

# WESTTOWN TOWNSHIP

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## AGENDA

### Westtown Township Board of Supervisors Regular Meeting

Monday, April 1, 2024 – 7:30 PM  
Westtown Township Municipal Building  
1039 Wilmington Pike, Westtown

- I. Call to Order & Pledge of Allegiance
- II. Summary of Board of Supervisors Workshop – April 1, 2024
- III. Approval of Board of Supervisors Meeting Minutes – March 18, 2024
- IV. Departmental Reports
  - A. Public Works Department – Mark Gross
  - B. Planning Commission – Jim Lees
  - C. Historical Commission – Dave Walter
  - D. Township Solicitor – Patrick McKenna
  - E. Interim Township Manager – Mila Carter
- V. Public Comment (Non-Agenda Items)
- VI. Old Business - None
- VII. New Business
  - A. Consider Authorizing Application of the Delaware Watershed Conservation Fund 2024 to the National Fish and Wildlife Foundation for the Acquisition of Crebilly Farm
  - B. Acknowledge Stephen Dabrowski and Steve MacCarthy Resignations from the Historical Commission
- VIII. Announcements
  - A. The Township is Seeking Applications for the Parks & Recreation Commission and Historical Commission.
  - B. Yard Waste Pick-Up - Saturday, April 13.
  - C. Historical Commission history lecture - Saturday, April 27.
  - D. Plumly Open Space Invasive Plant Removal – Saturdays, April 20 and April 27.
  - E. Composting Exhibition organized by the Environmental Advisory Council – Saturday, May 4.
- IX. Public Comment (All Topics)
- X. Payment of Bills
- XII. Adjournment

## **How to Engage in the Public Comment Sections of a Township Meeting**

Public Comment is heard at three (3) different points during the meeting:

1. BEFORE OLD BUSINESS - The public is permitted to make public comment on any matter not on the agenda. This comment period is subject to the time constraint in (d) below
2. PRIOR TO any action on a motion on an Agenda item. Public Comment at this stage is limited to the item under discussion (e.g. it is not appropriate to initiate a discussion on police services if the body is acting upon a sewer issue).
3. AFTER NEW BUSINESS. - Public Comment is open to any legitimate item of business which can be considered by that Township Board/Commission (e.g. Planning Commission can discuss issues having to do with plan reviews, but cannot discuss why the Township does not plow your street sooner. Supervisors can discuss nearly every issue).

How to make a comment to any Township Board/Commission:

- a. The Chair will announce that the Board/Commission will now hear public comment, either on a specific issue or generally.
- b. You must then obtain recognition from the Chair prior to speaking.
- c. Once you have the floor, state your name and address for the record.
- d. You may then make your comment or ask your question. You will have three (3) minutes to make your statement, unless the Chair has announced otherwise, so please come prepared!

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown  
Monday, March 18, 2024 at 7:30 PM

Present were: Chair Tom Foster, Vice Chair Ed Yost, Police Commissioner Dick Pomerantz, Sgt. James Renegar, Finance Director Cindi King, Fire Marshal Gerry DiNunzio, Assistant Township Manager and Director of Planning and Zoning Mila Carter, and Planning Commissioner Kevin Flynn. Approximately 8 guests were also present, including 3 participating remotely.

**I. Pledge of Allegiance & Call to Order**

Mr. Foster called the meeting to order at 7:31 PM. He reported that the meeting was being recorded on Zoom and, with a slight delay, on YouTube.

**II. Board of Supervisors Summary of Workshop, March 18, 2024**

Mr. Foster reported that the Board met in Workshop prior to tonight's meeting to discuss the Historical Commission's 2024 priorities and the Natural Lands plans for a fundraising campaign for the acquisition of Crebilly, and to accept public comment.

Mr. Foster also reported the Board did not meet in Executive Session prior to tonight's Workshop.

**III. Approval of Meeting Minutes from March 4, 2024**

Mr. Yost made a motion to approve the meeting minutes from March 4. Mr. Pomerantz seconded. There was no public comment and the motion passed 3-0.

**IV. Departmental Reports**

**A. Westtown East Goshen Police Department – Sgt. James Renegar**

On behalf of Chief Bernot, Sgt. James Renegar, reported that in February 2024 there were a total of 2,122 calls for service for both municipalities, which is an increase for service over the previous years. He highlighted three trends in Westtown: eight significant school related incidents with three theft investigations, one harassment, one counter fitting, one drug related investigation, two threat investigations and charge filed against one student; and eight stolen property investigations. Mr. Pomerantz asked what the toughest part of the job was. Sgt. Renegar believed it was the retention of qualified officers, and explained that WEGO has a great field training program that trains qualified candidates who get recruited for full time positions by other agencies.

**B. Fire Marshal – Gerry DiNunzio**

Mr. DiNunzio highlighted that there were 83 calls for service in Westtown with the peak time for calls between 8am and 2pm. He also noted that the West Chester Fire Department responded to 12 fire calls and the Goshen Fire Company responded to 4 calls. Mr. Foster pointed out that all calls were up by eight per cent and fluctuate from month to month between the fire departments. Mr. DiNunzio explained that it was a norm. Mr. Foster asked about the audit issue at the Good Fellowship. Mr. DiNunzio said he was aware there was some type of issue with a lack of records for volunteers. Mr. Pomerantz asked whether Mr. DiNunzio had any specific concerns about the role of

the EMC. Mr. DiNunzio suggested that more could be done to educate the public via website or the Township newsletter. The Board agreed.

#### **C. Finance Department – Cindi King**

Ms. King reported that the Finance department provided what was necessary to the auditors for the preparation of the 2023 audit, completed the first quarter utility bill payment processing, and sent 67 notices to residents who were delinquent three quarters or more. She also reported that the Township received a \$43 refund of the 2023 workers compensation as a result of the most recent workers compensation audit. Ms. King also noted that the Township spent only \$9,600 of budgeted \$20,000 for overtime wages for snow removal due to the mild winter.

#### **D. Planning Commission – Kevin Flynn**

Mr. Flynn highlighted that the Planning Commission continued its discussion on potential ordinance amendments to the flexible development procedure, and reviewed the progress on the implementation policies included in the Comprehensive Plan. He also noted that there was a pending application for the Zoning Hearing Board that the Planning Commission has not discussed yet. Mr. Foster noted that it seems there is a strong thought towards eliminating the flexible development provisions. Mr. Flynn did not believe there was a consensus yet, and explained that the Commission was in the process of weighing in on the subject matter.

Mr. Foster stated that he expected to receive an open space report from the County that indicates the amount of available land for development. Ms. Carter clarified that this information was included in the Board's information packet. Mr. Foster asked for a summary of the discussion on the accessory dwelling units (ADUs). Mr. Flynn believed that ADUs were getting larger in size and might be an issue if converted to residential rentals. He added that when the units are detached from the principal dwelling, it undermines zoning provisions creating two dwelling units on the same lot with separate mailing address.

Mr. Yost asked about the Commission's discussion on the Cope Tract. Mr. Flynn thought that the Cope Tract was not widely known or utilized by the residents. He noted that the PC discussed potential connections to this portion of the park to make it more accessible. Mr. Foster added that the Oakbourne Park Master Plan provided a concept for the development of the Cope Tract with parking area and trails connected to adjacent neighborhoods.

#### **V. Public Comment (Non-Agenda Items)**

Mr. Embick, 189 Pheasant Run Road, expressed his support for the preservation of historic values of the environment as required by the Pennsylvania Constitution in response to the Historical Commission discussion on amendments to the historic preservation ordinance. He noted that the Supreme Court directed local government to take steps towards protection of these valuable resources. Mr. Embick felt that the Township would face challenges if the ordinance is incentive based.

Mr. Yeats, 1136 Talleyrand Road, raised a question about the amount and availability of collected open space tax funds to go towards the shortfall for Crebilly acquisition. Mr. Foster responded that these tax funds would be used for initial maintenance and other open space related purposes.

## **VI. Old Business**

None

## **VII. New Business**

### **A. Appoint Liudmila “Mila” Carter as Interim Township Manager and Interim Township Secretary**

Mr. Yost made a motion to appoint Liudmila Carter as Interim Township Manager and Interim Township Secretary. Mr. Pomerantz seconded. There was no public comment, and the motion passed 3-0.

### **B. Appoint Pam Packard as Interim Right-to-Know Officer**

Mr. Yost made a motion to appoint Pam Packard as Interim Right-to-Know Officer. Mr. Pomerantz seconded. There was no public comment, and the motion passed 3-0.

### **C. Consider Second Amendment to Agreement of Sale between Westtown Township and Crebilly Farm Family Associates**

Mr. Foster summarized the terms of the second amendment to the agreement of sale with Crebilly Farm Family Associates (CFFA), which includes a new closing date of December 18, 2024, a new funding contingency formula to address the funding gap by September 3, 2024 by splitting said gap with \$500,000 to be provided by the Township and \$2,334,000 to be provided by the CFFA with new grant funds or contributions received would be split between the Township's and the CFFA's portions. He also explained that the Township would continue to make quarterly debt service payments on the promissory note to the CFFA until closing, and the Township would bridge the \$3 million portion of the County grants awarded but not eligible for reimbursement until 2025-2027. Mr. Yost made a motion to approve the second amendment to the agreement of sale between the Township and the CFFA.

Mr. Pomerantz relayed the conversation he had with the Township solicitor on the worst case scenario. He relayed that if the Township does not cover the funding contingency by September 3<sup>rd</sup> and does not provide a proper notice with the intent to terminate the agreement of sale, the Township runs a risk of having to complete the sale and meet all of the funding contingency. Mr. Pomerantz further added that if the Township terminates, the CFFA technically could walk away and accept the termination, in which case Westtown would have to pay balance on the promissory note and would not get 204 acres in fee preserved. He wanted the public to know about these potential scenarios, which he was assured were unlikely to occur. Mr. Pomerantz also stated that he hoped that the public fundraising campaign will reduce the funding gap. He expressed his support of the agreement. Mr. Foster added that the Supervisors have met with the Robinsons individually, and was convinced that the amended agreement was the best approach to moving forward. He expressed that he still has concerns about the costs and long-term maintenance for the Township, but believed that it was the best outcome at this time and expressed his support of the agreement.

Mr. Pomerantz seconded Mr. Yost's motion. There was no public comment and the motion passed 3-0.

**D. Public Hearing to Consider Adoption of Ordinance 2024-03 Amending Chapter 87 (Fire Prevention) of the Westtown Township Code to Permit Fire Companies to Recover Costs**

Mr. Foster opened the hearing to consider adoption of Ordinance 2024-03 amending Chapter 87 (Fire Prevention) of the Westtown Township Code. He noted that similar ordinances have been adopted in various communities in Chester County, including East Goshen and West Goshen, and have been successful in allowing fire companies to recover modest, but meaningful operating costs when responding to fire emergencies. The hearing was advertised in the Daily Local News on March 9.

Mr. Yost made a motion to approve the proposed ordinance authorizing Fire Companies to seek reimbursement from private insurers for the costs of emergency rescue tools, equipment, materials, and personnel hours. Mr. Pomerantz seconded. There was no public comment, and the motion passed 3-0. Foster then closed the hearing.

**E. Public Hearing to Consider Adoption of Ordinance 2024-04 Amending the Township's Non-Uniform Pension Plan**

Mr. Foster opened the hearing to consider adoption of Ordinance 2024-04 amending the Township's Non-Uniform Pension Plan. He explained that in order to avoid a refund in 2024, Cindi King is recommending that the funding formula be increased from 5% of employee compensation to 9% of employee compensation for 2024. He noted that similar ordinances were adopted in 2021 and 2022. The hearing was advertised in the Daily Local News on March 9.

Mr. Yost made a motion to approve the Adoption of Ordinance 2024-04 amending the Township's Non-Uniform Defined Contribution Pension Plan that is funded entirely by State Pension Aid. Mr. Pomerantz seconded. There was no public comment, and the motion was passed 3-0. Foster then closed the hearing.

**F. Consider Resolution 2024-07 Supporting Efforts to be Recognized as a Bird Town Pennsylvania Community**

Mr. Yost made a motion to approve Resolution 2024-07 supporting the Environmental Advisory Council's priority to have the Township recognized as a "Bird Town Pennsylvania" community by the Audubon Council of Pennsylvania. Mr. Pomerantz seconded. There was no public comment and the motion passed 3-0.

**G. Consider Cedarville Engineering's Professional Services Proposal for the 2024 Road Maintenance Program**

Mr. Yost made a motion to approve the professional services proposal from Cedarville Engineering to coordinate bid administration and construction observation for the 2024 road maintenance program at a cost of \$67,500, which is \$2,500 or 3.7% more than last year. Mr. Pomerantz seconded. There was no public comment and the motion passed 3-0.

**H. Consider COSTARS Proposal from Snyder Environmental Services for Sliplining Londonderry Drive and Wickerton Drive Sanitary Sewer Lines**

Mr. Foster explained that at its meeting on January 16, the Board approved a construction management proposal from Carroll Engineering for sliplining of Londonderry Drive and Wickerton Drive sanitary sewer lines for \$45,600. He recapped that the Township received a Pennsylvania Small Water and Sewer grant for this project covering 85% of the project

costs. Mr. Yost made a motion to approve COSTARS proposal from Snyder Environmental Services to slipline the sewer lines on Londonderry and Wickerton Drives for \$304,893, for a total project cost of \$350,493. Mr. Pomerantz seconded. There was no public comment and the motion passed 3-0.

**I. Consider COSTARS Copier Proposal from Rothwell Document Solutions**

Mr. Foster explained that Rothwell Document Solutions is proposing to move the current office copier, which is at the end of its 60-month lease, to the Public Works building, and execute a 60-month lease for a new office copier. He noted that the new copier cost will be about \$8 more expensive per month than the current arrangement. Mr. Pomerantz seconded. Mr. Pomerantz asked if the office copier was functioning well. Ms. Carter confirmed that it is. There was no public comment and the motion passed 3-0.

**J. Consider Payment Application #11 from MECO Constructors, Inc for \$340,987.33**

Mr. Yost made a motion to approve payment application #11 from MECO Constructors, Inc. in the amount of \$340,987.33. Mr. Pomerantz seconded. There was no public comment and the motion passed 3-0.

**VIII. Announcements**

Mr. Foster made the following announcements:

- A. **The Township is Seeking Applications for the Township’s Parks & Recreation Commission and Historical Commission** – Please submit a resume or brief statement of interest to the Township Manager if you are interested in volunteering.
- B. **Egg Hike – Saturday, March 23, 10AM to Noon, Oakbourne Park** – Registration is required and participation is limited to Westtown residents only. The Township is also seeking volunteers to work the treat stations along the trail. Please email [parkrec@westtown.org](mailto:parkrec@westtown.org) for details.

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

None.

**X. Payment of Bills**

Mr. Yost made a motion to approve the General Fund bills for \$34,016.49, Enterprise Fund bills for \$8,387.85 for a grand total of \$42,404.34. Mr. Pomerantz seconded. There was no public comment, and the motion passed 3-0.

**XI. Adjournment**

There being no further business, Mr. Yost made a motion to adjourn the meeting at 8:17 PM.

Respectfully submitted,  
Liudmila Carter  
Interim Township Manager

**WESTTOWN TOWNSHIP**  
**PUBLIC WORKS DEPARTMENT MONTHLY REPORT**  
**MARCH 2024**

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**ROADS**

- ◆ After hours response for a tree across Tunbridge Road.
- ◆ Maintained the pond outfall in Pleasant Grove.
- ◆ Cleared the perimeter of a few fire hydrants per request of Aqua.
- ◆ Repaired plow damage to lawn edges.
- ◆ Cleared the creek channel adjacent to the Blenheim Road culvert.
- ◆ Cleared multiple trees and branches from a rain/windstorms.

**BUILDINGS, PARKS, AND OPEN SPACE**

- ◆ Installed replacement LED lights in the old PW garage.
- ◆ Replaced the backup battery for the intrusion alarm in the Administration Building.
- ◆ Cleaned up tree debris surrounding the police station.
- ◆ Serviced the filters in the finance office auxiliary HVAC unit.

**OAKBOURNE PARK AND MANSION**

1. Continued oversight of the athletic core improvement project.
2. Reconfigured the grade adjacent to the walking trail near the pavilion.
3. Removed approximately 200 feet of cyclone fencing at the ballfields to improve circulation and maintenance.

**PARKS AND OPEN SPACE**

1. Mowed perennial planting areas of the Tyson and Sage bio-swales.
2. Inspected playground structures for safety hazards.
3. Inspected stormwater retention basins for proper operation.

**WASTEWATER**

- ◆ Repaired a sewage force main break along S. Concord Road.
- ◆ Cleaned and vacuumed the wet well at Pleasant Grove Pump Station.
- ◆ Repaired a failed motor breaker at PGPS.
- ◆ Installed a repaired mixer motor for repair.



## EQUIPMENT MAINTENANCE AND REPAIR

- ◆ 67-23 – Rotated the tires.
- ◆ Repaired the fuel systems on two vibratory compactors.

## FUTURE PROJECTS

- ◆ Remove salting and plow equipment from trucks.
- ◆ Power wash dirty street signs for improved visibility.
- ◆ Begin seasonal grass mowing.
- ◆ Begin landscape bed pruning and preparation and install mulch.
- ◆ Fill potholes and clear stormwater inlets.
- ◆ Ongoing oversight of Oakbourne Park improvement project.

**MARK GROSS**  
**DIRECTOR OF PUBLIC WORKS**

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike  
Wednesday, March 20, 2024 – 7:00 PM

## **Present**

Commissioners – Russ Hatton (RH), Jack Embick (JE), Jim Lees (JL), Tom Sennett (TS), Brian Knaub (BK) and Kevin Flynn (KF) were present. Joseph Frisco (JF) was absent. Also present was Director of Planning & Zoning Mila Carter.

## **Call to Order and Pledge of Allegiance**

Mr. Embick called the meeting to order at 7:04 PM.

## **Adoption of Agenda (TS/JL) 6-0**

Mr. Sennett made a motion to adopt the agenda. Mr. Lees seconded. All were in favor of the motion.

## **Approval of Minutes (TS/JL) 5-0**

Mr. Sennett made a motion to adopt the meeting minutes from March 6, 2024. Mr. Lees seconded. Mr. Flynn abstained. All were in favor of the motion.

## **Announcements**

1. Ms. Carter announced that the Township received a Zoning Hearing Board (ZHB) application for the Bournelyf Special Camp for special exception to allow the use of day camp on the newly acquired property.
2. Ms. Carter further announced that the ZHB request for 629 S. Chester Road for special exception to expand the nonconforming use was on hold until the applicant consults with his legal counsel.

## **Public Comment – Non Agenda Items**

None

## **New Business**

### **1. Chester County Planning Commission – Inventory of Open Space**

Mr. Embick referred to the materials provided by the Chester County Planning Commission about how the County approached the preservation of open space and farmland, information pertaining to open space inventory within Westtown, and recommendations on open space opportunities. He listed the opportunities noted by the County, including that Westtown has an Agricultural Security Area Advisory Committee, conservation design ordinance also known as flexible development, and open space tax. He was curious why the County did not also note that the Township has an Open Space, Parks, and Recreation Plan.

Mr. Embick asked for the members' feedback on provided materials. Mr. Sennett asked about the methodology for determining the number of residents within a 10-minute walk to outdoor recreation. He expressed his opinion that one could walk 10 minutes in Westtown and not be near any recreation areas. Mr. Sennett also wondered whether it was a safe walk, and did not believe the Township had many areas that would be considered usable for outdoor recreation. Mr. Embick thought that residents within the central part of the Township might live within a 10 minute walk of a park, but doubted that was true for residents living in the eastern portion of Westtown. Mr. Sennett agreed and pointed out that the residents living in the western portion of Westtown did not have access to any outdoor recreation facilities within a 10-minute walk. Ms. Carter suggested that the County has utilized a geospatial tool to

determine the number of people who live within 10-minute walk to Westtown's parks and open spaces. She suggested contacting the County to verify the methodology. Mr. Sennett expressed skepticism over the numbers provided in the analysis and their accuracy. Mr. Flynn agreed and noted that the names of open spaces and parks were inaccurate. Ms. Carter agreed that there were some inconsistencies with the provided map.

Mr. Embick raised a question about stream designations noted on the map, as well as the important bird core conservation area encompassing residential development on the eastern side of the Township. Mr. Embick asked whether the map demonstrates significant opportunities for open space preservation. Ms. Carter recapped that the Commission reviewed the map of protected and unprotected lands that depicts a number of parcels that are suitable for land development and have unprotected status at its previous meeting. Mr. Embick asked for thoughts on an Official Map. Ms. Carter believed that it is a great tool for open space preservation and dedicating areas for future public improvements, including pedestrian connections to parks and recreational areas. Mr. Flynn did not think that the transfer of development rights is applicable to Westtown. Mr. Embick questioned the reasoning behind that suggestion. Mr. Sennett pointed out that in the letter, the County provides an opportunity to discuss these findings with municipalities and suggested to invite someone from the County to explain the methodology and answer the PC's questions. Ms. Carter noted that it could be arranged.

## **2. Recent Zoning/Land Development Court Cases**

Mr. Embick explained that he wanted to bring to the PC's attention the most recent court cases that he thought were interesting and relevant to the Commission. He summarized the Zoning Hearing Board appeals process, the role of the Court of Common Pleas, establishment and duties of the Commonwealth Court of Pennsylvania and the Supreme Court. Mr. Embick highlighted three cases with panel decisions that are precedential: RDM Group and Zom Construction Company v. Pittston Township, Soland v. ZHB of East Bradford Township, and ZHB and Pittston Borough vs. the ZHB of the Borough of Plum.

Mr. Embick summarized the RDM case where the applicant requested a use variance with justification that the neighborhood character no longer supported the assignment of the property in R-1 residential zoning district, which was approved by the Commonwealth Court. He found it interesting that there was an emphasis on what the ZHB has to do in order to validate its decisions when they are dealing with variances and special exceptions. He recapped that the ZHB is supposed to issue opinions that have findings of fact and conclusions of law, so that the Courts can review the grounds for the decision. Mr. Embick believed this case would be applicable if someone submitted a request for use variance because the area surrounding the property is no longer suitable for the use assigned by zoning regulations.

Mr. Embick further summarized the Soland case in East Bradford Township, where the Commonwealth Court determined that use variances are subject to the de minimus variance rule, which he thought would be appealed to the Supreme Court. He explained that East Bradford zoning only allows bed and breakfast in Class 1 historic properties, thus the applicant requested a variance from that provision due to the property not being a Class 1 property. Ms. Carter thought it was something of interest for the discussion on additional uses for historic properties in Westtown proposed by the Historical Commission. Mr. Embick wondered what East Bradford's motivation was to limit such use to a specific class.

Mr. Embick also summarized the Borough of Plum case where a gas well company had an injection well, which was a preexisting nonconforming use. They proposed to add another well, arguing that it was a natural expansion of preexisting use. Mr. Embick noted that the court agreed that it was an expansion of preexisting use and some expansion is permitted,

but the ZHB did not determine whether the expansion was necessary. He drew parallel with the pending application for an expansion of nonconforming use at 629 S. Chester Road where the existing store is a preexisting nonconforming use, with the proposal to utilize the entire premises for that or other nonconforming use. Mr. Hatton commented that the decisions are not easy to comprehend. Mr. Embick agreed that it is challenging to digest with various citations and nuances getting in the way. Mr. Sennett pointed out the components of the RDM case that he found interesting, specifically the functions of the ZHB, the dispute on evidence, and the decision's applicability to every administrative body.

## **Old Business**

### **1. ZHB Application – 1115 S. Concord Road**

Mr. Embick recused himself from the discussion on the ZHB application due to a potential conflict of interest.

Mr. Nagle, legal counsel for the applicant, recapped that Mr. Brown has appeared in front of the Commission previously with the request for special exception to construct an accessory dwelling unit (ADU) on his property at 1115 S. Concord Road for his in-laws, and for associated variance to encroach into the mandated side yard setback. He was under the impression that the PC was going to provide a favorable recommendation pertaining to an ADU, but had expressed some concerns towards the variance request. Mr. Nagle explained that he met with the applicant and his engineer to review the placement of proposed building that will include the garage and ADU. He provided two site plans with one labeled Alternative 2 and the other Alternative 3. Mr. Nagle further clarified that Alternative Plan 2 was the earlier attempt at placing the building and after taking additional measurements, Alternative Plan 3 was drafted. He argued that the latest plan justified the minimal relief that will allow the applicant to proceed with the project and reasonable use of the property. Mr. Nagle felt that the applicant moved the building as far as possible under the circumstances. He described that the size of garage has been reduced and only a corner of the building was encroaching into the setback. Mr. Nagle noted that the adjacent neighbor along the property line where garage was to be placed is supportive of the application. He argued that the size of a lot was suitable for additional building and that one can't build a garage in random locations and it has to line it up with the house and have an access from the driveway. Mr. Nagle believed that sliding garage further into the yard was not acceptable, because it increased the amount of impervious surface needed for additional driveway which adds to stormwater management issues and construction costs. He believed that the revised plan meets variance standards and asked for a favorable recommendation.

Mr. Flynn asked to clarify the amount of encroachment. Mr. Nagle explained that originally the entire building was encroaching, but with a revised plan, only a southwestern corner was in the side yard setback area. Mr. Sennett asked about the reasoning of not placing the garage behind the house. Mr. Nagle argued that in this context one would not build a garage at the back of the house, especially when the driveway does not extend there. He did not believe it was a reasonable request in the context of existing layout of the lot. Mr. Sennett asked whether there were other physical circumstances or just a personal preference. Mr. Nagle argued that it depends on the context of the development, and also pointed out that there is a sewer line across the yard towards the septic system. Mr. Sennett agreed that the revised plan was less impactful than the original one.

Mr. Sennett made a motion to recommend approval of request for special exception to construct an ADU and associated variance to encroach into the mandated side yard setback as depicted on the Alternative Plan 3. Mr. Lees seconded. All were in favor of the motion. Mr. Embick abstained. TS/JL (5-0-1)

## **Reports**

1. Mr. Flynn made the BOS report from the March 18 meeting.

**Adjournment (TS/JL) 6-0**

The meeting was adjourned at 8:15 PM.

Respectfully submitted,  
Mila Carter  
Planning Commission Secretary

DRAFT

# WESTTOWN TOWNSHIP HISTORICAL COMMISSION MEETING MINUTES

Westtown Municipal Building, 1039 Wilmington Pike  
Tuesday, March 12 2024 - 7:00 PM

In attendance: Chair Pamela Boulos (PB), and Members David Walter (DW), Dan Campbell (DC), Steven MacCarthy (SM), Stephen Wahrhaftig (SW), and Stephen Dabrowski (SD). Absent was Patrick McDonough. Also present was Mila Carter, Assistant Township Manager.

## **Call to Order**

Pam Boulos called the meeting to order at 7:04 pm. Mr. Dabrowski announced that he was not accepting his appointment to be the Commission's Secretary. Ms. Boulos asked whether other Commission members would like to be appointed. No one has volunteered. Pam Boulos wondered whether Patrick McDonough would accept the appointment. Mr. Wahrhaftig agreed to take minutes for this meeting.

## **Adoption of Agenda (SW/DW) 6-0**

SW made a motion to adopt the agenda as presented. DW seconded. All were in favor of the motion.

## **Election of Officers**

Stephen Wahrhaftig noted that at the previous meeting when the Commission made nominations, the nominees were not present. He suggested for nominees to officially accept appointments. Pam Boulos has accepted the nomination as the Chair. Dave Walter has accepted the nomination as the Vice-Chair. Pam Boulos noted that the appointment of the Secretary is still pending.

## **Approval of Minutes from February 13, 2024**

Pam Boulos announced that due to the minutes not being available prior to the meeting, they are tabled until the next meeting.

## **Public Comment (Non-agenda items)**

None.

## **Old Business**

### **1. America 250 Update**

The Commission members provided new members with an explanation of what the America 250 organization was, along with some details of Chester County's plans. Dan Campbell discussed the current call-in meeting that Chester County had on the topic, which was uneventful. Pam Boulos explained that any Commission member may call in to the monthly Zoom calls by visiting the county web site. Dan Campbell noted that there were no action items needed at this time.

## **New Business**

### **1. Welcome a new member**

Pam Boulos welcomed a new member, Steve MacCarthy, to the Commission. Steve MacCarthy discussed his experience and interest in joining the Commission.

## **2. Joint Board and HC Meeting**

The Commission discussed the upcoming workshop with the Board which is scheduled for Monday, March 18<sup>th</sup> at 6 pm. Stephen Wahrhaftig provided a one-page report for discussion that included last year's projects and initiatives that were successful and went well and items that fell short of the Commission goals. The HC discussed the items on that list and made several suggestions. The HC agreed that the major goal for 2024 is to have the proposed amendments to the historic preservation ordinance completed. Ms. Carter suggested to include a summary of proposed amendments for the upcoming discussion. Mr. Wahrhaftig agreed to make changes and provide the report to Ms. Carter for distribution to the Board.

## **3. Historic Markers**

Dave Walter presented plans and verbiage for a marker to be placed near the historic Huey Ruins site located at the northeast of the intersection of S New Street and General Howe Drive. The Commission also recapped the criteria for choosing historic markers suggested by Mr. Wahrhaftig, which was discussed at the previous meeting. Ms. Carter provided a summary of completed work at the site for the benefit of new members. Mr. Wahrhaftig also raised a question about the fate of relics that were discovered on site during the archaeological dig done by the West Chester University students. Dave Walter believed that the items were at the University for further analysis. Mr. Wahrhaftig was concerned that these items could be lost and suggested to confirm their location. Ms. Carter asked whether the dig was fully complete. Pam Boulos suggested to reach out to Ray Sarnacki, former HC member, who was initially involved with the archaeological dig project to verify where the discovered items were and the status of the project.

Pam Boulos made a motion to approve the proposed placement and verbiage for the marker to be placed at the Huey Ruins site owned and maintained by the Township. Steven MacCarthy seconded. All were in favor of the motion. (PB/SM) 6-0

Dave Walter recommended to present this information to the Board for their feedback. He also added that the cost of the marker was budgeted for this year. The HC agreed with his recommendation to gain the Board's opinion at the next meeting.

## **4. History Lecture – April 27**

Ms. Carter noted that the lecture dates have been posted on the Township website and will be announced in the upcoming Westtown Gazette. She asked whether any assistance was needed to prepare for the first lecture. Dave Walter confirmed that the HC would prefer to have virtual meeting capability as well as live streaming. Ms. Carter confirmed that it would be accommodated.

## **Public Comment (All Topics)**

None.

## **Announcements**

1. Dan Campbell announced that the Chester County Historic Preservation Network will meet on Saturday, March 23, 2024.

**Adjournment (DW/PB) 6-0**

Dave Walter made a motion to adjourn at 8:40 pm. Pam Boulos seconded. All were in favor of the motion.

Next HC meeting: **April 9<sup>th</sup> @ 7:00 pm**

HC Representative at next Board of Supervisors Meeting:

- **Monday, April 1 @ 7:30 pm** – David Walter/Pamela Boulos

Respectfully submitted,  
Stephen Wahrhaftig  
Historical Commission Acting Secretary

DRAFT



**Check Register****Westtown Township**

28-Mar-24

From: 19-Mar-24 To: 01-Apr-24

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 1 General Fund - Univest</b>					
17952	3/19/2024	6052	ACE Hardware of West Chest	\$21.40	O
17953	3/19/2024	222	Brandywine Valley SPCA	\$2,800.00	O
17954	3/19/2024	405836	Chesco Security, Inc.	\$239.70	O
17955	3/19/2024	7191	Code Inspections Inc	\$4,499.36	O
17956	3/19/2024	1206	Freedom Systems Corporation	\$159.00	O
17957	3/19/2024	127	In-Fleet Truck Service	\$370.65	O
17958	3/19/2024	1157	Nationwide Testing Associatio	\$35.00	O
17959	3/19/2024	1001045	Thomas L. Zeigler, PE, Inc	\$1,080.00	O
17960	3/19/2024	1001047	Travelers Commercial Lines	\$111.00	O
17961	3/25/2024	405540	Albert Federico Consulting, LL	\$1,575.00	O
17962	3/25/2024	1009	Ann Marie Cassidy	\$1,620.00	O
17963	3/25/2024	1201	Charles A. Higgins & Sons, Inc	\$185.00	O
17964	3/25/2024	1001059	Michael Mazzola	\$249.00	O
17965	3/25/2024	15	Office Basics, Inc.	\$724.27	O
17966	3/25/2024	314	Proforma Print Marketing	\$207.08	O
17967	3/25/2024	5504	Sandra E. Preston	\$133.37	O
17968	3/25/2024	347	Staples	\$347.94	O
17969	3/25/2024	1000347	Star Printing Inc.	\$4,038.13	O
17970	3/25/2024	7	Westtown-East Goshen PD	\$333,225.15	O
<b>Bank Total:</b>				<b>\$351,621.05</b>	
<b>Bank Account: 4 Open Space Fund</b>					
1006	3/25/2024	1000835	Crebilly Farm Family Associat	\$60,000.00	O
<b>Bank Total:</b>				<b>\$60,000.00</b>	
<b>Bank Account: 8 Enterprise Fund - Univest</b>					
1638	3/19/2024	7220	Delaware River Basin Comm	\$749.00	O
1639	3/19/2024	967	USABlueBook	\$540.62	O
1640	3/25/2024	6468	Carroll Engineering Corp	\$16,962.50	O
1641	3/25/2024	5666	M&B Environmental, Inc.	\$2,553.77	O
1642	3/25/2024	1000792	Sherwood-Logan & Associates	\$625.00	O
1643	3/25/2024	1164	Univar Solutions USA, Inc.	\$2,395.46	O
1644	3/25/2024	5715	Xylem Dewatering Solutions In	\$5,629.39	O
1645	3/27/2024	980	USPS- Postmaster	\$2,401.76	O
<b>Bank Total:</b>				<b>\$31,857.50</b>	
<b>Bank Account: 18 Capital Project Fund Univest</b>					
1356	3/20/2024	1000791	Meco Constructors Inc.	\$148,133.48	O
1357	3/20/2024	406052	Pennoni	\$6,810.00	O
<b>Bank Total:</b>				<b>\$154,943.48</b>	
<b>Bank Account: 19 ARPA Funds</b>					
104	3/20/2024	1000791	Meco Constructors Inc.	\$192,853.85	O

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**Check Register****Westtown Township***28-Mar-24*

From: 19-Mar-24 To: 01-Apr-24

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<b>Check No</b>	<b>Check Date</b>	<b>VendorNo</b>	<b>Vendor</b>	<b>Check Amount</b>	<b>Status</b>
			<b>Bank Total:</b>	<b>\$192,853.85</b>	
			<b>Total Of Checks:</b>	<b>\$791,275.88</b>	

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