

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
January 20, 2016 – 7:30PM

Present

Commissioners – Rodia, Pomerantz, Hatton, Lees and Yaw. Absent were Whitig and Adler. Also present was Township Planning Director Chris Patriarca, Township Manager Rob Pingar, Township Engineer Kevin Matson and those mentioned below.

Call to Order

Mr. Pomerantz called the meeting to order at 7:30 and led those present in the Pledge of Allegiance.

Adoption of Agenda

The Agenda was approved unanimously as amended by Mr. Pomerantz (RH/JL).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of January 6, 2016, were unanimously approved as presented (JL/SY).

Reports

Mr. Rodia presented the January 19 Board of Supervisors (BOS) meeting. He stated at their regular meeting they had several departmental reports presented and approved the National Wildlife Foundation Habitat Program for the parks and recreation commission under old business. Under new business, the BOS made several appointments and paid the bills.

Westtown Village acknowledgement

Mr. Pomerantz first made a formal motion from the PC congratulating the Westtown Village for the recent opening of the Amish Market/Planet Fitness. The motion was seconded by Mr. Lees and approved unanimously 5-0.

Planning Commission Solicitor appointment

Mr. Pomerantz formally thanked the BOS for proceeding with the appointment of a PC solicitor. He then suggested the BOS allow the PC to interview the selected candidates and make a formal recommendation back to the BOS for their consideration of the appointment. Mr. Rodia made the recommendation that was seconded by Mr. Hatton and approved unanimously 5-0.

Alternate Planning Commissioner

Mr. Pomerantz asked Mr. Patriarca to place this item back on the agenda for consideration at a future meeting when the entire PC is in attendance.

Announcements

Mr. Patriarca stated the Dunkin Donuts application will likely be back before the PC at the February 3 meeting. He also stated several ordinances will be brought before the PC for consideration at the meeting as well.

Non-Agenda Public Comment

There were no non-agenda public comments.

Old Business

Hawthorne Subdivision (1019 Shiloh Road)

This was the second meeting with John Jaros, Matthew Pusey of Accolade Properties and Jack Robinson of JMR Engineering, and discussion was had on a six lot residential subdivision proposed for 1019 Shiloh Road. Mr. Jaros provided background on the project and stated the plan has been revised accordingly. Further, he stated they are now requesting preliminary/final approval. Mr. Matson stated there was a significant change with the creation of a separate lot inclusive of the stormwater facility as well the required open space as a result of the discussion had at the December 9 PC meeting. Mr. Robinson stated this lot will be dedicated to the HOA.

Mr. Matson then provided an overview of his recent collaboration with the applicant to address engineering concerns. He stated that all major issues have been addressed, but that several technical items were outstanding relative to stormwater. After he described these issues, Mr. Matson stated these minor issues should not be cause for the PC to not make a recommendation if there are no further questions and/or concerns. Mr. Yaw stated his questions regarding the open space have been resolved. Mr. Lees asked what the status of the septic approvals were with the health department (CCHD). Mr. Robinson stated he is confident the approvals are imminent based on conversations had with his septic designer. He then asked about additional screening trees, and the applicant indicated they did provide additional trees as requested by adjoining property owners.

Mr. Hatton asked if all the trees marked for removal on the plan are healthy or if it is a mix of healthy and unhealthy. Mr. Robinson stated it is a mix of healthy and unhealthy trees slated for removal. He did acknowledge that those removed will not be replaced one-for-one, but that the landscape plan does meet the essence of the ordinance although a waiver is being requested. Mr. Hatton then asked about the basin, and Mr. Robinson stated the area has since been changed to an open space lot. Mr. Hatton then asked if the open space lot will have recreational amenities, and Mr. Robinson stated that no amenities are proposed for the space other than access. Mr. Hatton then made the argument for providing more amenities for the property.

Mr. Hatton then asked why no sidewalks were proposed for the development and noted that Kilduff does have them and is of a similar size directly across Shiloh Road. Mr. Jaros stated his client did look into this possibility and stated with only six homes proposed, they did not feel sidewalks were practical and would not be utilized. Mr. Hatton stated that although nothing in the code requires sidewalks, the PC does have the ability to recommend their inclusion. Mr. Robinson then stated the addition of a sidewalk would cause a somewhat large change to their proposed grading plan. Mr. Matson echoed this sentiment of the engineering impacts of sidewalks relative to steep slopes existing on-site. Mr. Hatton then stated the long-term view of sidewalks in the Township and how they may interconnect into a larger network in the future as well as the benefit they provide in the neighborhood for the convenience of the residents.

Mr. Pomerantz asked Mr. Matson what his recommendation on the issue of sidewalks would be for the PC to consider. He would not recommend against them, but did acknowledge in his view the potential residents would likely not desire them as well as restated the engineering constraints they may create. Mr. Pomerantz then led a conversation on whether or not to include sidewalks as part of the project. Mr. Lees stated the proposed sidewalk would be located within the ROW, but be maintained by the individual homeowners. Mr. Yaw asked where the nearest existing sidewalk is located and stated he did not feel sidewalks were necessary as they would serve a very limited number of homes and not connect into the existing sidewalk network.

Mr. Rodia asked if the reduced cul-de-sac radius is appropriate for the Township, and Mr. Patriarca stated the Roadmaster was fine with the radius as proposed. He further stated the applicant has proposed an easement area to allow for public works to place snow at the end of the cul-de-sac during winter events.

Wayne Pfaff of 28 Long Lane, Malvern – Mr. Pfaff stated where Hawthorne is proposed is owned by his father's estate. He stated that he would not like to see sidewalks as the proposed layout gives it a more "countryside" appearance as well as feels the owners should not be burdened with their maintenance. Relative to trails on the open space lot, Mr. Pfaff stated they are not appropriate for this location due to its small size, and also noted the pond is not in very healthy state at this time.

Mary Jo Hopton of 1029 Shiloh Road – Ms. Hopton did not oppose the development as an adjacent property owner, but did express concern with the potential changes to the existing water pressure in the area as a result of new development. Specifically she asked how increased water pressure may impact her service and/or damage her water pipes. Mr. Matson stated he was not aware of any situation similar to this is Westtown, and did indicate that he did not view this as a concern for this project. Mr. Robinson stated that Aqua PA did confirm availability for this project and that they should be contacted directly on this issue.

Mr. Pomerantz asked both Mr. Matson and Mr. Patriarca how the PC could make a recommendation and still be consistent with PC policy relevant to requiring a "clean" letter for making one. Mr. Matson stated he feels if a recommendation is made, it is consistent with the existing policy as the applicant responded to all of the initial comments and that what was outstanding was discovered after the fact. Further as the remaining items were minor in nature, they will not result in any tangible change to the proposed development.

Mr. Pomerantz then asked each of the PC members for their thoughts on sidewalks as part of the development. Mr. Yaw stated he does agree with the long-term goal of providing more sidewalks, he does not think they are necessary for Hawthorne due to its small size. Mr. Lees and Mr. Rodia both agreed with this sentiment but Mr. Hatton did not. Mr. Matson asked Mr. Pomerantz his sense on whether or not sidewalks should be provided. He stated he feels the comp plan is a work in progress and hopes the future update will provide for better guidance on this issue and that he is generally in favor of sidewalks. He then elaborated that he is not as favorable to sidewalks in this case based on Mr. Lees' comment that those who choose to live there will likely not want them.

Mr. Lees made the following motion, seconded by Mr. Pomerantz and approved 4-0 with Mr. Hatton abstaining:

The Planning Commission has reviewed the preliminary-final plan for the Hawthorne subdivision and recommends its approval by the Board of Supervisors inclusive of the five requested waivers. Further, the Planning Commission recommends a condition that all of the "Administrative" items as outlined in the January 14, 2016, McCormick Taylor review letter are fully addressed prior to the final recording of plans.

After approval was granted, Mr. Matson commended the PC for consideration of a separate stormwater lot to assist with TMDL requirements in the future.

New Business

Westtown Woods (1010 Wilmington Pike) rezoning and land development

Discussion with Tim Towns of Southdown Homes on the proposed rezoning of the C-2 portion of the property located at 1010 Wilmington Pike back to R-2 and subsequent construction of 15 single family homes on the entirety of the property. Mr. Towns initially provided an overview of what the project would entail and discussed what has been done to date. He stated the resident meeting was very productive with his team learning new things about the property.

Specific to the proposal, in addition to being serviced by public water, Westtown Woods would be served by public sewer. The system would be a low pressure system that would connect into the existing public sewer on the eastern side of 202. The individual lots will have a minimum size of 22,000 square feet and contain homes ranging in size from 3,500-4,000 square feet. He stated just over 1.5 acres of open space will be provided on three separate parcels within the development and that stormwater management will be handled through individual seepage beds for each home.

Mr. Towns then discussed the possible granting of a driveway easement through their property to allow for a secondary access to Robins Nest Drive in the event 202 is either blocked or closed. He indicated conceptually he is not against this possibility as it is a dangerous intersection at the 202 merge with Robins Nest. Mr. Rodia asked if this could be used as a secondary, emergency access to their development to which Mr. Towns said it could. He then stated the area proposed for downzoning from C-2 to R-2 is not a viable commercial property without access onto Jacqueline Drive in his professional opinion.

Specific to the proposed Robins Nest connection, Mr. Lees asked if it would be utilized regularly and Mr. Towns stated his preference for it being utilized as a private driveway, with maintenance being the responsibility of the residents of Robins Nest Drive. He does not want the proposed connection to further exasperate existing traffic problems on Jacqueline. Mr. Lees asked if the proposed cul-de-sac could be designed as to not require a waiver for its total length, and Mr. Towns did say that it will be evaluated when full engineering takes place.

Mr. Yaw stated he likes the idea of the Robins Nest connection, but that he would like to see how it would be designed and integrated into the development as a whole as well as what the long-term maintenance agreement would entail. Mr. Hatton asked if sidewalks were proposed and Mr. Towns did state they are proposed for both sides of the road along within the development. He then asked if the property was to be bermed adjacent to 202 and Mr. Towns states it is not proposed, but that additional landscaping will be incorporated to mitigate impacts from 202. He further stated as much of the wooded areas adjacent to existing residential areas will be preserved as possible.

Mr. Rodia stated this is the best concept presented thus far for the site, but asked Mr. Matson what issues will need to be resolved in order to develop it. Mr. Matson stated the site has considerable grading challenges, drainage issues, stormwater concerns, as well as other environmental constraints. Mr. Rodia then followed by asking what the potential implications are to the downzoning from commercial zoning with regards to tax revenue. Mr. Towns stated poor access makes the property relatively undesirable for commercial development and further noted his companies experience in the area with commercial development.

Mr. Pomerantz asked Mr. Towns what he learned from the community meeting. He stated the meeting resulted in the identification of an area of fill containing car parts and construction debris

that will need to be cleaned out at the northeastern portion of the property. He also stated he learned the area is served by natural gas as well as the location of the water line. Mr. Pomerantz then asked if there is any possibility of opening a secondary construction access to the property in an effort to minimize the impact of construction traffic on Jacqueline Drive. Mr. Towns stated he is willing to ask PennDOT if the existing driveway off 202 could be used as a construction access. However, he did not think it was very likely that PennDOT would approve a construction entrance at that location as a result of safety concerns. Mr. Towns did state that he would construct the road in such a manner as to develop an off-site area to stage construction vehicles/equipment as quickly and efficiently as possible. He indicated it will take six months to cut the road into the site and the paving vehicles will result in increased traffic. Further, any tracking of mud/debris onto public streets will be his responsibility to clean and maintain.

Mr. Pomerantz then asked what can be done to mitigate possible negative impacts and/or accidents associated with the property during the construction phase of the project. Mr. Towns stated his company is responsible for policing, securing and posting the property during the construction phase. Mr. Pomerantz concluded by asking if a resident's council has been considered to allow for direct feedback from the residents to the builder. Mr. Towns stated he has been and will continue to have an open dialogue with the residents and work together to find solutions to their issues.

Mr. Patriarca strongly encouraged Mr. Towns to reach out to PennDOT on the issue of construction access off 202. He stated even if they only allow vehicles to exit onto the property, but not enter from the 202 access it would significantly reduce the overall number of construction vehicles on Jacqueline. Mr. Patriarca then had a comment related to the existing billboard on-site. He stated that after consultation with the Township Solicitor, zoning relief and/or a creative solution will need to be developed for the billboard to remain on-site. This is the case as billboards are only allowed in the C-2 district, and as such would be a non-permitted use in the R-2 district as proposed. Mr. Towns stated that it is their intention to ultimately remove the billboard altogether. Mr. Pomerantz then opened up the meeting for public comment on the project.

Jim Cahill of 9 Jacqueline Drive – Mr. Cahill first stated he does not have a problem with homes being developed in general, but does have numerous concerns about the project as his property is immediately adjacent to the proposed road into the site from Jacqueline Drive. He first asked Mr. Towns about the proposed access to Robins Nest and its intended purpose. Mr. Towns stated the idea was floated to provide for a driveway easement to allow for a secondary access to Robins Nest by way of Jacqueline Drive. Mr. Cahill stated he was against this proposal as it would only benefit Robins Nest and not Jacqueline Drive, especially given the known and on-going traffic issues on Jacqueline.

Next Mr. Cahill asked if construction traffic would be utilizing Jacqueline Drive, and stated there are three acres of ground by PennDOT at the by-pass to allow for the establishment of a construction entrance off 202. Mr. Towns indicated he was unaware of this acreage in the vicinity. He further stated a coordinated effort needs to be made between the applicant, Township, residents and state representatives in working towards the establishment of a construction entrance off 202. Mr. Cahill next asked what would be done to resolve the grade issues in the construction of the proposed access road from Jacqueline Drive. Mr. Towns stated that although not engineered as of yet, its construction would require fill and retaining walls as well as piping or a culvert to handle the existing flow/drainage area through the property. Mr. Matson stated he would like to see a conceptual grading plan submitted for review prior to a fully engineered plan set to better understand how the site will function post-construction. Mr. Cahill then discussed the

tributary of Plum Run located on site as well as the environmental concerns related with construction on-site.

Mr. Cahill then asked what types of contractors would be used for construction, and Mr. Towns indicated his company utilizes local contractors. Mr. Cahill then expressed his concerns with when they would be working as well as how they carry out their work. He then discussed the current issues with the existing vegetation in the wooded areas and what can be done to provide for appropriate screening with the current properties on Jacqueline Drive. Mr. Towns did state they will preserve as much as possible and fill in where needed. Relevant to stormwater, Mr. Towns stated the individual lots will utilize seepage beds and that road runoff will utilize some sort of basin or underground storage. Mr. Pomerantz then concluded the discussion and asked Mr. Cahill for his overall thought on the project. Mr. Cahill stated he was previously for it, but is now against it as nothing is proposed to alleviate traffic concerns on Jacqueline Drive and will add more from Robins Nest.

Mr. Matson asked how far along engineering is for the project, and Mr. Towns stated although not done yet, all efforts will be made to balance the site. Mr. Pingar then stated the applicant needs to still make their case to the BOS with respect to the zoning change. Mr. Patriarca then stated he would like the PC to state what their feelings are on the rezoning at this point.

Mr. Yaw stated that he does not oppose the concept, but acknowledged the applicant will need to make a solid case justifying the rezoning as well as resolve the access issues. Mr. Lees agreed with this sentiment and further stated the property will ultimately develop and that careful attention needs to be given to ensure it complements the established neighborhoods surrounding it. Mr. Hatton stated he feels positive to what has been presented thus far. Mr. Rodia was generally positive to the proposal as it appears to be visible and more sensitive to the surrounding neighbors. Mr. Pomerantz stated he does not feel the PC is opposed to the proposal in general but final judgement will be withheld until a formal application is reviewed. He also reiterated the applicant needs to fully evaluate other potential construction access points. Overall, the PC did not oppose the possibility of rezoning the property to allow for the development of Westtown Woods.

Public comment

There were no public comments.

Adjournment

9:30 pm (SR/SY)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary