

**{Revised 4/30/02: Revisions annotated in red}**

**AT A REGULAR WORKSHOP MEETING OF THE WESTTOWN TOWNSHIP PLANNING COMMISSION HELD IN THE STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE, WESTTOWN, PA, ON APRIL 3, 2002 AT 7:30PM.**

**PRESENT:** Chairman Don. L. Verdiani, and Commissioners Elaine L. Adler, Carol R. DeWolf, Kevin Flynn, Arthur B. Holland, Township Engineer Angelo M. Capuzzi, Township Manager Michael A. Cotter, Director of Planning, Zoning and Code Enforcement Patrick B. Howard

**ABSENT:** Domenico N. Bibbo and Mary Paumen

**ITEM I: 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. It was also mentioned that this was the first meeting of the Planning Commission's new format that was recently adopted whereas the first monthly meeting would be conducted as an informal workshop meeting, which includes presentations and discussion amongst staff, applicant, and Planning Commission members, with formal actions taken; and with the second monthly meeting conducted as a regular meeting where applications are presented formally and decisions are made.

**ITEM II: ROLL CALL**

Chairman Verdiani noted five members present.

**ITEM III. ADOPTION OF AGENDA**

Commissioner Carol DeWolf asked if there would be public comment at the first meeting as well as the second. The write up in the Agenda only states public comments for the second meeting. Chairman Verdiani confirmed. There being no other comments or corrections, the Agenda was adopted.

**ITEM IV. APPROVAL OF MINUTES (6 MARCH 2002)**

Chairman Verdiani stated that paragraph 1 of Item X should read: "there was a time limit of ninety days of every project and the process would have to be mapped out ahead of time to make sure the time limit is not exceeded." There being no other corrections, there was a motion from Commissioner Carol DeWolf and seconded by Commissioner Kevin Flynn the minutes of 6 March 2002 Planning Commission meeting with the above correction. The minutes were approved.

**ITEM V. REPORTS**

**Staff.** Planning Director Patrick B. Howard announced that there would be a discussion on revisions to the Subdivision and Land Development Ordinance and the Zoning Ordinance on 24 April 2002 at 7:30p.m. in the Stokes Assembly Hall.

**Board of Supervisors Meeting, March 18, 2002.** Commissioner Don Verdiani reported.

- Township Solicitor Robert Adams proposed the execution of South Chester Road and Green Lane intersection improvements with a few necessary needed revisions.
- Execution of the Ponds Edge Road contract was approved.
- Thornbury Commons sewage conveyance agreement was discussed and still being revised.
- During *Public Comment Period*, Mr. Walter Pavelchek (1050 S. New Street) asked the Board of Supervisors regarding issue of common sense in the development of ordinances.
- Application to Penn Dot for the flashing school warning light on Westbourne Road at Westtown Thornbury Elementary School approved.

**Board of Supervisors Meeting, April 2, 2002.** Commissioner Elaine Adler reported.

- Six resident appointments made to the High School Project Special Committee: Theodore Modzelewski, Nancy Winther, Marc Dellaporta, Robert Pingar, Prudence Schran, and Gus Faucher. Also included are: Kenton S. Stokes of the Parks Advisory Group, Mary Paumen and Kevin Flynn of the Planning Commission, and Township Manager Michael A. Cotter.

- There were questions regarding the design of a memorial amphitheater at the Westtown Thornbury School.
- Extension offers from both Silver Star Associates for their plan review until 30 June 2002 and the offer of review extension from Mr. McCawley for the Fountains at Westtown until 1 June 2002 accepted.
- Regional GIS project inner governmental agreement executed.
- Permission for the craft shows in the fall at Oakbourne Mansion deferred due to on-going renovations.
- Zoning Hearing Board meeting for Silver Star Associates on 10 April 2002 and a Conditional Use Hearing on 22 April 2002 regarding the proposed bank building and site improvements.
- Conditional Use Hearing for Spencer Qualls for a proposed 10,270± square foot office building scheduled for the end of April.

**West Chester Regional Planning Commission.** Commissioner Carol DeWolf reported.

The meeting was the third week of March.

- Commission undertaking three projects:
  - o *Storm water management study* that looks at creating a sample set of ordinances and coordinate the member municipalities;
  - o *Water supply and storage study* for the regional area, funded by Chester County Planning Commission and private sources as well; and
  - o *Traffic study.*
- Commissioner DeWolf participated in the Chester County Association of Township Officials Regional Issues roundtable for the West Chester Regional Planning Commission. Commissioner DeWolf suggested that the Kennett Square traffic study could be used as a model for development - it surveyed intersections and analyzed the potential total impact of the traffic of a new land development projects rather than just the subject property. <http://www.trafficpd.com/Projects/Kennett.htm>.

When Chairman Verdiani asked if the West Chester Regional Planning Commission was proposing to create a standard for traffic measurement, Commissioner DeWolf explained that the study didn't develop a standard, but rather an approach to looking at the broader impact beyond just a specific intersection that is near the site being analyzed; it is a model for determining the levels of expected service based on traffic volume for particular road networks that have already been analyzed for existing road capacity.

Walter Pavelchek (150 S. New Street) asked if this Kennett Area Regional Traffic Study wasn't something that the West Chester Area School District site could use in considering future traffic implications. Commission DeWolf explained that this study was a model for Townships to develop their own models from, and not something that could be utilized directly in any Township. The Township would need to analyze the intersections and obtain data prior to using the model. Commissioner DeWolf stated she would try to get a copy of the study to share from the Kennett Regional Planning Commission.

Chairman Verdiani asked if WCASD had seen the information from Westrum regarding the expanded intersection. Township Manager Cotter confirmed and commented that WCASD was aware of the Township's position regarding improvements along Route 926 and Shiloh Road as well as other intersections in the immediate area that were not part of the Westrum review, namely Five Points Road and Little Shiloh Road.

**ITEM VI. ANNOUNCEMENTS**

- Commissioner Verdiani suggested that a report from the High School Project Special Committee become a standing agenda item. Township Manager Cotter confirmed that the Planning Commission would receive regular updates.
- Board of Supervisors 15 April 2002 meeting rescheduled for 22 April 2002 due to the Pennsylvania State Association of Township Supervisors Annual Convention scheduled for that date.

**ITEM VII: OLD BUSINESS**

**1. Tract 2001-9, J. Loew Associate/Commerce Bank@ WVSC**

*Request by Silver Star Associates to demolish former Sunoco gasoline service station and to construct a 3,500±square foot financial institution located southeast of the intersection of Route 202/Wilmington Pike and Knole Way. The applicant seeks to reinstate a previously conditional use application and variance relief granted in 2000 for a proposed 9,240±square feet retail venue. In accordance with Westtown Township Zoning Ordinance, Article 20, §2009 - Conditional Uses, and Article 21, §2107 - Variances, the Planning Commission is asked to submit written comments and recommendations to the Board of Supervisors and the Zoning Hearing Board respectively.*

### **Questions Asked, Issues Raised by members of the Planning Commission.**

Why does the applicant have to go back before the Zoning Hearing Board? Is extensive backfilling necessary for the steep slopes on site? Is the amount of impervious cover less than the maximum percentage allowed for this site? What is the width of the area between the proposed retaining wall and the Acme? What is the proposed location for the placement of a sign? What is the location and amount of parking provided? Is Knole Way proposed to become a two-way street? Where is the 180±feet measure taken from? What is the Project timeline? How will Acme satisfy their parking requirements with the re-routing of Route 202 and how will that impact how the Planning Commission will look at this particular bank? Has information on bank operations been shared with the neighbors on the immediate north side of Knole Way? What would happen if the building were turned around and faced the Acme and had the drive-thru window on the Route 202 side? Is there was anything in the Engineer's report that should be considered at this point? Does the Township have any issue with the developer putting in trees in the right of way that may some day be condemned and acquired by Penn DOT? If one was to park by the Acme and wanted to walk up to the bank, how would he get there?

### **Questions Asked, Issues Raised by members of the Public.**

- Jeff Krankel, Philadelphia attorney - Has everything from the Sunoco been removed and tested and DEP approved? Have all of the requirements been met insofar as the monitoring wells are concerned? Is the property owned by one entity? Will the applicant be able to satisfy the landscaping requirements at this time or are they asking for landscaping waivers?
- Dwayne Logie, 1042 Dunvegan Road - Why does the proposed bank have to have a drive-thru and how would the plans change if it did not have a drive-thru?

### **Response from the applicant.**

Mr. Tim Townes of J. Loew Associates spoke on the behalf of the applicant. He summarized the scope of the proposed 3,500±square foot Commerce Bank building with associated parking and the issues that warranted the need for variance relief and conditional use approval. Mr. Townes stated that, due to the fact that the Commerce Bank building must have drive-thru facilities, the building is situated further west on the site or closer to Route 202. Therefore, the parking area proposed which is not much different from what was previously approved, does encroach on the southern end of the tract right up against the ultimate right of way for Route 202. However, the landscape area that is proposed would disappear if that ultimate widening were to take place. The landscaping that buffers the parking area and the existing curb line of Route 202 would not be there in the future. The variances that were obtained for the prior center all had to do with the configuration.

### **Others Comments:**

- The applicant has met with the neighbors in West Glen extensively and the same plans and commitments that were made there would follow through with this plan. He has also committed to a row of pine trees in the right of way of Knole Way to be maintained by the owners as part of the shopping center.
- The subject area had slopes that were man-made, and the applicant received a construction easement many years ago when a conditional use was not required for work in that area and boxed themselves in by making steep slopes; a Penn DOT Highway Occupancy permit has been received and renewed.
- The width between the retaining wall and the Acme varies as it passes behind the building. It is closer on the northern edge of Acme's building and wider at the eastern end. It varies from about eight to ten feet. The wall is four to six feet high with grass on both sides. It is proposed to be a landscaped wall. It is graded to drain; the drainage along the Acme building will not change.
- The proposed building would be a standard design and will match the brick of the shopping center. The roof will have a brown metal material. There are thirty parking spaces along the northern side

of the property and along the western side of the property and a small row of forty-five degree angle parking along the eastern side, none of which falls in the right of way.

- Construction of the proposed bank would be handled solely by Commerce officials and would take approximately ninety days.
- Ideally, the work associated with the Penn DOT approval will be completed by October of 2002.
- The applicant did not consider orienting the proposed building towards the shopping center with drive-thru in the rear because: 1) the drive-thru area is the least attractive; and 2) more variances would be needed for such a layout beyond what were previously granted.
- DEP has given the proposed development site the approvals necessary to acquire the site.
- A sidewalk, although not shown on the plan, will be part of the land development application, in addition to a landscape plan.

#### **Action(s) Taken:**

- Chairman Verdiani asked again if any of the Commission had any interest to continue an affirmation of this or let it go unspoken. The Planning Commission is on record as saying the earlier plan was acceptable. There was no motion so Chairman Verdiani stated there was neither a nay or yeah on this.
- Mr. Townes thanked the Commission for their time.

## **2. Discussion of Flexible Development procedure.**

Chairman Verdiani gave a brief summary of activity to-date regarding the intent to update the language currently found in the Township zoning ordinance regarding the procedures for Flexible Development. He explained that the Township is undergoing the process of now reviewing and modifying the Ordinances to support the Comprehensive Plan statements. Brandywine Conservancy has been engaged as a consultant to help think through the issues of whether Flexible Development, in a rewritten form, could be applied and produce a better result in the current Ordinances. The Commission is still exploring what makes the most sense on the property. The range of possible outcomes is doing nothing to the Ordinances to a fairly dramatic change that would allow a very different development on the property than what the Ordinances currently permit. Chairman Verdiani introduced John Snook of Brandywine Conservancy.

#### **Questions Asked, Issues Raised by members of the Planning Commission and staff.**

- How would sewer service be provided to the lots?
- Why didn't Mr. Snook show an example with the Orvis tract, which is the main reason the Township is looking at this?
- Regarding the Orvis property, with the major road that the Township wants through there, how in that case, are we encouraging the four step process for planning and how do you encourage a developer coming in to do that when they know there will be a road through the site?
- If this procedure is adopted in the next couple months, will the developer for the Orvis property have to go through this process since they already have a plan in the Township office?
- What are Mr. Snook's feelings for where he thinks the threshold should be in regard to the size of lots eligible for the flexible zoning procedure?
- If you remove the bonuses from consideration, does this flexible approach still apply to those smaller acreages?
- Disregarding bonuses, isn't this flexible development more advantageous for a developer if he connects to public sewer?
- What are the benefits of the township allowing increased density?
- Are the proposed incentives enough to encourage a developer of going through the process of submitting a Conditional Use application?
- How would the issue of a particular housing type being constructed adjacent to a park, or quarry, or an existing housing type that is not the same be addressed?
- Where does the Township stand now with regard to the buffering and the setback requirements in the existing language?
- Are there other concerns that need to be addressed such as the quarry, because it is an environmental and historic resource of the Township that isn't really protected?
- What about view sheds?

- What do the Planning Commission members think about the more modest numbers being recommended as opposed to the others?

**Public Comment Regarding Flexible Development:**

- Sinclair Adam (1001 South New Street), former Planning Commission member complimented Mr. Snook on his presentation, particularly the examples of how existing undeveloped acreage can be used more efficiently, and was very supportive of the cluster or flexibility; however he is against increasing density, because of concerns of more people, cars, traffic, sewers, trash, and inevitable water shortages. He did not believe that the bonus is proper and also raised concerns about how to manage open space and who will own it – the homeowner associations, or the Township. He wants to see the connecting of space via paths, trails, etc., thus improving pedestrian circulation.
- Walter Pavelchek (1050 South New Street) expressed his support for the proposed changes to the flexible development procedure, stating that “...with the Ordinance the way it is now, the developer could build sixty three or seventy nine houses on the larger property examples and the Township would not get anything for that, such as roads. That is the basic argument here: change the Ordinance to get something from it or let them go ahead and build the way it is now.”
- Tom Foster (734 Westbourne Road) voiced his opinion in support of bonuses relating to flexible development, suggesting that the Township could likely gain such things as trails, storm water run off, etc., and favored broader language being drafted that would not micro manage development activity, being too site specific and that discouraged development.
- Ron Nagle (501 West Pleasant Grove Road) stated: “My name is Ron Nagle. John has done his usual great job of presentation and intelligent evaluation of these issues. I would just like to remind the Commission and thank the Commission for your thoughtful comments. I have been listening very carefully, and as most of you know, I do this kind of work for a living, so I wanted to hear what you had to say, but I would like you to keep several things in mind. The discussion about the bonuses is an important discussion because this Township has had flexible development for some time and nobody’s used it because the bonuses in the Ordinance as written do not, promote a developer to, or prompt a developer to maximize, to some degree, economic return for development. I am not for development per se in that sense, but I think you need to recognize that you’ve got to be very careful in evaluating which direction you are going to go in because my experience and all of your experiences is that the developer is interested in one thing and one thing alone – and that is the maximization of his economic interest and return, and if he can squeeze three extra lots in, he’ll squeeze the three extra lots in. We know that to be the case. So the nice pictures that John has given us on the projector, showing various types of configurations are not going to be accepted by a developer unless its to the developer’s economic interest and I think the thing you have to keep in mind is you have to guard against doing things that’s going to allow incentive to the extent that you don’t expect it to happen. Carol’s comments I thought were very well taken with respect to what happens to the things, the people or natural things that surround any piece of land. A couple of the examples that John showed us on some of the parcels, the three parcels, I noted particularly that there were nice open areas around the periphery of most of the parcels or some other forms of natural buffering. As most of you know a lot of us here tonight have been for several years very much interested in the development of the Orvis tract. We realize the Orvis tract is going to be developed. Right now the protection to our community is the 40-acre limitation of the 40-acre minimum requirement for land for inclusion in use of flexible development. I would have been very happy if John had done his little exercise tonight using the Orvis tract because I heard that Chairman say the words “the Orvis tract” at the very inception of John’s discussion because I think we honestly, those on the Commission, as well as a lot of us in the audience realize that that’s been on our minds for some time. I was heartened by Carol’s comments because I think if you understand what the Orvis tract is and how that has to be developed in the future: number one, the road that the Supervisors admittedly want as a condition for development on that parcel pushes the development opportunity to the west to the already developed portions of the R-1 District and that’s one of the reasons why the neighbors have so veraciously fought any change of zoning on that parcel to maximize what would be otherwise permitted by the zoning. Also, it would have been interesting to see the impact on the natural constraints on that parcel because the major constraints on that parcel are the steep slopes that extend through the middle of the parcel which means obviously the only opportunities for real development as we have seen from sketches in the past is for this side of the new road up near the school, on top of the hill and right next to all of the folks who live along there – Bill Steele, myself and others – that’s what’s going to happen if there is flexible development allowed on the Orvis tract - there won’t be any other

place for it to go. So, I think if that's eventually what the Commission eventually recommends in its wisdom, a reduction of the 40-acre minimum to a 20-acre minimum, I want you to keep that very much in mind because that's going to have a drastic affect on those of us who will then be on the boundary, on the border, on the frontier, if you will of the separation between that kind of development coming off 202 and the rest of the R-1 community. So I would hope that you would consider a substantial buffer area if you are going to do that because we know we will get clustered houses on small lots, the yard space will intrude toward the R-1 properties, and without some substantial buffering protection, as sure as God made green and red apples, that's exactly what's going to occur."

#### **Summary of Items Discussed by Mr. Snook:**

Mr. Snook stated he had sent a memo dated 29 March 2002 summarizing all the discussions in terms of the key issues that need to be either endorsed or resolved by the Planning Commission. Mr. Snook gave an extensive presentation outlining the nine broad zoning ordinance recommendations provided in the aforementioned 29 March 2002 memo:

Deletion of Residential Cluster Development option from the A/C and R-1 zoning districts;  
Removal of the Flexible Development option as use permitted by right in the A/C and R-1 zoning districts;  
Reduction of the 40-acre minimum tract size presently eligible for use of the Flexible Development option in the R-1 district;  
Establishment of a more modest base density for use of the Flexible Development option;  
Amendment to the current approach to "net-out" provisions;  
Establishment of provisions for bonus density;  
Amendment of minimum open space requirements;  
Removal of apartments from dwelling units options under the Flexible Development option; and  
Amendment of terminology.

#### **Rationale for modifying Flexible Development option:**

The purposes are: to use the flexible approach to development to conserve community resources and community character, minimize impacts of sprawl, while recognizing that we must accommodate development and require community improvements which are commensurate with such development which have not always been obtained in the past.

The current zoning standards often do not effectively meet community infrastructure development needs, which have become more apparent as the Township has become built out.

The purpose of flexibility is to provide incentives to get developers to help you meet your community needs. The Township is looking at a review of the Flexible Development option for alternative to sprawl, alternatives to the uniform lotting out, streeting out of parcels.

The Township can be using the flexibility to require open space that can meet a number of resource protection objectives.

The Flexible Development option would not as proposed be a by right option which gives the Township great means to demand both flexibility but to put that flexibility in a context of critical design standards and a context of broader community planning objectives.

The flexibility itself would be translated into a variety of permitted dwelling unit types, a variety of lot sizes, and flexible provision for both use and management of open space; overall density controlled by formula.

#### **The Four-Step Process:**

Mr. Snook shared in great detail regarding the need for developers seeking to utilize the Flexible Development option to approach site design and layout through a four-step process as outlined in the Pennsylvania Department of Natural Resources' Growing Greener initiative -

<http://www.dcnr.state.pa.us/growinggreener/dcnr/growing.pdf>:

The process goes as follows:

Envision the Future: Performing "community audits;"

Protect Open Space Networks Through Conservation Planning;

Conservation Zoning: A "Menu of Choices;" and

Conservation Subdivision Design: A Four Step Process: 1) identifying the land that should permanently be protected; 2) locating sites of individual houses with the Potential Development Area so that their

views of the open space are maximized; 3) connecting the dots with streets and informal trails; and 4) drawing in the lot lines.

Mr. Snook stated that, in establishing the four-step process, the Conditional Use approval is discretionary on the part of the Board of Supervisors. Presuming someone meets all the conditions, the Board would have to grant approval, but this can be subject to conditions. Language can be added that states that the Conditional Use approval shall be granted contingent upon demonstrating to the satisfaction of the Board of Supervisors that everything is accomplished with relation to the four step process and in relation to protection of neighbor's views.

**ITEM X. NEW BUSINESS**

None at this time.

**ITEM XI. PUBLIC COMMENT**

None at this time.

**ITEM XII. ADJOURNMENT**

There being no additional items to come before the Commission, the meeting was adjourned at approximately 10:45 p.m.

Respectfully submitted,

\_\_\_\_\_  
Patrick B. Howard  
*Secretary to Commission*

APPROVED BY:

\_\_\_\_\_  
Don L. Verdiani  
*Chairman*