

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township

April 17, 2013 - 7:30PM

Call to Order

Chairman Lees led those present in the Pledge of Allegiance and called the meeting to order.

Present

Commissioners – Rodia, Whitig, Adler, Lees, Walter, Pomerantz, and Hatton. Also present were Township Engineer Christie Pace, Manager Robert Layman, 18 guests and those mentioned below.

Adoption of Agenda

The Agenda was adopted as presented (RH/BW).

Approval of Minutes

The minutes of the Planning Commission meeting of April 3, 2013, were approved as submitted. (DW/BW). Six in favor, Pomerantz abstained.

Reports

Elaine Adler reported on the April 15th Board meeting. At the Work Session the Board discussed the status of DEP's review of the Act 537 submittal, parking issues at Coventry Village, and the Westtown School connection to the Westtown Chester Creek sewer system. At the regular meeting Police Chief Bernot reported on incidents on Johnnys Way, announced that the Citizen's Police Academy would be conducted again this year starting in September, announced the "Drug Take Back" scheduled for April 22nd, and repeated the scam warnings particularly the "Granny Scam". The Township Solicitor reported on the escrow agreement for the Rossiter Subdivision. During Public Comment several residents expressed opposition to the Campbell application for an Accessory Dwelling which was the topic of a Zoning Hearing Board hearing on April 2nd. The Board awarded the contracts for phosphorus reduction at the sewer plant and for the 2013 Road Program and agreed to the settlement and fine imposed by DEP relating to the sewer main break on South Concord Road last winter.

Westtown has responded to DEP's letter on the Act 537 review. The new deadline for a DEP response is June 10, 2013. Dick Pomerantz related that the Work Session discussion included comments on defects in recent reports prepared by URS. He and Steve Rodia expressed concern about Township oversight of consultants work and commented on the advantages of the RFP process. Chairman Lees suggested the PC discuss at a future meeting.

Announcements

Brandywine Conservancy-Subscribers Meeting, "Riparian Buffers". April 25th, 6:30pm.
CRC Earth Day Clean-up. April 27th, 9:00am at Goose Creek Park.
DVRPC, "Public Transportation", April 24th, 6:30pm, Chester County Historical Society.

Russ Hatton noted the article he distributed on "smart meters." He also announced that the police would be conducting a mock traffic accident drill at Rustin High School on April 19th as part of the Prom Awareness program.

Non-agenda Public Comment

Dick Pomerantz apologized for missing several PC meetings and asked again about the possibility of participation by phone in Planning Commission meetings. Elaine Adler said that the Township's current equipment is not adaptable for this use.

Ray Mazza, 1409 Nectar Lane. He and other neighbors were present because of the ZHB application for an Accessory Dwelling by Kathryn Campbell on Walnut Hill Road. He presented a packet of information to the

PC. The residents attended the Hearing on April 2nd and presented their testimony objecting to the proposed use because of wetlands and drainage issues in the area, the size of the proposed new building, and the impact of this structure and use on the neighborhood. He and the others do not believe that the ZHB considered Zoning Ordinance Section 170-2103 which specifically addresses impact on the neighborhood. He also stated that those who had asked to be parties to the hearing were not advised that they could ask to have the Hearing continued to give them time to prepare additional testimony. Mr. Mazza stated that the group had approached all the neighborhood residents and that 70 of them had signed a petition opposing construction of the garage and accessory dwelling as presented. He further stated that while the neighboring residents were notified of the hearing, there was not sufficient time for them to prepare testimony. Mr. Mazza and the group also attended the Board of Supervisors meeting on April 15th and voiced their opposition.

Dick Pomerantz asked about the building size issue raised by Mr. Mazza, and the Zoning Hearing Board process in general. Chairman Lees stated if the Zoning Hearing Board approved the Accessory Dwelling, drainage and run-off issues would be considered by the Township at the time a building permit for the structure was issued.

Lisa Redding, 1411 Nectar Lane. Ms. Redding reiterated Mr. Mazza's statement that the group was not specifically advised that they could request another hearing and asked for advice on taking further action to oppose the accessory dwelling.

Tract 2012-3 Rite Aid/PNC

Present for the developer were Attorneys Michael Gill and Andrew Duncan, Rhett Chiliberti from Bohler Engineering, Greg Richardson from Traffic Planning and Design (TPD).

PC received revised plan dated 4/1/2013, McCormick Taylor review letter dated 4/12/2013, URS review letter dated 4/9/2013, Stubbe Consulting letter dated 4/9/2013, and the Highway Occupancy Permit application (TPD letter 4/11/2013).

Mr. Gill noted that the Stubbe review was in essence a "clear letter" for the site lighting. He also stated that he had received a letter from Robert Layman confirming the joint development of the two tracts. Mr. Gill indicated that the applicant had no problem complying with the items in the URS letter. He also said that there were no major issues with the McCormick Taylor letter. There is one substantive issue, the western ingress movement on West Chester Pike. Mr. Gill reported that PennDOT had no problem with this ingress and would issue an occupancy permit. He argues that the movement is not unsafe, and that the applicant considers it important to internal circulation and the convenience of the customer. If the PC does not recommend approval of the plan with this ingress, Mr. Gill would like to proceed to the Board of Supervisors on this issue.

There is also the issue of phasing of the construction of the two buildings. Mr. Gill noted that additional details had been provided. Christie Pace indicated that McCormick Taylor was looking for more specific details on how pedestrians and vehicles would be separated when the bank was open and construction was on-going for the pharmacy and the signage to be provided during this period.

Mr. Gill also mentioned the comment on width of drive aisles. Ms. Pace said the comment referred to the PNC bypass lane not the drive through lanes. The applicant will investigate possible revision.

Mr. Gill argued that the applicant should not have to incur the expense of detailing remediation for possible contamination from the gas tanks and an alternative storm water management plan until it was determined that there was a problem. He assured the PC that the proper measures would be taken if and when it is required. Ms. Pace said they were not looking for a detailed analysis, but an indication of when in the construction sequence testing would be done. Mr. Gill responded that it would be once the applicant was sure the project would proceed.

Concerning a grading easement for construction of the retaining wall, Mr. Gill argued that this would be addressed if it was determined that such an easement was necessary which would more logically be at the building permit application stage.

During a discussion of the after-hours lighting, Mr. Gill said that lighting was required because the PNC ATM would be available 24/7. The proposal is that there will be no after-hours lighting at Rite Aid and 50% lighting at PNC thereby achieving the 75% reduction required by Westtown's Ordinance. Mr. Pomerantz asked if the bank considered that the proposed lighting provided adequate safety for late night users of the ATM. PC suggested that if there are generally accepted standards for lighting at an ATM which exceed the lighting currently proposed Mr. Stubbe should be consulted on this point.

There was a further discussion of the western West Chester Pike entrance and landscaping at that entrance. It appears that PC members do not agree on the driveway issue. Greg Richardson reviewed his reasons for saying the driveway did not present a safety issue, noted that PennDOT was agreeable, and emphasized that the applicant considers the driveway essential. There is a SEPTA bus stop which would block use of the western drive. The applicant has discussed moving this bus stop further east with SEPTA. If the bus stop is moved, the applicant would provide a concrete pad at the new location and an access from the Rite Aid parking lot. Mr. Gill acknowledged that this issue will be a matter for the Board of Supervisors.

As the PC was not comfortable making a recommendation to the Board at this time, this project will be on the Agenda for the Commission meeting on May 8, 2013

Zoning Hearing Board Application – Special Exception, Accessory Dwelling, 1510 Marlboro Road

PC received application and plans for an Accessory Dwelling on this R-2 property. A Hearing is scheduled for May 16, 2013. Motion (DW/BW), the Planning Commission has no objection to the Accessory Dwelling providing the Zoning Hearing Board grants a variance for the excess impervious cover.

Public Comment

None at this time.

Adjournment (DW/RP) 9:25pm.

Elaine L. Adler
Planning Commission Secretary