

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

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

Present

Commissioners – Whitig, Adler, Pomerantz, Hatton, Lees and Yaw. Absent was Rodia. Also present was Township Planning Director Chris Patriarca, Township Planning Consultant John Snook 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 unanimously as presented (JL/BW).

Approval of Minutes

The minutes of the PC meeting of October 21, 2015, were approved unanimously as presented (JL/RH).

Reports

Mr. Lees presented the November 2 Board of Supervisors (BOS) meeting. Items discussed at their workshop included a proposed Dunkin Donuts on Skiles Boulevard, comprehensive plan RFP interviews, a sewer connection at 1148 South Concord Road and the SPCA renewal contract. Specific to the Dunkin proposal, issues such as traffic, deliveries and signage were discussed and the application will be forwarded onto the PC to evaluate traffic impacts prior to consideration of an ordinance amendment. At their regular meeting the BOS had several reports presented, approved several contracts, the 1148 sewer connection and discussed the comp plan RFPs.

Announcements

First discussed were next steps following the previous BOS/PC meeting. Mr. Patriarca stated he felt the BOS was well on their way to implementation of changes discussed at the meeting and used the Dunkin Donuts application as an example. Mr. Pomerantz reiterated the pressing need for the PC to work in the development of a future budget as well as solicitor appointment. Relevant to the RFP consultant interviews, Mr. Patriarca indicated the direction given from the BOS was for a joint BOS/PC interview of the consultants prior to the Thanksgiving holiday. Mr. Pomerantz then reminded the PC to plan on attending BOS workshops when items affecting the PC are discussed. Finally Mr. Hatton stated that due to the proximity of his home to the proposed Hawthorne subdivision that he will participate in the discussion of, but will recuse himself from voting on the application.

Non-Agenda Public Comment

There were no non-agenda public comments.

New Business

Westminster Presbyterian Subdivision & Lot Consolidation

Ed McFalls representing the church introduced the application. He stated it marked the

completion of a handshake deal with the Robinson family to swap five parcels at Darlington Corners for ground immediately adjacent to their facility along 202. The proposed lot consolidation will result in the elimination of several lot lines and consolidation with larger properties owned by the church and Robinson family. No development is proposed with the application, the presented layout mirrors that proposed for Bozzuto, and preserves the proposed connector road alignment as presented with that application.

Mr. Hatton asked if there was an easement shown for the proposed connector road on the plan. Mr. McFalls indicated there is no easement for the road, but the alignment is preserved from the Bozzuto application. Mr. Hatton stated the BOS should be concerned with this as they consider their action on the application. He next asked about the status of the existing homes on site to which Mr. McFalls stated they will be demolished. Mr. Patriarca stated the PC should consider a condition to their recommendation tying the demolition of the homes to the recording of the plan.

Ms. Adler stated there should be a note added to the plan to memorialize this issue of demolition and guarantee compliance with it. Mr. Pomerantz then asked why the existing buildings are being taken down if no development is proposed. Mr. McFalls indicated the homes have fallen into a state of disrepair and should be demolished at this time.

Walt Pavelchek of 1050 South New Street – asked where the new western property line will be in relation to the connector road. Mr. McFalls indicated the line represents the boundary of the eastern extent of the proposed right-of-way.

Ms. Adler made the following motion, seconded by Mr. Whitig and approved unanimously:

The Planning Commission has reviewed the plan for the proposed land swap between the Robinson Family and the Westminster Presbyterian Church and recommends its approval by the Board of Supervisors with a condition that a note be added to the plan concerning the demolition of the existing dwellings on the part being transferred from the Church to the Robinson Family.

In addition to the above made recommendation, the PC reiterated their concern with the future connector road alignment. They suggested the BOS request something in writing from the Robinson Family to protect the alignment in the event it is proposed again for construction. Both Mr. McFalls and Mr. Patriarca reiterated the preserved alignment is the only one that makes sense as if moved any further to the west it would encroach into a wetland/woodland.

Special Use Overlay (SUO) repeal

John Snook of the Brandywine Conservancy led the PC in a discussion on the SUO in order to give them a better understanding of the overall intent and genesis of it as he had been involved with the SUO since its creation. Mr. Pomerantz first asked a series of questions to provide for a better background on the SUO. He asked Mr. Snook to describe how it currently exists, and he indicated the SUO is as it was initially adopted with the addition of the ability to construct a continuing care retirement community (CCRC). Mr. Snook stated, the SUO provides for more intense uses along 202 with the understanding the rear portion of the Crebilly Farm (tract) be preserved as some sort of open space.

Mr. Pomerantz next asked what the strategic implications for the Township would be if action taken on the SUO were delayed until the comprehensive plan was completed. Mr. Snook stated

this approach would allow for the existing uses to be possibly utilized; however, as it is presently written the SUO would not guarantee all of the outcomes presented as part of the Bozzuto application. A discussion then followed on the specific uses currently afforded by the SUO in its present state and contrasted that with what was proposed to be amended as part of the Bozzuto application. Mr. Snook further stated that not doing anything with the SUO at this point would be relatively low-risk in context with the original objectives of the SUO.

Mr. Pomerantz next asked the strategic implications of a full repeal of the SUO. Mr. Snook stated the unintended consequence of repeal could be the full development of the tract with single-family homes utilizing the flexible development procedure. He noted this would result in the preservation of some open space, but not as envisioned with the implementation of the SUO. Specifically it would potentially eliminate important views of the farm and Brandywine Battlefield. He further argued the standstill plan from circa 2003 as being no longer valid as the land west of New Street has since been sold that was part of the plan as initially envisioned. Mr. Snook indicated he does not object to either a full repeal or not in the context of taking a comprehensive look at the areas as part of the comprehensive plan update. However the risks associated with each should be considered.

Mr. Pomerantz next asked what the strategic implications of an amendment of the SUO to incorporate elements from the Bozzuto application would encompass. Mr. Snook stated this would entail the adoption of some of the proposed conditions developed during Bozzuto application, and linking the ordinance to the entirety of the tract from 202 to New Street. This could be accomplished through the adoption of a "Brandywine Battlefield Overlay District." Mr. Snook indicated the adoption of any change to the SUO should also include a map amendment to reduce the acreage covered by the SUO back to encompass only that east of the connector road.

From a planning point of view, Mr. Snook suggested the best action is to amend the existing SUO and revisit it further after the completion of the comprehensive plan update. Ms. Adler asked if there is anything that can be done more immediately to preserve the connector road layout. Mr. Snook suggested the adoption of an official map to formally identify the road layout. He also indicated it is also mentioned within the existing SUO language, but stated it could be strengthened further. He then indicated the largest risk with the development of the property would be if the property was fragmented further into smaller pieces for development and this should also be taken into account with any amendment to the SUO.

Mr. Lees asked if the connector road was placed on an official map, who would ultimately be responsible for the costs of its construction. Mr. Snook stated the official map reserves the right of the Township to negotiate for the road within in year of a proposed development application, but the negotiation could have it included as part of a development plan. He then discussed how the official map would work and utilized East Bradford as an example.

Mr. Whitig asked what the process would entail if a property owner objected to the rezoning. Mr. Snook stated formal recourse for the impacted property owner is limited as zoning is discretionary within Pennsylvania. Mr. Hatton asked if a Brandywine Battlefield overlay could be incorporated into the existing SUO or if a separate overlay would be required. Mr. Snook stated it could be accomplished either way, but that if the SUO is amended to link it to the totality of the tract by referencing the Brandywine Battlefield.

Mr. Pomerantz asked what would prevent the current landowner from moving quickly on a project prior to the Township taking action on the SUO. Mr. Snook did not think this was being too alarmist in that it is a real possibility. He further suggested any amendment be consistent with the original intent of the SUO to allow more intense uses along 202 and promoting preservation of the interior and western portions of the tract. Mr. Pomerantz used the proposed perimeter trail as part of the Bozzuto application as an example of something to possibly be included with an ordinance amendment.

Next, the PC discussed various options before them for a recommendation of the SUO repeal. Mr. Snook stated the methods discussed are not mutually exclusive in that the BOS could proceed with a repeal while the PC works on an amended ordinance. The disadvantage of this approach is that it may result in the development of the tract in a fully residential manner with no commercial uses adjacent to 202. The PC next discussed what they viewed as the “worst case” outcome for development of the tract. The general consensus was its full development as a strictly residential community was the “worst case” outcome.

Mr. Whitig asked what happens in the context of the SUO if the farm is further subdivided. Mr. Snook stated that aside from the acreage qualifying conditions for development, the SUO as presently written does not prevent further subdivision of the tract. Mr. Whitig next stated the PC does not have enough information to make a recommendation at this time. Mr. Lees echoed that sentiment and further stated more time would be needed to develop an amended SUO for consideration. Mr. Yaw indicated he would like to see a “laundry-list” of proposed changes to the SUO that came in part from the Bozzuto application.

Mr. Hatton stated he feels the SUO should be amended to reflect more what was proposed as part of the Bozzuto application as well as amend the zoning map to reduce the overall footprint of the SUO. He further stated amending of the SUO should not wait until after the comprehensive plan to complete, and that consideration should be given to a Brandywine Overlay over the western portion of the tract to codify the large lot concept. Ms. Adler stated she is not in favor of a full repeal, but rather amending it as to better control for its intended outcome.

Mr. Pomerantz concurred that a full repeal is not the answer, but rather amend it to better reflect previously stated outcomes for the tract is the best action. However, further discussion would be needed in order to develop the amendment and make a recommendation on it to the BOS.

Ms. Adler made the following motion, seconded by Mr. Whitig and approved unanimously:

The Planning Commission has considered the issue of the repeal of the Special Use Overlay and recommends the Township not repeal it in full. Further, the Planning Commission recommends the Township amend the existing Special Use Overlay to include many of the provisions discussed during the review previously undertaken as part of the Bozzuto application as a means of furthering the Township's interest in both the preservation of open space and viewsheds in the vicinity of the Crebilly Farm as well as to promote thoughtful economic development along the 202 corridor.

Mr. Pomerantz then asked what the next steps will be to make this a priority if the BOS elects

not to repeal. Mr. Patriarca suggested that Ms. Adler emphasizes the PC's view on this and what needs to be done to amend it as part of her report to the BOS at their November 16 meeting.

Zoning Hearing Board – Variance application

Mr. Patriarca introduced a variance request to allow for the subdivision of a two acre lot into a pair of one acre lots. The request is necessary as the proposed subdivision requires relief from steep slopes net-out in the calculation of maximum density as well as that for the rear yard, R-1 setback. The subdivision would also result in the existing home being accessed through an easement through the norther portion of the new lot. He further stated the original intent of the property owner was always to subdivide.

Mr. Lees asked if both lots would contain an acre and what utilities are present at the site. Mr. Patriarca stated each lot would contain an acre and that the new lot would be serviced by on-lot septic disposal. Mr. Hatton asked if the new lot will conform to the existing impervious allotments, to which Mr. Patriarca stated it will as no request has been made for relief from impervious coverages. Mr. Pomerantz asked what type of precedent would be set by the granting of this variance to which Mr. Patriarca nor Ms. Adler could think of a similar request previously made in the Township. After discussion, the consensus of the PC was to not offer a comment on this application.

Planning Commission – Alternate Member

Mr. Pomerantz introduced the idea of an alternate PC member in the context of the PC being down a member for a better part of a year after the resignation of Mr. Criddle. The primary function of an alternate member would be to prevent the situation where a quorum may not happen in order to proceed with a meeting. A concern discussed with having an alternate member is how they would be integrated into various projects and issues that occur over the course of multiple meetings as to be fully informed if asked to make a recommendation. Mr. Yaw asked if the Bill distributed to the PC had actually been enacted into law or if it was still pending. With this being the question, Mr. Pomerantz tabled further discussion until it is determined if the alternate appointment has been enacted by law.

Planning Commission – Comprehensive Plan RFPs

Mr. Pomerantz introduced both RFPs to start the discussion on the preferred one of the PC. Mr. Pomerantz stated both firms have a long history of developing comprehensive plans and are both more than qualified to undertake the Westtown project. He then posed the question to the PC is there a preference for the selected consultant be relatively new to the Township (CVDA) or be one who has worked previously with the Township on planning issues (Brandywine/TCA). Ms. Adler stated if there is a concern with the timing of the process, going with the firm more familiar with Westtown may save some time in its development. Mr. Yaw, Mr. Lees agreed with Ms. Adler's statement on the timing of the plan and further stated by having a more localized firm they would have a better understanding of the unique needs to the Township. Mr. Hatton wants the selected consultant to be able to produce a contemporary deliverable that is potentially different from what has previously been adopted.

Mr. Pomerantz expressed his concern with issues that can arise from joint ventures and would want to know what exactly the roles would be in a Brandywine/TCA venture. Mr. Pomerantz further stated that after speaking with Susan Elks of the CCPC, she spoke positively of each of the firms RFPs were requested from. He indicated that a "fresh set of eyes" can be beneficial for

these types of projects from time-to-time. Mr. Patriarca then expressed that he thinks either consultant would be excellent to work with and that there is not a wrong answer to this decision. Mr. Pomerantz concluded by telling the PC if they are unable to attend the interviews and have questions to forward them to either himself and/or Mr. Hatton prior to each.

Public comment

Walt Pavelchek of 1050 South New Street – Mr. Pavelchek stated that either of the groups selected should draw from both the Growth Management Plan as well as the Open Space, Recreation, and Environmental Resources Plan Update as resources to start from in undertaking the comprehensive plan update.

Adjournment

9:50 pm (RH/JL)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary