

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
September 18, 2007 – 6:30pm**

Present: Chairman Don McConathy, Vice-Chairman Thom Clapper, Carmen Battavio, Joe McDonough and Marty Shane. Also present were Township Manager Rick Smith, Jane Fava (Conservancy Board), Jim McRee (Planning Commission & DMC), Phyllis Marron (Park & Rec), Linda Gordon (Historical Commission) and Elaine Blair (Hershey's Mill Rep). Senya Isayeff (Planning Commission) was present for the formal meeting.

WORKSHOP

Review of Minutes

The minutes of September 4 were reviewed and corrected.

Bills

Current invoices were reviewed.

Agenda Review

The agenda for the formal meeting was reviewed.

Walters, 1313 West Chester Pike – Variance Application

The Board agreed that what the applicant is proposing represents a marked improvement over what is currently on the property. However, the plan only meets one of the 5 variance requirements in the zoning ordinance (#4). Joe suggested the ordinance might need to be revised. Carmen said this area of the Township presents a problem because the buildings are very old. Joe agreed and said the area needs to be rehabbed. The Board agreed that the variances requested for the new plan are less onerous than the problems with the existing building.

Sorrell Hill - Final Subdivision Plan

The Supervisors agreed to hold this item until the next meeting to give them time to review new data received.

CTDI, 1305 Goshen Parkway – Variance Application

John Good, Esq. and engineer Craig Hough were present, along with John Lutz of CTDI. CTDI wants to add an additional 6 ft of building height as part of the building expansion. Joe would like them to plant evergreen trees to screen the view when the leaves are off the deciduous trees. Mr. Good was amenable to that. Carmen agreed with Joe, and suggested it might be best to plant the trees at the edge of the property line closest to nearby homeowners. Joe asked how many employees CTDI plans to add. Mr. Lutz said 33. Mr. Good said CTDI already has more than enough parking spaces to accommodate the new employees.

Marty believes CTDI meets the requirements to get the variances. Thom said the Township would be acting inconsistently by denying Comcast's recent request to install a fence in their buffer yard, but agreeing to let CTDI expand their building into the buffer yard.

FORMAL MEETING

Call to Order & Pledge of Allegiance

The Chairman called the meeting to order at 8:03pm and led everyone in the Pledge of Allegiance to the flag.

Recording of Meeting

Don asked if any resident planned to record the meeting. There was no response.

Moment of Silence

Carmen asked everyone to observe a moment of silence in memory of the victims of 9/11.

Approval of Minutes

Carmen moved to approve the minutes of September 4 as corrected in the Workshop. Thom seconded the motion. There was no public comment and no discussion. The Board voted and the motion passed unanimously. Joe and Marty abstained from voting as they were not at the September 4 meeting.

Chairman's Report

Don announced that Maria O'Hara has resigned from the DMC due to increased job responsibilities which are claiming more of her time.

CTDI, 1305 Goshen Parkway – Variance Application

Don announced that he would change the order of the agenda to accommodate CTDI attorney John Good, who had to leave shortly for another meeting. Along with Mr. Good, Craig Hough (engineer) and John Lutz (CTDI's Director of Operations) were also present.

Thom said it would be inconsistent to allow CTDI to expand their building into a buffer yard after denying Comcast's request to put a fence in their buffer yard. Marty said an applicant is permitted to put a structure in a buffer yard if they meet the requirements for a variance, which CTDI does.

Thom asked if the loading dock area would be enlarged. Mr. Good said it would actually be made smaller, and there would be fewer trucks. Carmen asked if the hours of operation would change. Mr. Lutz said there would be no change from the current hours, which are 6:30am to 12:15am.

Marty said it would be best to install landscape screening at the property line of homeowners in Mill Creek and Grand Oak.

Jim McRee of the Planning Commission asked if the ordinance defines a parking lot as a structure. Rick said it does. John Good agreed and said that was decided by the court.

Marty moved to recommend the Zoning Hearing Board approve the zoning variance application of Communications Test Design, Inc. (CTDI), 1305 Goshen Parkway, for relief from Section 240-27C(2)(b)[2] based on their meeting the standards for a variance under Section 240-58B and, in particular:

1. The building can only be expanded to the rear due to steep slopes to the west and set back limitations to the south and east.
2. The building can only be expanded by the granting of a variance.
3. The hardship was created when the Township changed the buffer yard requirement to 100 ft in 1999.
4. The variance, if authorized, will not alter the essential character of the neighborhood or district, nor prevent the development or use of adjacent property, nor be detrimental to public welfare.
5. The variance, if authorized would permit CTDI to build a 37,500 ft proposed addition.

It is to be noted that there will be no increase in impervious coverage since the addition will be constructed on the existing parking lot and loading dock area. The existing loading dock area will be relocated to the eastern side of the building, which is further away from existing residences. The closest residence will be approximately 550 ft from the building addition and is separated by heavily wooded Township-owned open space.

CTDI is willing to mitigate any visual impact of the addition to the neighboring residents in Mill Creek and Bittersweet/Grand Oak Run by installing landscape screening in CTDI's buffer area and/or on the residents' property line. The specific mitigation will be done with the agreement of CTDI, the affected residents, the Township's Conservancy Board, and the Township Landscape Architect. The affected resident's properties for consideration should be determined by agreement between CTDI, the Conservancy Board and the Township Landscape Architect. If necessary the Board of Supervisors will be the final arbitrator.

The Board also authorized the Township Solicitor to appear before the ZHB, and the Chairman to appear if appropriate, to represent the Board's position.

Joe seconded the motion.

The applicant was agreeable to this motion. Mr. Good said he would withdraw his application for a special exception when he goes before the Zoning Hearing Board.

Public Comment: Tom Giannantonio, 1004 Chambord Place, Mill Creek – Said his property faces the woods at the back of the business park. He asked the Board to impose conditions on this applicant that have some “teeth” to avoid another issue like the Comcast fence. He said he doesn't doubt that CTDI is a good corporate citizen, and he personally has had no problems with them, but he wants to avoid any future problems. Don said the decision about the variance is really up to the Zoning Hearing Board.

Senya Isayeff of the Planning Commission said they were opposed to this variance because a parking lot is a plane surface whereas a multidimensional building is something altogether different. The Planning Commission was concerned that allowing a building in a buffer yard would create a precedent for businesses to encroach closer to residential areas. Don told Senya the Board looked at the business parks in the Township and determined that no other business would be able to follow suit; this is a unique situation and would not set a precedent that other businesses would be able to follow.

There was no further discussion of public comment. The Board voted on the motion, which passed 4:1, with Thom opposed.

Connect CTY

Steve Linehan of Connect CTY gave a presentation on this web-based system that would allow the Township to quickly and efficiently communicate with residents. The system's main function is to notify residents in the event of an emergency; however, it can also serve as a means of communicating other matters to residents, and can serve as a means of communication among Township personnel. It can even be used to take surveys of Township residents. Township personnel can access the system via telephone if they do not have web access. The system can generate 2 million calls per hour.

Connect CTY gathers phone numbers from public records. The numbers they use are primarily land lines, as most cell phone numbers are not publicly available. The data is refreshed every 30 days. They have the capability to gather unlisted phone numbers but choose not to do so. They prefer for residents to volunteer the information and opt-in to the system. Connect CTY does not own the information it gathers, and cannot sell it. The company is based in Sherman Oaks, CA but the data is stored in mirror sites across the country.

Residents can opt out of the system if they wish. They can also specify the types of calls they wish to receive (e.g. notification of emergency situations only). Residents can choose how they want to be contacted – home phone, cellular phone, or email. They can do this by contacting the township, or by logging onto the web site.

Mr. Linehan said Connect CTY currently has 13,000 clients, including Boston, MA and Trenton, NJ. In Chester County, the system is currently used in the West Chester Borough, and was recently approved for use in Lower Providence Township and Upper Providence Township. Connect CTY began by providing communication systems to school districts. In the past 2 years they have started providing the same type of service to municipalities. Mr. Linehan said of all their clients, none have opted to discontinue the service.

The cost of the system is based on the number of households in the community that is to be serviced.

Jim McRee of the Planning Commission asked if the "Do Not Call" list would be applicable in this situation. Mr. Linehan said no, as Connect CTY is not selling or marketing anything. Carmen said if the Township goes with this type of service, the Board would develop a policy to regulate its use.

Carmen asked Mr. Linehan if it could be utilized by the WEGO police department to communicate with residents in the partnering Townships in the event of a situation that crosses Township lines. Mr. Linehan said no, but the Township could have the system set up to alert the Boards of Supervisors and appropriate staff of the other Townships. They could in turn notify their own residents if necessary.

Jim McRee asked if residents of other townships can subscribe to the service if they work in East Goshen. Mr. Linehan said that would not really be necessary, as their East Goshen employers would automatically be notified in the event of emergency.

Jim McRee asked what shows on CallerID when the calls come in. Mr. Linehan said his company can program the system to show whatever the Township wants, for example "Township of East Goshen" or "Emergency Services."

Treasurer's Report

The Treasurer's Report for September 18, 2007:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 5,177.38	
Earned Income Tax	\$ 112,112.18	
EMS TAX	\$ 14,293.84	Accounts Payable \$ 112,885.75
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 87,928.81	Payroll \$ 80,000.00
Total Receipts	\$ 219,512.21	Total Expenditures \$ 192,885.75
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 4,955.87
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 14,585.34	\$ 29,283.13
Refuse	\$ 20,927.72	\$ 70,312.09
Capital Projects	\$ 0.00	\$ 0.00

Marty moved to accept the Treasurer's Report and to approve the expenditures pending the Board's review. Joe seconded the motion. There was no discussion and no public comment. The Board voted and the motion passed unanimously.

Police Report

Chief John Dumond reported that the police department responded to 766 calls for service from East Goshen in August. There was a tragic fire in the Jefferson at Westtown apartments which affected 28 units, many of which were destroyed. There were no deaths or injuries.

Chief Dumond noted for the record that he had received some questions from Lisa O'Neill of Brookmont, and Carmen is going to get back to her.

Don told the Chief he would like to compliment the officer who assisted him in reuniting a lost horse with its owner. The horse appeared on Don's property one morning, and the officer responded to Don's call for help. Don regrets he did not get the officer's name.

Chief Dumond told the Board he is working on the PPU report.

Chief Dumond told the Board he has some concerns about the police fleet being cut from 24 cars to 21. The Board asked him to provide details of his concerns in writing for their review, as they want to do what's best for the police.

Jim McRee of the DMC asked if there were any deer-related traffic accidents in August. Chief Dumond said he was not sure, but will check. Jim said that a resident came to the last DMC meeting and said they tried to report an accident they had involving a deer, but the police officer who responded was resistant to filing a report. The Chief said he was not aware of the particular incident, but the police are not legally required to file reports for accidents that are non-reportable from an insurance standpoint. Don asked Chief Dumond to have the officers take down such information in future, for the Township's records. The Chief said he would do so.

Walters, 1313 West Chester Pike – Variance Application

Greg Walters spoke for the Walters Company. Charlie Lyddane was also present.

Mr. Walters described the 5 variances they are seeking. Joe advised them to consider everything carefully, as something unforeseen could come up during Land Development, and they would have to deal with it.

Thom asked if they could put their detention basin underground. Mr. Walters said they are looking into that possibility.

Mr. Walters said that 40 feet of their property is within the ROW of West Chester Pike. Don asked if there will be enough space between the curb and the cart way of West Chester Pike for a car to park. Mr. Walters said probably not. Don said that was good, as he did not want anyone pulling to the side of the road there.

Carmen moved that the Board recommend the Zoning Hearing Board approve the zoning variance application of The Walters Company, for the property at 1313 West Chester Pike, for relief from Sections 240-14G, 240-27C(2)(b), 270-27C(2)(e), and 240-33B(5)(b) of the Zoning Ordinance with the following statements:

1. None of the standards in §240-58 are relevant except for §240-58B4; however in this case the plan is a marked improvement over the existing building.
2. The new plan has less dimensional non-conformities than what exists today.
3. We are generally consistent with the Comprehensive Plan.

Marty seconded the motion.

Senya Isayeff of the Planning Commission said the projects this company has completed in the Borough have been done very well, and have added to the tax base. He said this project will

likewise be a positive thing for East Goshen. Furthermore, the Walters Company is a property holder. They do not flip their properties. Carmen agreed this company is a good member of the community.

There was no discussion and no further public comment. The Board voted and the motion passed unanimously.

In-Law Suite Agreement for 903 Dolphin Drive

Joe moved to authorize the Chairman to execute the In-Law Suite agreement for 903 Dolphin Drive dated September 17, 2007. Marty seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

Keystone Foods, 905 Airport Road – Floor Drains

Paul Fitzmaurice, Esq. was present, along with representatives from Keystone and their construction company.

Rick said he spoke with Jeff Sommer about this matter. There is no language in the ordinance to allow the Board to waive the portion of the ordinance that prohibits the connection of floor drains to the sewer. Therefore, the Township must revise the ordinance to allow the floor drains Keystone needs. Rick will direct Jeff Sommer to redraft the ordinance based on West Goshen's language.

Mr. Fitzmaurice said his client is concerned about completing their project in a timely manner. Rick said they can get a building permit now and begin work immediately; they just won't be able to connect the drains to the sewer yet.

Joe asked if someone could appeal the ordinance change. Rick said yes, someone could always appeal.

Joe told Mr. Fitzmaurice and the Keystone representatives that the Board is very supportive of their project and will do what is necessary to help them.

Senya Isayeff of the Planning Commission questioned the need to change the ordinance. Don and Rick said the change is necessary.

Correspondence & Reports of Interest

Don acknowledged receipt of the following:

- Goshen Fire Company Report for July 2007
- Fire Marshal's Report for August 2007
- Complimentary letter from Swiss Farms regarding the Township and specifically, Zoning Officer Mark Gordon.
- Complimentary letter from resident Jacqueline Weber about Mark Miller and the Public Works crew.
- A petition from Comcast seeking Special Relief from the FCC from restrictions on raising rates for basic service.

Meetings & Dates of Importance

Don noted the upcoming meetings as listed in the agenda.

Public Hour – Hearing of Residents – Receipt of Petitions

None.

Adjournment

There being no further business or public comment, the formal meeting adjourned at 10:05pm.

WORKSHOP (Resumed)

Meeting Schedule

Marty and Carmen will be attending a historic preservation seminar on September 25, and Thom will be away on vacation. The Board agreed to cancel the September 25 meeting. The Harlan (Sullivan’s Grove) discussion will therefore be postponed until October 2.

Proposed Super Wawa in Westtown

The Supervisors reviewed the latest set of plans and discussed the open issues. They discussed whether they should all plan to attend the October 1 Westtown Supervisors meeting, and if so, what items to ask for. Carmen volunteered to speak with Skip Brion before the Board decides what action to take.

Adjournment

There being no further business, the workshop adjourned at 10:50pm.

Respectfully submitted,

Anne Meddings
Recording Secretary