

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
February 4, 2015 – 7:30PM

Present

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Criddle. Also present were Township Planning Director Chris Patriarca, Township Engineer Kevin Matson, Township Traffic Engineer Al Federico and those mentioned below.

Call to Order

Mr. Pomerantz called the meeting to order at 6:30 and led those present in the Pledge of Allegiance.

Adoption of Agenda

Mr. Pomerantz added an item to the agenda relevant to the submission of materials for the Planning Commission (PC) to consider at their meetings. The Agenda was adopted and approved as amended unanimously (BW/SR).

Approval of Minutes

The minutes of the PC meeting of January 7, 2015, were unanimously approved (EA/DC).

Reports

Mr. Criddle presented the January 20 Board of Supervisors (BOS) meeting. At their regular meeting the BOS had several departmental reports made and public comment on what the minutes entail. As part of their new business the BOS discussed an escrow release, made an appointment to the WEGO Police Commission and announced the Jacqueline Drive traffic calming open house. Township Manager Rob Pingar Presented the February 2 BOS meeting. At their regular meeting the BOS had several departmental reports made and as part of their new business they authorized advertising for a pair of administrative ordinances. He also stated there will be a meeting on February 23 with the BOS where they will discuss the overall role of the various Township commissions.

Announcements

Mr. Patriarca stated the wireless facilities ordinance and Springer subdivision will be before the PC at their February 18 meeting for recommendation and that the BOS will be enacting the renewable energy ordinance at their February 17 meeting.

Non-Agenda Public Comment

There were no non-agenda public comments.

Old Business

Fair Share Property/Malvern School Conditional Use

Tom Galbally and Lauren Duffy of TAG Builders and their traffic engineer Greg Richardson, were present to discuss issues identified in the McCormick Taylor (McT) traffic review letters for the Malvern School project. Ms. Duffy first went through the items outstanding relevant to the overall site as identified in the December 12 McT traffic letter. She first addressed the issue of circulation and stated it will be one-way and the revised plan included appropriate pavement

markings, crosswalks, pedestrian facilities and handicap parking spaces. Additional turning templates will be provided to illustrate proper accommodation for fire/rescue vehicles, and an acknowledgement was made to the on-going status of the emergency access to Arborview and stated the proposed connection will only be this emergency access and not a full road.

Mr. Richardson of Traffic Planning and Design (TPD) followed with a discussion of the traffic related issues associated with the project. He noted the new traffic study provided for both new and supplemental traffic counts for additional intersections in the vicinity of the project (Stetson School driveway, Hidden Pond Way, etc.). He also noted the internal circulation of the project was clarified and that additional wayfinding was provided throughout the site. Relevant to the trip generation analysis, Mr. Richardson stated all issues raised by McT have been addressed.

He next stated TPD analyzed the school peak hours in addition to the traditional peak hours for traffic volumes. He stated the four factors for this analysis were the volumes of traffic on the jughandle, school driveways, redirected traffic to the new road and traffic added by the Malvern School. Further, the TPD analysis recommends construction of a separate right turn lane from Stetson School Drive south onto 202 in order to address congestion issues. Mr. Richardson further stated they will work with McT to add appropriate signage and adjust light timing as appropriate. Mr. Federico stated he generally agreed with TPDs findings to this point, and that he felt it was necessary for additional analysis be made on the school peak hour. Next discussed were the Synchro files and analysis, the provision of a simulation of this analysis for consideration at the hearing and coordination with PennDOT when required for the proposed improvements.

Mr. Pomerantz asked Mr. Federico if in his opinion if the submission before the PC is clean or not. Mr. Federico stated in the strictest sense it is not, but that the information provided does give the PC enough information to potentially make a recommendation on the conditional use with finer details worked out during land development. Mr. Hatton asked how buses were accounted for in the queuing analysis, and Mr. Richardson stated they were included in the analysis as "heavy vehicles." Mr. Richardson stated the realigned intersection will be a three-way stop with free flowing traffic only coming from 202, traveling east. Mr. Federico indicated vehicles going south on the connector road will have to make the turn from the jughandle as it will be restricted from Stetson School Drive.

Next asked were if comments had been addressed as identified in separate memos from the WEGO police chief as well as from Bureau Veritas (BV) for fire-related issues. The applicant indicated they have been received by their consultants, and they are generally agreeable to the issues as identified in them. Relevant to the BV letter, the applicant spoke to a willingness to include guiderail along the jughandle, did illustrate adequate radii for emergency vehicles on site and discussed the timing for the completion of the connector road.

Mr. Federico stated he spoke with WEGO and that the plan they reviewed did not illustrate the most current revision of the plan. Mr. Pomerantz followed by asking how the PC should proceed in light of this fact. Mr. Galbally stated traffic issues have been carefully evaluated by traffic engineers and that many of the items in the WEGO letter have been considered. Ms. Duffy further stated the results of the amended traffic study address several of the WEGO concerns. Next discussed was the WEGO concern with the turning movement onto West Pleasant Grove Road. Mr. Federico stated he did not see the relevance of this movement in the context of this application. He further stated what has been presented to date does not show this project as exasperating condition at West Pleasant Grove Road. Ms. Duffy commented that she felt many

of the issues raised in the WEGO letter were off-site by nature, and questioned how many of these issues are the responsibility of the applicant.

Mr. Rodia asked if flashing, school zone signs are included as part of the plan, and further noted the Malvern School location in Glen Mills does have these signs in place. Mr. Robinson indicated this type of signage was not proposed with this project. Mr. Rodia followed-up by stating his concerns with when materials are received by the PC as well as his thoughts on the issue of a clean letter.

Mr. Whitig stated that he felt the applicant had addressed all of the relevant issues adequately and that he would make a motion to approve the application. Ms. Adler stated she was pleased to see the additional right turning lane proposed as well as emphasized the importance of signage in directing motorists through the intersection. She further stated she would support a motion of approval with conditions that will be of great use to the BOS in their decision-making. Mr. Matson noted his general engineering comments have been addressed and that he collaborated with Mr. Patriarca in the development of draft conditions for consideration by the PC. He further stated that in his opinion the application addressed the intent of the ordinance to date.

Township Manager Rob Pingar asked about the commitment of the applicant to install guiderail along the jughandle adjacent to the Malvern School. The applicant indicated a willingness to do this and install it per PennDOT specifications. He followed with a question on the overall scope of the proposed improvements to the jughandle and questioned if the proposed project could justify the increased costs associated with these improvements. Ms. Duffy stated the estimates they utilized were from the 2007 proposal. Mr. Rodia asked if guiderail is suitable to protect the school from a vehicle or would something else be more appropriate. Mr. Robinson indicated the jughandle as currently engineered allows for vehicles to travel up to 35 mph, but that its redesign will cause vehicles to slow further to 15 mph. Mr. Federico also noted guiderail is designed with posts at closer spacing based on what is being shielded.

Mr. Whitig made a formal motion to make a favorable recommendation of the Malvern School application subject to the conditions set forth in the January 20 McT letter as amended on the evening of February 4. The motion was seconded by Mr. Lees. In the discussion that followed, the initial traffic comment was revised and another added. Mr. Patriarca, Mr. Federico and Mr. Matson then provided some final thoughts on the application and the proposed conditions developed for the consideration of the PC. A more detailed discussion was then had on what exactly is proposed for dedication to the Township to which the applicant responded all infrastructure within the ROW would be dedicated. Mr. Whitig then restated his motion which was seconded by Ms. Adler and approved by the PC unanimously.

New Business

Policy for receiving materials to appear on the PC agenda

Mr. Pomerantz led a discussion with the PC on a policy dictating when materials for consideration before the PC must be received in order to remain on the agenda. The policy would require all materials be received in full by no later than 2:00 pm the previous Thursday, otherwise the item will be dropped from the PC agenda altogether. Mr. Lees asked if exceptions to this could be made in the case of an emergency. Mr. Pomerantz stated that in this case Mr. Patriarca would inform the chair and vice-chair, and the decision as to whether or not to include the item on the agenda would be made by a simple vote of the PC. Mr. Patriarca stated he

would make sure the PC is aware of situations where additional time may be needed. Mr. Pomerantz stated his concern with an applicant intentionally trying to “run out the clock,” and how it effects the PC. Mr. Patriarca stated in this circumstance the PC should consider an unfavorable recommendation on the application as they have not have the adequate information and time to consider a favorable one. Ms. Adler also noted there may be times the Township needs to get an item on the PC’s agenda for consideration after the proposed deadline.

Next discussed was how this proposed policy would impact Township consultant reviews. Mr. Rodia asked how the Township presently receives applications and materials, and Mr. Patriarca stated he makes it as clear as he can of the expectation of materials to be received, but that this action by the PC will make the PC’s expectations clear. Ms. Adler stated this policy should be given to the applicant at the time of acceptance of the application.

Mr. Matson provided some of his thoughts from the standpoint of the consultant. His concern is with resubmissions after the initial consultant letter is generated and working to resolve those comments prior to the meeting. He proposed additional language to the policy that would prevent additional resubmissions prior to consideration before the PC. Mr. Patriarca then read to the PC the proposed language of this policy. The PC then unanimously voted in favor of the policy for the receipt of materials to the PC.

Rustin Residential SALDO application

Ross Unruh, representing the West Chester Area School District (WCASD) led the discussion through the outstanding items as well as the items for consideration outlined in the January 30 McT review letter. Mr. Unruh spoke first to how the proposed ball field would be dedicated, and stated the applicants preference is for easement as opposed to being conveyed fee simple. He also stated emergency access, trails and the parking area will be dedicated by easement to the Township as well. He noted the proposed tail is compliant with the conditional use order, will be open to public use, noted an additional leg was added to provide residents with additional access to the trail and stated the trail would be dedicated to the Township. He next spoke to the outstanding legal documentation and/or permits that are required prior to dedication.

To date, a street name has not been selected, and the WCASD believed this item is best determined by the developer. He also spoke to a waiver to the location of street trees as well as for stormwater velocity. The issue of sight distance on Shiloh Road was acknowledged, as well as that of a detail for a fence. Mr. Unruh concluded by discussing ADA improvements as well as signage for the pedestrian amenities.

Mr. Pomerantz first asked Mr. Matson if he agrees with the proposed waivers from the applicant. He stated that he does not have objections to any of the proposed waivers, and followed by asking the PC to offer an opinion on the issue of perpetual easement versus fee simple for the responsibility of the ball field and parking area. Mr. Pomerantz asked if the easement could be altered to change the usage, to which Mr. Unruh stated a default provision is included in the legal documentation that if not used as a ball field it would revert to open space.

Mr. Matson next led a discussion on the proposed trail system. He stated the Township should consider dedication if it to be utilized as a public trail versus a system exclusively for the residents of the development. Mr. Pingar noted the proposed trail is a replacement for the existing public trail on-site and that the expectation is that it will remain a public trail. Mr.

Pomerantz asked about the fairness of asking the HOA subsidize the maintenance and repair of an amenity utilized by the general public. Mr. Unruh reaffirmed his contention that if the trails are public, the Township should take responsibility for their maintenance and liability and not place it on the HOA.

Ms. Adler asked if the trail network proposed on-site was originally required as part of the original approval for Rustin High School, and followed by asking how the Township regulation of sidewalks may come into play with this issue. Mr. Patriarca stated that unless specifically dedicated to the Township, all maintenance and repair of sidewalks in the Township are the responsibility of the property owner where it is located. Kevin Campbell of the WCASD stated he believes maintenance of the trail has been the responsibility of the Township. It was further stated that all of the open space will be under the ownership of the HOA. Mr. Unruh stated that although the trail has been utilized by the public while under the ownership of the WCASD, it does not have to continue to be open to the public in perpetuity.

Mr. Pomerantz asked Mr. Pingar about where the BOS may stand on these issues, to which was the general thought was they are in favor of these amenities. The discussion that followed was on the current party responsible for maintenance of the trails. Mr. Matson next spoke about the existing sidewalks and ADA compliance. Mr. Unruh stated this item in particular was an off-site road issue that is not a part of this project.

Mr. Matson then spoke about the sight-distance issues associated with the proposed intersection with Shiloh Road. He noted the amount of time spent on the evaluation of this intersection that although it meets standards set forth by the Township ordinances, there are still concerns about a blind spot for motorists making the left turn from Shiloh into the proposed development. He asked this applicant to discuss this issue further. Denny Howell, the applicant's engineer, next spoke about their analysis of this issue. Mr. Howell stated the profile they provided is consistent with PennDOT requirements, but also acknowledged that a portion of a vehicle may not be visible from the north for a time of less than one second. He further stated the remedy to this issue would be to fill in the existing sag in Shiloh Road, however he also acknowledged the issues related to this fix.

Mr. Pingar spoke of his concerns with this sight-distance issue. He reiterated the concern with the sight distance for vehicles making the left turn from Shiloh into the proposed development. Mr. Howell still stated what is proposed does provide for adequate sight-distance. Mr. Whitig asked if a stop sign could be installed to resolve this issue. Mr. Pingar stated this is not the preferred option and would only be considered as a last resort. Mr. Unruh stated the issue has been resolved as their engineer has stated the intersection is safe.

Mr. Pingar next referenced the section of Township code relevant to sight-distance and stated his belief this intersection is non-compliant. Mr. Howell responded the intersection exceeds PennDOT requirements. Mr. Hatton asked if turn lanes would improve this situation and Mr. Pingar stated they are not warranted at this intersection. Mr. Hatton next asked about the existing basin along Shiloh Road and who is responsible for its maintenance. Mr. Howell stated they are not utilizing the existing basin because of an unawareness of how it is currently functioning and if it has the capacity to handle what is proposed from the new development. Mr. Rodia asked if the proposed stormwater management system is adequate to which Mr. Matson stated that it was.

Mr. Pomerantz asked if the PC is ready to make a recommendation based on the items of the trail and sight-distance still having some questions. Mr. Patriarca stated he thinks the decision of the trail ownership and maintenance is the question for the PC to render their opinion on. Mr. Pomerantz followed by asking if there was anything of historic nature on the issue of the trail that would help better inform the PC on this issue. Specifically if the trail was intended to be for public use initially and who was responsible for its maintenance and upkeep. Ms. Adler stated she feels the PC should make it clear in their recommendation the trail should be open to the public and who is responsible for its maintenance and Mr. Unruh agreed with this sentiment.

Mr. Pomerantz followed with a discussion further of the issue of sight-distance. Mr. Campbell next expressed his frustration with this issue as it has not previously been discussed and in the context of what their engineer has developed meeting code. Mr. Pingar suggested this issue merits further analysis among the engineers, but Mr. Campbell disagreed as what is proposed meets code. Mr. Matson stated he felt collectively between the Township and the applicant an acceptable solution could be developed through possible regarding and/or additional signage.

Next the PC discussed the three outstanding issues related to the application relevant to how the Township will operate the ball field, the maintenance and liability for the trail and to comment on the Shiloh Road sight-distance issue. Mr. Lees stated he believed the PC could make a favorable recommendation and that the ball field should be under an easement, the trails public and that the engineers work to develop a more ideal solution to the intersection issue. Mr. Criddle, Mr. Whitig and Ms. Adler concurred with what Mr. Lees stated on this. Mr. Rodia expressed his concern with the sight-distance issue, the ball field should be under easement and that if public the trails should be the responsibility of the Township. Mr. Hatton stated he felt the Farm Lane sidewalk issue needs to be addressed, more attention needs to be given to the existing basin, had concerns about on-street parking and signage. Mr. Pomerantz stated he favored the easement, wants clear resolution on the sight-distance issue and stated the trail needs to be open to the public and maintained by the Township.

Ms. Adler made a favorable motion to approve the Rustin application subject to the conditions of the ball field being placed under easement, the trail open to the public and maintained by the Township and the sight-distance issue be resolved by the Township engineer and the consultant engineer. Mr. Lees seconded the motion and the motion passed with only Mr. Hatton dissenting.

Public comment

Walter Pavelchek, of 1050 South New Street – Mr. Pavelchek expressed his concern with the inability of the Township to require developers maintain landscaping, open space, trails, etc. in perpetuity as required as part of plan approval.

Denny McFadden, of 1010 General Greene Drive – Mr. McFadden questioned who presently owns the Rustin trail. Mr. Pingar stated the WCASD presently owns the trail as it is located on their property.

Adjournment

10:30 pm (DP/DC)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary