

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
August 5, 2015 – 7:30PM

## **Present**

Commissioners – Rodia, Adler, Pomerantz, Hatton and Lees. Absent were Whitig and Sacro. Also present were Township Planning Director Chris Patriarca, Township Engineer Kevin Matson 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 approved as amended unanimously (JL/SR).

## **Approval of Minutes**

The minutes of the Planning Commission (PC) meeting of July 22, 2015, were unanimously approved as amended (JL/RH).

## **Reports**

Mr. Pomerantz presented the August 3 Board of Supervisors (BOS) meeting. Items discussed at their workshop included the cancellation of an on-lot assessment hearing, ongoing Westtown-East Goshen Regional Police (WEGO) policing issues and Bozzuto. On the topic of Bozzuto, Mr. Pomerantz stated both the conditional use and Special Use Overlay ordinance (SUO) amendment was formally withdrawn by the applicant and that the BOS authorized the Township Solicitor to rescind the SUO altogether.

At their regular meeting, under old business the ArborView road and infrastructure improvements were formally dedicated to the Township. Under new business, the BOS announced the next movie night, WEGO police academy registration, and a vacancy to be filled on the Historical Commission. Mr. Pomerantz then spoke about Bozzuto as there was much public comment on the topic at the meeting. He noted the tone of the residents was generally favorable to the withdrawal, but that there was also a recognition the property can still be developed. The net result of the conversation was unanimous direction from the BOS to the Township Solicitor to start the process of formally rescinding the SUO in its entirety.

## **Announcements**

Mr. Patriarca stated the Hawthorne (Shiloh Road) subdivision will likely be back before the PC at one of their September meetings.

## **Non-Agenda Public Comment**

Mr. Rodia stated a solicitor approached his property and refused to acknowledge who he was soliciting for and did not produce a Township solicitors' license. As such WEGO was called and they handled the situation as the solicitation appeared to be a scam. Mr. Rodia reminded residents to be aware of these situations if it occurs to them. Mr. Pomerantz reminded residents that they should call WEGO if a solicitor cannot produce a Township permit; however, Ms. Adler also noted that some solicitors are exempt from the permit as required by state code.

## **New Business**

### **Giant (Brandolini) land development**

The president of Brandolini, Fred Snow, led the discussion on a future application for the demolition and reconstruction of the Giant in the Westtown Marketplace shopping center, and introduced Adam Benosky from Bohler as the project engineer. Mr. Snow gave an overview/history of the existing site and stated the expansion is necessary as the existing Giant is much smaller than what they presently utilize. He noted the expansion is moving forward at this time as the Rite Aid is being vacated allowing for the Giant expansion. He indicated the best case scenario would be for the Giant to close in January 2016, demolition to be complete by March 2016 to allow for its reconstruction and reopening by November 2016. Mr. Snow further stated Brandolini intends to fully renovate the shopping center as a whole in conjunction with the Giant reconstruction.

Mr. Patriarca stated that once Brandolini has their application package complete, it will be forwarded onto the BOS for them to authorize PC review and start the 90 day clock. Once authorized, the consultant reviews will commence and ideally the application will be back before the PC once most, if not all engineering comments are addressed. Mr. Patriarca stated he believed the project should be relatively straightforward, but that ultimately when a recommendation is made will be based on how quickly the applicant can comply with Township ordinances. Mr. Snow further stated the former Texaco station at Route 3 and Manley Road will not be a part of this application as Giant does not require gas pumps anymore.

Mr. Rodia asked if the scope of work is essentially to enlarge the parking lot and building, and Mr. Snow did agree with this assessment and also added that work will be done to address stormwater management and the state of the existing basin. Mr. Rodia then asked if any sort of remediation has been done at the former Texaco, to which the response was there has not been. Ms. Adler asked how impervious coverage is impacted by the proposal, to which Mr. Benosky stated nearly all is proposed for existing impervious with only an additional 7,000 square feet of impervious proposed that will not exceed the allowable amount for the site. Mr. Lees asked if the existing gap next to the bank will remain to which the response was yes. Mr. Hatton asked if additional landscaping is proposed, and Mr. Snow stated it would be evaluated as well as for repaving of the property.

Mr. Pomerantz asked what would be a comparable sized store in the area. Mr. Snow stated the Dilworthtown store is approximately 62,000 square feet and this one is proposed at 52,000 square feet. Mr. Pomerantz then asked if they anticipate a significant amount of additional traffic/parking for the expanded store. Mr. Snow indicated the existing parking will be adequate and he does not anticipate parking to be an issue.

### **Zoning Hearing Board – Variance application**

Mr. Patriarca introduced a variance request to allow for encroachment into the side yard setback to allow for the construction of a third bay for the garage. Mr. Lees asked how the request will impact the neighbor, to which the response was it would be minimal. Mr. Rodia asked about precedents being set by this if granted to which Ms. Adler stated she could not remember a similar request during her time with the Township. After discussion, the PC elected to not comment on the application.

## **Old Business**

### **Fair Share/Malvern School SALDO**

Mr. Pomerantz introduced the project and expressed his expectation for the meeting on behalf of the PC as a whole. Introductions were made by the applicants Tom Galbally of TAG Builders as well as their project engineer Roman Dychdala of InLand Design. Mr. Patriarca stated to this point the applicant has been working with Mr. Matson to resolve outstanding engineering comments and that he expected much to have been addressed in the interim. He then turned the discussion over to Mr. Matson to go through his comments with the applicant and his engineer.

Mr. Matson stated that over 2/3 of the initial comments have been addressed and that the project does require the issuance of several waivers. He started with a discussion on compliance with the conditional use order. He then asked if the tapping fees have been paid for the eight EDUs required for the project. Mr. Galbally stated he was unsure and Mr. Matson noted its payment may warrant a condition of approval. Mr. Dychdala next stated the project is as balanced as possible after elevating the road and berms throughout the project area.

Mr. Dychdala then led a discussion on the eight-foot wide, multi-use trail. He stated the plan has been revised to show the trail on the west side of the connector road, but that an 80-foot section of the trail is proposed at six-feet instead of an eight-foot width as required by the conditional use order. This was proposed in order to protect and preserve the existing berm screening ArborView from 202. Mr. Matson stated would not object to a six-foot wide trail, but the order specifies eight-feet. Mr. Patriarca stated the eight-foot width was selected in order to match what was proposed for the since withdrawn Bozzuto application. Township Manager Rob Pingar indicated the typical, minimum width for a multi-use trail is eight feet. Mr. Dychdala asked where the trail will ultimately go and questioned the need for eight-feet based on the projected use of the trail.

Mr. Matson had a question on signage proposed for the site and a zoning interpretation on how many would be allowed based on the three frontages adjacent to the property. He next led a discussion on the connector road. He noted the maximum grade for a collector street allowed by code is seven percent, but the applicant is looking for a waiver to allow for ten percent for certain portions of it. Mr. Dychdala stated they are proposing a 30 mph speed limit, and due to the existing constraints of the site the road cannot meet the optimum design for a collector road. Mr. Matson did not offer an objection to the waiver for steeper slope. Mr. Lees asked if the increased fill on-site impacted the overall grade, and Mr. Dychdala indicated it had not as the site is lower than the Stetson site. Mr. Matson stated he does not believe the proposed grades will be a safety hazard, and Mr. Galbally further noted a portion of Hidden Pond Way was granted the same waiver for a road in excess of seven percent grade.

Mr. Pomerantz asked if the proposed speed limit could be reduced to 25 mph to which the applicant did not have a problem with. Mr. Dychdala stated the 25 mph speed limit would also reduce the required sight distance at intersections and could also result in enhanced screening/buffering. Next discussed was the waiver for the proposed centerline radii for the connector road. Mr. Dychdala stated the horizontal curvature was previously determined due to the nature of the site and cannot be done without a waiver, and Mr. Matson did not offer an objection to this waiver due to the geometry of the site.

Next discussed was the issue of sight distance. Mr. Dychdala explained how he designed the road with a 30 mph speed limit to minimize the waiver request as much as possible. Mr. Matson did not offer an objection to this waiver request.

With regards to the clear sight triangle, Mr. Matson noted the ordinance requires a clear sight triangle of 150 feet at intersections of the connector road as it is classified as a collector road. He indicated the proposed plan does not comply with this section as landscaping and fencing fall within the sight triangle at the intersection of the connector road and the jughandle. Mr. Dychdala indicated the main entrance to the site is compliant, but did state the jughandle intersection is not. He further stated there would be stop signs on the connector road at the jughandle and that options to fix this could potentially be to relocate a portion of the proposed fencing and/or reduce the speed limit, request a waiver, or change the fencing type to one that is not opaque. Mr. Pomerantz asked how relocating the fence would impact the proposed play area. Mr. Dychdala stated that a 100 foot sight triangle would result in a net loss of 450 square feet of play area; a 75 foot sight triangle would result in a net loss of 25 square feet of play area; an 80 foot sight triangle would result in a net loss of 50 square feet of play area.

Mr. Dychdala then argued the designation of the connector road as a collector road is not an appropriate classification due to its unique nature and number of waivers requested to allow for its construction. Mr. Patriarca then read the definition of collector road to which Mr. Matson agreed what is being proposed is properly classified as a collector and not a local road. Mr. Pomerantz interjected and asked what the safety ramifications are and what are they based on for clear sight triangles. Ms. Adler stated the distance is based on overall speeds and traffic volume. Next followed was a discussion of various traffic scenarios for the connector road/jughandle intersection.

Kathy Di Domenico of 1530 Woodland Road stated if you are coming around the jughandle at a higher rate of speed from 202 in a smaller vehicle, without the 100 foot distance a motorist would potentially not see vehicles at the connector road intersection. Mr. Dychdala did acknowledge that in a lower profile car, this would be a potential issue. Mr. Matson suggested he work with the applicant to determine what the safe stopping distance on the connector would be in relation to the sight distance based on overall safety of the intersection. Mr. Hatton asked why the intersection could not be at a right angle instead of on a curve in an effort to slow down traffic coming off 202. Mr. Matson stated its design follows standard practice and design for its type, and that if it was designed differently would require additional waivers.

Next discussed were waivers for grading associated with the site. Mr. Dychdala stated they were being requested to preserve the berm on lot 18 and to avoid having to construct a wall on HOA property approaching Pleasant Grove Road with a 2:1 slope. He then provided an image of a nearby property with a maintained, safe 2:1 slope and further noted many other localities allow for 2:1 slopes by code. Mr. Dychdala further stated he can provide geotechnical reports confirming the long-term viability for a 2:1 slope in this area. Mr. Matson stated to his knowledge there is not a considerable area of 2:1 slope in the Township, but that he would be willing to see what the geotechnical report states on this issue. He did indicate he is generally not in favor of 2:1 slopes from both a maintenance and safety standpoint.

Speaking about the construction of a wall, Mr. Matson did acknowledge it is an additional expense and not necessarily ideal from a long-term maintenance standpoint. In an ideal situation, a wall would be unnecessary and a 3:1 slope would be completed to support the road. However, in order to construct a 3:1 slope at this location, a wetland encroachment permit would likely need to be obtained in addition to securing HOA approval for its construction. Mr. Matson again did indicate his willingness to evaluate further documentation from the applicant that reasonably accommodates a 2:1 slope for the road, but would not commit to supporting a

waiver request for this issue at this time.

Mr. Dychdala responded that he does not believe DEP would issue the wetland encroachment permit and would require the road to be in its proposed alignment. Further, he stated that if a 3:1 slope is required with a wall, then ultimate responsibility for its long-term maintenance would also need to be resolved between the Township, applicant and ArborView HOA. Mr. Dychdala reiterated his stance that 2:1 is the most appropriate solution for this location, and that provision for a geotechnical engineer to certify the construction should address Mr. Matson's concerns. Mr. Matson then stated his concern with the responsibility for maintenance and upkeep of a potential retaining wall, and Mr. Dychdala indicated an O&M agreement would be necessary with the HOA to clearly assign responsibility for long-term maintenance of a retaining wall. Mr. Matson concluded by stating the ArborView HOA should be engaged for their perspective on this issue as it will directly impact their property.

After a short break, Mr. Matson continued through his letter which included issues relevant to street naming, street signage, handicap accessibility details and several "will comply" minor changes. Mr. Dychdala stated accessibility was not included at locations further away from designated handicap areas as it was not envisioned they would be utilized by handicap persons. Mr. Pomerantz stated his concern for handicap accessibility issues, and that assumptions should not be made as to where these people may decide go on site. As such, he encouraged the applicant to err on the side of accommodation, and Mr. Galbally stated the project will be in full compliance with ADA.

Next discussed was a waiver request for compensatory tree plantings on-site. Mr. Matson noted there is an inordinate number of trees existing on-site as it was previously utilized as a tree nursery. As such he did not object to this waiver request. A discussion followed on several outstanding traffic-related comments including wayfinding signage, overhead street signage, pavement markings and a revised traffic study. Mr. Patriarca indicated he will follow-up on the issue of signage. Mr. Pomerantz concluded by requesting an extension from Mr. Galbally which he granted through December. Mr. Dychdala stated he would like to start the E&S design for the site, but in order to do this would need some assurance the site will not be altered further. Mr. Matson did not object with this as amendments can always be made through the Conservation District.

#### **Public comment**

As there were no pressing issues at hand, the August 19 meeting was canceled.

#### **Adjournment**

10:15 pm (SR/RH)

Respectfully submitted,

Chris Patriarca  
Planning Commission Secretary