

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
December 3, 2003 - 7:30PM

Present: Chairman Don Verdiani noted the following members present; Commissioners Elaine Adler, Don Verdiani, Kevin Flynn, Carol DeWolf and Mark Purcell. Also present were Township Manager Robert Layman; Township Engineer Angelo M. Capuzzi; nine guests and those mentioned below.

Call to Order and Pledge of Allegiance.

Mr. 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 Planning Commission meeting of November 19, 2003, were approved as revised (MP/KF).

Announcements.

Brandywine Conservancy Environmental Management Center, Holiday Subscriber Program, December 11, 2003, 6 to 9PM.

Reports.

Board of Supervisors. Mark Purcell reported the Board of Supervisors approved the final plan for tract 2002-8, SS Simon and Jude with the conditions recommended by the Planning Commission at the last meeting.

Tract 2003-14, Tordone (Sineath). Fred Tordone presented a new sketch plan which deleted the flag lot and shows joint driveway cuts for lots 2 and 4 and lots 1 and 3. A .6 acre open space area is shown in the northwest corner on the lot containing the existing Sineath residence. He indicated there was still a question relating to Lot 4 and the requirement for a "rear yard" for corner lots. Mr. Tordone also presented some drawings of the types of homes he proposed to construct.

Concerning the Open Space issue, Chairman Verdiani indicated that the amended Subdivision and Zoning Ordinances require open space. However, the Commission finds that the present requirements do not seem to accomplish what was intended and intends to further discuss these specifications. In general, the PC does not believe that the Township will wish to take dedication of a .6 acre open space parcel. Mr. Tordone indicated he was willing to put an area of designated open space on one of the lots if that is acceptable or to pay the "fee in lieu of" open space dedication. His preference is to leave the .6 acre of open space with the original Sineath house lot if such private ownership is possible. He would like a decision on this matter and on the question of a "rear yard" for Lot 4 in order to proceed with an actual subdivision plan.

Ms. DeWolf suggested PC and applicant should consider possible neighborhood need for some public use of this open space as either recreation area or for its visual impact, and commented that she does not favor the "fee in lieu of". Mr. Flynn, speaking as a resident of the neighborhood, commented that neither he nor the residents present at the previous meeting felt a recreational space was needed at this location. PC is concerned that landscaping is designed to provide good sight lines for the two joint driveway access points. Mr. Tordone indicated that an existing hedgerow which may interfere with visibility for those making the turn on the east arm of Windy Knoll will probably be modified in the course of development resulting in better visibility at this location.

Mrs. Adler will discuss the open space and rear yard issues with the Township Solicitor and Township Manager and advise Mr. Tordone of the result. Mr. Tordone will proceed to prepare an actual subdivision plan.

Public Comment

Tom Foster, 734 Westbourne Rd, requested the PC make a site visit to become familiar with grades on this tract. He further requested careful consideration of the grade and sight lines of the new driveways and asked for an explanation of why the PC did not request a cul-de-sac on this tract.

Eva Foster, 734 Westbourne Rd, asked Mr. Tordone where else he has built and for his timetable, commenting on the problems with long, drawn out developments. She also asked what determines escrow amounts.

David Jones, 1058 Windy Knoll, emphasized concern with sight lines and supported Ms. DeWolf's comments on visual relief.

Tract 2003-1, O'Brien. Present were John O'Brien and his architect Jim Cherry. Mr. O'Brien presented a revised plan dated 11/13/2003 for his two-lot subdivision on Shiloh Road. The new lot configuration, based on discussions with the Township Engineer, shows two lots on a private road with a cul-de-sac. As suggested by the PC the adjacent lot on Shiloh Road immediately south of this tract is given access to the private road to eliminate use of an existing driveway with poor sight lines. The plan requests the following waivers:

140-901 General standards for public streets.

F. Length of cul-de-sac reduced from 350' to 270'.

149-903 Right-of-way and cartway.

A.3 Minor street. Right-of-way, notes 1 & 2.
24' cartway to 16'

A.4 60' radius on right-of-way reduced to 50'
50' radius on paving not applicable.

B. All streets, whether public or private, shall be designed and constructed in accordance with Township regulations.

149-911 Curbs

B. Vertical curbs on streets.

Mr. Capuzzi said that the first waiver was not required as the length requirement did not apply in this case. He further explained that the cul-de-sac right of way was required in order to create adequate street frontage for lot 1. Mr. Capuzzi requested that the private road width continue at 16' to the Lot 1 driveway. He also asked if Mr. O'Brien would consider a drainage easement in the vicinity of his driveway as part of the Township's plans to improve drainage on Shiloh Road. Mr. O'Brien indicated he would consider it as long as it did not interfere with his timetable or damage his new driveway if the Township project came later. For aesthetic reasons he would not like to see a large pipe discharging into a field but would prefer to see the drainage piped further back to an area where he is considering a pond.

Chairman Verdiani indicated that this tract has the same problem regarding open space. He suggested a deed restriction in exchange for a waiver of the open space. Mr. O'Brien does not want to deed restrict the property. He suggested that a retention basin for the Shiloh Road drainage might qualify as open space. Chairman Verdiani indicated that the Ordinance would permit this if the basin is designed properly. The PC indicated general agreement with the plan and was appreciative of the new drive for the adjacent property.

Public Comment. None at this time.

Ordinances – Flexible Development and Open Space. Elaine Adler summarized the open space and flexible development issues which have recently been identified. During the Zoning Ordinance amend-

ment discussions, the PC had recommended allowing Flexible Development to be used for small subdivisions so that these projects could be effectively and attractively designed using conservation design principles, particularly in cases where existing homes made it difficult to create standard size lots. No bonus would be provided where the tract area was less than 10 acres. In those discussions it was assumed that the open space requirements would not apply. However, as adopted, the Flexible Development requires a Conditional Use, which is an expensive procedure for a small development, and the open space requirement of 40% remains, effectively making this alternative unavailable to the developer of a small tract. If the PC wishes to allow developers of tracts such as the Sineath property to have the flexibility to protect the established residences, the Township's consultants should be asked to suggest changes which might achieve the Commission's original intent.

The amendments made to the Subdivision and Land Development Ordinance, presented to the Planning Commission as "technical revisions" included a provision requiring open space dedication, or a fee in lieu of dedication, for all residential subdivisions of two or more lots. During the review process the Planning Commission did not discuss the impact of reducing the prior requirement for open space dedication on tracts of 10 acres or more. In recent years the Township has waived dedication of small parcels of open space unless they are adjacent to other open space, part of a trail system, or have some unique value. The current provisions do not specifically allow required open space to be located on private property without the creation of a conservancy or similar condition. According to the Township Manager, there are very specific conditions surrounding the "fee in lieu of" which make this process difficult to administer. Several PC members expressed doubt that the very limited amounts involved in small tract developments were significant. Mr. Capuzzi further noted that the current requirement for open space refers specifically to residential tracts and therefore does not require open space on tracts proposed for commercial or other non-residential development. There is a further technical complication relating to the requirement for 10 percent if the tract is only two acres.

As a result of the PC discussion, the Commission will suggest revision of the Ordinances to eliminate the present requirement for open space on tract less than either five or ten acres and to permit a conservation easement on a private lot, and requests the Township staff to prepare some suggestions. PC also suggests that consultants be asked to outline a supplementary Flexible Development process which can be applied to these smaller tracts. PC would also like to know if this has been tried elsewhere and the results.

Public Comment.

Jeff House, Russell Lane. It appears that in both cases discussed tonight, there was not really a problem relating to the open space, there might be an approach that would be acceptable to the developer and to the township.

Adjournment. 9:50PM (EA/MP).

Elaine L. Adler
Planning Commission Secretary