

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
October 22, 2014 – 7:30PM

## **Present**

Commissioners – Rodia, Whitig, Pomerantz, Hatton, Lees and Criddle. Adler 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 7:30 and led those present in the Pledge of Allegiance.

## **Adoption of Agenda**

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

## **Approval of Minutes**

The minutes of the Planning Commission (PC) meeting of October 8, 2014, were approved as amended unanimously (SR/DC).

## **Reports**

Mr. Hatton presented the October 20 Board of Supervisors (BOS) meeting. At their workshop the BOS discussed upcoming ordinance updates, results of phase one of the on-lot program and had an executive session. At their regular meeting the BOS had several reports presented to them, appointed new members to the Parks and Recreation Commission and paid the bills. Mr. Hatton also noted a PennDOT meeting will be held at the Westtown Assembly Hall for the public to comment on the 202/926 intersection.

## **Announcements**

Mr. Patriarca had a trio of announcements. First he informed the PC of the findings from the Zoning Hearing Board (ZHB) on the applications the PC offered no comment on at their previous meeting. He stated the fencing variance at 2 Oakbourne was withdrawn and the reduction in lot size for 102 Oakbourne was granted. Further, Mr. Patriarca noted the PC will receive a formal subdivision application for this property in the near future. For Rustin residential, he stated the SALDO packet will be back before the PC in November. Finally, he stated the mini-cell tower ordinance will likely go before the PC for their consideration in December.

Mr. Pomerantz thanked those who offered their condolences to him with the recent passing of his father. Further he thanked both Mr. Criddle and Mr. Hatton for all of their work with the Special Use Overlay (SUO).

## **Non-agenda Public Comment**

Pam Boulos – 200 Cheyney Drive: Mrs. Boulos asked about the status of the Bozzuto application and SUO amendment with the PC. Mr. Pomerantz indicated the PC made a favorable recommendation on the Bozzuto application with 33 proposed conditions and a favorable recommendation on the SUO amendment.

## **New Business**

### **Fair Share Property/Malvern School**

Mr. Pomerantz introduced the applicants and they proceeded with a brief overview of the project. Lauren Duffy with TAG Builders stated they will be amending the previously granted conditional use approval for a bank to allow for a day care (Malvern School) on the Fair Share property. Mrs. Duffy indicated changes that will be addressed as part of their conditional use application are traffic, lighting and landscaping. Diane Morgan, the Director of Operations for the Malvern School, discussed their operation. She stated they started in 1998 and have 23 current locations with the closest location to Westtown being in Glen Mills, and that they handle children from infants to pre-K during weekdays.

Mr. Pomerantz asked Mrs. Duffy to go through the differences between the previously approved bank building and the proposed day care. She noted the change as being relatively minor with regards to the new building footprint and provided a sketch plan to the PC for context. Mr. Pomerantz next asked Mrs. Morgan about the general enrolment and employees of a Malvern School. She stated the maximum number of employees is 25 and 120 children at any given time. Further she noted about a third of the children are siblings and when both the staff and children arrive is staggered.

Mr. Rodia asked about what safeguards the Malvern School has in place to prevent children from getting to the adjacent roads. Mrs. Morgan stated all of their facilities are fully fenced and security is present at all times. She also noted that a flashing red-light has been included at other locations, but that decision is made by a different department. Mr. Lees asked if the footprint proposed is larger than that proposed for the bank. Mrs. Duffy stated she did not have the exact measurements, but that the proposed Malvern School will comply with all applicable lot and bulk standards.

Mr. Hatton asked if the proposed parking is adequate to handle both the needs of employees and the parents dropping off their children. Mrs. Duffy noted the parking provided is in excess of what the Westtown ordinance requires for a day care. Brian Breslin of the Malvern School further stated they have a mandatory requirement of at least 36 parking spaces for all of their facilities and that this is sufficient for their needs. Mr. Pomerantz asked if there is an on-site kitchen, and Mrs. Morgan stated there are not and that the children bring their own lunches. He then asked about what are the greatest risks in her opinion for the school. She responded that the facilities and practices of the Malvern School keep the children safe and that what is of importance to her is finding good teachers to operate their facilities. Mr. Pomerantz asked if there is coordination with the local police, and Mrs. Morgan stated they have very specific procedures for emergency situations defined by the state that are in place.

Mr. Lees asked if the school has a standard floorplan to which Mrs. Morgan responded they do. Mr. Pomerantz followed by asking if the school is at capacity with 120 students, what are the overall traffic impacts associated with both pick-up and drop-off times. Mrs. Morgan stated their other facilities have not had issues with parking and that parents come and go from the property throughout the day. Mr. Breslin indicated their peak drop-off/pick-up times as generally being from 7:00-9:30 am and 4:00-6:00 pm. He further stated traffic data will be provided as part of their application based on sign-in/sign-out times from parents at their other facilities. Mrs. Duffy

further stated they feel the use compliments the existing school uses surrounding the property.

Mr. Hatton asked about the future of the office building proposed on-site. Mrs. Duffy indicated they would like that to be built concurrently with the connector road and Malvern School if they are able to secure a tenant for it first. Mr. Lees then asked about the overall timing of the project, and Mrs. Duffy indicated the conditional use will be happening quickly with land development ideally completed in spring 2015 and that build-out of a Malvern School usually takes approximately six months.

Pam Boulos – 200 Cheyney Drive: Mrs. Boulos asked about the existing historic structure located on-site. Tom Galbally stated he has a history of the property given to him on the Orvis property from when it was a 35 acre orchard. He further stated the structures remaining on-site are, the Orvis house, two sheds and a spring house. With regards to the house, he noted it has deteriorated significantly, but did note its impressive cornices and millwork on the interior. Mrs. Boulos asked if there are plans to utilize the structure or simply to demolish it. Mrs. Duffy indicated its reuse was considered at the previous conditional use hearings and was determined at that time it would need to be demolished for the project to work. Further she noted the structure had been used previously by local SWAT teams for training purposes.

Mr. Pomerantz followed by reading an e-mail sent to him from Dave Walter, chairman of the Westtown Historic Commission (HC), on the subject of the historic property. That correspondence indicated the structure was on the HC resources list, and asked if the structure will be demolished or adaptively reused. Mr. Galbally indicated they looked into reusing it, but determined it to be not economically viable as part of their proposed development. Mrs. Duffy reiterated that they will cooperate with the HC and allow them access to the property to fully document it.

Mrs. Boulos asked about access to the site and it was stated it will only be from the proposed connector road. Mrs. Boulos concluded by stated should would like to see the existing home preserved if at all possible.

Dan Campbell – 930 Oakbourne Road: Mr. Campbell noted a PA Historic Resources Form stated the home was constructed between 1800-1820. A copy of this form was presented to the PC and he also stated he would like to see the property reused if possible. Mr. Galbally noted as part of their initial NPDES around 2003 the home was not identified as eligible for the National Register of Historic Places. Mr. Campbell stated although the property is not eligible for the national or state listings does not preclude it from being listed locally. Mr. Pomerantz then asked if the property could be reused as part of their proposed development. Mr. Galbally indicated it could not be reused for their project, but Mrs. Duffy noted as part of their initial approval, the spring house is to be preserved. Mr. Pomerantz asked if the property were listed on the National Register, how it would have been dealt with then. Mrs. Duffy stated it would have been handled during the due diligence stage and likely would have altered the proposed project at that time.

Pat McDonough – 7 Oakbourne Road: Mr. McDonough asked first about where the access to the property will be from. Mrs. Duffy indicated access would be from the vicinity of the jughandle and that it will be discussed further as part of their conditional use testimony. Mr. McDonough noted the difference between peak hours of a bank versus that of a day care, and would like that reflected in an updated traffic study. He further expressed his concerns on 202 continuing to

become more of a limited-access highway and stated he would like to see a pedestrian bridge constructed across 202 in the vicinity of this property.

He next asked Mr. Breslin if there is something other than their typical prototype that could be constructed that would be more unique and representative of Westtown. Mr. Breslin stated that their designs work to be lasting, and not specific to contemporary design. Mr. McDonough asked if consideration had been given to add stone/brick to the façade to differentiate it from other existing facilities. Mr. Breslin stated their preference is to use their existing design, but are willing to consider some additional architectural elements. With regards to signage and lighting, they will be discussed during testimony. Mr. McDonough also expressed his preference for the building to be possibly reused and/or preserved. Mrs. Duffy stated she did not believe saving the structure will be possible due to the proposed layout of their project. Mr. Galbally stated further to move the structure to another location would be cost prohibitive as part of their proposal. Mr. Pomerantz concluded the conversation by noting the applicant was receptive to allowing for the HC to fully document the property.

#### **Historic Commission zoning amendment**

Mr. Patriarca noted the PC previously approved the amendment, but that after review by the solicitor he advised staff the amendment should be resubmitted to the Chester County Planning Commission (CCPC) and PC for their review prior to its being forwarded onto the BOS. Mr. Whitig made the following motion to approve the amendment to increase membership to the HC that seconded by Mr. Criddle and approved unanimously:

*The Planning Commission recommends the Board of Supervisors adopt the amendment to the zoning ordinance to expand the membership of the Historic Commission from five to seven members.*

#### **Zoning Hearing Board applications for comment**

Mr. Patriarca discussed first the Brandolini application. He stated the application is applying for a special exception for public recreation in order to operate an art studio at the Westtown Marketplace shopping center. After discussion, the PC offered a comment on the application supporting the request.

The second application discussed was for the Peterson-Jackson special exception request to expand a legally, non-conforming structure located at 901 South New Street. Mr. Patriarca noted the structure is located about 1.5 feet off the property line, which is coincidentally the jurisdictional boundary. He stated the request is to allow for the expansion of structure to the rear of the property in the area of a previous portion of the structure long since demolished. Mr. Pomerantz asked if this expansion had previously been brought to the Township, and Mr. Patriarca stated they had previously discussed expansion but had just not decided to move forward with it until this time.

Mr. Pomerantz next asked what type of precedent is being set by allowing it to occur. Mr. Patriarca stated he believes this type of request is why the ordinance allows for expansion of a legal, non-conforming structure. Mr. Lees asked about if the property is on-lot, and Mr. Patriarca stated it was and that the applicant was working through Chester County Health Department (CCHD) to confirm the suitability for additional bathroom facilities with the existing septic. Mr. Criddle asked about the extent of the expansion, to which Mr. Patriarca indicated to his knowledge the expansion is proposed for the footprint of a since demolished portion of the

property.

Mr. Pomerantz asked Mr. Patriarca why it should or should not be approved. He stated he believes it should be approved as the provisions are in place within the zoning ordinance to allow for this type of expansion. Mr. Criddle noted the request is in essence to allow for a reconstruction of a portion of the property to what was one there. After discussion, the PC offered a comment on the application supporting the request assuming the existing septic system can accommodate the expansion.

**Public comment**

Mr. Patriarca indicated that the next meeting agenda will be relatively light. Mr. Pomerantz asked about a list of ordinance amendments for the PC to consider revisions to. Mr. Patriarca stated there are several fixes that could be amended as well as suggested the PC make recommendations on items they would like to undertake in the next year. Mr. Pomerantz asked about ordinances pending before the BOS sent from the PC to which Mr. Patriarca responded are the alternative energy ordinance, Bozzuto conditional use and the SUO amendment.

**Adjournment**

8:40 pm (SR/DC)

Respectfully submitted,

Chris Patriarca  
Planning Commission Secretary