

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Wednesday, January 23, 2002 – 7:30PM
Westtown Township Assembly Hall
1039 Wilmington Pike, Westtown, PA

Present: Chairman Don. L. Verdiani, Vice Chairman Domenico N. Bibbo, Secretary Elaine L. Adler, Carol R. DeWolf, Kevin Flynn, Arthur B. Holland, Mary E. Paumen, Township Manager Michael A. Cotter, five 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 Planning Commission meeting of January 9, 2002 were approved as submitted (AH/CD). Mary Paumen asked that a separate memo be added covering the discussion that was missed due to the failure of the tape system.

Reports

Staff. Michael Cotter reported on the special committee created by the Board of Supervisors for the New High School project on the Jones Tract. The committee met for the first time January 16th. There are two at large vacancies to fill. The four formally appointed committee members are Michael Cotter, Robert Genzano representing the Board of Supervisors, Walter Pavelchek representing the Parks Advisory Group, and Mary Paumen representing the Planning Commission. There are currently four individuals interested in the two vacancies. They are Mark Dellaporta and Nancy Winther, members of the Concerned Citizens group, Ted Mondezelewski, architect and former Planning Commission member, and Gus Faucher, an economist who lives on Oakbourne Road. The decision will be made shortly by the Board of Supervisors. Mr. Cotter requested that the Planning Commission have a second person as back up in case Mary Paumen cannot attend a meeting. The Board of Supervisors will appoint an alternate from interested members

Board of Supervisors Meeting, January 9, 2002. Carol DeWolf reported. The Board approved a Conditional Use for the "Fountains" age-restricted apartments at Jefferson Center. The revised preliminary plan for this project Tract 2000-8 will be presented to the Planning Commission in February. The Board also approved the plan for Tract 2001-6, Joyce Realty/Kirkwood Land Development after changes to the drawings were presented. The Permit Management Software System Contract with Gilmore Associates was reviewed. The contract will be amended and further reviewed at another Board of Supervisors Meeting. Mr. Cotter will be giving a Power Point presentation at the February 4th Board of Supervisors meeting regarding this. Mr. Cotter stated that he could also do the presentation at the February 6th Planning Commission Meeting. The Board approved an Ordinance to amend the Pennsylvania Municipal Retirement to correct vesting provisions. Advertisement of the Ponds Edge Road and South New Street road improvement bids was authorized. Ponds Edge Road will be the first use of speed humps in the Township.

Small Lot Agriculture/Open Space Meeting, January 15, 2002. Don Verdiani reported. The meeting was well attended by residents and others interested in learning about opportunities for agricultural use of smaller lots as a means of preserving open space. The committee, which includes Don Verdiani, Eva and Tom Foster, will attend the February 6th Planning Commission Meeting to give a presentation on the results of the property owners survey and the residents comments at that meeting.

Announcements:

West Chester Inter Governmental Committee. Michael Cotter announced there would be a meeting Monday, January 28, 2002, at 7:00 p.m. at the Township Assembly Hall to discuss regional cable access.

Zoning Law and Administration Conference. State College, April 13, 2002 . Don Verdiani and Kevin Flynn have attended this session and recommend other Planning Commission members consider attending.

Board Meeting Assignment Schedule. Nick Bibbo will represent the Planning Commission at the February 4th Board of Supervisors meeting. Elaine Adler stated that she had just received all the members dates and would prepare the schedule and send it out to the members.

Tract 2001-10, Riley/Mandes Lot Line Revision: Present was Michael Murray of the law firm of Riley, Riper, Hollin, and Colegrecco. Mr. Murray reviewed the history of the project, the review letter dated 1/17/2002 from Chester Valley Engineers, and the Chester County review letter dated 1/18/2002. The only issue was Chester Valley Engineers comment #1 relating to setbacks for the existing tennis/basketball court on the Riley property. A portion of the court is in the 25-foot required side yard. There are three possible alternatives to resolve this issue: 1. change the property line, 2. remove that portion of the court, or 3. request a variance. The applicant's are prepared to remove the section in question if the Township's feels it is an issue.

Mr. Verdiani stated that a plan note stating that the portion would be removed within so many days would be needed. Mrs. Adler mentioned the non-building waiver needs the applicant's signature and she will send it to Mr. Murray's office.

Motion (MP/AH) The Planning Commission recommended that the Board of Supervisors approve the lot line revisions for the Riley/Mandes Tract 2001-8 conditioned on the addition of a note to the plan that any portion of the existing macadam tennis court that does not conform to the required zoning set backs will be removed. Further the Commission recommends that the Board of Supervisors grant the three requested variances.

Public Comment. None at this time.

Unanimously approved.

Tract 2001-8, Bartram/Ponds Edge Road Present were Mrs. Marion Bartram, Mrs. Evelyn Dudas, and Ted Gacomis Engineer from E.B. Walsh. Mr. Gacomis commented that since the last meeting there has been a hearing scheduled before the Zoning Hearing Board for the variances that are required for Lot 4. The existing barn/Dudas Diving Duds does not meet the required setbacks; the impervious coverage on this lot is also in excess of what is permitted.

Mr. Gacomis discussed the CVE letter of October 15, 2001, with Township Engineer Angelo Capuzzi and reported that Mr. Capuzzi's major concern was the drainage/storm water management on Lot 1 (General Comment #1). It was agreed that a note would be added requiring a study of the drainage ditch or mini flood plain analysis before issuance of a Building Permit to make sure that the house is set 18 inches above any area that might flood. Mr. Gacomis noted the recommendation that the existing dwelling on Lot 2 should be connected to public sewer (General Comment #3). PC members concurred, and also suggested connecting the existing dwellings to public water. Mr. Gacomis reported that the Bartram's were ready to connect to public sewer when and if there were problems with the existing septic systems, but did not wish to do so at this time. Mrs. Bartram stated that the water supply, which is used by three dwellings, is reliable and is tested on a regular basis. General Comment #4 recommends widening the driveway used by lots 2, 3, and 4 and the adjacent Dudas residence. The new lot (#1) will have it's own driveway onto Ponds Edge Road. Mrs. Bartram does not want to widen the driveway because it has worked fine as it is.

Mr. Gacomis stated the applicants were here tonight to ask for the Planning Commission's recommendation for approval of the plan subject to granting of the required variances by the Zoning Hearing Board. Mr. Verdiani asked if the non-conforming use was an issue for the Township and if it would be a part of the Zoning Hearing Board discussion. Mr. Cotter responded that the Township concurred with the applicant's attorney that this subdivision in effect reduced the non-conformity by restricting it to a one-acre lot rather than the entire 4.9-acre tract.

Motion (MP/CD), the Planning Commission recommends that the Board of Supervisors approve the plan for Tract 2001-10 Bartram subject to the following conditions:

- 1. The Zoning Hearing Board's granting the requested variance**
- 2. Addition of plan notes covering easement for the common driveway.**

Approved – for DV, EA, CD, KF, AH, MP. Abstain - DB

Tract 2001-9 Westtown Village Bank: Michael Cotter said there were numerous zoning issues relating to this plan which he intended to discuss with the applicant prior to the Planning Commission review.

Zoning Amendments: Michael Cotter introduced Charlie Schmehl of URDC. Mr. Schmehl's memo of November 28, 2001, was distributed to the Planning Commission in December. Mr. Cotter said Mr. Schmehl was present to review the major changes to the Zoning and Subdivision Ordinances necessary to bring them into agreement with the recently adopted Growth Management Plan. This will be a recurring agenda item for the Planning Commission although Mr. Cotter hopes the Commission will conclude its review by May so the Board of Supervisors can act on it in July.

Mr. Schmehl described the material included with his November 28 memo. First is a cover letter explaining why some things are proposed to be changed and why some not. Next is the summary of proposed Zoning Ordinance Amendments, then the actual text of the Proposed Zoning Ordinance Amendments. Last is the text of Proposed Subdivision and Land Development Ordinance Amendment which are intended to be merged with the revisions that Angelo Capuzzi has prepared. Mr. Schmehl explained that the new items in ordinance amendments were technical corrections resulting from discussions with Michael Cotter, Angelo Capuzzi, and Elaine Adler who identified issues that have been problems over the years. A new State Planning Code Amendment went into effect recently which specifies new time limits on Conditional Use approvals, Special Exception approvals, and Amendment approvals. These will have to be added to the draft ordinance amendment.

There is also a map showing the proposed Zoning Map changes. Mr. Schmehl said that there are no major Zoning changes proposed. The primary changes affect only the Crebilly Farm tract where some carefully controlled office use are to be permitted, and the 202 corridor where the present POC and PO overlays are to be eliminated and replaced with a POC District.

Mary Paumen suggested that the PC formally accept the proposed zoning changes which had been discussed at length previously and agreed upon. Carol DeWolf noted that she had not been a member of the Commission during those discussions and had some reservations concerning the office/business use on the Crebilly Tract. Messrs. Schmehl and Cotter explained the open space regulations and performance zoning criteria that are intended to control the exact uses which would be allowed. Mr. Cotter also noted that Westtown's Act 537 does not specify public sewage for this tract which will effectively limit the type of uses.

The Commission decided to discuss the URDC memo in detail at a workshop meeting on Wednesday, February 13, 2002, 7:30PM. The discussion of the R-1 Flexible/Cluster section of the Zoning amendment is scheduled for February 20th. Mr. Bibbo said he felt the R-1 Flex discussion had already consumed too much time and should be resolved promptly. He personally would retain the one-acre requirements.

Public Comment:

William Steele, E. Niels Lane. Thanked Mr. Bibbo for his remarks and commented that the residents he had contacted would prefer to retain the R-1 zoning as it is now.

Adjourned: 10:18PM (CD/AH).

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Elaine L. Adler, Secretary