

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Rustin High School Auditorium
1100 Shiloh Road, Westtown Township
January 24, 2017 – 6:30 PM

Present

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Yaw. Also present was Planning Commission Solicitor Kristin Camp, Township Planning Director Chris Patriarca, Township Assistant Zoning Officer Travis DeCaro and approximately 200 audience members including those mentioned below.

Call to Order

Mr. Pomerantz called the meeting to order at 6:40 and led those present in the Pledge of Allegiance. He then introduced the Planning Commission (PC) and Township staff in attendance at the meeting.

Announcements

Mr. Pomerantz announced that the fifth and final Planning Commission Meeting prior to the Conditional Use Hearing (CU) will be held on Thursday February 9 at Stetson Middle School. A fiscal impact study will be presented, PennDOT will be available for a limited time to answer traffic questions, and the PC will make their recommendations to the Board of Supervisors (BOS). Mr. Pomerantz asked everyone to send their questions for PennDOT in writing to Mr. Patriarca prior to the meeting.

The first CU Hearing will start at 6:00 PM on February 22 at Stetson Middle School.

Planning Commission introductions

Mr. Hatton first provided for some “rules of the road,” the PC mandate and a brief synopsis of the previous three PC meetings. Mr. Pomerantz then stated the principal mandate of the PC is to determine the proposed plans compliance with the 2001 Growth Management Plan, the Open Space and Recreation Plan as well as the overall physical development of the Township. He further stated the final decision rests with the BOS and the PC will make recommendations on the application to them through the utilization of all available resources. Mr. Pomerantz further reiterated the meeting is a working one for the PC and for all in attendance to be respectful of this. Mr. Hatton next discussed the content of the previous meetings and the overall timeline of the project. He emphasized the mandates of the process as prescribed by the MPC and provided for a brief overview of previous meetings. Next, each PC member made an initial statement for the evening.

Mr. Rodia opened by thanking the public for their dedication and involvement to the process.

Mr. Yaw explained to the audience that the CU were just as important if not more so than the five meetings the PC were holding and urged the public to continue participating. He also thanked the applicant for conducting a second site visit for the members of the PC who were unable to make the initial meeting.

Mr. Lees and Mrs. Adler echoed Mr. Yaw's thanks to the applicant for the additional site visit and had no further comment other than they were awaiting the land development process.

Mr. Whitig stated he was interested in hearing Township Engineer Kevin Matson's take on the proposed development, and that he is typically one of the first consultants the PC hears from on applications, not the last. Mr. Whitig is most interested in discussing what impacts the proposed development will have on the watersheds and water quality.

Ms. Camp commented that she was impressed with how serious and diligent the Township is taking this application. She commended the PC, consultants, staff, and residents on all the work they have put in. Mr. Hatton conquered.

Mr. Pomerantz explained that the PC had one additional meeting prior to the CU hearing but that their involvement would not stop at that meeting. He stated that during the CU process, the applicant will be examined and cross examined with the BOS acting as the judge. He said that the action will truly begin at the CU hearings, and that is where decisions will ultimately be made. Mr. Pomerantz stated that neither he, nor the rest of the PC can affiliate with any group or individual. Mr. Pomerantz finished by stating the PC is committed to doing its job, to the best of its abilities under the timeframes mandated by law.

McMahon Transportation/ Nicole Klein Traffic

Ms. Klein was introduced by Gregg Adelman, the Attorney for the applicant. Ms. Klein started by stating that her firm had reviewed township traffic consultant Al Federico's comment letter, revised the study accordingly, and issued a response addressing the required corrections late in the week of January 16. Ms. Klein also looked at traffic mitigation for increased delays per PennDOT and Township specifications. The applicant stated they are committed to retiming the light at the New Street/926 intersection which would mitigate the additional traffic created by the development. Furthermore, she noted the applicant was committed to installing right turning lanes at the 202/926 intersection as well as installing a second left turn lane on 926 and making all necessary signal adjustments required to eliminate the current split phasing to allow both sides of traffic to cross at the same time. This would mitigate additional traffic created by the development.

Pam Boulos – 200 Cheyney Drive (Westtown): Ms. Boulos asked what the current grade for the affected intersection was and how would the retiming address the increased traffic. Ms. Klein explained that she was required to look at future 2028 traffic conditions with and without the development. She noted future conditions of the New Street/926 intersection without the development would result in Grade F for the morning and afternoon peak hours. With the added traffic and signal improvements proposed with the application, the result would be a Grade E during morning peak hours and grade F during afternoon peak hours but with less delay. Ms. Boulos asked if there was enough room to fit more lanes at the 202/926 intersection and Ms. Klein noted there was enough room.

Randell Spackman – Thornbury Farm Trust (Thornbury): Mr. Spackman noted that the New Street/926 intersection has a substantial amount of pedestrian traffic in addition to vehicle traffic that typically travels faster than the speed limit. Mr. Spackman asked if or how the existing Chester County Trail system was incorporated into the traffic study. Ms. Klein stated that is an existing condition and the applicant is not required to mitigate it.

Doug Anderson – 606 Jacqueline Drive (Westtown): Mr. Anderson stated that at the last meeting, he mentioned there was no indication of work being at the New Street/ West Pleasant Grove Road (WPG) intersection and that there is no left turn from WPG onto 202. Mr. Anderson then stated that this will force all traffic either to Jacqueline Drive or 926. Mr. Anderson believes

all people on Jacqueline Drive should be granted Party Status at the CU hearing.

Leonard Mammucari – 523 West Pleasant Grove Road (Westtown): Mr. Mammucari asked how to eliminate traffic at 202 and 926. Ms. Klein said they were not proposing to eliminate traffic at the intersection.

Jarl Mork – 756 Brintons Bridge Road (Birmingham): Mr. Mork requested the results of the revised Traffic Study, and Mr. Patriarca stated the study would be available on the Township Website the following day. Mr. Mork then asked if consideration was given to development to the west of the site. Ms. Klein noted that they are only required to look into current Land Development Applications and there currently were not any that she was aware of in this area. Mr. Patriarca stated that the referenced parcels would just be for two single family homes and therefore not affect the flow of traffic significantly. Lastly, Mr. Mork asked how many car, truck, and bus movements were predicted per day due to the development. Ms. Klein noted that that was in the study, and the study estimated 1,300 vehicles per day.

William Rappolt – 1156 Eleni Lane (Birmingham): Mr. Rappolt asked what was the total number of vehicles per day, in addition to what was existing as it relates to the proposed development. Ms. Klein said that currently per day there are over 46,000 vehicles per day on 202, Almost 13,000 vehicles per day on 926, and 3,600 vehicles per day on South New Street. Mr. Rappolt asked if their study included counts from the recently approved Toll Development in East Bradford Township. Ms. Klein noted that it was included as part of the regional study.

Scott Kirkland – 6 Sloan Road (Pocopson): Mr. Kirkland asked if the school district was consulted in the traffic study and noted that school busses likely will not enter private roads. Ms. Klein stated that the school district was not a consulted with for this study and that was not required by this study.

Charles Mahjoubian – 1195 Carrie Lane (Westtown): Mr. Mahjoubian noted that the proposed improvements address only east bound traffic on 926, and asked what does the applicant propose to do about west bound traffic? Ms. Klein stated that the elimination of the split phasing would correct the issue.

Jeanette Donahue – 926 Hunt Drive (Westtown): Ms. Donahue asked if the entrances and exits for the development had been reconsidered since the last meeting. She also mentioned that she was concerned about the width of WPG. Ms. Klein noted that PennDOT and Westtown requested that the entrance be located opposite of Bridlewood Boulevard which is included in the study. An entrance on WPG will be placed as to not create a dangerous sight distance problem. She also stated at this time there is no requirement or plan to widen WPG.

Gloria Daull – 1163 Lake Drive (Westtown): Ms. Daull asked Ms. Klein to familiarize herself with the locations of Lake and Serpentine Drives and implement a plan to mitigate traffic in that area.

Chris Feryo – 1156 Lake Drive (Westtown): Mr. Feryo asked if the traffic study considered people taking alternate routes to avoid the proposed new light at 926 /Bridlewood Road intersection. Ms. Klein responded that based on current patterns there is no reason to believe people would alter their current path.

Susan Keith – 205 Pony Court (Thornbury): Ms. Keith asked if the applicant has ever reviewed their traffic study after a development has ever been built? Ms. Klein could not speak for the

applicant, however she said as a consultant, it is not uncommon for them to re-evaluate areas post development. Ms. Keith then asked if she could request Toll reevaluate this development after it has been constructed. Mr. Semon said they would do as required by PennDOT.

Pete Dufault – 110 Forelock Court (Thornbury): Mr. Dufault asked if there was a study done on traffic for the proposed connector road.

There were no further Traffic Comments.

McCormick Taylor/ Kevin Matson presentation

Mr. Pomerantz introduced Kevin Matson who serves as the Township Engineer and provided for a brief background of his professional experience. Mr. Matson first noted a previous Toll applications he worked on in Chadds Ford, Newtown and Upper Providence and discussed the issues involved with their review. Mr. Matson stated his principal function is to determine compliance with the overall Township code and to provide some comments for the PC to consider as part of their recommendation.

Mr. Matson first noted the property is primarily zoned A/C with a small portion zoned R-1. He indicated the applicant has opted to utilize the flexible development procedure, which is offered in both districts, and requires conditional use approval from the BOS prior to the commencement of the land development process. He stated the most important question to first ask is what the total allowable yield is as this directly impacts what the developer will invest in a project. Mr. Matson stated that after his review, he is not totally convinced the applicant has provided the necessary detail for him to concur with their calculation of total lots. He specifically asked how the floodplains, wetlands and steep slopes were calculated in producing the proposed 319 units allowed for the development. Mr. Matson stated he generally sees the application as being relatively compliant with code, but still has numerous questions to be answered.

Mr. Matson next discussed compliance with Township code. He noted in his review letter that the development is generally compliant with code requirements as it relates to a conditional use application. He further noted these issues are very black and white in their interpretation. Specific to the overall site layout, Mr. Matson noted the proposed layout generally follows existing topography and environmental features, but that the final lot geometry of the site as a whole will likely change as the process continues. Specific to cul-de-sacs, Mr. Matson stated his recommendation to eliminate them where possible from the overall site layout and cited the Rustin residential project as a previous example whereby cul-de-sacs were eliminated as a result of the CU process. Specific to access and active recreation, Mr. Matson noted these issues have not been finalized and will be subject to further review.

Relevant to lot size and overall configuration, Mr. Matson stated his preference to consider future planning issues. Specifically he cited issues with developments that are designed without consideration for the needs of future homeowners resulting in the need for variance relief to construct decks, pools and garden sheds. Although outside of his review, he did express his preference to design sewage systems with additional connections from outside the development being considered. Mr. Matson next spoke of his concern with overall parking throughout the site and how extra parking may be handled.

He next discussed the issue of stormwater management and how it relates to this project as part of the CU process. Mr. Matson stated the Township adopted a new 167 plan in 2013 that

contains specific provisions to address stormwater and noted the applicant must fully comply with this section of code prior to any land development approval. He further noted the Crebilly property falls within both the Brandywine and Chester Creek watersheds. Specific to MS4 permitting, Mr. Matson recommended the Township make agreements with Toll to allow for the Township to utilize their basins to further their MS4 compliance. Specific to BMPs, he noted intelligent site design and stated the proposal generally meets this criteria. He noted this is the case as Toll is not disturbing areas within the delineated floodplains.

Specific to water quality, Mr. Matson stated there are requirements to keep stormwater flows into Radley Run in a condition less than what is currently running off the site. In order to accomplish this, he encouraged a reduction of impervious areas whenever possible. He further noted the site will require a significantly engineered and designed stormwater system to address this issue, but that for the purposes of CU Toll does appear to be relatively compliant with existing code. He further stated that he does believe Toll will be able to address all code issues relevant to stormwater as part of their land development review. Specific to tree removal, Mr. Matson stated as many as possible should be preserved to both provide for a buffer as well as assist in overall stormwater management.

Mr. Matson next discussed his overall recommendations and observations. He first reiterated the illustrated layout is not necessarily final and that consideration should be given for all accessory uses as to avoid excessive applications for variance. He then stated consideration should be given to conditioning lot and bulk requirements inclusive of setbacks and impervious coverage. Mr. Matson stated any existing stormwater facilities/structures should be evaluated for potential replacement as well connections provided to potential trail networks external to the site. He then emphasized the importance with understanding what will and will not be offered for dedication to the Township upon completion of the project. Mr. Matson further recommended the PC look to only approve the use, but not the overall site plan in order to allow for changes to be made as needed through the land development process.

Mr. Rodia asked about lessons learned and noted at their previous meeting discussion about connecting to public sewer and asked for his thoughts on this issue. Mr. Matson stated with respect to stormwater, connecting to public sewer may provide for additional areas to allow for its infiltration. Mr. Yaw asked if he had any objections to Toll's waiver request to reduce the separation between carriage homes from 60 to 30 feet. Mr. Matson noted this would result in a more dense appearance and that this type of density is relatively uncommon in Westtown. However, he did acknowledge that the clustering allowed as part of the flexible development does result in significant open space areas that would otherwise not be present. Mr. Yaw asked if the PC recommended support for this waiver would it not result in additional acreage available for open space and Mr. Matson stated he generally agreed with this sentiment.

Mr. Lees and Ms. Adler both thanked Mr. Matson for his presentation and deferred their questions to the land development phase of the process. Mr. Whitig asked if he believes the submitted geotechnical reports as being in compliance with the ordinance as it relates to CU. Mr. Matson stated it generally is, but will be refined further as it goes into the land development process. Ms. Camp asked if he is requesting for Toll to identify building footprints and coverages as part of the CU process. Mr. Matson stated he would like to see consideration given to accessory uses and coverages as to prevent excessive variance requests. Mr. Patriarca asked if he would suggest to provide a cap on impervious coverage on a per lot basis based on the overall stormwater the proposed system is designed to process, and Mr. Matson stated this would be a good start but for additional consideration be given to other lot and bulk

components.

Mr. Hatton stated one of his concerns is with stormwater management areas also being considered as open space and asked if consideration should be given for underground stormwater facilities with this project. Mr. Matson stated underground facilities are generally utilized on more compact sites in an effort to maximize yield, but that large basins are appropriate for large sites for long-term maintenance and moves responsibility for their maintenance from individual property owners. Mr. Pomerantz asked in his experience what can be done to best preserve the original character of a development site as well as incorporate this aesthetic into its overall site design. Mr. Matson stated developments that worked well are ones that incorporated significant open space and that best preserves scenic views and environmental areas. He also suggested that significant buffers be incorporated throughout the development. Mr. Pomerantz then asked what he believes is the most critical issue for the PC to recommend conditions on as it relates to the Toll project. Mr. Matson stated from an engineering perspective he believes that all efforts should be made to address environmental impacts throughout the proposed development.

Mr. Semon stated that Toll has addressed many of his comments in a supplemental submission and will setup a meeting with him to full address his concerns.

Myron Grubaugh – 1024 Dunvegan Road (Westtown): Mr. Grubaugh asked if the 60 percent open space requirement includes stream areas and further stated that open space should be usable which these areas are not. Mr. Matson stated these areas are located within the open space, but did note that only 10 percent of the total allotment is required for active open space and that the remainder can be passive open space.

Carol Weller – 1150 Lake Drive (Westtown): Ms. Weller stated Radley Run borders her property and further feeds the lake on her property. She stated she is very concerned with pesticides and fertilizers that may flow into Radley Run as well as the potential for sediment to impact it as well. She further stated that she would like consideration given to reducing units and moving it closer to 202.

Pam Boulos – 200 Cheyney Drive (Westtown): Ms. Boulos asked if there is adequate capacity in the current Township sewer system and what types of upgrades may be required to serve this development. Mr. Matson stated the Township sewer consultant did provide some of these details and that he was only offering support to this connection as another engineering voice.

Ken Hemphill – 39 Mill Race Place (Concord): Mr. Hemphill asked if any of the streams on the property have been identified as either high or exceptional quality streams, and if not could they be identified in this manner by DEP. Mr. Matson stated these classifications do not exist on this site at this time, and was not sure what the DEP process is for reevaluating this status. He further stated that if this classification was in place that the DEP setback requirement from the stream would be increased to 150 feet. Mr. Matson next discussed the net-outs required to determine the total tract area available to calculate the maximum allowable number of units. Mr. Hemphill concluded by asking if he feels the project meets the constitutional criteria for development and Mr. Matson stated he was not aware offhand what exactly this amendment explicitly lays out.

Jim Wylie – Chairman of local Sierra Club Chapter: Mr. Wylie expressed his concerns about air quality with additional traffic as well as other general environmental concerns.

Doug Anderson – 606 Jacqueline Drive (Westtown): Mr. Anderson noted the site layout proposed is controlled by the existing site topography. He further suggested the topography should be maintained and not totally graded out.

Brian Walsh – 1529 Woodland Road (Westtown): Mr. Walsh asked about the waiver request for the reduction in building separation for the carriage homes and how it impacts stormwater by potentially increasing its intensity with less area available for infiltration. He further noted Toll will be responsible for mitigating additional runoff and other issues associated with it. Mr. Walsh concluded by stating that if the waiver is granted it should not be cause for increased density.

Tom Martin – 1020 Radley Drive (Birmingham): Mr. Martin is on the HOA board of directors for Radley Run and noted they are downstream from the Toll development. He asked if Toll could be required to install monitoring equipment along Radley Run to ensure the water quality and quantity are not being impacted negatively. Mr. Matson stated this could be a good idea, but that he has never seen this as a conditional of approval.

Julie Fitzpatrick – 667 Heritage Drive (Birmingham): Ms. Fitzpatrick asked if consideration has been given to the impacts of potential, underground serpentine veins and stormwater infiltration. Mr. Matson stated the submitted geotechnical reports suggests the ground is conducive for stormwater infiltration at this time, but that additional information may be required during the land development phase.

Scott Kirkland – 6 Sloan Road (Pocopson): Mr. Kirkland asked how many of the basins are wet versus dry. Further he asked what will be done to mitigate mosquitos in the wet basins as well as what will happen if an infiltration basin fails. Mr. Matson stated that Act 167 requires inspections, escrows and other agreements crafted to clearly define maintenance responsibilities. Specific to the types of basins proposed by Toll, he stated what has been proposed thus far will all infiltrate.

A resident then read in full Article Seven of the State Constitution relevant to preservation.

Kristin Camp and party status discussion

The Planning Commission Solicitor Kristin Camp provided for an overview of what party status to a CU hearing entities one to as well as generally who may qualify for it. She stated the BOS will act in a quasi-judicial fashion in determining compliance with the Township Zoning Ordinance. She described how numerous persons will present testimony on a recorded record. Ms. Camp stated in the event that the Township wishes to be a formal party to the hearing, they will need to bring in a separate solicitor. She further stated persons who own property that either adjoins or is in close proximity to the Toll project may be granted party status to the hearing and read the section of the MPC that discusses this. She stated that typically a determination of who is and is not eligible for party status is made at the initial CU hearing. If one is not granted the party status, they are not eligible to appeal the decision, cross-examine witnesses and/or present formal evidence and testimony on the record. She then discussed several scenarios whereby status was either granted or denied. If party status is not granted, the BOS will allow for general public comment for the BOS to consider.

Mr. Pomerantz asked what the role of the PC is during this process. Ms. Camp stated the PC serves as an advisory body to the BOS, but that the PC may also be delegated to serve as the Township designee to address the application for the BOS. Mr. Pomerantz then asked if Toll plays a role in determining party status. Ms. Camp stated Toll has the right to object to a party

status request, ask further questions of the persons making the request, and the BOS then makes the final determination on the status request.

John Snook and Crebilly flyover presentation

John Snook of the Brandywine Conservancy presented a GIS, 3-D model his organization produced that illustrated the how the proposed Toll development will fit within the existing site topography. The buildings illustrated in the flyover are of the same dimensions of the proposed Toll homes in terms of their overall massing. He proceeded to go through several renderings from differing vantage points throughout the site. The visualizations allowed for those in the audience to visually see how the built-out subdivision will generally appear from all of the surrounding roads.

Randall Spackman – 1256 Thornbury Road (Thornbury): Mr. Spackman asked if by moving the homes off the battlefield swath, this will also alter the overall density of the development. Mr. Snook stated he is recommending that the homes be relocated as far as possible out of the battlefield swath. Mr. Spackman asked if the vacant home along 926 could be rehabbed and resold as a home, and Mr. Snook stated this is not an impossibility.

Mr. Matson asked what the rendering looked like with all of the trees added. Mr. Snook stated it would not render correctly as it was a very large file.

Public comment

Doug Anderson – 606 Jacqueline Drive (Westtown): Mr. Anderson read a prepared statement stating the reasons for his opposition to the proposed development. He questioned what the proposed development is bringing to Westtown and stated he believes it does nothing but diminish the overall quality of life of the existing residents of the community. He spoke of the inconsistency of the proposed smaller lot sizes when compared to the standard acre lot formation of the majority of homes located west of 202. He further suggested that the Robinson family should be compensated as stewards of the land as conservation efforts are undertaken for the preservation of Crebilly. He then spoke of the manner by which he feels the developer views the existing residents and the process to gain formal approvals for their project from the Township. Mr. Anderson stated the community will continue to resist the proposed development to the end of the process. He emphasized the negative publicity being incurred by Toll should be enough for them to reconsider their project and that they are not welcome in the community.

Resident of Birmingham Township: The resident stated he believed the traffic and sewage impacts will be disastrous and that both Toll and the Robinson family should abandon the project as a result of Crebilly's historic and aesthetic importance. He further suggested the majority of the farm should be preserved and placed under conservation easement. He then suggested the PC recommend denial of the project and work to develop a conservation plan as Birmingham Township has done.

Jason Lisi – 915 Shady Grove Way (Westtown): Mr. Lisi expressed his concerns with the ecological impacts of the proposed project. He then distributed a PINDI report from the state that outlined the threatened and endangered species present on the property. He further stated the development impacts two separate watersheds and further negatively impact threatened and endangered species. He requested the PC review and forward the PINDI to the appropriate persons for consideration.

Ken Hemphill – 39 Mill Race Place (Concord): Mr. Hemphill asked Toll if they have ever

donated open space to a municipality, and Mr. Semon stated Toll has done this but he was not sure if it had occurred in a Pennsylvania development of theirs. Mr. Hemphill asked if Toll would be interested in selling a portion of the property to the County to which they responded no.

Richard Cole – 208 Pony Court (Thornbury): Mr. Cole asked if all Level of Service (LOS) grades of “F” are created equal and if there are different grades of it. Mr. Semon stated there are differing grades of a “F” LOS and this was considered as part of their study.

Allison Corcoran – 1007 Dunvegan Road (Westtown): Ms. Corcoran asked the PC at what point does the impact on schools become a consideration in the overall recommendation of the project. Ms. Camp stated this is being evaluated by a Township consultant and will be discussed at a future meeting.

Wendy Fooks – 261 Caleb Drive (Thornbury): Ms. Fooks asked if the impact on police and emergency response been factored into the overall analysis of the project. She then spoke of her experience of a delay of 10-15 minutes for an emergency response, and expressed her concern the development will increase response time. Mr. Pomerantz noted the WEGO Chief has provided comments on this issue.

Mr. Pomerantz stated the final meeting will include the PC making their formal recommendation and that it will be made in full view of the public at that time.

Adjournment

9:40 pm (SY/RH)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary