

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
December 9, 2015 – 7:30PM

Present

Commissioners – Adler, Hatton, Lees and Yaw. Absent was Rodia, Whitig and Pomerantz. Also present was Township Planning Director Chris Patriarca, Township Manager Rob Pingar, Township Engineer Kevin Matson and those mentioned below.

Call to Order

Mr. Hatton 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/SY).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of November 4, 2015, were approved unanimously as amended (EA/JL).

Reports

Ms. Adler presented the November 16 Board of Supervisors (BOS) meeting. Their workshop encompassed an executive session with nothing to report. At their regular meeting, the BOS had several reports presented and a lengthy discussion on the PC recommendation for the Special Use Overlay (SUO). This included concerns about the potential for non-taxable development and stated it would be discussed further at a future meeting. Under old business comment was taken on this historic resources map. Under new business the BOS approved the Westminster subdivision.

Mr. Yaw presented the December 7 BOS meeting. Their workshop encompassed an executive session on litigation matters. During their regular meeting, the BOS discussed MS4 TMDL strategy, the SUO repeal options, heard resident concerns on the historical resources map, and had several reports presented to them. The bulk of the meeting was related to the WEGO budget for 2016 and differences between what WEGO is requesting and what is being approved by Westtown and East Goshen.

Announcements

Mr. Patriarca asked if a quorum would be in place for the December 23 meeting and if not it would be canceled. Ms. Adler then asked if there has been any further discussion about the possible adoption of an official map for the Township. Mr. Patriarca stated there has not as of that time.

Non-Agenda Public Comment

There were no non-agenda public comments.

New Business

Hawthorne Subdivision (1019 Shiloh Road)

John Jaros, the project attorney, and Jack Robinson of JMR Engineering were present to discuss the proposed six lot residential subdivision for 1019 Shiloh Road currently zoned R-1

and to be served by on-lot septic systems. The request was for preliminary approval only. Mr. Jaros indicated the primary difference between the current plan and the previous sketch plan was that the total lots had been reduced from seven to six and the proposed road had been widened and removal of a landscaped area in the cul-de-sac. He further noted three waivers are being requested, but that the one related to lot area is being requested out of caution as a result of a discrepancy between the definitions in the zoning and subdivision ordinance.

Mr. Robinson next led the PC through the latest McCormick Taylor comment letter. He indicated that after all of the soil testing was completed, the plan was revised to reduce the total number of lots to six. Mr. Robinson then explained why a waiver was being requested to reduce the cul-de-sac radius from 50 to 45 feet. He indicated this was being requested due to the small size of the development and it would be accessible for emergency vehicles. Mr. Patriarca indicated the Township Roadmaster did not object to the 45 foot radius and Mr. Matson stated the request is consistent with existing cul-de-sacs in the Township.

Mr. Robinson next stated a waiver was being requested to allow for the new street to intersect with Shiloh 190 feet away from the Kilduff intersection instead of the 200 feet required by ordinance. He stated the proposed location has been determined to be optimal for sight distance as well as result in the applicant not having to relocate an existing utility pole. Mr. Matson stated that he does not object to the waiver and agreed the location optimizes sight distance. Mr. Hatton then expressed his concerns with the existing traffic and condition of Shiloh Road and how this request may negatively impact it. Mr. Robinson again reiterated the sight-distance from the proposed location has been optimized and is fully compliant with code for safe sight-distance.

Next discussed was the applicants desire to pay the \$1,100 fee in lieu per residential unit instead of providing the required open space for the project. Mr. Robinson argued this was appropriate as the developer was not maxing out his allowable density and the overall layout of the project will afford significant passive open space throughout the development. Mr. Yaw asked if the \$1,100 fee is still applicable or has it been superseded by a more recent resolution to which Mr. Patriarca stated the \$1,100 fee has not been amended and is accurate.

Next Mr. Robinson led a discussion on required landscaping and tree plantings for the site. He indicated the total number of trees proposed on the plan as being 112, which is short of what is required by ordinance for replacement. However, he further noted the number of trees being protected and retained throughout the periphery of the development and argued the development is consistent with the spirit of the ordinance for the planting of trees. Mr. Robinson also made note of the screen trees above and beyond what is required by ordinance along Shiloh Road and established neighboring properties. He then stated the applicant may request a waiver from some of the landscaping provisions if they are unable to incorporate all of the mandatory plantings in a manner that makes sense and as such is asking the PC for their thoughts on where additional trees/landscaping may be appropriate.

Mr. Hatton asked what type of screening is proposed for the northern property line. Mr. Robinson indicated only three additional trees are proposed and that the area will not be disturbed during construction. He further stated additional vegetative screening was not proposed due to how the proposed homes will be downhill from the existing residences. Ms. Adler stated she would like to see additional consideration given to more thorough screening

between the development and existing homes that neighbor it.

Mr. Patriarca asked if consideration was given to creating a separate lot inclusive of the basin and wetland with responsibility of its maintenance being on the HOA and not of an individual property owner. Mr. Robinson stated that it is unusual to see a separate lot created and dedicated to a HOA inclusive of a basin and open space. Mr. Jaros stated an easement will be placed over the basin area with the HOA being responsible for its maintenance. Mr. Matson stated across Pennsylvania municipalities have been mandated to meet more strict MS4 requirements and that a separate lot may be beneficial in the future as requirements potentially expand. He further stated the separate lot may improve facilitation for conformance with MS4 if needed in the future. Mr. Robinson indicated his concern with this would be in mandatory “net-outs” and the need to possibly request a variance in order to accomplish this.

Mr. Lees noted the possible tax consequences for the lot with the basin may be detrimental for the property as well. Mr. Yaw further noted if the lot is separate, the tax bill would be the total responsibility of the HOA and not the individual property owner.

Next Mr. Matson discussed the issue of sidewalks, noting they are not explicitly required by ordinance, but requesting the applicant discuss their consideration as part of the application. Mr. Robertson stated the applicant has not provided for sidewalks as there are no immediate connections in the vicinity to an existing sidewalk network as well as citing the overall “feel” of the neighborhood with six homes on estate lots. Mr. Hatton stated there was previous discussion on the inclusion of sidewalks and noted Kilduff Circle had them as a six lot development. He also spoke of the long term possibility of the development of sidewalks in the Township as well as providing a place for children in the neighborhood to safely utilize.

Mr. Matson next discussed the layout of the road entrance with its intersection with Shiloh Road. He questioned if the curbing with work as required by code as well as the impacts of the utility pole in the clear sight triangle. Mr. Robinson stated the utility pole is approximately 18 inches off the pavement and would not hinder construction of the road as planned. He further stated he feels the utility pole does not negatively impact the clear sight triangle for safety at the proposed intersection.

Mr. Matson next asked if the applicant would be amenable to constructing a capped sewer as part of the development to be used if public sewer ever came available in the area. He did state this is not an ordinance requirement and only asked as a point of discussion. Mr. Hatton noted there is a dry sewer within a portion of the Shiloh Road ROW. Mr. Jaros stated he understands the sentiment, but indicated this type of request would place an undue burden on the applicant as it is not required by ordinance. Mr. Robinson did state all six will be served by on-lot septic and each have both a primary and backup drain field identified.

Mr. Patriarca asked if the proposed berms along Shiloh Road are located totally outside the ROW. Mr. Robinson indicated the berms are approximately two feet in height and will be located outside of the ROW. Mr. Hatton asked if the steep road grades and driveways were consistent with code, and Mr. Matson indicated they were compliant with code. Mr. Hatton followed by asking how the basin will operate and function, and Mr. Robinson followed by describing how it will work and that it will be able to be mowed with relative ease. This was followed by a discussion on riparian buffers and wetland protections with the PC advocating for a 100 foot

buffer although not required by code.

Mr. Hatton then asked if consideration had been fully given to how stormwater runoff will impact neighboring residential properties. Mr. Robinson stated runoff should decrease from the site as it will be managed throughout the site in the basin and recharge beds instead of sheet flowing across the field. Mr. Matson then noted several details related to stormwater management will need to be addressed prior to final plan approval.

Mr. Pingar then asked several questions relevant to the proposed intersection with Shiloh Road. The first question was relevant to the required sight distance for the left turn onto Shiloh, to which Mr. Robinson stated it had been met with 400 feet plus available with only 325 feet required. A further discussion of sight distance in the vicinity ensued. Mr. Pingar stated his concern with the study being conducted utilizing the posted speed limit and not the actual speeds in the field. He then stated some changes will need to be made to roadside drainage to redirect runoff from Shiloh Road away from the new road. The conversation then concluded by going through a list of issues identified by Township staff in an earlier meeting.

Andrew Costagliola of 1017 Shiloh Road – Mr. Costagliola stated he lives adjacent to the proposed development. He stated he would like to see the buffer of trees and shrubs along the property line remain and be enhanced further to provide for adequate screening.

Jayanta Das of 1015 Shiloh Road – Mr. Das stated his concern with screening between his property and the development and requested consideration be given for additional screening in the area. He also had concerns about the noise and dust associated with construction on his property. Mr. Jaros stated his client would work with the neighbors in the development of appropriate screening/landscaping.

Ms. Adler asked if potential revisions to the plan based on the conversation had would result in significant change to the overriding lot layout/geometry to which Mr. Matson stated it would not. Mr. Patriarca then went through the waivers being requested for the PC to consider further if they elect to make a recommendation of preliminary approval only. Mr. Hatton made the following motion, seconded by Mr. Lees and approved 3-0:

The Planning Commission has reviewed the preliminary plan for the Hawthorne subdivision and recommends its approval inclusive of the four waivers requested by the applicant by the Board of Supervisors.

Zoning Hearing Board – Special exception application

Mr. Patriarca introduced a special exception request to allow for the reconstruction of a detached garage as an attached one as part of an existing non-conforming structure on a non-conforming lot. The request is necessary as the addition fails to meet the minimum side yard setback of 25 feet for the R-1 district. The PC then had discussion on the unusualness of the property with regards to the property lines, driveway and existing structures. The PC does not oppose the application, but does have concerns about the driveway that crosses the eastern property line.

Public comment

Walt Pavelchek of 1050 South New Street – Mr. Pavelchek had a comment on the November 4 PC meeting minutes on clarifying what Mr. Hatton said about the potential planning consultants.

He then referenced the recent open space plan implementation strategies and recommended the PC review what they have accomplished in its implementation. He indicated that he generally see the possibilities for the plan as being a positive for the Township moving forward. Mr. Pavelchek then provided the PC documentation and ideas to improve access and development of sidewalks within the Township. Mr. Hatton the clarified his statement from the minutes stating how he would like to see a more dynamic plan that is more focused on implementation and outcomes.

Adjournment

9:30 pm (RH/JL)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary