

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
June 22, 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 amended (JL/SY).

## **Approval of Minutes**

The minutes of the Planning Commission (PC) meeting of June 8, 2016, were unanimously approved as amended (BW/EA).

## **Reports**

Mr. Pomerantz presented the June 20 Board of Supervisors (BOS) meeting. At their workshop the BOS interviewed two applicants for the Parks & Recreation Commission and appointed both at the regular meeting. The BOS then had an update on where the comprehensive plan stands to date with the project consultant team. He then gave an overview of the comprehensive plan visioning session to those residents in attendance. Mr. Pomerantz then indicated that the applicant for the proposed Dunkin Donuts if they wish to proceed will have to go through a concurrent text amendment application and conditional use application. At their regular meeting the BOS had several departmental reports presented. During the PC report, he noted the BOS was very interested in the B&B ordinance, for a status on the chicken ordinance and asked for a status update on the sign ordinance. Mr. Patriarca stated chickens will be back at the next PC meeting and that the sign ordinance has been forwarded onto the Township Solicitor for his review and will be before the BOS in July.

## **Announcements**

Mr. Patriarca stated the PC will consider the chicken ordinance at their next meeting.

## **Non-Agenda Public Comment**

There were no non-agenda

## **New Business**

### **Giant (Brandolini) land development**

Mr. Pomerantz started the conversation with Brandolini Companies and their project team to discuss their land development application to demolish and subsequently rebuild and expand the Giant grocery store located at 1566 West Chester Pike. Fred Snow of Brandolini first went through the Stubbe lighting letter and noted there will be compliance with the open items once a determination is made whether or not the store will be open 24 hours and avoidance of conflicts with approved landscaping. John Hornick, the applicant's engineer, next went through the sewer

comments made by Carroll Engineering. He stated that after conversation with Carroll, all of their remaining comments have been resolved with regards to sewer engineering.

The Township Kevin Matson led the PC through his final comment letter. Relevant to comments from the fire company, Mr. Patriarca stated the information has been forwarded to the Goshen Fire Company and Mr. Snow stated they will be able to comply with the specifications of the fire company. Relevant to ADA compliance, Mr. Snow stated the rebuilt Giant will be in full compliance with ADA but that their location has not been finalized as of yet. Mr. Matson asked a note be added to the plan that states the final location of ADA access will be included as part of the building plans. Mr. Matson next asked about the current state of the existing piping and outlets at the Giant. Mr. Snow stated that due to County concerns with the basin, they will also do a video inspection of the existing pipes. Mr. Matson suggested these videos be included as a potential condition of approval.

The final issue discussed by Mr. Matson was the location of the current bus stop along Route 3 and the provision of enhanced pedestrian access from the stop to the center as a possible planning issue recognizing the stop is an existing condition on-site. Michael Gill, the applicant's attorney, stated the stop has been in its condition since the initiation of the service and that it will continue to function as it has in the past, further noting they were unaware of any incidents of pedestrians going from the stop to center. He also stated that as the stop is located within the PennDOT ROW, the applicant was not inclined to approach PennDOT to handle the issue. As such, he stated no enhanced pedestrian access to the stop is proposed with the application.

Mr. Matson again reiterated as a planning issue that pedestrian circulation may need to be improved from the bus stop and that this may be the opportunity to address this potential issue. Mr. Snow again stated they were unaware of any incidents involving pedestrian circulation from the bus stop as well as noted the overall scope and costs associated with the provision of ADA compliant access to the bus stop were outside the overall scope of their project as designed. Mr. Gill stated there is no basis in the existing ordinance to require the applicant to provide the enhanced pedestrian circulation being discussed.

Mr. Yaw noted they are making a business decision to not improve the pedestrian circulation but that overall all of the outstanding comments were noted as will comply. Mr. Rodia asked is there a threshold of work on-site that would trigger improvements to the bus stop. Mr. Matson stated in the previous PNC/Rite Aid project, improvements to the bus stop were made as it encompassed a full redevelopment, which is not the case with this project but that the issue should be considered as a planning issue as part of this application. Mr. Hatton asked what are the federal regulations for access to a bus stop. Mr. Patriarca stated that as an existing condition, enhanced ADA access to the bus stop is not required, but that if any improvements are proposed to it that it will have to be in full ADA compliance. Mr. Gill reiterated this statement as well.

Mr. Hatton next asked about the access to the former gas station at Manley Road. Mr. Snow stated he does not believe there is a formal access easement between the properties, but that he does not oppose keeping the access open. Mr. Patriarca stated in his opinion the cross-access could be a positive in that it can reduce potential traffic conflicts on Route 3. Mr. Hatton stated his concern with traffic conflicts at Manley Road with the cross access. He next asked about the steps adjacent to the Giant property and their status. Mr. Snow stated these steps were on the Land Rover property and does not see their practicality for the shopping center.

The final issue raised by Mr. Hatton was relevant to a potential trail connection from Wickerton Drive, through the Brandolini property, and back to Manley Road. Mr. Gill stated he is aware of a conceptual path leading through the Brandolini property from Wickerton Drive, but that as shown is proposed to go through the physical building. He then stated Brandolini would consider the granting of a trail easement around the perimeter of the property if formally requested by the Township. Mr. Gill did state their concern with pedestrians at the rear of their property due to potential conflicts with traffic in the vicinity. Mr. Matson stated there will be significant engineering concerns to construction of a trail in this location.

Mr. Pomerantz next spoke to the ADA issue with the bus stop and stated he did understand that legally Brandolini was under no obligation to provide for the enhanced pedestrian access. He spoke of his experience in Charlotte of physically using a wheelchair for a week to bring awareness to disability access in public facilities throughout the city. He stated at that time, wheelchair access was not afforded on local sidewalks or as part of any local ordinances. Mr. Pomerantz asked Brandolini to consider enhancing the pedestrian access to the bus stop outside the scope of this project out of corporate responsibility. Mr. Snow stated Brandolini will look into this issue at a staff level outside the scope of the current application and seek to improve the situation as best they can.

Mr. Pomerantz then asked Mr. Matson if the PC is in a position to make a recommendation this evening to which he responded they were. Mr. Patriarca then stated that potential conditions of approval could be suggestions made by the residents during the public comment portion of the discussion.

Michelle Delehanty of 1537 Wickerton Drive – Ms. Delehanty first asked about the tree removal and how the new runoff will be handled. She stated this was a concern as a sinkhole had previously opened up along the pipe where the stormwater will be conveyed. Mr. Hornick stated the additional runoff will be directed into an expanded basin and not the pipe in question. Relevant to the sanitary sewer, Ms. Delehanty asked if the pipe has been inspected and if it can handle the flow from the Giant. Mr. Hornick stated it is a Township pipe, but that he does not believe there will be any issues with handling the overall sewage needs of the expanded Giant.

Mr. Matson stated he did go on-site to evaluate the existing pipe. Acknowledging that it was not a wet condition at the time of his visit, he stated the pipe appeared to be functional. Ms. Delehanty next spoke with her concern with tree removal and asked if evergreen trees could be substituted to help with screening in the winter months. Mr. Snow stated they are not encroaching into the buffer with any pavement, but that they are amenable to utilizing evergreen trees instead of deciduous ones where the ordinance allows. For lighting, Mr. Snow indicated they will be installed with full cut-off fixtures to keep glare off neighboring properties by projecting light downward. Ms. Delehanty asked about hours of construction and Mr. Snow stated they will comply with Township regulations on this.

Mary Ann Char of 1535 Wickerton Drive – Mrs. Char stated over her 40 year tenure, they have always heard noise from the center, which is exasperated in the winter when the leaves are down. She further stated the lighting at the Land Rover dealer are oriented in such a way that does not impact the neighbors and hopes Brandolini will install similar fixtures. Mr. Hornick stated the closest work to the Wickerton properties is 50 feet from the rear property lines. Mrs. Char next asked if there are plans to secure the perimeter of their property with fencing or other barriers. Mr. Snow stated any damaged fencing will be replaced and or repaired. Mr. Gill reiterated the property will be fenced and further indicated that security cameras will likely be

present at the rear of the reconstructed structure. Relevant to the trail, Mrs. Char stated that people are utilizing the pipeline easement now instead of along the easement.

Mr. Patriarca next asked the applicant several questions. He first asked if Brandolini would be willing to do an as-built photometric plan to confirm compliance with the submitted plan. Mr. Gill stated they will be willing to provide this plan. Mr. Patriarca next asked the applicant if the proposed deciduous plantings can be replaced with evergreen plantings where allowed by code. Mr. Snow stated they will be willing to accommodate this request as well.

Richard McMullen of 1539 Wickerton Drive – Mr. McMullen asked about the stormwater pipe. He stated he was the one that first reported the concern and stated the Township did fill it in. He did state another area of subsidence has begun to appear on his property and questions if the current pipe is creating this situation. Mr. Matson again stated in his initial visit, the pipe appeared to be functioning, but that he will follow up with Mark Goss on conducting a more thorough investigation.

Ed Char of 1535 Wickerton Drive – Mr. Char asked again what will be done with the existing fence, and Mr. Snow stated they will not be removing it.

Sue Surricchio of 1540 Wickerton Drive – Ms. Surricchio stated her concern is with the stormwater flow from the current pipe. She stated previously the flow from the pipe would outfall into the creek, but that now the water is being redirected elsewhere and believes the pipe is likely blocked and/or simply not functioning properly. Mr. Matson again stated in his initial visit, the pipe appeared to be functioning, but that he can follow-up directly with her on this concern.

Mr. Hatton asked if the entire fence will be replaced, but Mr. Snow stated they will repair damaged sections where needed. Mr. Hatton then asked if fencing providing for more of a sound barrier would be appropriate, but the applicant argued the topography of the site makes this difficult. Mr. Gill also noted a solid fence can potentially create an echo chamber between the fence and buildings. Mr. Pomerantz asked about truck deliveries and their noise impacts. Mr. Patriarca stated the Township ordinance already handles noise impacts between the hours of 10:00 pm and 6:00 am. In order to address this issue, the Township will reach out directly to the manager to work to resolve this type of situation.

Hearing no more comments, Ms. Adler made the following motion, seconded by Mr. Lees and approved 7-0:

**The Planning Commission and the Township Engineer have reviewed the development plans for the enlarged Giant store in the Westtown Marketplace Shopping Center and recommend its approval with the following conditions:**

- 1. Preparation of a video documenting the condition of the existing pipe in front of the Giant that traverses the site back to the basin.**
- 2. Submission of an as-built photometric plan to affirm installed lighting as being in compliance with the township ordinance upon completion.**
- 3. Revision of the landscaping plan to include more evergreen plantings instead of deciduous plantings for enhanced screening between the residential properties and store where allowed by the ordinance.**

**In addition the Planning Commission heard the concerns of the residents of Wickerton**

**Drive adjacent to the project and note their concern with the fence which should be replaced if necessary or repaired and their concerns with sound during early morning hours.**

### **Bed-and-breakfast zoning ordinance**

Mr. Pomerantz started the discussion of the current regulations for the operation of a bed-and-breakfast within the Township as outlined in §170-1607 of the zoning ordinance. Mr. Patriarca stated the draft before the PC incorporates comments made by the PC at their Jun 8 meeting. One of the significant changes in the draft was provided by Mr. Yaw to clarify what encompasses an annual use and occupancy (U&O) inspection and better improve the overall language of the ordinance. Mr. Yaw stated the initial language was vague and provided for the amended language to tie this back to U&O requirements. Mr. Yaw also provided for additional general language to add clarity to the ordinance as a whole.

Mr. Patriarca next stated a B&B could not be used as a special events center as the impacts generated from this type of facility is much greater than that of a B&B. Further he suggested that a person operating this type of facility as a B&B would be cited for a not-allowed use. Relevant to RV parking, Mr. Patriarca stated that it would have to comply with current Township parking standards for their parking at a B&B facility.

Mr. Pomerantz asked if additional consideration should be given to a reduction of the minimum acreage required to operate a B&B from two acres should be considered. He stated the PC had previously determined that a reduction of the 2 acre minimum would only be considered for properties on the Historic Resources Map. Mr. Patriarca stated what is being proposed by the PC in the draft will prevent B&Bs on smaller properties, including through the utilization of sites such as AirBnB. After discussion, the PC reiterated their preference for the 2 acre minimum in general.

Next Mr. Pomerantz asked if additional consideration can be given to the allowing guests of guests to also have breakfast at the facility. Ms. Adler agreed with this point and led a discussion on proposed language. Mr. Yaw suggested including language allowing for “permitted invitees” to address this issue. Mr. Patriarca then stated he will be working further to address the short-term rental situation with the Solicitor. He then provided the PC a timeline moving forward and the PC recommended moving the draft forward to the BOS for their consideration.

### **Public comment**

There were no public comments.

### **Adjournment**

9:15 pm (RH/JL)

Respectfully submitted,

Chris Patriarca  
Planning Commission Secretary