

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
September 3, 2014 – 7:30PM

## **Present**

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Criddle. Also present were Township Planning Director Chris Patriarca, Township Manager Rob Pingar, 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 adopted and approved as amended unanimously (BW/DC).

## **Approval of Minutes**

The minutes of the Planning Commission (PC) meeting of August 20, 2014, were approved unanimously (JL/RH).

## **Reports**

Mr. Hatton presented the September 2 Board of Supervisors (BOS) meeting. The BOS discussed at their workshop unsafe structures with Bureau Veritas, the citizen sewers advisory committee, the 1130 South New Street SALDO waiver request and how to have a referendum on retail liquor sales. At their regular meeting items discussed included under old business, reports from the Roadmaster and Historic Commission and the maintenance of the AME cemetery at Shiloh and Little Shiloh Roads. New business included advertising for the HC, approval of the waiver for 1130 South New, presentations by the Fame Fire Company and the West Chester Public Library, approval of the salt bid for 2014–15 and receipt of the Rustin Residential SALDO plan.

## **Announcements**

Mr. Patriarca had several announcements. He first informed the PC of the fall 2014 Chester County 20/20 Master Planner program and advised any member wishing to attend to contact him. He next provided an update on the Fair Share property and their request to amend a previously approved conditional use to allow for the construction of a Malvern School. He stated the Solicitor was working to determine if the request would be an amendment or a new conditional use application, and once that determination is made the PC role in the project will become clear. He concluded by stating representatives for the Rustin Residential SALDO application will be present at their next meeting to discuss the project.

## **Non-agenda Public Comment**

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

## **Old Business**

### **1126 Kolbe Lane lot-line adjustment**

The owner of 1126 Kolbe Lane, Mike Manieri, discussed his proposed lot line adjustment for his property on Kolbe Lane. Mr. Manieri first provided a drawing illustrating existing utilities at the property. He further noted the McCormick Taylor comments had been addressed. Mr. Matson noted no construction is proposed with the application and that it seeks to relocate the basin from one property to another. Mr. Matson then proceeded to go through his comments from his letter dated August 18, 2014. He noted the applicant complied with most of his comments. Mr. Matson asked the applicant to clearly delineate the existing location of utility lines (water, sewer, electric, etc.).

Mr. Pomerantz asked Mr. Matson if what has been completed to date was complete or not, and he responded that the application was substantially, but not totally complete. The missing item were the legal descriptions for the new lots and associated easements. Mr. Matson also spoke about how the basin is private, but asked Mr. Manieri if it would be possible for the Township to have plantings in the basin to work towards achieving MS4 goals. He responded that it would not be preferable as there is sufficient area for these types of plantings on adjacent properties and as to not interrupt the existing backyard. Mr. Lees noted the letter from D.L. Howell stated legal descriptions were included in the packet, but Mr. Patriarca indicated they were not included in the submitted materials. Ms. Adler asked if the homes being noted in “approximate” locations was sufficient to which Mr. Matson responded that he was comfortable with the notion as the plan was sealed by a licensed surveyor. Mr. Pomerantz stated the PC would likely take action at their next meeting if all of Mr. Matson’s comments are addressed.

### **Bozzuto and the Planning Commission**

Mr. Pomerantz stated the PC had been working with John Snook of the Brandywine Conservancy in the development of proposed conditions for the BOS to consider as part of the Bozzuto conditional use application. The PC then went through the 34 proposed conditions one-by-one and discussed each as being appropriate to forward onto the BOS. Mr. Snook assisted in explaining reasons behind each condition and answered questions the PC had for each. He further noted the conditions were developed based on his testimony presented on the record as part of the conditional use hearings as well as from a conditions memo developed by Mr. Matson.

Mr. Snook elaborated on the first condition about reorienting the project so the “manor building” fronts on the proposed roundabout. He stated that the intent is to have the buildings reoriented at an angle to reduce the overall massing from 202. Mr. Rodia asked who determines what “Chester County colors” are supposed to be, and Mr. Snook responded this was discussed at length during his testimony. An example would be the alteration of the gables atop the building to something more fitting to Chester County. Mr. Snook further suggested the recommendations for the overall style of the building also include the Historical Commission, and that this review can be handled as part of the SALDO process.

For the fourth condition, the consensus was to change the language to allow for a building to not exceed 350 feet. Conditions five through seven relevant to garages, parking and ground mounted alternative energy systems were agreeable for the PC. The eighth condition dealt with the size of the proposed signage and that its naming reflect the historic nature of the immediate

vicinity. However, Mr. Snook indicated there should be some flexibility to allow for larger signs on the 202 frontage. Ms. Adler noted consideration needs to be given to allow for an off-premises sign at the 926 entrance. In order to determine an appropriate size sign for the 202 frontage, Ms. Adler suggested Mr. Patriarca research it further. Additionally, Mr. Snook advised language could be incorporated into the conditional use order to allow for flexibility with regards to overall sign size.

There was unanimous support for condition nine requiring detailed landscaping plans as part of SALDO. For condition ten that requires the preservation of 1142 Old Wilmington Pike, Mr. Lees asked why two access points are needed. Mr. Snook noted the condition required internal access to 1142 but allowed for the Old Wilmington access remain as to not force the issue in the near-term. Mr. Hatton stated from an aesthetic view that required access come from the rear with the front maintained as an open yard. Mr. Lees asked about potential easement issues if 1142 is ever subdivided off, and Mr. Snook stated that would be handled as a condition of a future subdivision application. The consensus of the PC was to only allow access from the rear of the property and eliminate it from Old Wilmington Pike.

There was unanimous support for condition 11 requiring an archeological evaluation of the site. Mr. Rodia asked what could happen if something of archeological significance is uncovered. Mr. Snook stated there is no formal process in place to determine where artifacts would go, but that DEP permitting could require the state get involved with any potential finds. He suggested if something is found, a memorial site along the parkway could be built telling the story of what was found. He further stated the only development he knew where an archeological dig resulted in a change of the plans was as a result of the discovery of an Indian burial mound. Any artifact found on-site would be the property of the landowner, but the Pennsylvania Historical and Museum Commission (PHMC) may request them for inclusion in their collections.

Condition 12 requires the completion of the connector road north to Pleasant Grove Road with an agreement put into place allowing for a proportionate reimbursement to the applicant as new uses come on-line in the SUO. Mr. Lees asked if the roads are to be dedicated to the Township and Mr. Snook responded that it could be written that all roads upon completion will be offered for dedication to the Township.

Bob Dilullo of 1004 Supplee Way next provided a brief discussion speaking to his idea of the "spur" from 202 to the connector road being removed altogether and the connector road completed to Pleasant Grove Road instead. He stated the change would force 202 southbound traffic to turn right earlier onto West Pleasant Grove and then south onto the extended connector road if drivers want to proceed to 926 west. He further stated this would lessen congestion approaching the 202/926 intersection earlier as it would eliminate potential traffic conflicts at the 202/"spur" intersection located closer to the 202/926 intersection. He requested consideration from the PC on this proposal. Ms. Adler recommended any change like this would need to be fully reviewed by the traffic engineer. Mr. Lees noted its elimination would not alleviate cut-thru traffic and would also result in poorer access to the proposed apartments. After discussion, the PC decided to not include Mr. Dilullo's recommendation for the connector road.

Condition 13 referenced compliance with the McCormick Taylor letter with regards to traffic. Conditions 14 and 15 were about Mr. Matson's recommendation letter and all agreed to both. Condition 16 stated that the \$700,000 proposed for road improvements shall be used to complete conditions 12-15 and the applicant shall pay for any costs over the \$700,000.

Condition 17 references the sewer M.O.U. and Mr. Snook explained how the condition seeks to equitably distribute the costs of necessary Township repairs with what is necessary for their development. The condition requires the applicant to pay whichever is greater, either 50 percent of the total cost or \$600,000. Further, the recommendation states the Township shall have the final say in how to spend the tapping fee for proposed sewer upgrades. Conditions 18 through 24 were taken from the August 20 McCormick Taylor letter from Mr. Matson and were all agreed to.

Condition 25 outlines the requirements for a “linear parkway” along the proposed connector road. It states what it shall be constructed with, where it shall be built and that it shall be dedicated to the Township. It further specifies the parkway shall meander and include larger areas to provide for additional recreational facilities. Mr. Snook further elaborated the acreage calculated as part of the 10 percent required land area for open space should include all property subject to the subdivision required to create the new parcel for the apartment and road. He further recommends that only the acreage necessary to complete the proposed “linear parkway” is only what should be required to meet the open space requirement.

Condition 26 outlines the requirements for a perimeter trail around the Crebilly Farm as a whole. It calls for the dedication of ROW along the abutting roads to provide for a mowed or natural surface trail consistent with existing Township plans. Mr. Snook noted that much of the ROW may be available and that the applicant would not be required to construct it or be responsible for any stream crossing.

Condition 26 outlines the requirements for a conservation easement to be utilized in the limitation of the 13, proposed large-lots for residential use only. Conditions 28 through 32 again were taken from the August 20 McCormick Taylor letter from Mr. Matson for issues related to emergency responder comments, road infrastructure and dedication of public infrastructure. Conditions 33 and 34 seek to mitigate issues on the neighboring property to require an easement to the connector road as well as to consider additional landscaping and/or extension of the berm along the property boundary.

All 34 conditions, with some minor changes, were all agreed to by the PC as a whole. Mr. Pomerantz stated the proposed conditions would be voted on when the final revision is drafted by Mr. Snook. Followed was a discussion on the SUO amendment and when it would be reconsidered by the PC.

Mr. Pomerantz asked first if Mr. Patriarca had seen the proposed revisions to the SUO from the applicant as of yet. Mr. Patriarca stated that Mr. Jaros is working on the revisions to the SUO and that the PC should consider waiting to deliberate on it until the applicants draft is available. Mr. Snook followed by briefly mentioning some of his suggestions for the SUO. These revisions would be tied back to the overall architecture/design of the buildings, size of signage as well as language to prevent multiple apartments from being constructed within the SUO. Mr. Pomerantz followed by asking if it is the role of the applicant or Township to make zoning changes. Mr. Snook noted anyone can petition to amend the zoning ordinance, and noted any amendment needs a PC recommendation per the MPC.

He stated it is not uncommon for an applicant who needs the amendment to provide an ordinance for the Township to consider. Further he indicated this process for amendment is generally a collaboration between the applicant and Township in the development of an

amendment agreeable to both parties. Mr. Jaros indicated the amended SUO would be submitted to the Township within the week that followed. Mr. Patriarca stated as the PC previously approved the SUO amendment and that the PC should hold off on deliberating on the amendment again until receipt of the applicants proposed changes.

Mr. Jaros suggested that both he and Mr. Snook trade their proposals and work to reconcile them into a single draft. Mr. Snook stated he could take what the applicant has proposed, incorporate his proposed changes and track changes or include notes as he makes them.

**Public comment**

John Rendemonti representing Vasilios Moscharis, owner of the property adjacent to the proposed Bozzuto development, spoke out against the PC not providing his client more consideration with their recommendation. He further stated the PC did not consider anything to protect the value of the Moscharis property. Mr. Pomerantz stated the PC did consider and deliberate on the conditions proposed by Mr. Moscharis, and the PC offered conditions 33 and 34 to alleviate some of the concerns of Mr. Moscharis.

Mr. Rendemonti further elaborated the PC has a responsibility to do everything in their power to follow the guidelines set forth in Township ordinances and plans when making their recommendations. Mr. Rendemonti stated the conditions as proposed do not address issues of neighborhood protection and to protect existing property value. He further requested a condition be made by the PC to address these issues.

John Jaros representing Bozzuto followed with a comment on the issue of the Moscharis property and his concerns. He stated the property in question has been rezoned and is subject to existing SUO zoning. He argued the statement that this application is not seeking to “destroy” property values, and that if this was the primary concern it should have been vetted when the property was initially rezoned SUO. He further stated the onus is not on the applicant to prove negative impacts of a proposed application outside what is required by code.

Mr. Rendemonti stated the SUO is overlay zoning and any SUO use is subject to conditional use. As such, all standards codified by the Township for consideration on a conditional use application.

**Adjournment**

9:40 pm (BW/DC)

Respectfully submitted,

Chris Patriarca  
Planning Commission Secretary