahbari said he may videotape the meeting and/or make an audio recording.

Approval of Minutes

Don moved to approve the minutes from January 29, January 30, and February 6 as corrected in workshop. Marty seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked why the February 6 minutes contained no record of a Workshop discussion about the disposition of outdated Township computers. Rick said it was not mentioned because no action was taken. Don agreed, but said that if Mr. Rahbari felt strongly about it, the minutes could be revised to include the matter. Mr. Rahbari requested this be done.

Marty recommended Don's motion be revised to approve only the January 29 and January 30 minutes as corrected in Workshop. Don accepted the revision. The Supervisors voted, and the motion passed unanimously.

The February 6 minutes will be revised and resubmitted for approval.

Chairman's Report

Don announced the Board met in Executive Session earlier this evening to interview for an ABC position.

PUBLIC HEARINGS

Comcast, 1354 Boot Road – Curative Amendment

No one was present for the applicant. Jeff Sommer announced this was a continuation of a hearing opened on January 16, 2007. However, because the Township received a request for an extension from the applicant's attorney, the hearing will be continued again to April 17, 2007 at 8pm.

Cheryl Golato, 134 Reservoir Road – Conditional Use Application

Mrs. Golato was present.

Marty moved to approve the conditional use application of Mrs. Cheryl Golato to operate a hair salon as a home occupation from her property at 134 Reservoir Road. This hair salon use is being relocated from its current location at 200 Reservoir Road and shall be operated pursuant to §240-31 and §240-32J of the Zoning Ordinance with the following conditions:

1. The area devoted to the home occupation shall not exceed the area depicted on the floor plan provided by the applicant.
2. A detailed landscaping plan for the screening of the parking area shall be submitted to the Township with the building permit application, and approved by both the Zoning Officer and the Conservancy Board prior to the issuance of the Home Occupation Permit.

3. The sign for the business shall be in general conformance with the picture submitted with the application.
4. The hair salon use at 200 Reservoir Road shall be extinguished unless the owner receives conditional use approval from the Board of Supervisors.
5. All applicable local, state and federal regulations shall be followed.
6. The applicant shall keep satisfactory business records to show compliance with all Township ordinances.

Thom seconded the motion. Ms. Golato agreed to the conditions. Public comment was received by Suzanne Taylor of 30 Reservoir Road. The Supervisors voted unanimously to approve the motion.

A court reporter was present and will provide a complete transcript of the proceedings.

FORMAL MEETING (Resumed)

Treasurer's Report

Don announced there was no Treasurer's Report for tonight.

Police Report

Sgt. Rick Gorman reported that 861 police calls were taken from East Goshen for January 2007.

Jim McRee of the Deer Management Committee asked if any of the auto accidents mentioned were deer-related. Sgt. Gorman said he did not know.

Public Comment: Elaine Blair, Hershey's Mill – Asked if there was still a lot of heroin use within the Township. Sgt. Gorman said it is still very prevalent.

Maintenance Bond for The Reserve at Spring Meadow

Amanda Sundquist, Esq. was present for Gambone Brothers. Tom Bayley was present for the homeowners.

Thom moved that the Board authorize execution of the 36-month maintenance bond for landscaping at The Reserve at Spring Meadow and the release of the balance of the fund currently being held with the conditions as listed in the February 13, 2007 memo from Rick Smith, which he read aloud. Marty seconded the motion.

Tom Bayley said the homeowners are basically in agreement with the conditions, but are concerned what will happen if some of the trees die between October 2009 and February 2010. Discussion among the parties led to the modification of condition #6 and the addition of condition #8. The final conditions are as follows:

1. An annual inspection shall be made during each year of the bond period by the Township Engineer, in conjunction with the Township's Conservancy Board, a representative from the Homeowner's Association and a representative from Gambone Brothers.

2. This inspection shall occur after the trees have had a chance to “leaf out” (on or about June 1st of each year).
3. A list of deficiencies shall be prepared by the Township Engineer.
4. This list shall be forwarded to all parties.
5. Gambone Brothers shall install the replacement plantings during the next favorable planting time in that particular year.
6. Since the bond will expire on February 20, 2010, a semi-final inspection shall be made on or about September 15, 2009 in anticipation of the bond period expiration.
7. Gambone Brothers shall install any replacement plantings by October 30, 2009.
8. A final inspection shall be made on or about February 10, 2010, and Gambone Brothers shall install any replacement plantings by May 31, 2010.

These conditions were acceptable to Ms. Sundquist and Mr. Bayley.

The Board voted and the motion was unanimously approved.

Mr. Bayley asked what recourse the homeowners would have if there is disagreement during the final inspection in February 2010 whether a tree is dead. Rick said in that case the Township’s landscape engineer will have the final say.

Mr. Bayley stated the maintenance bond for the common areas began in 2005, and there are some major deficiencies. Thom suggested Mr. Bayley speak with Ms. Sundquist. Rick instructed Mr. Bayley provide the information to the Township Engineer.

Mr. Bayley then asked how the homeowners should notify the Township when their leadership roster changes. Rick instructed him to send a letter to the Township.

Deer Count

Don explained that the Township is planning to have an aerial count of Township deer conducted to provide data needed to properly address the potential Township deer problem.

Thom moved to approve the February 20, 2007 proposal from Stockton Infrared Thermographic Services for an aerial infrared deer census of East Goshen at a cost of \$19,950. The invoice is to be paid within the 10-day discount period to obtain a 10% discount, bringing the cost to \$17,955. Marty seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Asked if the consultant would be providing the Township something in hard copy form that would be made public record. Don said yes.

The Board voted, and the motion passed unanimously.

1419 Center Street – Status Report

Rick announced that the lot has been cleared of trash and debris, and the grass has been cut. The property has been secured. The Township Solicitor will be filing a municipal lien. Don said this item will no longer be a recurring agenda item, but the Township will revisit the issue in 60-90

days. Marty suggested that letters be sent to the concerned residents, updating them on the situation.

Penn Liberty Bank, 1301 Paoli Pike – Final Land Development Plan

The applicant was represented by Brian Nagle, Esq. and David Griest, CIO.

Marty reminded Mr. Nagle that the traffic count issue is still open. Mr. Nagle said they were aware of that and plan to do what it takes to satisfy the Township.

Thom moved that the board grant Final Land Development plan approval to Penn Liberty Bank for the property at 1301 Paoli Pike, dated September 25, 2006, last revised January 26, 2007 with the following conditions as noted in the Planning Commission letter of February 9, 2007:

1. The sign variances shall be listed on the sign sheet of the Land Development plan.
2. The entrance at Airport Road shall be signed prohibiting delivery vehicles in excess of 30 feet in length.
3. The applicant shall pay the traffic impact fee based on the Township traffic engineer's trip generation calculations or satisfy the Township engineer's trip generation comment from the review letter dated January 11, 2007.

Marty seconded the motion. Mr. Nagle said they accepted the conditions. There was no discussion or public comment. The motion passed unanimously.

Lexington Ltd, 1304 Goshen Parkway – Final Land Development Plan

The applicant was represented by Brian Nagle, Esq. and Rick Bates.

Marty said he would like to recognize the applicant's efforts in working with the Planning Commission, and to thank them for their patience through the entire process.

Thom moved that the Board grant Final Land Development plan approval to Lexington Ltd. for the property at 1304 Goshen Parkway (Lot 12) dated July 21, 2006, last revised November 2, 2006, with the following conditions as noted in the Planning Commission letter of February 9, 2007:

1. Only a single WB-62 size vehicle can be in the loading dock facilities at any time, and the entrance shall be signed with this restriction, and said restriction shall be included in the condominium declarations.
2. The condominium documents shall be approved by the Township solicitor prior to plan recordation.
3. A geotechnical engineer shall provide the Township with a report, as stipulated on the Land Development plans, prior to the issuance of a building permit.
4. The construction shall conform to all other local, state and federal regulations.

Marty seconded the motion, and suggested it be amended to include a fifth condition:

5. All issues in the November 27, 2006 letter from the Township Engineer will be addressed to the Township's satisfaction.

Thom accepted the amendment. Mr. Nagle accepted the conditions. There was no public comment. The Board voted and the motion passed unanimously.

Mershon, 311 Jefferson Drive – Variance Application

Mrs. Mershon was present, along with her architect Christopher Luce of Luce & Associates. They displayed a rendering of the proposed addition, and an aerial view of the neighborhood.

Mrs. Mershon stated that she definitely would have been at the Planning Commission meeting, but was given misinformation as to the meeting date.

She explained that they have tried to position the addition so as not to offend their nearest neighbor, Mr. Tatlow. If they put the addition at the back of the house, it would be visible to Mr. Tatlow and would cut out sunlight to his home. Therefore, they opted to put the addition to the side of the house. Ms. Mershon said she consulted the rest of the neighbors while designing the addition, and they are all happy with the proposal. Marty asked if any of the neighbors were present. Mrs. Mershon said no, but she could get letters of support if need be.

Mrs. Mershon explained that the builder placed her home on an angle in the lot, creating the problem of where to position the addition. Marty agreed and told her the property does not lend itself to expansion. He asked how much of the addition would be in the setback. Mr. Luce said he did not know exactly but guessed it to be around 150 sq.ft. Mrs. Mershon asked what the Board would consider *de minimis*. Don said a couple of feet.

Marty told the other Supervisors he did not have a problem approving this application.

Thom asked Mr. Luce what would happen if the portion of the addition in the setback was taken out. Mr. Luce said the conservatory would have to be cut back, and they would lose the additional staircase to the second floor. Mrs. Mershon pointed out that none of the addition as proposed would be in Mr. Tatlow's line of sight, and they do not plan to disturb any of the existing trees or landscaping, and that no neighbors are on the side of the addition.

Thom said he was inclined to agree with Marty because this will not encroach on any of the neighbors and is across from the wetlands.

Don said the zoning ordinance was set up to maintain standards, and thinks that approving this application would set a bad precedent. Marty said he thinks these situations should be examined on a case-by-case basis. He said there is no adverse impact to anyone with this addition, and it's wonderful the applicant is willing to make this kind of investment in their property. He said he did not see a reason not to support the application.

Thom said the proposed addition would clearly not interfere with anyone else's quality of life, and thinks the Board should be flexible on these matters, and take them on a case-by-case basis.

Don said he did not recall another variance of this extent being granted in the Township, and believes it would set a bad precedent.

Marty asked Jim McRee of the Planning Commission to comment. Jim explained that the Planning Commission made their recommendation for denial because they are bound by the ordinance, and are not able to make decisions based on the look & feel of a structure, or based on whether a neighbor's sunlight will be impacted, etc. He said they gave several suggestions to the applicant, but had to make a recommendation to deny based on the fact that it's a self-imposed hardship.

Don said he believed the Board would have to be shown overwhelming evidence why they should not make a decision in line with the Planning Commission.

After some more discussion, Marty moved that the Board support the variance application from Mr. and Mrs. Mershon on the basis that the site has created a hardship, and there is no negative impact from an intrusion into the side yard setback. In addition, the proposed addition is situated across from the wetlands. Thom seconded the motion.

Public Comment: Abbas Rahbari, 1613 Manley Road – Stated that he has no involvement or dealings with the applicant. He said the proposed addition looks immaculate and he totally supports the applicant. The Township is privileged to have residents of this caliber who want to improve their properties in this manner. The Township should do everything it can to accommodate them in doing so.

There was no further discussion or public comment. The Board voted, and the motion was unanimously approved.

Goshen Friends Escrow Release #4 and #5

Marty moved to approve Escrow Release #4 and #5 for Goshen Friends in the total amount of \$40,220.80 for paving, stormwater improvements and sidewalks, per the February 16 recommendation of Public Works Director Mark Miller. Thom seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Address by John Poth Regarding the YMCA Facility

John Poth of 549 Willow Way, West Goshen Township thanked the Board for the opportunity to address them. He thanked Rick Smith for being so accessible and helpful with his requests for information.

Don stated that the court has already ruled on this matter, and he would have to limit Mr. Poth's remarks to 15 minutes.

Mr. Poth said he was present because he cares about his Township and his neighbors. He said he represented the residents in West Goshen who are vehemently opposed to the YMCA project, and are concerned with how fast it was sped through East Goshen. He said his goal was to get the Supervisors to think about how their decisions impact people's lives, including those outside of East Goshen.

Mr. Poth said he lives 1200 feet from the site, and no one in East Goshen is closer to it. Marty reminded him that the Hicks are closer. Mr. Poth showed a photograph of the site as it now appears, without trees, when viewed from the Edgewater development. He stated the property was a Penn land grant and has never been developed. Mr. Poth read a portion of the Board's minutes from August 2003 stating the Township was not interested in having the YMCA. He wondered how the Township went "from there to here." Mr. Poth pointed at the photograph and said the clearing of this land will contribute to the deer problem, as well as to global warming.

Mr. Poth stated that he was not present to attack the Board, but wanted to engage them in a discussion. He stated that ACAC had to include their swimming pool in their calculations for parking, and wondered why the YMCA did not. He stated that someone from the YMCA told him they would be adding a second floor to the building, and wondered where all the people were going to park. He asked why the Bible Baptist church and the school were not notified of the proposed development. Don stated that the Township followed the notification rules required by the ordinance at that time.

Mr. Poth stated he was not here to make trouble, but because he cares. He rhetorically asked if anyone could think he would have spent so much money and gone to so much effort just to make trouble.

Don thanked Mr. Poth for sharing the information. Mr. Poth again thanked him for the opportunity to speak.

Correspondence & Reports of Interest

Don acknowledged receipt of the following:

- Notice from Comcast of upcoming changeover of all premium channels to digital, effective February 28.
- Notification from U.S. Dept. of Homeland Security that the revision to the East Goshen Township Flood Plain Management Ordinance, adopted September 19, 2006 is in compliance with the current National Flood Insurance Program as revised October 1, 1989.
- Goshen Fire Company Report and Fire Marshal's Report for January 2007.

Meetings & Dates of Importance

Don noted the list of upcoming meetings as listed in the agenda.

Public Hour – Hearing of Residents – Receipt of Petitions

Public Comment: Abbas Rahbari, 1613 Manley Road – Stated that he has no financial dealings with Mr. Poth, but wanted to publicly thank him for all the time and hard work he put into the YMCA issue. He then asked Rick or Don to please thank Mark Miller on his behalf for the excellent job his crew did in plowing the streets after the February 14 storm.

Public Comment: Bill Egan, 1422 Mill Creek Drive - Said he disagreed with Mr. Rahbari about the roads, because Boot Road was in really bad shape after the storm. Rick told him that was a

road handled by PennDOT, and complaints should be directed to them. Mr. Egan said there is also a chasm developing in the road on Boot Road. Rick advised him to let PennDOT know.

Mr. Egan said he was surprised the Township building was closed for 2 inches of snow on February 14, when the goal is to have the building serve as an emergency operations center. Rick said the building was closed due to the forecast for heavy ice.

Mr. Egan asked if the Township receives revenue from Comcast. Rick said yes, there is a 5% franchise fee, and the amount shows on the monthly bill. Don said the Township will also receive a similar fee from Verizon.

Mr. Egan asked for an update on the Margo Lane intersection. Rick said the sign has not yet been installed.

Adjournment

There being no further business, the formal meeting adjourned at 10:00pm.

WORKSHOP (Resumed)

The Supervisors discussed the information sent to residents of Brookmont and Charter Chase regarding sewer hookup. Marty said the figure of \$16,500 presented in the packet should be fixed. He said the engineer should have an estimate he can stand by, to help remove some of the uncertainty residents are facing regarding how much they will have to pay out of their own pockets. He suggested the Board schedule a meeting with the Municipal Authority to discuss the issue. Don said that would mean having to re-start the balloting process. Marty disagreed, saying it could be handled simply by sending a letter to the residents. Thom stated the Municipal Authority is already putting in too much money per household for this project (if it proceeds), and it should be up to the homeowner to pay what the actual connection cost is, whatever it turns out to be. Don said he would like to table the matter until the next meeting, when it can be discussed with Joe and Carmen.

Adjournment

There being no further business, the workshop adjourned at 10:40pm.

EXECUTIVE SESSION

The Supervisors met in Executive Session from 10:40pm until 11:00pm to discuss a personnel matter

Respectfully submitted,

Anne Meddings
Recording Secretary