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BEFORE THE BOARD OF SUPERVISORS
OF THE TOWNSHIP OF WESTTOWN
CHESTER COUNTY, PENNSYLVANIA

VOLUME 11

IN RE: CONDITIONAL USE APPLICATION
TOLL PA XVIII, L.P.

Meeting was held at the Township
Municipal Building, Stokes Assembly Hall,
1039 Wilmington Pike, West Chester,
Pennsylvania, to render a decision, on
Thursday, December 28, 2017, beginning at
6:00 o'clock, p.m.

BEFORE: MICHAEL T. DIDOMENICO, Chairman
 CAROL R. DEWOLF
 THOMAS HAWS

ALSO PRESENT: ROBERT R. PINGAR,
 Township Manager

ELEANOR J. SCHWANDT, RMR
COURT REPORTER

COPY

1 APPEARANCES:

2 PATRICK M. MCKENNA, Esquire
3 on behalf of the Board of Supervisors

4 GREGG I. ADELMAN, Esquire
5 on behalf of the Applicant

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8 THE CHAIRMAN: All right. We
9 are going to get started. Good evening,
10 ladies and gentlemen.

11 As Chair of Westtown Township
12 Board of Supervisors, I, Michael
13 DiDomenico, am opening this Toll Brothers/
14 Crebilly Farm conditional use application
15 hearing. The purpose of this evening's
16 hearing is for the Board of Supervisors to
17 render a decision based on the evidence
18 presented throughout the hearing process.

19 We have to my right Ms. Carol
20 DeWolf, Vice Chair; to my left Mr. Tom
21 Haws, our police commissioner; and Mr. Rob
22 Pingar, to my far right, well, right; and
23 Mr. Pat McKenna, our solicitor.

24 And we have spent months
listening to testimony and public comment

1 as part of this conditional use process.
2 We additionally spent countless hours
3 sifting through court affidavits. Like
4 members of a courtroom jury, we used
5 submitted evidence to form our decision.
6 And there was about 1,899 pages of
7 stenographer's pages, who, Eleanor, right
8 here, thank you.

9 I want to advise you as public
10 comment was afforded during the conditional
11 use proceedings, there will not be public
12 comment following the rendering of our
13 decision since this is a continuation of
14 the hearings.

15 Now, before I get started I
16 need to know if there is anyone using a
17 recording device, if you would identify
18 yourselves, please.

19 MR. BRAXTON: John Braxton.

20 MR. HEMPHILL: Ken Hemphill.

21 MR. HAWS: Can you repeat your
22 last name for the stenographer.

23 MR. BRAXTON: John Braxton.

24 MR. HEMPHILL: Ken Hemphill.

1 THE CHAIRMAN: Anyone else?

2 Okay. Thank you. Before we
3 get started on this proceeding, I have to
4 turn the meeting over to Mr. McKenna, who
5 has to do some housekeeping.

6 MR. MCKENNA: Thank you, Mr.
7 Chairman. Good evening, ladies and
8 gentlemen. This is the continued hearing
9 from November 27th, 2017. Following the
10 hearing in November the record was kept
11 open for the sole purpose of accepting the
12 findings of fact and conclusions of law
13 from any of the parties who wished to
14 submit them.

15 The parties who did submit was
16 the applicant, Toll Brothers; the Planning
17 Commission for the Township; Neighbors for
18 Crebilly; Thornbury Township; Birmingham
19 Township; and Mr. Moscharis. I don't
20 believe we received any other findings of
21 fact and conclusions of law from any other
22 parties.

23 Those were then circulated to
24 the Board for their review. The Board met

1 in executive session to deliberate on the
2 application on December 5th, December 14th,
3 December 18th, and we met briefly in
4 executive session this evening.

5 The applicant has agreed both
6 in writing and on the record to permit the
7 township an extension of 45 days from
8 tonight to issue the written decision.
9 And, again, just to confirm with Mr.
10 Adelman, the 45 days is actually Sunday,
11 February 11th. So any objection to going
12 to the Monday, February 12th, 2018?

13 MR. ADELMAN: No objection.

14 MR. MCKENNA: Thank you. All
15 parties to the hearing will receive a copy
16 of the decision in the mail and it will be
17 posted on the township's website as soon as
18 possible after the decision is issued.

19 Mr. Chairman, that's all I
20 have.

21 THE CHAIRMAN: Okay. Thank
22 you.

23 Okay. At this point I need a
24 motion and a second.

1 MR. HAWS: Sure. So after
2 careful and deliberate consideration and
3 review of the testimony, exhibits and
4 public comment presented, as well as the
5 consideration of the findings of fact and
6 conclusions of law submitted by the
7 parties, and after deliberating in
8 executive session meetings on December 5th,
9 December 14th, December 18th, and 28th,
10 2017, and for the reasons that will be set
11 out in the written decision by the Board on
12 or before February 12th, 2018, I hereby
13 move to deny the conditional use
14 application.

15 THE CHAIRMAN: I need a second.

16 MS. DEWOLF: So moved.

17 THE CHAIRMAN: Fellow
18 Supervisors, is there any discussion
19 between us?

20 MR. HAWS: No.

21 MS. DEWOLF: No.

22 THE CHAIRMAN: Seeing none, I
23 need a vote. Mrs. DeWolf?

24 MS. DEWOLF: I affirm and

1 concur with that motion.

2 THE CHAIRMAN: Mr. Haws?

3 MR. HAWS: Aye.

4 THE CHAIRMAN: Myself aye.

5 MR. HAWS: The hearing is

6 concluded.

7 THE CHAIRMAN: I need a motion

8 to adjourn.

9 MS. DEWOLF: So moved.

10 MR. HAWS: So moved.

11 (Proceedings conclude at 6:02

12 p.m.)

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1 Commonwealth of Pennsylvania)
2 Chester County)

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CERTIFICATE OF REPORTER

I, Eleanor J. Schwandt, Registered Merit Reporter and Notary Public, do hereby certify that the foregoing record, pages 1900 to 1906 inclusive, is a true and accurate transcript of my stenographic notes taken on December 28, 2017, in the above-captioned matter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of December, 2017.



Eleanor J. Schwandt