

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
July 23, 2014 – 7:30PM

Call to Order

Mr. Pomerantz called the meeting to order at 7:35 and led those present in the Pledge of Allegiance.

Present

Commissioners – Rodia, Pomerantz, Hatton, Lees and Criddle were present. Whitig and Adler were absent. Also present were Township Planning Director Chris Patriarca, Township Manager Rob Pingar, Kevin Matson and Al Federico of McCormick Taylor, Tom Comitta of Tom Comitta Associates, John Snook of the Brandywine Conservancy and those mentioned below.

Adoption of Agenda

The Agenda was adopted and approved as amended unanimously (DP/SR).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of July 9, 2014, were approved as amended unanimously (JL/SR).

Reports

Mr. Rodia presented the July 21 Board of Supervisors (BOS) meeting. Items discussed at their work session included the Sonoco Logistics pump station, WEGO accreditation and the Metro Commercial sign variance. The regular meeting was canceled as a result of the Bozzuto conditional use hearing.

Mr. Pomerantz followed with the distribution of an article from Jupiter, Florida about their recent initiative to revamp their sign ordinance. He also thanked the Bozzuto team for providing a tour prior to the meeting of the Crebilly property proposed for the apartments.

Announcements

There were no announcements at this meeting.

Non-agenda Public Comment

There were no non-agenda public comments at the meeting.

New Business

Bozzuto Conditional Use (Bozzuto development team & Township consultants)

Mr. Pomerantz introduced the various team members from both Bozzuto and the Township consultants. He also provided a background as to the overall format of the meeting and an overview of many of the issues presented to the point of this meeting. Mr. Pomerantz further noted the importance of the involvement of the general public as part of this process and reiterated that the final decision rests with the BOS. He then introduced several items that he feels the PC needs to clear up and gain a better understanding of in order to make the most effective recommendation to the BOS. Mr. Pomerantz concluded his initial statement with a description of how the meeting would proceed with the consultants present.

The first person to speak was the project attorney for Bozzuto, John Jaros. He started with a brief history of the project and discussion on the overall utilization of the model used for this application with the conditional use and SUO amendment being handled concurrently. He indicated the ACD proposal is being carried out as if the amendment has been amended. He first spoke of the professionalism and expertise of the team involved with the Bozzuto application and how their reports all utilized approved techniques as identified by their field of study. Speaking to other proposals for the Crebilly property, Mr. Jaros indicated they could be built, but that he does not know if they will be constructed. He concluded with a brief discussion of the SUO amendment for the ACD and how the initial intent of the SUO was to promote development of Crebilly along 202 and preserve the interior property as a farm.

Mr. Hatton first asked about the area of the SUO west of the connector road if the application is approved. Mr. Jaros indicated the SUO would still be in place, but the proposed deed restriction would limit it from more intense uses. Mr. Pomerantz asked next about deed restrictions versus a conservation easement as the best means to safeguard the 13 large lots. Mr. Jaros indicated his preference is for the private deed restrictions and that he cannot see an instance in the future where the future owner could make the argument before the court to remove the deed restriction.

Mr. Pomerantz followed with a question about party status to which Mr. Jaros indicated the status only allows for a party to appeal a decision. Not having party status does not preclude the public from speaking on the issue. Next he asked if the amendment does pass will that mean the ACD passes as well. Mr. Jaros responded that if the BOS does not enact the ACD amendment, the conditional use cannot be approved. Finally, a discussion was had on apartments as a use in general as well as if it is the "highest and best use" for the property. Mr. Jaros stated this is more of a land planning question, discussed the other SUO uses, and gave an overview of what the proposed project offers the Township as a whole. Mr. Jaros next discussed the overall development process in the context of the developer only having a finite amount of money to invest in a project. He further spoke to the issue of "transience" and how this is not necessarily a negative component of the project.

Mr. Snook stated that he agreed with much of what Mr. Jaros discussed in terms of the intent of the SUO to allow for more intended development along the 202 frontage with the back portion of Crebilly preserved. He noted the proposal for 13 large lots on the back portion of the Crebilly property is a very positive proposal. He then commented on whether the proposed amendment adequately addresses critical issues related with the property. Mr. Snook then asked Mr. Jaros about the standstill plan as a portion of the proposal has been separately developed. Mr. Jaros indicated only that the plan was filed with the Township and never withdrawn and as such still has the potential of being developed in some form.

Mr. Snook next discussed conservation easements. He stated these easements are the better option for conservation, as it is enforced by third party in perpetuity. Mr. Snook also stated that deed restrictions can be written in such a way as that they are extremely difficult to break by the property owner. This is done by making the Township a beneficiary and/or have the same strong deed restrictions on all contiguous property under consideration.

David Babbitt next discussed planning and fiscal issues with the PC on behalf of Bozzuto. He first spoke to the 2006 Rutgers study that was data used in the development of his fiscal analysis for the Bozzuto project relevant to residential multipliers. He then spoke to the relative lack of school-age children projected to live in the apartments with the exception of the three-

bedroom units. He then discussed his methodology for how revenue was calculated for both the Township and the WCASD. Mr. Babbitt next noted he has spoken with the local fire companies, WEGO and emergency service companies and they indicated the proposal can be handled with their existing services. Additionally, he noted the proposed development will not adversely affect existing water/sewer and stormwater infrastructure.

Mr. Rodia asked whether previous studies have been evaluated after development was completed to see if the projections are accurate. Mr. Babbitt indicated that in his experience his projections are generally accurate as he make conservative projections in his analysis. Mr. Pomerantz asked about how single-family homes look different from what is proposed in terms of fiscal impact. Mr. Babbitt stated that generally speaking if the homes have higher values, the fiscal impact is positive, but that if the homes have lower values, then the fiscal impact can be negative, especially for the WCASD. He also noted that with an apartment complex there is lower transfer tax revenue, but that there are significantly fewer school age children with them, when compared to single family homes. Mr. Pomerantz next asked whether a Continuing Care Residential Community (CCRC) would be feasible at this time, to which Mr. Babbitt indicated that it is more likely now than when the economy went south. He further indicated the CCRC was to have been a net positive for both the Township and the WCASD.

Mr. Comitta asked about the overall validity of the assumptions on positive fiscal impact on EMS, fire and police, when comparing 2007 to the present proposal. For EMS, Mr. Babbitt indicated this is a private issue between the individual and insurance company. For fire, he indicated that he spoke with the local fire company chief and will address their comments with the application, but that the apartments can be handled with the existing fire infrastructure. For WEGO, Mr. Babbitt indicated he spoke with Chief Bernot, and she indicated an additional officer would not be needed and that WEGO can handle the additional residents with the apartments. Mr. Comitta concluded with a question about recreation access to which Mr. Babbitt stated the facility will have significant recreational amenities offered on-site to the residents.

Next Chris Williams spoke on behalf of Bozzuto focusing on traffic generated by the apartment proposal. He first spoke about how delay is measured by traffic engineers with the assignment of a level of service (LOS). He stated a LOS of A through D is considered acceptable with a LOS of E and F as being unacceptable and operating over capacity. He then spoke to how a transportation impact analysis (TIA) is developed. First, physical traffic counts are taken on a weekday during the peak hours at critical intersections. Next, future traffic conditions are projected by adding normal background growth, and finally the traffic from the proposed development is added to the projection to assess its overall impact.

Mr. Williams next spoke of access to the site. He talked about the access being from the proposed connector road that has been identified by the Township as a need. At both 202 and 926, accel and decel lanes will be added. The intersection with 926 will be stop controlled initially, but as additional growth occurs, a signal will likely be warranted.

Specific to the 202/926 intersection, Mr. Williams noted it currently operates with a LOS of E or F. He further stated that the future projection without the apartments for the intersection would be an E or F. The addition of traffic from the apartments would be negligible in this context when added to the projection with a delay of fewer than ten seconds. He next spoke of the connector road and how this was driven by the Township, not the developer. The proposed road will divert some traffic from the 202/926 intersection, but that this would be minimal. He finally spoke to a proposed PennDOT project to improve the intersection through its widening and elimination of

the split signalization phasing.

Mr. Hatton asked whether the PennDOT improvements will be timed with the proposed completion of the apartments. Mr. Williams stated the apartments would be completed in 2016-17 and the PennDOT improvements would be completed 2018-19 should it go forward. Mr. Hatton next asked how residents going left onto 926 to avoid congestion on 202 and how that may impact the intersection. Mr. Williams noted the majority of persons utilizing the connector road are projected to go left onto 926. Mr. Rodia asked about queuing backups on 926 and how it impacts traffic going left from the connector road. Mr. Williams replied the queuing will back up at times, but that the condition will be addressed by future PennDOT improvements.

Mr. Pomerantz asked whether if the PennDOT project is guaranteed or if there is a possibility the project will lose its funding or priority in the future. Mr. Williams stated anything is possible, but that he believes that is unlikely due to its position on the TIP and as a priority by the CCPC. Mr. Pomerantz followed with a question about how the proposed intersection of 926 and the connector road will not negatively impact the existing condition. Mr. Williams noted part of their improvements will include turn lanes and decel lanes into the connector road to help mitigate this issue and noted this condition already exists in the vicinity. Mr. Pomerantz next asked about school buses at Stetson Middle School to which Mr. Williams stated when the buses meet the additional traffic created by the apartments will be negligible on 202.

Mr. Pomerantz concluded with a question about how count from a single day two years ago can have validity five years into the future when the apartments are built-out. Mr. Williams noted first that growth along the 202 corridor is generally low, and that the findings of the counts will still be valid in the future as they were conservative. To the point of a single-day of counts, Mr. Williams indicated this is an acceptable practice to conduct these studies nationally. Mr. Williams stated that a TIA does not factor individual experience of motorists, but rather relies on the data collected and projected as part of the analysis.

Mr. Federico started with an overview of the major issues associated with the project. The first issue discussed was the 202/926 intersection and the proposed PennDOT improvements associated with it. The second issue revolved around quality of life aspects associated with the additional traffic brought by the project. He noted that he does not necessarily disagree with Mr. Williams' assessment on the minimal impacts of the additional traffic on an already congested roadway. He then spoke of how the techniques to calculate traffic impacts are not precise, but rather help draw a picture of future conditions. He noted that the methodologies utilized have been refined over many years and are accepted by the industry professionals.

Mr. Federico then spoke of the overall scope of the project and how it is relatively small compared with other previous proposals for the site (office campus, CCRC). He spoke of how the application was reviewed and the testimony made during the hearing. The first comments were made on the 10-second rule where Mr. Federico noted that there is an impact, but PennDOT would not require mitigation to address it. He then asked Mr. Williams if the analysis utilized the newer methodology for intersections that are oversaturated. Mr. Williams noted that although their development will result in some additional delay, the addition of the connector road will offset that delay. Mr. Williams then noted the change in methodology and stated they did recognize the oversaturation as part of the analysis submitted. He noted an alternate methodology was explored, but that under the 2010 Highway Capacity Manual only an estimated 15 minute interval is required.

Mr. Federico next discussed the connector road. He noted it has been an identified need for the Township for a number of years, and was envisioned to provide for local access as PennDOT closed access points along 202. It was not envisioned as a bypass of the 202/926 intersection. With this in mind, he asked if the road would function more as envisioned if it were completed all the way through West Pleasant Grove Road instead of ending at the proposed roundabout. Mr. Williams noted local benefit if completed, but stated it is not the responsibility of the developer to complete the road as part of the overall scope of the project. Mr. Federico noted that PennDOT could determine impacts made by the development and require additional mitigations be made by the applicant. Mr. Williams indicated they would follow-up with any additional mitigations identified by PennDOT as part of their permitting. Mr. Federico next spoke about how the assumption for the connector road has been that it will be constructed as the areas adjacent to it are developed. Further, he noted that the timing of its construction is a planning issue, and it has been identified as a critical piece of Township infrastructure for many years.

Mr. Hatton asked about the effect of additional entrances on traffic on 202, and Mr. Williams stated the additional entrance would not have a negative effect on existing traffic as right turn lanes will be provided. Mr. Williams further stated that he believes it is best practice to provide access to both 926 and 202 to better distribute traffic. Mr. Federico followed with some general comments on access management and its pros and cons. Mr. Hatton next asked about the pedestrian improvements proposed for the 202/926 intersection and how those would impact traffic. Mr. Williams noted that the intersection already handles pedestrians, but that the improvements will provide greater safety for those pedestrians already using the intersection. Mr. Comitta next asked about the percentage increase in delays along shortcut routes (South New, East Pleasant Grove, etc.) that could be attributed to the apartment development. Mr. Williams indicated that nearby intersections, such as South New, were considered as part of the study and that the overall impact of the apartments will be negligible.

After a brief break, the meeting resumed with the PC addressing questions to Keith Lieberman (Bozzuto project engineer). Mr. Criddle asked about having the connector road go from Pleasant Grove to 926 instead of coming in off 202. Mr. Lieberman noted the cost would be more significant to the developer to complete to Pleasant Grove and how it would negatively impact egress to and from the apartments. Mr. Criddle further noted that by removing the 202 access and instead completing the connector road to 926, the Township would be one step closer to its goal of completing the overall route. Mr. Hatton next asked about the overall grading of the property, and Mr. Lieberman responded that the portions of the property will be dropped by ten feet. He further noted that this type of project generally is constructed on a relatively flat plane, but that the proposed development will have some elevation changes based on the existing grade. However, Mr. Lieberman further stated there is a limit to what they can do with grades due to factors such as ADA requirements.

Mr. Pomerantz next asked about the overall configuration of the apartment complex. He noted that John Snook proposed an alternate layout as an option for the site and asked Mr. Lieberman for his comments on it. Mr. Lieberman noted that Mr. Snook's comment was more related to land planning and was a different perspective to soften the overall views of the apartment from 202. Mr. Lieberman noted the proposed massing affords residents views of Crebilly. Mr. Pomerantz followed by stating the layout proposed by Mr. Snook would create better viewsheds from 202 and look more natural to the property. Mr. Lieberman responded that if the berms were not proposed, the proposed massing would be much more visible from 202 and may not be as visually appealing.

Mr. Pomerantz followed with several questions on the historic aspects of Crebilly. He first asked about how the preservation of the serpentine home would impact the overall plan. Mr. Lieberman stated that the preservation of the home would look odd from the apartments. From 202, the home would be noticed by motorists if the existing trees at its front were removed. He further noted that the location is the primary issue with the house visually, as it is close to 202 and at the high point of the proposed apartment site. As to the question could the home be preserved as part of the proposed plan, Mr. Lieberman noted the plan could be amended to incorporate it into the overall site development as it lies outside the proposed footprint of the buildings and parking areas.

Mr. Pomerantz followed with a question about if we know with certainty that the area proposed for the apartments is not "hallowed ground" associated with the Battle of Brandywine. Mr. Lieberman stated that he did not know enough about the battle to state this with certainty, but that he would defer to the other experts who have testified on this issue. He further noted with the CCRC proposal, issues with the battlefield were not presented as a concern at that time, and that the PHMC stated the CCRC development would have no impact on the battlefield. Mr. Pomerantz followed with a question about if the 2013 Brandywine report would change the assumptions made in 2009. Mr. Lieberman stated he did not believe it would change the battlefield in association with the CCRC proposal, and that Bob Wise showed further documentation that the impacts of the battle were away from the portion of Crebilly proposed for development.

Mr. Pomerantz next asked a series of questions related to sewer infrastructure. He spoke first about the M.O.U. outlining improvements to be made by the developer to the existing sewer infrastructure. He then asked if there is any certainty that the necessary upgrades proposed will be covered with the monies guaranteed by the M.O.U. Mr. Lieberman stated much analysis was made on this issue, but it was not an analysis to determine a precise cost for the necessary upgrades. He noted what was agreed to was a reasonable estimate based on the analysis made working with the Township sewer consultant URS. Mr. Lieberman further stated there became a point that it was not reasonable for Bozzuto to evaluate sewer needs for a project that was not guaranteed. Mr. Pomerantz next asked if the overall costs exceed the \$600,000 proposed as part of the M.O.U., who would be responsible for the overrun. Mr. Lieberman stated in that situation the \$700,000 tapping fee would be utilized to continue to pay for the upgrades as part of the M.O.U. Further, if the proposed upgrades do not resolve the existing issues, the implication is the system already had more severe problems than initially thought. As such, the determination was made that it should not be the responsibility of Bozzuto to repair a much broader, preexisting condition that the Township would have to resolve regardless of their application.

Mr. Pomerantz, next asked if the proposed upgrades will cost well in excess of what is outlined as part of the M.O.U. Mr. Lieberman responded that he believes what the M.O.U. presents is a realistic scope and that the possibility for overall costs to exceed what is being proposed as being relatively low. He further reiterated that much study and analysis went into the drafting of the M.O.U. Mr. Pomerantz next asked if there is a mechanism within the M.O.U. to allow for adjustments based on inflation as it was agreed upon in 2012. Mr. Lieberman indicated there is a clause within the M.O.U. where construction costs tied to the CCI will result in additional monies from the developer as needed based on inflation.

Township engineer Kevin Matson followed with several question to Mr. Lieberman. He noted his initial letter was made as more of a broad overview with relation to compliance with the zoning

ordinance. Mr. Matson asked about the overall vision of stormwater on-site. Mr. Lieberman stated most of the basins will resemble raingardens with the largest having additional capacity to hold runoff when necessary. He further stated the stormwater plans include separate basins to handle runoff from the connector road. Mr. Lieberman stated the overall design has not been completed, but will be during the land development process. Next Mr. Matson asked what the purpose of the berm along 202 is. Mr. Lieberman noted it will be 6-8 feet in height with the intention being to screen the overall massing of the development from 202 as well as to provide for sound buffering to the residents. He stated further the berm was not designed to follow along the southern property line.

Mr. Matson next asked about if a shadow analysis was conducted and if the site was designed with the effects of shadow on the buildings and grounds. Mr. Lieberman stated a shadow analysis was done and the building orientation was developed in part based on this analysis. Mr. Matson concluded by asking Mr. Lieberman to confirm the e-mail correspondence from the appropriate parties mentioned as part of the community impact studies was/will be entered in to the record from the fire and police chiefs.

Mr. Lees asked about the stormwater basin on the west side of the connector road and who will be responsible for its maintenance. Mr. Lieberman stated it would be offered to the Township for dedication for maintenance as it is part of the proposed road infrastructure. Mr. Pingar asked if the subdivision plan would be included with the land development plan, and Mr. Lieberman indicated it will be a concurrent application with the land development plan. With respects to phasing, Mr. Lieberman indicated phasing had not been considered as of yet. Mr. Snook asked about the possibility of a linear stormwater basin being designed along the connector road and provide for in essence a linear park along its frontage. He felt this would help address the concern about providing for adequate recreation and/or open space as part of the development. Mr. Lieberman indicated that a linear raingarden is possible, but would need additional land as part of the agreement with the Robinsons. He further stated the deeper basin is necessary to have enough volume to handle on-site stormwater. However, he also stated the developer would like to move the basin further to the south in the final design.

Pete Sikora representing Bozzuto was the final person to discuss this project with the PC. Mr. Comitta asked about recreational amenities for the apartments, and asked what those recreational amenities would consist of. Mr. Sikora indicated the types of amenities likely included with the project could be: a swimming pool, grilling stations, outdoor kitchen, pocket parks, fitness center, a club room, media center, business center and an e-lounge. Mr. Sikora indicated the amenities were on the record from an earlier hearing. Mr. Comitta asked if flexibility will be given to reasonably adjust the plan as needed, but still meet the essence of the conditional use order. Mr. Jaros indicated that the conditional use decision should be a precise as possible to give the Township a degree of comfort with the proposal for approval. All of the amenities mentioned by Mr. Sikora will be for the use of the residents only. Mr. Pomerantz then spoke of the Township need for additional open space and how the Bozzuto project does not necessarily address those needs.

Metro Commercial sign variance

Mr. Patriarca gave a brief discussion on what is being proposed for the Metro Commercial sign variance. Mr. Pomerantz asked if a precedent is being set with a positive recommendation. Mr. Patriarca indicated that it could result in precedents in both directions. Mr. Lees spoke about how the sign ordinance should be updated, and further stated the signs proposed for a variance could be handled in the ordinance either as real estate or temporary sign. He also noted that

4x6 is large, but that neighboring Townships do allow for a 4x5 or 20 square foot signs which is more in line with existing standards. Mr. Rodia noted these signs serve more for advertising, not to actually lease the property.

Mr. Patriarca briefly discussed the variance process in general. The comment made by the PC is the ZHB should not grant the variance, but that the PC recognizes there is an issue with the ordinance that should be evaluated in the future.

Public comment

There were no public comments at the meeting.

Adjournment

11:20 pm (SR/DC)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary