

## WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
March 19, 2014 – 7:30PM

### **Call to Order**

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

### **Present**

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Criddle. Also present were Planning Director Chris Patriarca, Township Manager Robert Layman, Township Solicitor Patrick McKenna, Township Engineer Regina Majercak from McCormick Taylor, Township sewer consultant Rob Pingar of URS and those mentioned below.

### **Adoption of Agenda**

The Agenda was adopted and approved as presented unanimously (JL/BW).

### **Approval of Minutes**

The minutes of the Planning Commission meeting of March 5, 2014, were approved as amended unanimously (RH/BW).

### **Reports**

Mr. Pomerantz first presented to the audience what the Planning Commission was reviewing and their overall role in the Bozzuto conditional use process. He further spoke directly to the audience on the Commission's expectations of their role in the process and how public comment is processed by the Commission. Mr. Pomerantz then explained how the Commission must work within the framework of the law and provide a fair hearing to the applicant based on all information presented.

Mr. Lees presented the March 17 Board of Supervisors meeting. Items discussed at the BOS work shop included; a public presentation on Lyme disease was under consideration, how to proceed with the removal of debris from the ice storm, the moving of the SEPTA bus stop on Route 3 and an amplification ordinance for emergency responders. At their regular meeting, items discussed included; a fuel oil spill/response, traffic concerns in the western portion of the Township and the validity of the demolition permit at the Papenfuss property.

Mr. Patriarca then presented the March 18 Bozzuto conditional use hearing. At that hearing Bozzuto completed their testimony on overall site design and introduced several new exhibits about lighting and landscaping before they took additional questions from the BOS and public. Additionally, the community impacts testimony was completed and questions taken from both the BOS and public. The hearing was then continued to April 24 and at that time traffic impacts will be discussed.

### **Non-agenda Public Comment**

Walter Pavelchek, of 1050 South New Street – He spoke about the Friends of Oakbourne, and then he personally stated he would match any donation to Oakbourne at the meeting.

### **New Business**

Bozzuto (Crebilly) Conditional Use presentation and discussion

Mr. Pomerantz introduced the John Jaros and indicated they had corresponded as to how the information was to be presented in the meeting. Mr. Jaros first spoke of the conditional use process in general, and

indicated the project would not be scrapped and the project would continue to move forward. He then stated the testimony of both the civil engineer as well as the community planner were completed at the previous hearing, and then discussed generally the \$1.7 million investment in the parallel road, \$1.3 million investment in public sewer and an additional \$700,000 for intersection improvements associated the Bozzuto proposal. Mr. Jaros then introduced his team that included Pete Sikora of Bozzuto, Keith Lieberman of T&M Associates and Chris Williams of McMahon Associates.

The first item discussed were the other potential development proposals available to the Crebilly property. Mr. Jaros first went through the 2003 stale proposal for homes that was submitted prior to a zoning change in March 2003 for 531 units on the Crebilly property. The 2003 plan still has vested rights for 271 homes and 155 townhomes on the portion of Crebilly east of New Street. Next was discussed the 2008 CCRC proposal that gained conditional use from the BOS on 90 acres on the eastern portion of Crebilly. The proposal calls for 437 apartments, 63 cottages and 80 assisted living beds for senior living. The third potential proposal is for a full build-out of the SUO if the Bozzuto proposal were to be denied. A discussion followed about where a BCD was previously proposed and where it could potentially located within the SUO.

Mr. Pomerantz followed with a question to Patrick McKenna about if the SUO can be further evaluated/amended as part of the ongoing ACD amendment. Mr. McKenna indicated that nothing at this time precludes further evaluation of the SUO at this time.

Township engineer Regina Majercak of McCormick Taylor then proceeded to go through their review letter from January 2014 primarily with Mr. Jaros and Mr. Lieberman. Ms. Majercak started with a discussion of the length of the manor building and request for modification as part of conditional use approval. She then moved past the traffic discussion for a future meeting and started the discussion on the community impact study. First was discussed the updates to the study based on changes in conditions from 2007 that was referenced in it. Mr. Lieberman indicated the update was made, presented into the record and that both the police and fire chiefs indicated existing staffing and equipment were adequate to handle the proposed development. He further stated bidirectional amplifiers were requested by the police if necessary and that Bozzuto would make it a condition of approval if deemed necessary.

Next a discussion was had on site lighting. Although originally it was proposed for lighting to be handles during land development, a lighting plan was entered into the record that conceptually meets the Township's ordinance. Ms. Majercak next discussed open space with Mr. Lieberman who stated no specific open space numbers are required for the project. However, Mr. Lieberman offered that 250 acres limited to only 13 lots will result in significant open space to the township. Mr. Jaros followed by stating the Bozzuto development will limit a large portion of the remaining SUO with deed restrictions on the remaining property.

Mr. Rodia followed with a question about the proposed deed restrictions, how strong they are and how they can be changed. Mr. McKenna stated deed restrictions run with the land and that any change to them would have to go back to the BOS as a change to an approved conditional use. Mr. Pomerantz next asked if portions of the SUO can be rezoned to which Mr. McKenna responded yes to amend the zoning map. Mr. Hatton commented the Bozzuto proposal included not dedicated, public open space to which Mr. Jaros responded the large lots preserve a significant area of more passive open space.

Ms. Majercak next discussed the architectural designs of the development. Mr. Lieberman presented the renderings and architectural massings of the development from surrounding areas. Ms. Majercak followed with non-motorized transit options stating only interior sidewalks are proposed. Next Mr. Lieberman discussed environmental impacts and identified steep slopes, water courses, wetlands, wet soils, etc. and that the proposed development does not impact the features except for a road crossing a stream. On the issue of stormwater management, the applicant will provide for additional details during land development.

Next followed a discussion on the basins designed to handle road runoff, not runoff from the apartment sites. Only the two basins that receive runoff from the road are proposed to be dedicated to the Township as part of the roadway infrastructure. Ms. Majercak next followed with questions on grading, the car wash and LEED certification. Specific to LEED, it was stated it was not being perused, but that elements of LEED would be incorporated into the overall design.

After a brief break, the meeting resumed with Rob Pingar of URS went through his comment letter from February 2014 with Mr. Jaros and Mr. Lieberman. Mr. Pingar first spoke of the Memorandum of Understanding (MOU) with Bozzuto and the understanding between the parties with regards to both tapping fees and overall infrastructure upgrades. The tapping fee is for \$700,000 a second fee of \$150,000 is tied to the future office project. Mr. Pingar next spoke directly to the proposed sewer upgrades tied to the project. These improvements include upgrades to the Pleasant Grove pump station, an infiltration and inflow study of the line impacted by the development and increase the size of one of the lines from eight to ten inches.

Mr. Pomerantz asked about the \$1.3 million in sewer upgrades outlined in the 2012 MOU and if the numbers would remain the same if calculated today based on inflation rates from the time it was drafted to the time of its potential approval. Mr. Lieberman responded the \$600,000 came from a collaboration with URS on what the costs would be with the \$700,000 used as a "backstop" for additional construction. Mr. Lieberman indicated Bozzuto was willing to some upgrades in excess of what is required for their project, but that the cap of \$1.3 million was put into place to prevent Bozzuto from incurring the cost of additional sewer upgrades in the event they are needed outside the scope of their project. Mr. Pingar noted further that Bozzuto would get greater economies of scale with their monies for improvements as it would not be subject to a public bidding process and prevailing wages. Mr. Pomerantz next referenced the community impact study and if the MOU addresses the restoration of Township roads after sewer upgrades. Mr. Lieberman responded road restoration should be included as a potential condition for approval.

Mr. Rodia next inquired about potential capital costs if significant upgrades are required. Mr. Pingar responded there is no way to truly know those costs but that everyone is cautiously optimistic the worst-case scenario will not occur due to the extensive study undertaken on the system. Mr. Hatton then inquired about the excess capacity at the West Goshen Treatment Plant and the costs to the Township. Mr. Lieberman met with plan operators who stated there is sufficient excess capacity at this time. Mr. Layman followed by stating the Township owns all of the excess capacity allotted at the treatment plant.

Mr. Sikora addressed several questions about the overall building layouts. He first stated the staircases for the walk-ups are within the existing structures, designed to blend with the primary facades. Next, Mr. Sikora stated their occupancy would be phased based on construction time, and finally he indicated the structures will be fully ADA compliant. Next Mr. Rodia asked about crafting a condition about maintaining the high-end nature of the proposal if Bozzuto sells in the future to which Mr. McKenna and Mr. Jaros stated would not be possible. Mr. Pomerantz then asked about potential condo conversion to which Mr. Sikora responded was not part of what Bozzuto develops. Further Mr. Sikora indicated the Thornbury development has maintained its higher rents over 14 years since they opened.

Mr. Lees next asked if the road was proposed to have curbing and if so, the overall dimensions of it. Mr. Lieberman indicated the portion adjacent to the building will be curbed with the remainder not receiving

curbs. Further the cartway is proposed to be 24 feet wide with a width of 32 feet with shoulders. Mr. Pomerantz then asked Mr. Williams about the overall effect of traffic congestion on emergency responders. The question was based on the concern of the WEGO chief on the overall effect of additional development at Crebilly, traffic and response times. Mr. Jaros responded that unfortunately the way the law is set-up results in this more piecemeal approach, and does not require master planning for these types of applications. Further he stated off-site road improvements cannot be a condition of conditional use, but that Bozzuto is proposing to place \$700,000 in escrow for future road improvements.

Mr. Williams followed with a description of the proposed PennDOT improvements slated for the 202/926 intersection. He noted these improvements are presently undergoing preliminary engineering and that the improvements are what the Township has previously envisioned for the intersection. Mr. Pomerantz then asked what happens if PennDOT fails to make the improvements. Mr. Williams responded that the Township could utilize the \$700,000 from Bozzuto if approved to make the improvements. However, he also indicated the new state funding for roads as well as the intersection being identified by the CCPC as being the second most needed improvement in the County as being positives for the project to happen.

Mr. Jaros next gave a comparative history of the previous CCRC proposal and the current one for an ACD. He noted due to the differences between the proposals that additional bulk and lot standards associated with the SUO amendment may also need to be amended to reflect the final condition of the property if deed restrictions are put into place. Specifically the 25 acre minimum for a BCD modified to a lower acreage.

Mr. Hatton asked for a laymen's explanation of both LOS (levels of service) and queuing in the context of the traffic analysis. Mr. Williams explained that a LOS is a report card for an intersection based on average delay at the peak hour (rush hour). He further explained the goal for a signalized intersection of a LOS of "D" or better. He then stated a LOS of "F" requires further evaluation to look at potential improvements. With regards to queuing, Mr. Williams explained it is just the amount of vehicles at an intersection. Mr. Hatton next asked about if enough ROW is available for the PennDOT expansion. Mr. Williams stated only the existing wall will need to be removed. Further bicycle and pedestrian amenities in addition to traffic improvements at the 202/926 intersection were discussed. Mr. Hatton next asked about bike/ped amenities on the parallel road.

Mr. Pomerantz asked about scheduling of the improvements. Mr. Williams indicated currently construction is scheduled for 2018.

#### **Public Comment**

Jim Cahill, of 9 Jacqueline Drive – Had questions regarding the tapping fee for the sewer and capacity at the sewage plant. Mr. Lieberman indicated there are issues with the existing Mt. Pleasant pumping station that need to be addressed and needs to be upgraded but that it functions properly. Mr. Pomerantz indicated that there will be future opportunity to address his issues at future meetings.

Bob Mastrovito, of 825 Sharon Circle – He asked about the previous, previously active plans and if they can expire if not acted on in a timely manner. Mr. McKenna indicated the 2008 plan did have land development plans submitted and the six month expiration of the conditional use stands. The 2003 "standstill plan" does not have a sunset provision and can still be looked at in the future. If developed in the future, the conditional use stands, but the current subdivision and land development procedure will apply.

Denny McFadden, of 1010 General Greene Drive – If the large lots are sold prior to approval of the conditional use, will they be subject to the conditional use application. Mr. Jaros indicated he was not aware of Crebilly selling any at this time, but that he believes no sale would happen prior to completion of the application.

Desiree Cresta, of 610 Spring Line Drive – She asked about why the zoning change is being requested if apartments were not previously allowed in the existing zoning district. Mr. Jaros then discussed the process involved with a zoning ordinance amendment. Ms. Cresta followed with why apartments were not

originally considered to which Mr. Jaros stated market changes from the establishment of the district to the present see a need for apartments. Ms. Cresta next asked if future apartment uses could be granted on these properties to which Mr. McKenna again spoke of how proposed deed restrictions would be formatted to prevent this.

**Adjournment**

9:18pm (JL/SR)