

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
November 9, 2016 – 7:30PM

Present

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Yaw. Also present was Township Planning Director Chris Patriarca, 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 presented (JL/EA).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of October 19, 2016, were unanimously approved (SY/JL).

Reports

Ms. Adler presented the November 7, 2016 Board of Supervisors (BOS) meeting. At their workshop there was a discussion of the parks plan and existing facilities, a discussion on the memorial markers and where they will be located and a discussion of the picture project undertaken by the Historic Commission. At their regular meeting under old business the BOS approved the major home occupation ordinance and executed the Giant expansion land development agreements. Under old business the BOS appointed Kristin Camp as PC special counsel for the Crebilly application and signed a resolution regarding conditions of the Sunoco pipeline. During non-agenda public comment, several persons spoke on the issue of the Shiloh A.M.E. Cemetery and requested more be done to properly maintain the cemetery as there are veterans buried there.

Announcements

Mr. Patriarca stated a small land development application for a pair of new homes to be constructed off Garden Circle will be before the PC in January 2017.

Old Business

Westtown Woods (1010 Wilmington Pike)

Mr. Pomerantz started the discussion with Southdown Homes and their consultant team on their rezoning and subdivision land development application for a proposed 15 home residential development to be accessed off a new road connecting into Jacqueline Drive on the property located at 1010 Wilmington Pike (UPI 67-4-9). Tim Townes representing Southdown Homes started the discussion with Mr. Matson about outstanding items in his most recent review letter.

The first issue discussed were the eleven waiver requests. Mr. Townes first stated they are no longer requesting a waiver from §149-916.A to construct asphalt aprons on the driveway and will comply by constructing the required concrete ones. Mr. Matson first stated the waiver from §149-600 to request preliminary/final approval concurrently is just procedural in nature and

offered no objections to it. The PC did not offer an objection to this request.

The second waiver discussed was relevant to cul-de-sac length as defined under §149-901.F. The ordinance limits the maximum length of a cul-de-sac to 1,500 feet and the applicant proposes one that is 1,552.40 feet. Mr. Matson did not offer an objection to the request. Mr. Yaw asked if the fire company had commented on this item, and Mr. Towns stated it was under review by Fame. The third waiver discussed was §149-910.B relevant to grading and slopes within the ROW. Mr. Matson stated this is proposed for the access to Jacqueline and construction of a retaining wall for the road makes the waiver necessary. Mr. Matson did not offer an objection to the request and the PC did not offer an objection as well.

The fourth waiver discussed was §149-920.B relevant to requiring minimum easement widths of 20 feet. The applicant is providing an overall blanket easement, but only prescriptive easements of as small as four feet in some locations. Mr. Matson did not offer an objection to the waiver as the blanket easement will allow for construction equipment into the areas in question if needed. Mr. Hatton if the request was to allow for four foot easements throughout or only when 20 feet was not practical, and Mr. Mattson stated it was for the latter. Mr. Townes then elaborated on this point further in providing a more detailed discussion on the easements and the HOA responsibility for maintaining them. Mr. Eberwein then stated the four foot easements are only proposed for 18 inch pipes associated with individual, on-lot stormwater beds, and that the blanket easement will cover the entirety of the tract to allow for access. The PC did not offer an objection to this request.

The fifth waiver discussed was §149-924.D relevant to the tree management plan. Mr. Matson stated all of the information required for this is present on other sheets of the plan set and did not object to the waiver request. Mr. Hatton asked how many trees are to be removed and Mr. Eberwein stated they are proposing to replace what is to be removed with a like amount of new trees. Jim Cahill of 9 Jacqueline Drive stated many of the trees being discussed are either unhealthy or dying. The PC did not offer an objection to this request.

The sixth waiver discussed was §149-925.H relevant to the required size of trees at the time of planting. The applicant is requesting a waiver to plant trees with a caliper of 2-2.5" instead of the required 3.5". Mr. Matson stated after speaking with several nurseries, he does not object to the request as there is a significant shortage of 3.5" caliper ornamental trees for planting as a result of the 2008 recession. He further suggested the applicant provide assurances that these trees are healthy at the time of dedication as they were planted at a smaller size. The PC did not offer an objection to this request.

The seventh waiver discussed was §149-925.I relevant to tree plantings being setback ten feet from the property line. The applicant has requested a reduction from the ten feet from the side and rear property lines. Mr. Matson did not object to this request and further noted there should be some flexibility with site landscaping. Mr. Hatton asked if the proposed landscaping could impact fencing, and Mr. Townes stated there would still be enough area to construct a fence if a resident decided to construct one. The PC did not offer an objection to this request.

The eighth waiver discussed was §144-311.B.2 relevant to the utilization of concrete stormwater pipes in the ROW. The applicant proposes to use HDPE pipe in the ROW to which Mr. Matson did object to, but did not object to the use of HDPE pipe outside the ROW. The PC did not offer an objection to this request.

The ninth waiver discussed was §144-306.K.2 relevant to setbacks from below grade stormwater elements. The request is to allow for the location of a seepage bed within 100 feet of another structure. He then asked during the construction sequence, and Mr. Towns stated the site will be graded all at once, followed by utility work and then complete the road. The beds will be constructed afterward and then protected from disturbance during construction. Mr. Matson asked for the sequence discussed to be added as a note to the plan and that a geotechnical engineer will be present when constructed. The PC did not offer an objection to this request.

The ninth waiver discussed was §144-306.K.3 relevant to infiltration elevations adjacent to a structure. Mr. Matson stated this is similar to the previous waiver and did not offer an objection to it as well assuming a geotechnical engineer specifies the required clay liner for the bed. The PC did not offer an objection to this request.

Mr. Matson then led the PC through the remainder of his comments. He first stated their wetlands expert evaluated the site and did not identify any wetlands on the site. However as a cautionary measure she recommended the low areas be taped off during construction. Mr. Eberwein further stated they have a waiver from the Army Corps from additional permitting to work in these areas as well. Mr. Matson then discussed the constructability of the culvert along the Jacqueline access and whether or not additional easement area may be required. He noted the tightness of the site and asked the applicant if they will be able to construct the segmental block wall within it without additional easement area. Mr. Towns stated the road will be constructed from the interior of their property and the area for the road be filled from the north after the stormwater structures are installed. The area between the walls is filled as it is constructed and the property lines will be delineated with construction fence and silt sock.

Jim Cahill of 9 Jacqueline Drive asked Mr. Towns how drainage will be impacted by the construction of the wall. Mr. Towns stated at the base will be two, 24 inch pipes and a headwall to allow for water to follow its natural drainage course. He further stated that runoff associated with the new road will be handled through the stormwater management system that will be constructed as part of the overall project. Ginny Hassler of 12 Jacqueline Drive asked Mr. Towns if any water from their site will impact Jacqueline Drive and he stated no water from their site will impact it. Specific to the CCCD approval, Mr. Matson stated if it is not complete by the time of their next meeting, it can be made a condition for their final approval.

Next discussed was the use of the 202 driveway as a temporary construction access. Mr. Matson stated a meeting was had with PennDOT in early October to discuss this, and the result of that meeting was guidance for the applicant to consider when developing an exhibit for PennDOT to review in consideration of approving an entrance permit. Mr. Towns stated the 202 access will only be for large construction equipment in order to stage road construction from the 202 and not Jacqueline Drive end. Once this is complete, the 202 access will be closed as it is located within one of their proposed building lots. He stated the access would only be utilized during non-peak times, have flaggers or off-duty officers present and cut back some of the existing embankment to improve overall sight-distance. Mr. Rodia asked how long this access would be utilized and Mr. Towns stated no more than six months.

Mr. Pomerantz asked what the plan would be in the event PennDOT does not approve the 202 access. Mr. Towns stated in this case a temporary road would be constructed off Jacqueline Drive that would ultimately be upgraded to the full road once the major earthwork is completed. He stated his preference for the 202 access in an effort to make the situation better for the neighbors. Mr. Patriarca stated at the conclusion of the PennDOT meeting, there seemed to be

a path forward to allow for PennDOT to possibly approve the access. Mr. Matson stated the PennDOT requested a detailed plan illustrating the access in conjunction with a detailed narrative of how and when materials would be delivered. Mr. Pomerantz asked how the equipment that is planned to be stored on site will be secured. Mr. Townes stated the equipment will be parked in a visible location to discourage trespass and vandalism. Specific to the design of the retaining walls, Mr. Matson stated plans will be submitted to the Township for full review at a future date.

Mr. Patriarca commented that if the PC was agreeable in concept to other potential sewer connections from neighboring properties, they may want to comment on this issue as part of their recommendation. Mr. Towns noted that their sewage design includes stubs at both Jacqueline Drive and Robins Nest Lane for possible expansion in the future if warranted. The general consensus of the PC would be to offer support for additional connections when feasible.

Mr. Pomerantz next asked what the applicant is proposing to do to mitigate the impacts of truck/construction traffic and improve the overall safety of the project as a whole during construction. Mr. Towns stated he will be very involved with the project and has encourage the neighbors to speak with him directly to address immediate problems as they arise as well as work with WEGO for additional enforcement. He further stated that he cannot afford to pay for an office to remain on-site throughout the project, but did again reiterate his commitment to self-police his contractors. Mr. Matson commented the safety issue can be mitigated through the types of contractors that are utilized for projects. Mr. Towns stated his company has mandatory pre-con meetings whereby the overall "ground rules" are set for the contractors. Mr. Matson there needs to be a very detailed plan to make it clear the sensitivity of the site as a whole, especially as it relates to the existing neighbors.

Mr. Hatton next spoke of his experience living adjacent to a pair of construction projects and the impacts of equipment and trucks going in and out of the sites. He specifically spoke of the issues of large vehicles accessing these sites and how they interact on the public road. He suggested there should be warning signage and/or a flagger to make it safer for vehicles to access these sites. Mr. Towns stated he expects the majority of the vehicles accessing the site to come from the east and not the west from South New Street.

Mr. Pomerantz asked if the proposed homes will use stucco. Mr. Towns indicated they will be using it for the homes. Mr. Pomerantz noted several other developments where stucco was used and failed resulting in substantial repair costs to those residents and asked what Southdown Homes does to prevent this from occurring. Mr. Towns stated all of their homes have a ten year warranty and that they have contractors' specifically trained in the installation of stucco and that in his experience they have had only one significant issue with stucco.

Mr. Hatton next asked if the proposed landscaping had been modified to address the concerns with headlights impacting the property at 22 Robins Nest Lane. Mr. Eberwein stated this will be addressed prior to the next meeting. Matt Kelly of 22 Robins Nest Lane discussed a potential secondary access driveway to Robins Nest Drive as at present it can only be accessed from 202. Mr. Kelly stated a concern with the odd shape of the piece of ground that connects back to Robins Nest and if it is wide enough for a driveway. Mr. Eberwein stated there is adequate ground to construct a potential driveway. Mr. Kelly asked if a condition of approval could be considered to require the applicant to construct a driveway access back to Robins Nest Lane as to provide a safe and alternative access from 202.

Mr. Matson stated there is no legal requirement to either provide or not provide the access, and that the issue is simply a planning issue. He suggested that if the grading could work, then it would improve a safety issue, but that this is a very unique situation that has not been experienced with previous applications. Mr. Towns stated he is not opposed to providing the access via an easement, but that he is opposed to physically constructing it. He further stated any agreement would also place the burden on maintenance and construction on the grantees of the easement and not the Township or HOA. Mr. Matson stated that PennDOT cannot close an access if they cannot provide for an alternative access. Mr. Patriarca stated he feels providing a manner to provide access is good planning, and that if the PC is favorable to its inclusion should include in its recommendation a requirement for an easement to allow for it.

Public Comment

Jim Cahill – 9 Jacqueline Drive: Mr. Cahill asked who is responsible for the maintenance and service of 202 and expressed his concerns with the dangerous situation they have let occur with their relative neglect of this section of highway. He spoke of his experience with significant near-misses himself with traffic accidents on this section of 202. Mr. Cahill then suggested the PennDOT utilize concrete jersey barriers to funnel traffic into the Southdown site instead of utilizing Jacqueline Drive.

Doug Anderson – 606 Jacqueline Drive: Mr. Anderson stated there should be consideration of fines for contractors that violate their agreements for travel along Jacqueline Drive. Mr. Anderson further questioned the overall public need for this new development.

Adjournment

9:00 pm (JL/BW)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary