

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
September 7, 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/BW).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of August 3, 2016, were unanimously approved (BW/JL).

Reports

Mr. Whitig presented the September 5 Board of Supervisors (BOS) meeting. At their workshop the BOS discussed a potential land development application for two single-family homes off Garden Circle and the honeybee ordinance and fees. At their regular meeting the BOS had several reports presented, a presentation from the Goshen Fire Company, passed the honeybee ordinance with a \$50 fee for keeping on Township property, approved the malt production ordinance, paid the Dunvegan culvert invoice, released some Rustin escrow, appointed a new member to the Historical Commission (HC), awarded to salt bid, authorized advertising for major home occupation, and paid the bills.

Announcements

Mr. Patriarca stated Toll Brothers is looking to a late September submittal of their conditional use application to construct a large residential development at the Crebilly Farm. He also stated the initial conditional use hearing for Dunkin Donuts will be after the regular BOS meeting on October 17. Mr. Pomerantz next discussed how he was recently approached by Toll Brothers to discuss their pending application, but declined to meet and told them his preference to meet with the entire PC instead of only himself. Mr. Patriarca stated at this time Toll will not be able to present before the PC until a formal conditional use application is made. Gail Guterl announced on behalf of the HC a ceremony at the Taylor Burial Ground in Pleasant Grove on October 15 as well as Westtown Day at Oakbourne Park on September 17.

Non-Agenda Public Comment

There were no non-agenda public comments.

New 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). The applicant Tim Towns of Southdown Homes first stated to the PC it is his intent to come back to a second meeting for a formal recommendation that incorporates the discussion had at the meeting. Mr. Towns first introduced the rezoning analysis that demonstrates the rezoning of the four acres along 202 from C-2 back to R-2 will not be negative for the Township. Specifically, the analysis shows that there still is adequate C-2 properties for development, and he also spoke to the limitations of the property for commercial development from the perspective of his experience as a commercial land developer. These limitations include its very poor access from 202 as well as the large amount of fill required to construct on the site.

Andy Eberwein of E.B. Walsh next went through the rezoning analysis. He stated that approximately fifteen acres of land zoned C-2 along the 202/Old Wilmington Pike frontage. He noted there is potential for redevelopment as nearly all of the properties are presently occupied. His analysis was based on this limited acreage in conjunction with what the ordinance allows to be physically constructed on-site. He stated that the only real commercial uses he could envision involve small retail or office space. He stated in his opinion that their piece would be the last to possibly develop commercially due to its poor access from 202 as well as its location significantly below the road grade of 202.

He estimated approximately 83,600 square feet of commercial development could potentially occur on this acreage. Additionally, he stated that he believes that many of the structures present would be adaptively reused as it would be difficult to fit new construction within the constraints of the existing lots. He again reiterated that with their property being subtracted from the total, there is adequate acreage for commercial development. Mr. Eberwein then proceeded to go through each of his summaries for the remaining 11 acres of C-2 property.

He briefly discussed his methodology and proceeded to go through the different scenarios individually. For each of the scenarios he described the overall limitations as well as identified properties that would potentially be adaptively reused. He did not provide for a potential commercial development proposal for their 4 acre property. Mr. Hatton asked about the location of the retaining wall previously mentioned and Mr. Eberwein stated it was located along 202 at their property line. He further stated the general yield for commercial property is 8,000 square feet per acre.

Mr. Pomerantz following by asking why the zoning change to R-2 is being requested and Mr. Eberwein stated it is because single-family homes are a non-permitted use within the C-2 district. He then asked how many homes are proposed for the rezoned portion of the property and Mr. Eberwein indicated there would be four homes constructed in this area. Mr. Patriarca also noted two significant constraints with these C-2 properties as being the lack of public sewer as well as significant buffer requirements in relation to the neighboring residential properties. Mr. Rodia asked about buffering at rear of the proposed homes along 202 and Mr. Towns indicated there will be significant screening and buffering with a landscaped earthen berm. Mr. Eberwein stated the homes at the end of the cul-de-sac will sit 15 feet below 202 with the view from 202 being that of a hill with a fence atop it. Both Mr. Whitig and Mr. Rodia stated the proposal is the best they have seen to date for this property.

Gail Guterl of 715 Spring Line Drive – Ms. Guterl asked if the property north of Robins Nest Lane is in West Goshen. Mr. Patriarca stated there is a piece of WCU property that is actually located in Westtown just north of Robins Nest Lane. She next asked how the creek located in

the proposal has been addressed. Mr. Towns stated they will get into greater detail on this issue as they discuss the land development portion of the application.

Mr. Lees asked what happens to their development if they are unable to gain the rezoning. Mr. Towns stated they would withdraw the project and look to sell the land altogether as the project would no longer make financial sense. Mr. Pomerantz asked if those lots adjacent to 202 would have a reduced asking price, and Mr. Towns stated they would not be reduced.

Next Mr. Patriarca started the conversation on Mr. Matson's review letter and asked if the focus could remain on the waiver requests and planning issues as opposed to an in depth discussion on general engineering comments. Mr. Towns then proceeded to give a general overview of the project. He stated the project will be accessed from a 50 foot wide strip onto Jacqueline Drive. He stated a waiver is being requested as the length of the proposed cul-de-sac exceeds the 1,500 foot maximum by 52 feet and further stated all efforts were made as to not have this request be made. He indicated the road has been shifted slightly to the northwest as to provide for an adequate riparian buffer.

Mr. Matson then proceeded to go through the waiver requests. Relevant to the request to allow for a cul-de-sac in excess of 1,500 feet, barring any comments from the fire company that suggest otherwise, stated there is no engineering reason as to not grant this waiver request. The second waiver is to have preliminary/final approval as opposed to separate as required by code, and also offered no objection to this waiver.

The third waiver to allow for waivers of less than twenty feet for utility easements. Although not all easements would fall into this waiver, many smaller stormwater easements are proposed to be only four feet in width. Mr. Matson also indicated there was some discussion on a blanket easement over the whole site for Township MS4 purposes. Mr. Eberwein stated this blanket easement has been noted on the stormwater plan to allow for Township maintenance if necessary if the HOA does not comply with maintenance requirements. With the blanket easement, Mr. Matson did not object to the waiver request. Mr. Hatton asked what the average easement size is proposed to be. Mr. Eberwein stated the small easements are only proposed for the overflow pipes (four inch pipe) from a smaller infiltration bed on individual lots. Mr. Matson stated a similar waiver was granted for the Rustin project.

The fourth waiver requests to allow for HDPE pipes in the ROW as opposed to concrete ones as required by the ordinance. Mr. Matson stated under the streets, only concrete pipes are permitted, but HDPE is acceptable within the ROW as long as it is not under the street. As such, he did not object to this waiver request either.

The fifth waiver request is relevant to grading fully within the ROW in order to place a retaining wall along the entrance portion of the road near Jacqueline Drive. Mr. Eberwein stated within the fifty foot access strip to the property, they are not allowed to construct outside it. As such, a segmented block wall of approximately 100 feet and no greater than six feet in height is proposed to allow for road construction. The waiver is being requested as the wall would not be permitted as it exceeds a 3:1 slope to construct the road. Mr. Matson stated there was knowledge of grading concerns at this location, and also acknowledged the PennDOT has not viewed favorably a new road entering directly onto 202. Due to this and the physical constraints of the site, Mr. Matson did object to the request. Mr. Pomerantz asked how this wall will impact the neighbors, and Mr. Eberwein stated other than the visual change the new road will not impact stormwater runoff or other engineering aspects like this. Mr. Matson suggested the

culvert along Blenheim Road is similar to what is being proposed. Mr. Hatton asked if this will be visible from Jacqueline Drive, and Mr. Towns stated it will be for motorists traveling west on Jacqueline Drive, but not so much traveling east. Mr. Hatton then asked if additional landscaping be added to better screen the wall from adjacent properties and Mr. Towns stated he would reach out again to those neighbors on this issue. For stormwater Mr. Eberwein stated there are two 24 inch pipes proposed at the base of the wall to allow for it to pass through without backing up onto neighboring properties.

The sixth waiver discussed involved how sidewalks are constructed in relationships to the driveways and concrete aprons. Mr. Towns stated at the driveway, they seek to leave a twenty foot gap in the sidewalk and utilize asphalt aprons and sidewalk across the driveway instead of concrete. He indicated constructing it in this manner is much more cost effective for long-term maintenance by the future homeowners. Mr. Matson stated he understands the reason for this based on his experience with previous projects, but has a concern with whether or not a fully ADA compliant path can be created with asphalt in this manner. Mr. Towns stated he does not have a concern with complying with ADA utilizing this approach. Mr. Patriarca suggested that he provide a visual of this dynamic to help the PC better understand the visual impact of what is being proposed.

The seventh waiver requests to not provide a tree protection plan. Mr. Matson stated the landscaping plan in addition to the existing conditions plan convey the information this plan would illustrate and would be redundant. Mr. Eberwein echoed this sentiment as well and led the PC through these two plan sheets as well and specifically emphasized the additional screening and buffering they are proposing to provide. As such, he did not object to this request.

The eighth waiver request is to reduce the required caliper for the proposed tree plantings on the site. Mr. Matson stated in his conversations with nurseries and landscapers, the trees required by the ordinance are relatively difficult to obtain, thus creating a hardship imposed by the ordinance. As such, he did not object to the waiver request.

The ninth waiver requests that trees be placed closer than ten feet to the property lines and five feet from the ROW as required by the ordinance. Mr. Matson noted the challenge of the proposed landscaping plan, the difficulties of the overall terrain result in the need for some flexibility in their placement. Mr. Eberwein stated the closet they proposed to the property line is five feet and five feet from the sidewalks. Along the property lines he stated the ten foot separation would result in a strange design as they would create tree "corridors" along the property lines. Mr. Hatton noted that the substantial amount of landscaping proposed is what the waiver is being requested. He then asked if the landscaping takes into account the potential placement of fences and sheds, and Mr. Eberwein stated it does not. Mr. Yaw asked if the waiver is for the interior of the lots and perimeter, and Mr. Eberwein stated the waiver will apply throughout the development. He further stated the proposed plan provides for a tree setback of at least five feet throughout. Mr. Yaw stated his concern is with trees placed in relationship to the perimeter adjacent to existing lots, and not interior lots.

Susan Jennings of 200 North Deerwood Drive – Ms. Jennings asked about the types of trees proposed adjacent to her property and what they will be. Mr. Eberwein indicated there are several existing trees in this vicinity that are to remain in addition to several evergreen trees to be added.

Matt Kelly of 22 Robins Nest Lane – Mr. Kelly stated his biggest concern is with the elevation of

the curve in the road and its relationship with this home. Specifically he stated his concern with headlights from vehicles shining into his house as the travel from Jacqueline Drive into the site. He asked why more permeant features such as a berm or additional landscaping are not proposed for this area to diminish potential impacts from headlights. Mr. Eberwein stated they can move a row of evergreens to the west that are proposed to provide for better screening of vehicles from his property.

Specific to the waiver request, Mr. Matson stated his concern is with how it may impact sidewalks. Mr. Eberwein to address this concern stated he could move the trees back ten feet from the sidewalk, but would like to go only five feet elsewhere. Mr. Patriarca stated he did not object to the five foot setback as it provides for enough separation from the property line in the event of a neighbor dispute of trees in the future. Based on this, Mr. Matson did not object to this waiver request. Mr. Hatton asked if the majority of trees to be removed are poplar trees, and Mr. Eberwein stated they were. He further stated that trees in areas where grading is not proposed, including open space areas, will not be removed.

Next, Mr. Matson led the PC through some of his remaining general comments from his most recent review letter. Many of the comments were previously discussed as part of the waivers discussion. Specific to the zoning issues relevant to wetlands, Mr. Matson stated their wetlands expert will be going on-site to verify the wetlands delineation at a future date.

Relevant to all of the stormwater management proposed, Mr. Matson stated it is a much more holistic approach that better reflects more contemporary stormwater design. He did also stated the unique terrain of the site does present some challenges. Mr. Eberwein stated the stormwater system consist of ten underground facilities and testing was done to make sure they would function properly. He stated the larger number of facilities are proposed as a result of the topography of the site and that all of the facilities will be maintained by the HOA. Blanket easements will be granted to allow for Township maintenance if necessary. The facilities have all been designed to handle the 100-year storm and all handle the required volume as stipulated in the ordinance. Mr. Pomerantz asked what constitutes a 100 year storm for the purposes of stormwater management. Mr. Matson stated a 100 years storm constitutes a rainfall in excess 8.4 inches of per hour and a total volume of 7.2 inches. Mr. Pomerantz expressed his concern with the impacts of the larger storms experienced as the train across an inundated area.

Mr. Hatton asked about the maintenance and reporting of this back to the Township, and Mr. Towns stated it is the responsibility of the HOA to both handle the maintenance as well as to make the reports back to the Township as required by code. Mr. Hatton asked what type of cost the HOA will incur for the costs of the annual report and maintenance. Mr. Eberwein stated if the facilities are built and maintained properly, the overall costs should not be too great other than the cost of hiring an engineer for the annual report.

Next Mr. Matson asked about access to 202 for construction activities. Mr. Eberwein stated they propose to use the existing access as a temporary construction access for the initial site work and then close it once the road is completed to Jacqueline Drive. He indicated they are ready to comply with whatever flagging and/or local police PennDOT may require to utilize this access. Mr. Eberwein further stated the larger equipment will remain on-site until the construction is completed and will not use the access daily. The indicated they will continue to work with PennDOT on this issue. Mr. Towns stated all of the trees will be chipped instead of hauled out in full.

Mr. Matson followed by asking about coordination with the WCASD for a possible school bus stop. Mr. Towns stated they will include a small concrete slab at Jacqueline Drive to serve as a possible bus stop. Relevant to current environmental clearances, Mr. Eberwein stated that they have been cleared by the state for several items, but will provide for an updated PINDI receipt. Mr. Matson stated the PINDI is a reference tool from the state that assists in determining if a development site contains any endangered species and/or historic resources that is similar to a title search.

Mr. Hatton asked if previous contamination of the site has been addressed. Mr. Matson then described the two phase process utilized for this type of environmental clearance. Mr. Patriarca stated there have been previous environmental incidents at that site and remediation completed under the guidance of the DEP. Mr. Towns stated a Phase One environmental study has been completed on the site and buried materials removed and does not see any further contamination issues present at the site.

Relevant to sanitary sewer proposed for the site, Mr. Towns stated a low-pressure sewage system is proposed to connect into the existing sewer along Broadway across 202. A two inch force main will run the length of the street.

Matt Kelly of 22 Robins Nest Lane – Mr. Kelly asked about a possible connection from the proposed road back to Robin Nest Lane. Mr. Towns indicated there is an open space lot that goes back to Robins Nest Lane, and indicated the residents of Robins Nest had requested consideration of an access through this area. He further stated it was decided to make a determination on this issue during the land development process and stated they would consider placing an easement on this ground to allow for a future connection. Mr. Kelly asked if they would install the road and Mr. Towns state they would not, only provide an easement. Mr. Kelly stated he was under the impression they would construct this connection to which Mr. Towns disagreed. Mr. Towns further stated they are proposing to provide a capped sewer to Robins Nest Lane in the event they wish to connect in the future. Mr. Kelly then discussed his concern with the overall size of trees at the time of their planting as being insufficient to screen headlights of approaching vehicles. He suggested additional landscaping should be placed closer to the road to help with this issue. Mr. Kelly finally commented that the rezoning should not occur and look at possibly acquiring the property for open space and or trails. He further suggested this could be done in conjunction with the university and/or state.

Susan Jennings of 200 North Deerwood Drive – Ms. Jennings asked if there was a possibility for her to connect her property into the public sewer as part of the project. Mr. Towns stated that they have talked with staff and indicated he is open to establishing sewer easements to connect. Mr. Patriarca asked that any request of this manner be directed to him and he would make sure it was received by the PC and BOS in future meeting materials.

Gail Guterl of 715 Spring Line Drive – Ms. Guterl asked what the average lot sizes were to be and Mr. Towns indicated they will be no smaller than 22,000 square feet and the entire project is envisioned to take 2.5 years. Mr. Lees asked if there is any intention to build a road back to Robins Nest. Mr. Towns stated it would be constructed as a shared driveway, and not as a standard road.

New Business **Annual report work progress**

Mr. Hatton led the PC through the 2015 annual report to provide an overall update of what has been accomplished to date on the listing. Ms. Adler asked if the minor amendments could be undertaken that will add clarity to known problem areas within the ordinance. Mr. Patriarca stated the proposed revision to the riparian buffer definition is being looked as part of the floodplain ordinance update. He further stated he could pull some stuff together on accessory buildings for their next meeting.

Comprehensive plan update

Mr. Pomerantz next provided for an update on the on-going stakeholder interviews associated with the comprehensive plan update. He identified several of the persons that have been and will be interviewed for this project. He stated that when asked, many of the persons interviewed for the Westtown ordinances to be fairly well done. He then elaborated on some of the issues he spoke with one of the interviewee specific to the Bozzuto project.

Public comment

There were no public comments.

Adjournment

9:45 pm (JL/BW)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary