

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
February 19, 2014 - 7:30PM

Draft

Call to Order

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

Present

Commissioners – Rodia, Adler, Lees, Pomerantz and Hatton. Absent were commissioners Whitig and Criddle. Also present were Planning & Zoning Director Chris Patriarca, Township Manager Robert Layman, several guests and those mentioned below.

Adoption of Agenda

The Agenda was adopted with an addition of the February 18 Board of Supervisors under the reports section. The amended agenda was approved unanimously (RH/SR).

Approval of Minutes

Mr. Hatton requested a formal thank you be sent to Brian Gallagher for their presentation at the 1/22/meeting. Chairman Pomerantz then asked Mr. Patriarca for an update on a review of the Alternative Energy Ordinance by Mr. Gallagher specific to fire hazards and solar panels. Mr. Patriarca responded that staff was working towards having the review done and will update further in the future. The minutes of the Planning Commission meeting of January 22, 2014, were approved as submitted unanimously (JL/BW).

Reports

Mr. Pomerantz indicated the February 5 planning commission meeting was canceled due to the inclement weather.

Mr. Hatton then presented his report of the February 18 Board of Supervisors meeting. During their worksession, the Board discussed the Township's Emergency Operations Plan with Don Verdiani, the refund policy at Oakbourne Mansion, a potential Good Citizen Award issued by the WEGO PD and the establishment of citizen committees for both the website and sewer. More specific to the Planning Commission the Board discussed how to develop an overall vision for the Township that would include working with the various Boards and Commissions in the development of their on mission/purpose statements. Walter Pavelchek noted that new appointees to Township commission do not receive an adequate orientation prior to their service.

Mr. Hatton next discussed their regular meeting. He noted the various reports from the Parks & Recreation Committee and Police Chief. Stated the Historical Commission was interviewing a new member and discussed potential strategies to preserve a Civil War cemetery along Shiloh Road. Mr. Hatten then noted during public comment Jim Cahill spoke regarding the Bozzuto proposal and that the Crebilly site should be considered a historical area and be developed as a living history museum. Jamie Oakley followed by expressing her concerns about the impact a new apartment development would have on the WCASD. During new business, the Board approved the creation of citizens' advisory committees for both the website and sewer, the 2014 Emergency Operations Plan and the Chapter 94 report from URS. They also deferred action on the bid at Oakbourne field until concerns over use were addressed. The meeting then adjourned around 8:30.

Mr. Patriarca next presented a report from the February 10 Board of Supervisors meeting. He indicated previously the new sound system was having some issues and failed to properly record the Board meeting on that date. Mr. Patriarca started with a synopsis of the Board workshop. At that time items discussed included road improvements associated with the Bozzuto development, the sewer interceptor

capacity analysis and bids, on-lot management waivers and SEPTA stop locations as part of the PNC/Rite Aid redevelopment.

Mr. Patriarca next discussed their regular meeting. After Mr. Layman presented his managers' report, Mark Gross discussed how his department has worked to deal with the numerous snow/ice events of the season to date and was commended by the Board for his efforts. Mr. Whitig then presented the Planning Commission. Non-agenda public comment followed. At that time, Jim Cahill spoke about the rescheduling of the Bozzuto conditional use hearing. Other citizens inquired about the traffic report and public water associated with the project. One final citizen concern involved the \$100 on-lot fee and how it was calculated and will be utilized. During old business a discussion was had and motion made for W.G. Malden and Cedarville Engineering to perform the interceptor line capacity analysis. This was followed with approvals of both the Green Village Lane HOA agreement and the proposed first amendment to the Chester County Outdoor LLC settlement.

Announcements

Mr. Pavelchek reminded staff to announce the latest with the Bozzuto conditional use hearings. Mr. Patriarca indicated the hearing was officially opened on February 12 at 5:00 and continued shortly thereafter after the Board exhibits had been entered into the record. The hearing was continued to February 18 where the applicant presented their case and entered exhibits into the record. Mr. Patriarca then noted the hearing was continued to February 24.

Non-agenda Public Comment

Chris Scholl, of 1409 Wren Lane – Mr. Scholl spoke about a delinquent property at 1410 Wren Lane. The property has been vacant for 4+ years, but the property has not been properly maintained in the interim and has fallen into a state of disrepair as it is an underwater property in terms of its mortgage. After the owner passed away, the will was never opened and the property has been in a state of limbo since that point. He wanted to know if there is anything the Township can do about the situation. The Township Solicitor Bob Adams stated the Township can handle any sort of code violations, but that its ownership state is outside the realm of what the Township handle. Mr. Adams recommended the citizens consider hiring a lawyer to look into this. He also said they should look into the tax status of the property with the County, and if taxes are not being paid to possibly having the property subject to a tax sale.

Bob Mastrovito, of 825 Sharon Circle – Mr. Mastrovito spoke about a flyer he received about the Bozzuto and Monument Homes developments a few weeks prior. He spoke that his understanding was that Crebilly Farm was to be an open space parcel. Spoke about the Presby Homes development and how the development pulled out at that time. He questioned if the Bozzuto development was against what the Township stated about open space at Crebilly in the past. He then spoke about the types of persons envisioned to live in the proposed apartments, as indicated by the applicant, and how he felt they were off and not representative of what the actual reality would be with regards to traffic, population, etc. Mr. Adams then stated he should attend future conditional use hearings to hear about the Bozzuto project.

Megan Burns, of 4 Jacqueline Drive – Mrs. Burns spoke as a new resident about her concerns with how the agendas are presented. She would like more clarity as to what is being discussed at meetings through their agendas. She further felt the vagueness was a disservice to the citizens who may not understand all of the acronyms and items on the agenda. Mr. Pomerantz responded with that he would be working with staff to develop agenda in the future that will be easier for the public to understand. Mrs. Burns then spoke about her concern with the rezoning of residential property to commercial without the consent of the owner of the property. Mr. Patriarca responded to the question about how persons would be notified in the event of a comprehensive rezoning. Bob Adams followed with a more detailed explanation. He explained a rezoning would require a map change and that would be subject to the public notice requirements as outlined in the Pennsylvania Municipalities Planning Code (MPC). He went further to discuss issues related to Crebilly brought up by Mr. Mastrovito and how the Bozzuto application follows MPC requirements. Mr. Pomerantz then suggested the legal ads for Westtown applications change their legal ads to more prominently feature Westtown Township on it. Mrs. Burns then again stated her

concerns on the Bozzuto application. Mr. Adams then spoke to the format of the conditional use hearings moving forward and where public comment would happen. Mrs. Burns then asked if residents that miss a meeting, can they speak on the record, to which Mr. Adams responded they can.

Deborah Sabage, of 2 Jacqueline Drive – Mrs. Sabage spoke about how she did not know when or why her property was rezoned to commercial. She then inquired about the issues with the recording system and are they being fixed. Mr. Pomerantz indicated the systems should absolutely working moving forward. Mrs. Sabage then expressed her concerns with how the Bozzuto traffic study appears to be “skewed” and if it will be addressed as part of the hearings.

Pam Boulos, of 200 Cheyney Drive – Mrs. Boulos asked about what control the Planning Commission has over the Bozzuto application. Mr. Pomerantz then explained how the Commission is an advisory commission to the Board of Supervisors and how they make the final decisions. Mrs. Boulos followed up with a suggestion the Bozzuto exhibit be placed on the website or attached to listserv e-mails on the project.

Old Business

Discussion of the Special Use Overlay (SUO) amendment

Mr. Pomerantz introduced Bob Adams, Bob Layman and Chris Patriarca and stated the intent of the conversation to be to both educate the audience as well as bring the Planning Commission up to speed as to where the process stands with its adoption. Mr. Adams started the conversation with stating the SUO was most recently amended as part of the Presby Homes application around 2007. Emphasized the underlying zoning is still A/C, but that the SUO allows for some additional uses. Noted that Crebilly in its entirety could be developed at two acre lots by right and that a plan with greater density has been vested and can be reviewed in the future.

Presby Homes reached out to the Township about the possibility of developing a Continuing Care Retirement Community (CCRC) and its development required an amendment to the SUO to accommodate it. The SUO amendment for a CCRC was later approved at the same time the Presby Homes proposal was approved by the Board of Supervisors. Mr. Adams indicated the process used then is the same as the one being used today for the amendment to allow for an Apartment Complex Development (ACD) in the SUO.

Mr. Adams then spoke of a more typical process for ordinance amendments. For this, the ordinance is amended first to include a new use and then a developer will have to meet the standards for that use to commence any sort of land development. Although the SUO currently does not allow for an ACD, the process of allowing the amendment to move forward with the conditional use allows for the Board of Supervisors to see what the actual yield of units would look like prior to altering the ordinance. As such, a public hearing for the SUO amendment was advertised and continued to a date determined until Bozzuto conditional use hearings are completed. At that time, action will be taken by the Board with regards to the SUO amendment. At that time, if they deny the amendment, they also in effect deny the Bozzuto application as an ACD would then not be an allowable use in the SUO. If they chose to move forward with the SUO amendment and/or amend it, it would be forwarded on to CCPC and the Westtown Planning Commission for their final review before a final hearing on its adoption is held. Through this process, the applicant assumes great risk as there is no certainty the Township will decide to amend the ordinance.

Mr. Adams went further to express the wish of the Township to not only the property developed appropriately, but also in such a way as to preserve as much open space as possible. As such, as part of the Bozzuto proposal, no more than 13 lots are proposed for the large section of the Crebilly Farm to the west stretching back to South New Street. He then spoke of the road and sewer improvements proposed as part of this application that have been expressed in the public realm. He also spoke about how all of the elements of the project have been and will continued to be evaluated by Township consultants.

Mr. Pomerantz then pointed out the applicant indicated the market they were going for as potential

residents of the community were health care workers. He further inquired about the 13 lots for the remainder of the property and what happens if these lots did not happen. Mr. Adams responded there would be no apartment approval without deeded covenants restricting the remaining property to only those 13 proposed lots.

New Business

Open Space, Recreation, and Environmental Resources Plan Update

Mr. Pomerantz introduced Rick Tralies from the Natural Lands Trust and Ann Toole from Toole Recreation Planning to present the final draft and recommendations of the *Open Space, Recreation, and Environmental Resources Plan Update*. He further explained the plan was a strategy for the township to better manage its open space assets. Mr. Tralies indicated his presentation would provide for some background by focus on the findings and recommendations. The consultants look at how the plan would affect the residents' lifestyle, not just recreation.

The dominant findings of the report were the utilization of Oakbourne Park by the residents as well as the identification of over 300 acres of open space scattered throughout the Township. Found that much maintenance is being done by just a few volunteers, but that the residents overall want more recreational facilities. In order to better develop recreation amenities, through the process, 88 residents identified themselves as willing to volunteer with the parks. Furthermore, the survey results found the majority of respondents were open to paying more in order to expand recreational amenities. Mr. Tralies next provided for an overview of where open space and parks are located throughout the Township. He further noted an area in the west, central portion of the Township that could potentially support a loop trail.

Mr. Tralies then presented the three main goals of the plan.

1. "Forever green" which means maintaining the existing green space and tree cover throughout the Township.
2. "Fitness, wellness and play" to include more amenities such as bicycle and walking trails in addition to providing for more recreational access to all Township residents.
3. "Making it happen" which provides for strategies to implement the recommendations of the plan.

They next discussed the most important recommendations of the plan as identified by the Open Space Task Force. For "forever green" the first was the Tyson Park wetland restoration as an opportunity for the Township to involve the neighbors in the parks planning process, the second was the recommendation of the establishment of a Shade Tree Commission and the third being to update the Township's existing SLDO ordinances to provide for additional landscaping/green space as part of land development.

Ms. Toole then followed with the top three recommendations to implement the "fitness, wellness and play" goal. The first was to develop masterplans for the individual parks, develop a bicycle and pedestrian plan for the Township and to formalize the parks volunteer program. She then spoke to the "making it happen" goal. The first recommendation was to reach out to other entities such as local universities to get more help for the parks volunteers and the second was to consider a referendum to purchase additional open space.

Ms. Toole next discussed the three main takeaways of this plan as being:

1. To make the best use of the existing parks
2. To evaluate and develop trails
3. To purchase land adjacent to existing facilities when possible

She then concluded noting the plan was not law, but rather a guide for how to develop open space moving forward in the Township. Mr. Tralies then stated the plan reviewed by the Planning Commission was the one the Task Force and CCPC had already recommended.

Robert Dilullo, of 1004 Supplee Way – Mr. Dilullo asked if the Task Force look at the relationship between home value and park space as part of the planning process. Ms. Toole answered that parks are an investment, not a cost and that park space increases property values. She noted the Delaware Valley Planning Commission has already made a study that documents the relationship between parkland and property values.

Mr. Hatton asked about how people feel about having trails rear their property for public use. Ms. Toole indicated this is a usual concern, but that the “fear” of crime associated with trails are unfounded and can be addressed during the trail planning process. He followed up with a question about access to trails between homes and how these accesses are located. Mr. Tralies noted the importance of people being able to access trails from their homes and of trail planners designing proper access to trails. He then spoke about amending SLDO to include standards for trails and opens spaces. He states as an example that they recommend all trails in developments be accessed from a standard size lot, not a sliver to prevent these access point from being too close to private homes.

Ms. Adler followed-up with a question about the recommended size for access trails/easements into open space. Mr. Tralies stated size is variable by location on a case-by-case basis. Ms. Adler asked if there is a specific size for access recommended for trails/open space. Mr. Tralies stated their minimum is approximately 50 feet.

Mr. Pomerantz next asked about how the Westtown School property fits in the overall plan. Mr. Tralies indicated Westtown School fitted into the overall plan “unofficially.” It was viewed as a large piece of land that could be potentially utilized as part of a trail network. He went further to recommend the Township maintain an open dialogue with the school moving forward to preserve these types of opportunities in the future. Mr. Pomerantz followed-up by asking if he was aware of other municipalities that worked with large educational entities similar to that of the Township and Westtown School. Ms. Toole noted a similar situation between Solebury School and Solebury Township and that the school allows for recreational access to their property.

Mr. Pomerantz then stated the Planning Commission is being requested to make a formal recommendation on the *Open Space, Recreation, and Environmental Resources Plan Update* to be forwarded to the Board of Supervisors. Playing devil’s advocate, he went on to ask Mr. Tralies and Ms. Toole why the plan should be recommended to the Board and what would be the one thing that is the most important to accomplish from the plan. Both stated the most important thing is to better take care of what already exists in the Township. Specific to implementation, Mr. Tralies noted the recommendations were broken down by responsible parties and funding sources for each.

Mr. Hatton had one final question about the overall sports numbers and how they relate to the citizenry of the Township. Ms. Toole indicated identifying Township participants was difficult to calculate as many of the team who utilize Township facilities do not break down their participants by locality. Mr. Patriarca next noted if the Commission recommended approval, that the plan would serve as another tool for the Township to more successfully include open space with future land use applications.

Ms. Adler followed-up with a question about what types of recreational amenities, if any, were proposed for the area of the Township west of Route 202. Mr. Tralies stated they worked to not identify specific parcels (such as Crebilly) as part of the plan. Ms. Toole stated further that the Task Force recognized the importance of locating more recreational space in the western area of Westtown and that the Township should pursue options for it as they become available.

Mr. Pomerantz then asked what are some of the hurdles unique to Westtown that need to be overcome in order to successfully implement the plan. Ms. Toole noted the Township staff is relatively small, but that someone needs to make sure the plan is being implemented when possible. Additionally, she noted that financing park improvements are difficult due to the existing finances of the Township.

Megan Burns, of 4 Jacqueline Drive – Mrs. Burns asked if this document will be available to the public to which it was e-mailed directly to her and posted on the Township's website.

Mr. Hatton stated he would support a positive referral to the Board with recommendations that the Board of Supervisors for a citizens committee to continue the work of the Open Space Task force as well as to consider a referendum to raise funds to implement the plan more effectively. Ms. Adler made a motion that the Planning Commission recommends the Board adopt the December 2013 draft of the *Open Space, Recreation, and Environmental Resources Plan Update* as presented, and further recommend the Board consider creating a citizens committee to promote continued activity on the recommendations of this plan and that the Board consider a referendum on funding for open space. Additionally, the Planning Commission further suggests the Board take prompt action on the immediate actions steps recommended by the plan.

Mr. Tralies stated again the three immediate action steps were:

1. Make use of existing parks, analysis of existing facilities at Oakbourne, Larchbourne, Pennwood, Edgewood Chase and Tyson Parks.
2. Evaluate trails with Parks and Recreation Commission assistance, connecting exiting parks, schools and neighborhoods.
3. Purchase land adjacent to existing parks, trails and open spaces for the purposes of creating an interconnected open space network.

Mr. Hatton then asked about if the *Open Space, Recreation, and Environmental Resources Plan Update* would be incorporated in the Township's comprehensive plan. Mr. Patriarca then explained the Plan was being adopted as an amendment to Westtown's Growth Management Plan. At the time of the meeting, adjoining municipalities had been notified of the amendment and they each have 45 days to comment per the MPC. Once that time has elapsed, the Plan will be heard by the Board of Supervisors in early May for their consideration.

Ms. Adler made the motion to approve with Mr. Hatton seconding the motion which passed 5-0.

Westtown Township PC mission/purpose statement

Mr. Pomerantz stated the Commission was working to answer the question of what the Planning Commission actually does. He indicated one of the things he was working on as chairman was the development of a mission statement for the Planning Commission. He stated that it would be the first item discussed at the next meeting and that only because the hour was getting late. Mr. Pomerantz further requested the Commissioners read through and become more familiar with the previously supplied information on mission statements.

Public Comment

Walter Pavelchek, of 1050 South New Street – Mr. Pavelchek spoke of the plan working towards a better quality of life for the Township as a whole. He noted this quality of life would be maintained by the Township fathers and the volunteers that take the time to assist the Township. He then spoke about the Friends of Oakbourne. Mr. Pavelchek noted the group is a non-profit that takes donations to maintain the

park. Mr. Pavelchek then personally stated he would match any donation to Oakbourne at the meeting.

Adjournment

9:30pm (EA/RH)