

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING
Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
December 8, 2004 - 7:30PM

Present: Commissioners House, Adler, Verdiani, and Huberty. Also present were Township Engineer Angelo M. Capuzzi, four guests, and those mentioned below.

Call to Order and Pledge of Allegiance. Chairman Verdiani led those present in the Pledge of Allegiance to the Flag and called the meeting to order.

Adoption of Agenda. The Agenda was adopted as presented.

Approval of Minutes. The Minutes of the meeting of November 17, 2004, were approved as submitted. Motion (JH/EA), approved DV, JH, EA. Abstain, PH.

Announcements.

Elaine Adler announced that the Township 2005 Budget was available at the Township Office.

Reports.

Elaine Adler reported on the December 6th meeting of the Board of Supervisors. She reported that residents of Oakbourne Road in the section between Route 202 and South Matlack Street spoke at length about drainage problems. This is a historic problem complicated by the fact that this road segment belongs to PennDOT. The Board took no action. Tom Foster, Westbourne Road, also spoke of his concerns relating to the proposed Gaudenzia rezoning. The Board postponed accepting dedication of the remaining roads in Green Lane Village pending additional inspection. The Police and Township 2005 Budgets were presented. The Police Agreement with Thornbury Township was accepted. The Board also asked Chester County Planning commission and the Cycling Coalition to attend a Board meeting to answer additional questions relating to the proposed study of Bike Routes in the 202 Corridor.

Non Agenda Public Comment. None at this time.

Tract 2003-11, PAD Office Building: PC received Durkin Associates letter of December 1, 2004 responding to the review letters from CVE, McCormick Taylor, URS, and CCPC. Present were Phil Donnelly and Architect Charles Durkin. Mr. Durkin indicated the major changes were moving the detention basin, a deceleration lane, and an emergency crossing of the median on West Chester Pike. Mr. Verdiani verified that the plan included easements for extension of sewer lines into the adjacent neighborhood. Actual construction of these lines during the construction of this building project should be discussed between Mr. Donnelly and the Board of Supervisors. Mr. Capuzzi commented that the lighting plan may not meet township standards and suggested using a different fixture and perhaps additional poles. He further noted that waivers will be required for the detention basin emergency spillway and the curb reveal and requested a note on the drawing relating to testing the sewer line. Mr. Capuzzi also referred Mr. Durkin to the tree/landscaping requirements in 170-943.

Motion (EA/PH), the Planning Commission recommends that the Board grant preliminary approval to the plan for Tract 2003-11 contingent on compliance with all comments in the CVE letter of 10/20/2004, the McCormick Taylor letter of 10/20/2004, the URS letter of 11/1/2004, and the CCPC letter of 10/27/2004. In addition, the Commission anticipates that there will be requests for variances relating to the detention basin emergency spillway and curb reveals which are not opposed by the PC or the Township Engineer.

Public Comment. None at this time.

Motion unanimously approved.

Enclave at Pleasant Grove. Mr. Kravitz has agreed to the PC's recommended compromise relating to the street trees for this development. He will present a letter of agreement, a plan showing the lots on which trees are to be planted and a list of the varieties.

Tract 2003-10, TAG/Orvis. Chris Della Penna, Acting Township Engineer, was present for this discussion. Also present were Tom Galbally and Jack Robinson, Engineer, from Chester Valley Engineers. PC received Della Penna letter of 11/23/2004 and Chester Valley Engineers letter of 12/3/2004

Mr. Galbally gave the following responses to the Della Penna letter of November 23rd.

Conditional Use Order

- 1.1 Has been addressed.
- 1.2 Will be completed shortly.

Zoning Ordinance

- 2.1 Received 12/6/2004.
- 2.2 Has been added to plan.
- 2.3 Requested changes have been made.
- 2.4 HOA documents have been sent to the Township Solicitor for review.
- 2.5 Mr. Galbally reviewed prior discussions on this topic including the PC agreement that street lights would not be required for this project although some lighting at the West Pleasant Grove entrance would be advisable. He indicated that a waiver would be required since the proposed 4 foot high posts for lighting fixtures would be located in the sight triangle where nothing over 30 inches is permitted. The posts and light fixtures would be a part of the fence and landscaping proposed for this entrance and would serve to identify the entrance and provide some light for the intersection. PC discussed sight line problems which might be created by these light fixtures, and will refer the question to the Township's traffic consultant.

Subdivision Ordinance

- 3.1 Ownership of sanitary sewer lines by the Township will be added to the plan.
- 3.2 The name "Hidden Pond Way" has been approved.
- 3.3 Street numbers have been assigned and will be added to the plan.
- 3.4 Waiver information will be added.
- 3.5 In progress.
- 3.6 Signs have been added.
- 3.7 SWM narrative has been modified.
- 3.8 Emergency access has been realigned.
- 3.9 Sight distances for this driveway will be further studied. Mr. Galbally would like to meet on site with PC representatives to discuss what trees can be saved.
- 3.10 Letter has been received.
- 3.11 URS review has not yet been received.

General Comments

- 4.1 Has been revised.
- 4.2 Will be reevaluated for the 100 year storm.
- 4.3 Additional information will be sent to Chris Della Penna.
- 4.4 " " " "
- 4.5 Has been added to plan.
- 4.6 Sight distances will be discussed at site visit.
- 4.7 Sight distances will be discussed at site visit.
- 4.8 Detail has been added.
- 4.9 Revised plan has been submitted.
- 4.10 Mr. Galbally prefers to use wood chips for the walking paths; the Township Engineer has suggested paving. Mr. Galbally accepted the PC's conclusion that paved paths would be preferable.
- 4.11 Requested changes will be made.

PC members are reluctant to recommend removal of large trees unless there is a definite safety issue. Mr. Galbally prefers not to remove trees unless absolutely necessary and believes that there are trees in the sight triangles which do not actually interfere with sight lines. He would like to identify trees to be removed individually. Further, he does not want to remove trees for the proposed temporary driveway along the western property line which will be used only by construction equipment and suppliers, not prospective buyers. The PC concluded this would be acceptable with proper signage.

The Township Road Master has recommended removal of a significant number of trees which are within the right-of-way and which show evidence of damage from passing vehicles or whose roots intrude on the paved cartway in addition to those trees in the required sight triangles. This issue will be further studied. Mr. Galbally will identify on a plan the trees whose removal is required by the Township ordinances, then a field trip will be arranged to consider the trees individually. Don Verdiani and Jeff House both indicated they would like to participate. PC also supports prompt planting of replacement trees where other trees are removed.

Public Comment. None at this time.

Review of Act 537 Addendum. Chairman Verdiani explained that the Board has requested the PC's support of the Addendum as presented at the public meeting on October 19, 2004. Mr. Verdiani has reservations and has requested additional information which justifies the decision to drop the grinder pump option previously proposed. Other PC members concurred and it was concluded that that the Commission would prefer to wait for the additional data. This will be discussed at the next PC meeting.

Public Comment. Walter Pavelchek, S. New Street, stated his belief that eliminating the public participation in the sewer planning process as previously proposed was unconscionable.

Zoning Amendments. -AC Jeff House reported that he had discussed the CCRC provisions with John Snook. Mr. Snook indicated that the applicant would be required to justify his mix of independent living units, assisted living units, and nursing beds. Density would be controlled by area and bulk regulations and required setbacks.

Zoning Amendments – Gaudenzia. Chairman Verdiani explained that it has been determined that while Gaudenzia's current project does not require a land development plan, it has raised the issue of how development on this tract should be regulated. Gaudenzia currently exists as a non-conforming use in an R-1 Residential District. The Township's consultants have suggested that Gaudenzia could best be considered an "Institutional Use" rather than the "Educational Use" which was applied at one time by the Zoning Hearing Board. Institutional Use is not permitted in R-1 but is permitted in R-3. The suggestion is to rezone this tract to R-3 and modify the Institutional use standards. This would give the Township some specific criteria to use in considering any future requests by Gaudenzia. There has been some objection to this course of action on the basis that the present totally non-conforming situation makes it possible to deny any request for change or expansion and would prevent sale of the property for anything but its present use. Mr. Capuzzi noted that the R-1 regulations on impervious coverage do provide some control, particularly as Gaudenzia presently exceed the allowable 20%. Rezoning would allow a high impervious coverage. PC will discuss further at a future meeting.

Public Comment. Walter Pavelchek noted that leaving Gaudenzia as R-1 would prevent the sale of the property for some other use.

ZHB Application – Variance, 913 S. Concord Rd. The owner of this parcel, which is 415 long and 50 feet wide and contains just under 22,000 square feet, has applied to the ZHB for such relief as necessary to get a building permit for a house on this property. The owner believes the property is an existing non-conforming lot. Located in the R-2 district, a lot must have 22,000 sq.ft if public sewer and public water are available. It must also be 100 foot wide at the building line.

Motion (DV/EA) the Planning Commission sees no reason to deny the applicant's right to attempt to

develop this tract as long as public sewer and water are available. However, the Commission suggests there may be issues relating to sight lines for a driveway access, steep slopes, and storm water management which will need to be addressed. Public Comment. None at this time. Unanimously approved.

Public Comment. – None at this time.

Adjournment. 11:00PM (PH/JH).

Elaine L. Adler
Planning Commission Secretary