

AT A PUBLIC HEARING AND REGULAR MEETING OF THE WESTTOWN TOWNSHIP PLANNING COMMISSION HELD IN THE TOWNSHIP ASSEMBLY HALL, 1039 WILMINGTON PIKE, WEST-TOWN, PA, ON MARCH 6, 2002 AT 7:30PM.

PRESENT: Chairman Don. L. Verdiani, Vice Chairman Domenico N. Bibbo, and Commissioners Elaine L. Adler, Carol R. DeWolf, Kevin Flynn, Mary E. Paumen, Township Engineer Angelo M. Capuzzi, Director of Planning, Zoning and Code Enforcement Patrick B. Howard

ABSENT: Arthur B. Holland

ITEM I: CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Verdiani led those present in the Pledge of Allegiance and called the meeting to order.

ITEM II: ROLL CALL

Chairman Verdiani noted six members present, two of which were due to arrive late due to an earlier Township meeting that was just wrapping up.

ITEM III. ADOPTION OF AGENDA

Commissioner Carol DeWolf stated that under **Reports** it should read "West Chester Regional Planning Commission". There being no other corrections, the Agenda was adopted.

ITEM IV. APPROVAL OF MINUTES

William F. Steele (1005 East Niel's Lane) commented that under public comment he also asked Township Engineer Angelo Capuzzi about the steep slopes on the Orvis property. He stated that Mr. Capuzzi's comment was that "there were both precautionary and prohibited slopes." There being no other corrections, there was a motion from Commissioner Carol DeWolf and seconded by Commissioner Nick Bibbo to approve the minutes of the 20 February 2002 Planning Commission meeting with the addition of the aforementioned comment. The minutes were unanimously approved.

ITEM V. REPORTS

Staff. Planning Director Patrick B. Howard announced that on 30 April 2002, there will be a conference sponsored by the Delaware Valley Regional Planning Commission entitled "*Building From Strength: Strategies For Older Suburbs And Boroughs*" that would be mailed out to the Commissioners.

Board of Supervisors Meeting, March 4, 2002. Commissioner Don Verdiani reported.

- The local Boy Scout troop had three Eagle Scout projects last year and two of the scouts were in attendance to be recognized and received plaques from the Township.
- Building Inspector Gerry DiNunzio reported that Westtown School's lower school was in progress and going well and that Green Lane Village is proceeding on schedule.
- Roadmaster Mark Gross reported that inspections of the sewers on Ponds Edge Road were performed to precede the roadwork that will be done there. During the inspections, a collapsed storm sewer was discovered. He also mentioned that the Tree Trimming processed was currently underway, and, in 2002, he and his crew plans to trim off tree branches under fourteen feet on streets scheduled for roadwork this year. He stated that this trimming was necessary, because overgrown trees and hanging limbs would cause

those driving trucks and buses, in particular, to drive down the middle of the street, potentially causing an accident.

- Planning Commission Chairman Verdiani gave updates on the Tordone Associates subdivision proposal and the Joyce Realty's proposal on Route 3. Regarding the Tordone proposal, the Board of Supervisors expressed their concerns regarding the connection of oddly shaped lots to public sewer, and the proposed shared use of a driveway. The Board of Supervisors expressed favorable interest in the Joyce Realty proposal.
- Under **Public Comment**,
 - Chairman Verdiani stated that there was an emergency drill recently. Once every two years the Limerick Power Station must simulate a nuclear emergency and evacuation and Westtown Township is part of that process. They simulated an evacuation drill and Stetson School is the place that evacuees from up north would come. A reception center was set up there at the school. The feedback from the County was that everything, including the Township's part, went well.
 - The Governor has declared a drought emergency for this part of Pennsylvania, which includes a "No Burning" ban from the County Commissioners.
 - Comments from the public were expressed regarding the cost of the new high school and what it would do to local taxes. Members of the Board of Supervisors commented that this would have an impact over time.
- Under **Old Business**,
 - The Board approved the Pennsylvania Pension Plan that was modified to correct a mistake that was made when it was originally put in place.
 - The GeoPlan software was approved.
 - Township Manager Michael Cotter conducted a presentation on the Township's Web Site.
 - The appointments to the High School Committee were tabled.
 - Planning Commission Chairman Verdiani stated that Steve Marshall and Joseph McCawley made a presentation to the Planning Commission regarding the Jefferson Center Bank and Office Building. After much discussion, the project was favorably received with a recommendation forwarded to the Board of Supervisors for approval.
 - Roadwork contracts for Ponds Edge and South New Street were awarded.

West Chester Regional Planning Commission. Commissioner Carol DeWolf reported.

- Planning Director Patrick Howard attended the meeting with Commissioner DeWolf. The meeting was a reorganization meeting.
- The Eastern Pennsylvania Operators Meeting will be at the new sewer plant in West Goshen on March 22, 2002 with a consultant presentation from 9:00 to 11:00 a.m. and a tour and luncheon to follow.
- Thornbury Township is working on their Comprehensive Plan.
- Commissioner DeWolf is trying to obtain from Joe Zaber of West Chester's Planning Commission a copy of West Chester University's Master Plan that shows where University buildings will be south of Rosedale and South Campus because of the concerns of the possibility of increased rental properties in the Township.
- Regional Commission projects include a through review of the impact Pennsylvania Acts 67 & 68 on each of the Commission's participating townships; possibilities for intergovernmental cooperation; and local water usage.
- Commissioner DeWolf will represent the West Chester Regional Planning Commission at the Chester County Association of Township Officials and participating in a panel discussion with the Northern Federation in the Kennett area and New London Regional groups.

ITEM VI. ANNOUNCEMENTS

Commissioner Kevin Flynn will represent the Planning Commission at the March 18, 2002 Board of Supervisors Meeting.

ITEM VII: PRELIMINARY PLAN (INFORMAL) REVIEW

1. Tract 2000-8, The Fountains @ Westtown Senior Apartments

Request by Joseph and Delores McCawley to construct two (2) four (4) story apartment buildings, each containing 32 two-bedroom apartments (64 total units), which will be restricted to occupancy for adults aged 55 and older. The units will be constructed on Lot 2A of the McCawley parcel, located on the east side of Route 202, immediately south of the Sunrise Assisted Living Facility. The site contains 5.936+ acres located immediately northeast of the intersection of US-202/Wilmington Pike and Skiles Boulevard. The property is zoned Rural-Suburban Residential District (R-1) with a Planned Office Campus District (POC) Overlay. The site qualifies for development in accordance with the requirements of the Code of the Township of Westtown, Section 170-1206 and conditional use approval granted by the Board of Supervisors on 22 January 2002 (**Land Development Plan dated 13 February 2002**).

Planning Director Patrick Howard gave a presentation, providing an overview of the issues relating to the project.

Chairman Don Verdiani commented that there are a couple of other factors to consider regarding this site. He mentioned that there was a stipulation between the Township and the developer from the 70's that defines what will take place here in addition to the existing ordinances, including that which was created around the apartment use and the Conditional Use agreement. The entire site was reviewed in the context of a master development plan, and this issue should also be discussed, he suggested.

Mr. Stephen Marshall of *Kaplan Stewart Meloff Reiter & Stein* spoke on behalf of the applicant. Mr. Marshall thanked Planning Director Patrick Howard for his presentation. He mentioned that there was a submission of preliminary land development plans for the apartments issued following the rezoning of this particular lot to allow multi-family, age-restricted dwellings which came through certain zoning amendments that the Board of Supervisors passed. Following that, a Conditional Use decision was required under the Zoning Amendments. Mr. Marshall commented that he would like to review Township Engineer Angelo Capuzzi's comment letter of February 25, 2002. Mr. Marshall stated that he would identify the pertinent issues and start to work towards some resolution. The beginning comments refer back to the bonuses. The applicant has agreed to avail themselves of the density bonuses that would be allowed for enhanced landscaping and architecture and also building length. The building shown is one hundred ninety nine feet by seventy-seven feet and so the applicant will need to avail himself of both the landscaping and architecture bonuses. Mr. Marshall stated that, according to the Ordinance, this should be done through the use of outside consultants that will act as a third party review of both architecture and landscaping. Regarding Mr. Capuzzi's letter that questioned whether there would be an independent architect, Mr. Marshall's feeling is that it has been decided based on the Zoning Ordinance, but if anyone has different ideas, he would listen. The way Mr. Marshall reads the Ordinance is that, together, with the Township, an acceptable architectural consultant and landscaping consultant would be chosen. Mr. Marshall has forwarded some names of landscaping consultants to Township Manager Michael Cotter.

Commissioner DeWolf asked if any of the stipulations require some separate Township architect appointed, or any language that states that there will be an agreement of who the architect is or that the client will submit their list of architects.

In response to Commissioner DeWolf's question, Mr. Marshall replied that the Ordinance states that the architect is to be chosen by the Township. Based on the reading of the Ordinance, the Township Manager and Mr. Marshall decided that since the word "independent" is there, they would both agree on the candidate.

Planning Director Patrick Howard commented that there had not been any decision made on the architect, so if anyone had any input at this point, it would be welcome.

Mr. Marshall suggested tabling the issue and if any of the Planning Commission had suggestions, they should give them to Township Manager Michael. Mr. Marshall would submit a recommended list of architects, as well.

Chairman Verdiani commented that he did not have a problem with the applicant proposing an architect, the Township reviewing the list and developing a set of "mutually agreeables," and proposing them to the Planning Commission.

Commissioner DeWolf stated she felt that the Township should choose a separate consultant to review the plan to alleviate a conflict of interest.

Commissioner Adler commented that choosing a consultant and giving them direction was not a part of this review, and that the Township should be very strongly involved in formulating the direction given to the consultant.

Mr. Marshall commented that from his client's perspective, they wanted to get it moving. He stated that he would like to table the issue and discuss it with Planning Director Howard and Township Manager Cotter, and, if Commissioner DeWolf had any input, to please let them know.

Commissioner DeWolf stated she did not have any input, but that she was just questioning the process.

Chairman Verdiani stated that it is the Township's call on who is selected, but a mutually agreeable list is not a bad idea to begin with and that is what is being proposed. He expects that Planning Director Howard, Township Manager Cotter, and Township Engineer Capuzzi would have a great deal of input on who best represents the Township's interest in the independent review.

Planning Director Howard suggested that when things were further along, the Planning Commission would be provided with detailed information about all the architects being considered.

Chairman Verdiani said that process of getting a couple good names, conducting a staff review, and then figuring out the best way to move forward is the best approach.

Mr. Marshall then moved on to item number five, commenting on the Variance that has been requested through the proposed building setback that measures from the jug-handle - seventy-five feet versus fifty-one feet. He also mentioned that this had not changed from the discussion on Zoning Amendments or the discussion on the Conditional Use.

Chairman Verdiani asked if the plan that Township Engineer Capuzzi reviewed in February was still the plan being used.

Mr. Marshall confirmed and commented that this Variance is what they have talked about all along through the location of the building and they feel that it is covered as part of the stipulation.

Township Engineer Capuzzi commented that the fifty-one foot setback that is shown now was shown back in the beginning, and that we are now in the process of approving preliminary plans and thinks it is a formality as far as the fifty-one feet goes.

Chairman Verdiani stated that it is an issue that ultimately has to be approved or not approved.

Commissioner Flynn commented that the plan shows overall dimensions of two hundred feet by sixty-eight feet, but when Mr. Marshall started speaking he said it would be seventy-seven feet by one hundred ninety-nine feet, and that he would like to know which it is.

William F. Wendling of Pennoni Associates stated that is the seventy-seven feet by one hundred ninety-nine feet.

Commissioner Flynn stated that the plans the Planning Commission have shows sixty-eight feet, and, if the building is expanded, there won't be a fifty-one foot setback from the right-of-way.

Mr. Wendling responded that it would be widened to the east so it won't approach on the fifty-one foot setback.

Chairman Verdiani asked if Township Engineer Capuzzi has the right plans for proper review at this point.

Mr. Marshall commented that he understood that they were not. His expectation is not for any formal recommendation or approval, but rather to receive feedback.

Commissioner Flynn asked if the nine-foot difference would mess up other things.

Mr. Marshall stated that his belief was that it wouldn't change any other relief required.

Mr. Marshall moved onto item number six regarding calculations on height. He stated that it is similar to the issue with the office. When first submitted, the applicant did not have a full architectural elevation of what the height would be. Fortunately, the applicant will not be asking for any relief. The letter references forty-five feet, the amendment calls for fifty feet or four stories, which ever is more restricted.

Township Engineer Capuzzi commented that the Zoning tabulation on the plan shows forty-five feet. Commissioner Adler asked what the physical height is - the distance from the bottom of garage to the top of the peak.

Mr. Marshall stated that it is approximately fifty-two feet.

Mr. Wendling stated that the variances that are requested for the project are based on the applicant conveying the road to the Township, and that the original design was set up to give the proper buffer. He suggested that if the land set aside for the right-of-way was not to be included in the calculations, a new tract boundary is technically formed beginning at the right-of-way, leaving only a distance of five feet from the parking area. Because the area was designed to have thirty feet buffer, variance relief will be necessary after the right-of-way has been delineated.

Commissioner Flynn asked if the applicant was referring to the sixty-eight foot wide or seventy-seven foot wide building.

In response, Mr. Wendling stated that it is the sixty-eight foot building. He suggested that the building would have to move forward to maintain the fifty-one feet and would grow in both directions.

Commissioner Flynn asked if the building were to grow in a northerly direction, a twenty-foot setback requirement from the building to the edge of the parking lot would be needed, and asked if that would be able to be met?

Mr. Wendling confirmed that the setback could be achieved, but would just take up more in the front.

Chairman Verdiani commented about an issue regarding building spacing. In response to Mr. Wendling's stating that the spacing is sixty-six feet, Chairman Verdiani commented that you couldn't let the buildings get wider without having a problem with the spacing issue as well.

Mr. Wendling commented that the building separation minimum is thirty-five feet. Commissioner Adler asked where does this leave space for the enhanced landscaping if all of these separation areas are diminishing. Mr. Wendling suggested that, in regards to the separation, it is increased number but also increased size. There is plenty of green space on the site left.

Commissioner Adler stated that the point of the enhanced landscaping was to diminish the impact. She questioned that, if there is no place for landscaping along the north and east boundaries of these buildings, how would enhanced landscaping be provided that would diminish the impact.

Mr. Wendling stated that there is room for landscaping and that the Ordinance reads, "substantially increased," with no other definition. The landscaping was put in the way the applicant saw fit and that it can be increased in the front and that it will have to be evaluated. He also mentioned that he is not sure they want to completely screen the face of the buildings from anything.

Commissioner Adler commented she did not say "screened," but "diminishing the impact."

Mr. Marshall argued that this brings the group back to the beginning of the discussion where it was mentioned that there was a need for an independent adjudicator to address these issues.

Commissioner Adler stated since they are diminishing the area available to accomplish this in it becomes a more difficult problem.

Mr. Marshall stated that he can't argue with that but can't say for sure it can't happen because the applicant was not at that point and stated that he would take all things into consideration.

Chairman Verdiani expressed his concern on the actual size of the proposed building and how it will impact a lot of the issues, and asked if there will eventually be a plan to look at that is what will really happen during the preliminary plan review.

Mr. Marshall stated that at next months meeting the applicant would have it.

Mr. Marshall then moved on to item number ten. He stated that there was a question on the floor area ratio - taking the total building square footage and dividing it by the total square footage of the lot. He believes that forty percent floor ratio is permitted in the POC. He mentioned that the applicant intends to comply with that provision, having done the calculations that suggests that things will work. Mr. Marshall commented that from the re-zoning, 7.1± acres would be the applicant's base number based on by Township Solicitor Robert Adams confirming that until land for the jug handle is dedicated, it can be used in the calculation.

Chairman Verdiani commented that this is a question of the dedication of the jug handle and whether it is or isn't dedicated and if it can or cannot be used.

Township Engineer Capuzzi asked if the applicant was going to add the area in the center of the jug handle back into it.

Mr. Marshall confirmed.

After discussion, Mr. Marshall thanked the Commission for their guidance.

ITEM VIII. OLD BUSINESS

1. Discussion of meeting dates for Flexible Development procedure and Subdivision and Land Development Ordinance revisions.

Chairman Verdiani commented on the failure of the consultant to appear which caused an inconvenience to the residents of the Township. Planning Director Howard is in touch with at least one of the consultants working on the project.

Planning Director Howard passed out copies of an email from John Snook with dates that he would be available. After discussion, it was decided that this would be at the April 3, 2002 Planning Commission Meeting.

Chairman Verdiani asked if there were dates that Charlie Schmehl would be available.

Planning Director Howard commented that his first available date would be April 10, 2002, which is the workshop date.

Chairman Verdiani mentioned that he should be asked if he can come to the April 17, 2002 Planning Commission Meeting as there will be Commissioners unable to attend on April 10, 2002.

Planning Director Howard confirmed that he would ask Mr. Schmehl about April 17, but asked if there was an alternate date to give him. It was decided after discussion that it would be April 24, 2002.

ITEM IX. PUBLIC COMMENT

Mr. William Steele, 1005 E. Niels Lane, commented on the scheduling of John Snook on April 3, 2002 that it deals with the Orvis property. It seems that the majority of the Commission are interested in having open space and maintaining open space but you are going to put houses in there. The majority of the neighbors don't want the crowded situation of a flexible development. Mr. Steele stated he spoke with Township Engineer Capuzzi regarding the Orvis property and the steep bank. He asked if someone would be able to build on that steep bank or would it remain open.

In response, Township Engineer Capuzzi stated that there are precautionary slopes and prohibited slopes. He went on to state that on prohibited slopes, you are not allowed to build on, and that on precautionary slopes, you are allowed to build on based upon the underlying Zoning District.

Mr. Steele asked if the Orvis property had prohibited slopes.

Township Engineer Capuzzi stated that it had some of both. Mr. Steele again asked if they would be able to build on that steep bank.

Township Engineer Capuzzi responded it would depend on how steep it was. There is not an accurate map and that would be one of the things needed by whoever eventually developed the property. From that map, it can be determined what can and can't be built on.

Mr. Steele suggested that it would probably be open anyway, so instead of adding clusters to it why not leave the R-1 Zoning the way it is and maintain that open space which would be there anyway. The only other contributing factor would be the road that goes up there. Mr. Steele stated he has asked Supervisor Scipione if the development of the Orvis property is contingent upon that road. Mr. Steele has been told that it was not. Mr. Steele commented that he would like the R-1 zoning to remain and have the open space and fewer homes for a less crowded situation. "Why waste the Planning Commission's time meeting with John Snook?" he asked.

Chairman Verdiani thanked Mr. Steele for his comments and stated that there would be things to talk about. As far as the road is concerned, there will be an official map that the Planning Commission and Board of Supervisors will do at the end of the Ordinance review. If there is a road drawn on the official map, when the property becomes available the Township has a period of time in which to execute whatever it takes to get the property to build the road. He stated that he wasn't sure that the road is completely optional or unwanted. It is clearly wanted, where it officially sits now and where it may sit off into the future, the Township has a serious interest in causing that road to be built. Once Route 202 is expanded, the road really is necessary. Chairman Verdiani stated that how the Flex Development comes out is not clear. Whether Flex Development means an increase in density or just a different way to build with the same density. One way to consider Flex Development indeed may have higher density in it. Another way to consider it is without any increased density and a different placement of units on the parcel. Right now the Commission is not convinced one way or the other on how it will come out. The Planning Commission is discussing amongst themselves if Flex a good idea and is something other than dividing it up into one-acre squares and putting a house in the middle of each one or some alternative a good idea. And then do you have to pay for it with density. In the worse case what is being proposed is what Mr. Steele does not want, in the best case it is probably exactly what he wants. The Planning Commission has not picked a position either way on it as of yet.

Commissioner Bibbo commented that Mr. Steele's problem is specific, but that he was talking generically. With one acre you have about forty thousand square feet. Usual footprint would be forty feet by one hundred feet, which is four thousand square feet. That means you have ninety percent of open space. Commissioner Adler stated that it is all split up. Commissioner Bibbo stated that it all depends where you locate it.

Commissioner DeWolf asked about the official map and if it is determined that the Township is going to create an official map for the Orvis site. Chairman Verdiani stated that it is in the Comprehensive Plan that the Township is allowed to make one. The Comprehensive Plan and the process that the Planning Commission is going through concludes with the creation of an official map to support everything that is changing for the Township. The official map is a map of the Township that shows the things the Township wishes in the near future to build and/or require. The map would show the road from Route 926 across Pleasant Grove and up to the jug handle.

Commissioner DeWolf commented that the official map is separate from the Flex Development/R-1 issue. Chairman Verdiani confirmed. That road is a need of the Township based on some things being anticipated happening on Route 202 and the Township needs to put into some document that it is showing what needs to be happening. Chairman Verdiani stated that the official map would show an approximate place in the ground where the road would go. The fact that it is an official map allows the Township to do certain things as a result. It does not require any builder to do anything. That would be a separate negotiation.

Commissioner Bibbo expressed his concern regarding the Flexible Development procedure.

ITEM X. NEW BUSINESS

1. Discussion of proposed changes to Development Review Process and Planning Commission meeting structure.

Chairman Verdiani commented that Planning Director Patrick Howard and Township Engineer Angelo Capuzzi have some suggestions improvements to the way plans are presented.

Planning Director Howard referred to page two of the memo dated March 6, 2002 and stated that the proposal provides a framework for Planning Commission Meetings, designating the first meeting of the month as a work session and the second meeting of the month as a public hearing where formal voting on agenda items would take place. This would allow for more focus in the meetings and allow for expediency in terms of the final plan development because it would give sufficient time for the applicant to discuss issues that would relate to design and development and issues relative to conditional uses, etc. The belief is that if the Planning Commission only made formal voting decisions on the second meeting of the month that would allow for greater discussion of issues at the first meeting of the month.

Chairman Verdiani stated there was a time limit on every project of ninety days and that the process would have to mapped out ahead of time to make sure the time limit **is not** exceeded.

Planning Director Howard commented that he printed a copy of the section of the municipalities' code and thinks that it is achievable, and, with the opportunity to highlight the issues, the Planning Commission should be able to meet the ninety day requirement. Most municipalities do not have two meetings a month so the Planning Commission should take advantage of the fact that there are two meetings a month and begin to allow ourselves to focus as opposed to having a number of items each time on the agenda.

Planning Director Howard mentioned that he is instituting a Development Review Committee that would allow for greater input and to hash out a lot of the issues that are presently coming up at the Planning Commission Meetings. This process should help, and this should make for a more effective approach in making decisions.

Chairman Verdiani commented that he thought this was a really good idea so the Planning Commission is told all the important issues around the development before the developer tells his version.

Commissioner Bibbo commented that he would like to recommend that the first part of the meeting is where Planning Director Howard would present the new things. The second part is when projects discussed at the previous meeting would be reviewed and voted on.

Planning Director Howard stated that what is being suggested is that an informal review could happen at either meeting, but formal voting would happen only at the second meeting. The idea is there wouldn't be an expectation for an official vote until the second meeting of the month. Also, if the preliminary plan has been submitted, all the required correspondence from the County and other applicable agencies should have already been received and that will help with having a more thorough and complete review of the development proposal.

Commissioner Bibbo agreed, and stated that he was only suggesting that instead of the second meeting of the month, the second time it is taken up it could be voted on. That way each project is staggered. If at the first meeting of the month, five projects are presented and then there are five projects that have to be reviewed. He agreed to go with whatever the majority agrees on.

Chairman Verdiani commented that part of the problem is if five plans come in tomorrow, there are five plans to deal with within ninety days. The applicant will be put into a schedule - this is what they will do the first week of the month, they shouldn't expect approval that night. Applicants would present, discuss, and then come back on a second meeting of the month. They won't always have plans ready to be voted on at the second meeting. He said that Planning Director Howard is pushing the applicants into a more formal schedule and it may help the Planning Commission at the same time.

Commissioner DeWolf asked about the Development Review Committee and what Planning Director Howard saw it as being and who would be participating.

Planning Director Howard responded that in the memo on page two it mentions that there will be core members that would include himself, Township Engineer Capuzzi, the traffic consultant, if necessary, the Fire Marshal/Building Inspector, Roadmaster, and any other person necessary to thoroughly review the application.

Commissioner Paumen asked what it would take to get this process instituted.

Commissioner Verdiani suggested that all that was required was the agreement of a majority of the Planning Commission members. There being no objections, the Commission Planning Director Howard the direction to move forward with the proposal.

ITEM XI. ADJOURNMENT

There being no additional items to come before the Commission, the meeting was adjourned at approximately 9:13 p.m.

Respectfully submitted,

Patrick B. Howard
Secretary to Commission

APPROVED BY:

Don L. Verdiani
Chairman