

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
October 8, 2014 – 7:30PM

Present

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton and Criddle. Lees was absent. Also present were Township Planning Director Chris Patriarca, Township Manager Rob Pingar and those mentioned below.

Call to Order

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

Adoption of Agenda

The Agenda was adopted and approved as amended unanimously (EA/DC).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of September 17, 2014, were approved as amended unanimously (RH/BW).

Reports

Ms. Adler presented the October 6 Board of Supervisors (BOS) meeting. At their workshop the BOS discussed the Fair Share property, a report on traffic calming for Jacqueline Drive and an update on the website. At their regular meeting the BOS had several reports presented to them, approved the Manieri lot-line change and Thomas subdivision, future discussion with PC on the open space requirement for small subdivisions, made a pair of appointments to the Parks & Recreation Commission, adopted an ordinance to accept credit cards for delinquency payments, referred an ordinance to amend the home occupation definition to the PC and authorized advertising for an amendment to the on-lot ordinance. The also discussed a pair of zoning hearing board applications, approved the Berry small treatment plant agreement and paid the bills.

Announcements

Mr. Patriarca apologized to the PC for the delay in getting the information relevant to the Zoning Hearing Board to them.

Non-agenda Public Comment

There were no non-agenda public comments at the meeting

Old Business

Bozzuto and the Planning Commission

Mr. Pomerantz opened the discussion by asking if anyone had any final comments prior to his making a motion on the Bozzuto conditions. Ms. Adler stated the items such as open space, the connector road and restrictions on further subdivision that were noted as being the most important for the PC to see implemented should be identified as such within the list of conditions. Mr. Pomerantz noted the conditions as presented were developed by John Snook

with input given from all of the PC members. Mr. Criddle stated the conditions are for the BOS, not the PC to prioritize. Mr. Whitig stated the PC should include a cover letter that notes the priorities from the PC. There was unanimous agreement for this cover letter. Mr. Pomerantz then followed with his motion for approval of the Bozzuto application as follows that was seconded by Mr. Hatton:

I move to recommend that the Board of Supervisors incorporate the 33 conditions discussed this evening, and attached by reference to this motion, into any order of approval of conditional use for the Robinson tract-Bozzuto apartment complex development, including incorporation of our stated arguments of rationale in relevant findings of fact, subject to ultimate adoption of zoning amendments necessary to permit such development.

Bob Dilullo – 1004 Supplee Way: He spoke to concerns of the community such as crime, school overcrowding, property values, etc. that he feels when unaddressed by the recommended conditions. He stated he felt the recommendation was not addressed comprehensively.

John Snook responded to this comment by noting the issues raised by Mr. Dilullo were discussed during testimony. He further noted items that were not part of the recommendation were issues that were not measurable. Mr. Snook noted Bozzuto's numbers were reasonable for traffic and school-age children and further noted issues such as crime and property values cannot be attributed directly by its construction. Speaking to the conditions, he noted they are in a topical order, not by priority and that the PC should note in its motion what the priorities are for the PC. Mr. Pomerantz asked how best to amend the motion, and Mr. Snook stated it should be amended as follows:

Further the Planning Commission notes the conditions are not listed in order of priority, but rather in a topical basis. As such, the issues regarding the connector road, parks/open space, historic resources and the placement of the remaining portion of the property under conservation easement are of particular importance, although the Planning Commission recommends all 33 conditions.

Bob Dilullo – 1004 Supplee Way: Mr. Dilullo stated he did not feel it was appropriate for the issues of home values to be left out of the list of proposed conditions. Mr. Snook responded by stating the market, not the Township dictates property values. He further spoke to the community impact study and how it did not indicate this as being an issue, and stated assumptions about decreased property values as being conjecture and that the Township cannot deny an application based on property values.

Mr. Pomerantz stated the PC has gone through all of the materials relevant to the Bozzuto application and the proposed conditions are a direct result of this comprehensive analysis. He stated how proud he was of the commitment of the PC and the final product delivered and of the public involvement in the process. The amended motion of approval from Mr. Pomerantz was approved unanimously.

Special Use Overlay (SUO) amendment

Mr. Snook led the PC through the final revisions proposed by Mr. Snook on behalf of the PC in response to the revision submitted by Bozzuto for the SUO amendment. He first spoke to the formatting of the materials being presented. Mr. Snook then went through all of the proposed

amendments individually and indicated whether or not he felt the proposed changes were consistent/appropriate for inclusion as part of the existing SUO.

Section one was just the addition of the definition for Apartment Community Development (ACD) which he stated was appropriate.

Section two included numerous amendments adding ACD as a conditional use within the SUO. Next Mr. Snook discussed several changes to §170-1302(C) relevant to the Business Center Development (BCD) that had not previously been proposed, but were not necessarily unreasonable. He noted a reduction in the minimum acreage needed for consideration of a BCD was reasonable due to the amount of land being taken off the map for SUO development if Bozzuto is approved. Further, the proposed reduction to lot size to accommodate historic structures was also seen as reasonable due to the existing historic structures on the remaining SUO properties. Mr. Pomerantz asked with the reduced size, would some of the BCD uses no longer be feasible. Mr. Snook advised the PC to not get into amended the individual uses as they are all still subject to conditional use approval. He further stated the changes to the BCD were appropriate for consideration due how the current proposal alters the existing conditions of the SUO.

Mr. Pomerantz asked if there were issues the Township should be aware of that could come back and haunt the Township if the proposed amendments are approved. Mr. Snook stated that Township should be in a good position as a result of the design and bulk standards, but that the proposed uses could possibly cause an issue in the future. He next spoke to the proposed changes to the tract boundary setback as being appropriate due to the overall reduction in the lands available for SUO uses. Specific to the proposed changes to §170-1302(D), Mr. Snook noted all of the proposed changes were appropriate as they were made to be consistent with the standards for both the CCRC and ACD supplemental provisions for a smaller area available for SUO uses.

Mr. Hatton asked about the height change proposed in §170-1302(C)11 from 50 to 65 feet. Mr. Snook noted the change was made for overall consistency with the CCRC and ACD uses and that the change is acceptable due to the overall reduction in SUO property. Mr. Pomerantz asked what consists of the "broader Greater West Chester area." Mr. Snook stated this area has remained the same since the SUO was originally proposed as being essentially the area served by the WCASD.

Next discussion was had on §170-1304 for the ACD use. Mr. Snook spoke first to §170-1304(B) and how it incorporated qualifying conditions to require development of ACDs not be constructed within 1,000 feet of each other. He further recommended inclusion of a requirement that land devoted for an ACD shall not be less than 25 acres in total to be consistent with what is being proposed with the Bozzuto application.

Specific to the proposed building height of 65 feet or 5 stories, Mr. Snook indicated what is proposed is reasonable. Mr. Pomerantz asked why 5 stories is being proposed in the ordinance when the applicant has indicated they will only be building 4 stories. John Jaros, attorney for Bozzuto, noted the proposed change will allow for more leeway for the developer to create a complex that may have a reduced footprint. Mr. Snook noted the increased height will allow for the potential for better physical design of the buildings. He further noted the changing heights could result in less impact visually. Mr. Snook then discussed that language could be added to §170-1304(D)1 to not allow for taller buildings adjacent to residential properties. As such,

proposed language was added to not allow for portion of buildings greater than 3 stories feet within 150 feet of neighboring residential properties.

Next discussed was setbacks from the proposed connector road. Mr. Snook noted there are no defined setbacks from the connector road, but that a 50 foot setback should not pose a problem due to the proposed layout of the ACD. This was added to §170-1304(D)1. Mr. Hatton asked about minimum setbacks between the building and parking areas, specifically for “one story accessory structures.” Keith Lieberman, the engineer for Bozzuto, noted the setback was to allow for green space around the proposed buildings. Mr. Snook stated a limitation on proposed accessory structures shall not exceed 500 square feet.

Next discussed was §170-1304(E). Specific to the landscape plan illustrating entrance treatments and signs, language was added to state “unless deferred to land development submission at the discretion of the Board of Supervisors.”

Mr. Jaros stated he had concerns for §170-1305(F) relevant to recreation. Mr. Lieberman stated his concern that the specific reference back to §149-921 is that it does not allow for the flexibility needed when developing the open space. Mr. Jaros suggested adding “as deemed acceptable by the Board of Supervisors” to allow for this flexibility when appropriate. Mr. Pomerantz asked why “Township” was inserted instead of “Board of Supervisors.” Mr. Snook stated because these types of items can be given to other entities by the BOS for approval at their discretion “Township” is more appropriate wording. However at the end of the discussion “Board of Supervisors” was inserted instead.

Next followed much discussion on both §170-1305(H) and §170-1305(J) for historic preservation and the connector road. Mr. Jaros noted his concern with both as they does not provide for what an objective standard as to what specifically constitutes historic resources or how proportion costs of the connector road are calculated. He further suggested that these provisions are potentially appealable due to the lack of objective standards in his opinion. Mr. Snook responded that he does not totally disagree to this sentiment due to the agreement of conditions for the Bozzuto project. However, he feels their inclusion is important for future development on SUO lands. He noted the provision for archeological survey was developed to not require it to be undertaken by the developer, but rather just allow for access to other groups to perform one.

Mr. Jaros then reiterated his point to Mr. Snook his belief the two provisions do not provide for any objective criteria for the applicant to work from. Mr. Snook stated the provisions are in the context of conditional use, and do not have to utilize a SUO use on the property. However, Mr. Snook did state the proposed historic language would be better handled as a separate section of the zoning ordinance for historic resources. Mr. Pomerantz then interjected and stated that at issue from Mr. Jaros is the belief these revision go too far while Mr. Snook is seeking to protect the Township and allow for historic preservation in the absence of a separate section of the zoning ordinance to do so. He further asked of Mr. Snook how the ordinance could protect the proposed conditions for historic resources as there are not stronger historic preservation language in the ordinance at this time. Mr. Snook stated he believes the evidence in testimony should protect most of what the PC has proposed, but that ultimately it is up to the BOS as to what will be recommended.

Mr. Jaros again reiterated his concerns on these items due to his belief that there is not objective criteria for their provision and could be challenged. Mr. Snook stated to the issue of the

connector road, that the language is intended to allow for the developer to recoup some of their monies as new users come into play along the connector road. This was done as recommending its completion through West Pleasant Grove Road may be seen as too much for the applicant to reasonably require of the applicant. Mr. Jaros further stated he believes there is enough in the record for the Township to require conditions for both historic preservation and completion of the connector road without the inclusion of this language in the ordinance.

Ms. Adler noted the SUO is not necessarily specific to only the Crebilly Farm, but that the connector road is only proposed for the area along 202. Mr. Snook noted this was handled by specifically referencing the *Growth Management Plan* as to not have it required at other locations. Mr. Rodia asked if other developments required infrastructure improvements outside the overall scope of their project. Mr. Snook noted this is a unique situation with the connector road, but other localities have specific Act 209 provisions to require monies to be used for identified infrastructure improvements. Mr. Lieberman stated that no other locality to his knowledge would receive the amount of public improvements this project proposes based on its overall scale.

Mr. Pomerantz asked Mr. Snook what is his recommendation on how to proceed with this issue. Mr. Snook indicated his preference as being to raise these issues and to say adequate provisions for historical and archeological should be provided as part of an application. He did raise his concern if an order was appealed, that an appeal could potentially be successful if there is no basis in the ordinance. He further stated he does not believe these provisions are not particularly harmful to this applicant, but that he agrees with Mr. Jaros that the language is not objective in nature.

Specific to the archeological survey, Mr. Jaros indicated his concerns with how this could potentially impact the development in terms of delay. Mr. Rodia noted he previously raised this issue, and stated the intent was never to put them in a position where development is shuttered if something was found. Mr. Whitig asked about "practicable" being utilized as part of the language for §170-1305(H) and if that language could be used as a compromise for this section. John Rendemonti, representing Mr. Moscharis, stated the proposed language is redundant with other existing ordinance language and is too ambiguous in how it can be interpreted. The consensus of the PC was to eliminate both §170-1305(H) and §170-1305(J) as part of the proposed SUO draft, but that a transcript of the discussion also be provided to the BOS as part of the materials forwarded onto them.

Next discussed were parking standards as outlined under Section three. Mr. Snook indicated the parking spaces were determined and recommended for approval by the PC during previous meetings and deliberations in late 2012. Mr. Lieberman further noted the parking calculations were developed through an examination of existing industry standards. Mr. Snook stated he does not have a problem with the proposed standard if the Township deems the calculations appropriate.

The item discussed were signage standards as part of Section four. Mr. Snook stated there is no precedent in the Township for an 85 square foot sign for a residential development. He did note that an apartment complex is more akin to an institutional use for the purposes of signage. As such, he proposed language to allow for signs along 202 at a maximum of 50 square feet and 6 feet in height and for a 24 square foot sign at a height of 6 feet along 926. Mr. Hatton asked if provisions for signs should be considered for other locations. Mr. Snook stated that additional language could be provided to allow for this. Mr. Jaros stated they have concerns with the 24 square foot sign along 926 as being too small. Mr. Snook indicated the intent of his revision is to

regulate only the sign face, not the entire sign structure. Mr. Pomerantz asked what Mr. Snook would recommend to the PC for signage. He recommended approval for what was presented with the addition of allowing for signage of 50 square feet along 926 and the allowance of possible additional signage along the proposed connector road.

What followed next was a discussion on next steps. Mr. Snook indicated he could have the revisions made and forwarded back to Mr. Patriarca as the draft to be recommended to the BOS. Mr. Pomerantz, asked the PC if they are comfortable making a recommendation on the proposed SUO revision as discussed or wait until the next meeting when the ordinance is completed and vote then. The PC unanimously elected to move forward with their recommendation at the current meeting. Ms. Adler made the following motion to approve the SUO amendment for an ACD that seconded by Mr. Whitig and approved unanimously:

The Planning Commission recommends the Board of Supervisors adopt the amendment to the Special Use Overlay (SUO) district as revised at the Planning Commission meeting held on the evening of October 8, 2014.

New Business

Zoning Hearing Board applications for comment

Mr. Pomerantz introduced the pair of variance applications. The first located at 2 Oakbourne for a fencing variance and at 102 Oakbourne for a lot-size reduction. Mr. Whitig, Mr. Rodia, Mr. Criddle, Mr. Pomerantz and Ms. Adler recommended the PC make no comment on either one of the applications. Mr. Hatton recommended to make a comment on the applications. There was a brief discussion the fence application and permitting for fencing. Overall there was concern with the overall height and positing of the proposed fence. At the end of the discussion, the overall consensus of the PC was to not make a comment on either of the variance applications.

Public comment

There were no public comments at the meeting.

Adjournment

10:40 pm (SR/DC)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary