

AT A REGULAR MEETING OF THE WESTTOWN TOWNSHIP PLANNING COMMISSION HELD IN THE STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE, WESTTOWN, PA, ON AUGUST 21ST, 2002 AT 7:30PM.

Present: Chairman Donald L. Verdiani noted the following members present; Commissioners Elaine L. Adler, Mary Paumen, and Kevin Flynn. Commissioners Nicolas Bibbo, Arthur Holland and Carol De-Wolf were absence. Also in attendance were Director of Planning, Zoning, and Code Enforcement Patrick B. Howard; Township Engineer Angelo M. Capuzzi, John Snook Brandywine Conservancy (9:00Pm) and three guests.

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.

Chairman Verdiani stated that Item 2 under Land Development, Tract 2000-8 The Fountains At Westtown, has been tabled. He also stated that Mr. Snook would not arrive until 9:00PM. On the motion of Commissioner Flynn, seconded by Commissioner Paumen, the Planning Commission approved the agenda.

Approval of Minutes (5 July 2002)).

Approval of the minutes was deferred to the 21 August 2002 meeting.

Announcements.

Planning Director Howard advised the Commission that the Board of Supervisors approved the Preliminary Land Development Plan for Commerce Bank at their 19 August 2002 meeting. He stated that the Zoning Hearing Board will commence the Special Exception Hearings for the Bayard Rustin High School on 27 August 2002, 7:00PM in the Stokes Assembly Hall. He also stated that the school district is tentatively scheduled to attend the 4 September 2002 Planning Commission meeting to update the Commission on the high school project.

Chairman Verdiani announced that the Pennsylvania Planning Association will hold an in-depth planning conference from October 27th- 30th at Penn State if anyone wishes to attend.

Chairman Verdiani also stated that the Commission has received a memo from the Chester County Planning Commission concerning the Act 167 Stormwater Plan update. He said it is his understanding that the Township will have six months to review and incorporate the plan into the Township ordinances once the final version is received. Planning Director Howard agreed but will verify this with the County. Township Engineer Capuzzi stated the county has identified certain discharge requirements for various sections of the Township that drain into Chester Creek. He said depending on the sub area where the property is located post development flows would have to be reduced by as much as 50% compared to previous flows. Using the Jones Tract as an example he stated their post development flows would have to be reduced to 75%. He also stated that developers are required to use the two-year storm recharge calculations that were recently adopted. Chairman Verdiani asked Township Engineer Capuzzi if the Township will need to adopt the Act 167 as one ordinance or incorporate into the Township's Subdivision and Land Development Ordinance. Township Engineer Capuzzi responded that as it deals with several areas in the ordinance it should be incorporated.

Land Development.

Tract 2001-9 Westtown Village/J. Loew Associates.

This item was tabled as the applicant was not in attendance.

Discussion of Outstanding Township Ordinance Amendments.

Chairman Verdiani suggested, as Mr. Snook would not be arriving until 9:00PM, that the Commission discuss any remaining issues they might have with the zoning ordinance revisions.

Commissioner Paumen asked if under Section 1617, "Unit Care for Relatives", the unit would be a detached dwelling. Chairman Verdiani stated that the wording of the ordinance allows the units to be detached but it specified at some point the unit will be incorporated into the main dwelling. Commissioner Adler reviewed the language in the current zoning ordinance Section 1603A, "Accessory Dwelling" which states that the accessory use is to be part of the main dwelling unit. She also stated that the primary difference between Section 1603A and Section 1617 is the size of the accessory unit and she suggested merging Section 1603A and Section 1617 to prevent confusion. Commissioner Paumen agreed with Commissioner Adler. Chairman Verdiani questioned if an accessory dwelling unit could be rented to other than a relative. Commissioner Paumen said it appears that there were two categories and Westtown would allow accessory use beyond care giving. Commissioner Adler said one of the intentions of the provision in the existing ordinance was to make it economically feasible for older residents to stay in their homes. Chairman Verdiani stated that the intent of the Commission should be incorporated into the existing language. Commissioner Alder also noted that Section 1603A is a Conditional Use not a use by right.

Mr. Walter Pavelchek, 1050 S. New Street, says it appears the phrasing of the current zoning change is zoning people not buildings. He stated the existing accessory use should be modified so as not to be writing an ordinance for people.

Mrs. Eva Foster, 734 Westbourne Road, said as her mother-in-law grew older she did not like the insecurity of living alone. She stated that her mother's church started a program where the elderly could rent a portion of their home to a student or someone who needed a temporary residence. She said this worked out well for her mother who received the friendship and security she needed not just an economic benefit.

Chairman Verdiani asked for an interpretation of "animal equivalent units" in Section 1516.A3, which was provided by Mrs. Foster.

Other Business.

Commissioner Flynn asked if there is a Township requirement that the Planning Commission meetings be held on a Wednesday evening. He stated that this is difficult for anyone who has to travel during the week. The Commission then discussed a possible change in the day and time of the meetings. The Commission will continue this discussion when all members are present.

Discussion of Proposed Flexible Development Ordinance Amendment.

Mr. Snook reviewed, with the Commission, his memo of 16 August 2002 concerning amendments to the flexible Development. The following points were reviewed.

1. Amends Sections 170-501.A and 170.601.A to remove the Flexible Development and Residential Cluster Development options as uses permitted by right in the A/C and R-1 zoning districts.
2. Amends Sections 170-501.C and 170-601.C adding a new subsection (4) which will provide for the Flexible Development option as a Conditional Use upon approval by the Board of Supervisors.
3. Amend Section 170-902 to add approval by Conditional Use.

Township Engineer Capuzzi stated Section 170-902A should be referenced and Sections 170-503B and 170-703B should be deleted. He also stated "cluster" should be deleted in the definitions.

4. Amend Section 170-902 - Flexible Development will be permitted on any size tract, however, tracts of less than 10 acres will not eligible for a density bonus or for housing types other than single family residential.

5,6. Changes in terms for Single Family, detached etc.

Township Engineer Capuzzi asked for clarification of duplex vs. twin. Mr. Snook will revise references "twin" and "two family dwelling" to exclude duplex.

7. Amend Section 170- 903D to include recreational use.

8. Amend Section 170-904.A - the whole section has been replaced to state that except where bonus density is permitted the maximum density allowable will be 1.1dwelling units per acre of tract area as calculated by 1519B. This is to be rounded to the next lower number

Township Engineer Capuzzi questioned the wording "shall not exceed". Mr. Snook stated this is leverage for the Township. Township Engineer Capuzzi stated it appears to imply the applicant has the right to 1.1 units per acre. Mr. Snook responded no that the developer only has the right to the base density in the district. Township Engineer Capuzzi asked why you would turn down a developer who wanted 1.1 units per acre. Mr. Snook stated that the onus is on the applicant during the Conditional Use Hearing to demonstrate they are doing what is required for the density. Township Engineer Capuzzi said then you are implying that only Flexible Development is by Conditional Use not the 1.1 units per acre. Mr. Snook stated under Conditional Use the 1.1 units per acre would be negotiable with other standards. Township Engineer Capuzzi stated he sees a problem in considering density bonus when a base density is not given. Mr. Snook stated he will take out "may" and change to "shall be" in Section 170.904.A(2).

Mr. Snook stated that bonus density is not to exceed 1.5 units per acre.

Mr. Steel questioned if the bonus density was to be calculated on tract area or per acre. Chairman Verdiani advised Mr. Steel that tract area and acre are one and the same.

Mr. Snook then reviewed the Substantial Public Improvements (SPI) on pages 3, 4 and 5 of the memo. He stated that open space shall not be viewed as an SPI. He also reviewed how the density bonus formula is calculated. Mr. Snook will try to clarify 170-904.A.3.b and 4 so the applicant will clearly understand what is required by the Township.

Mr. Snook stated that any density for open space has to be clearly additional open space. He said any existing stormwater management, ponds, etc cannot be used in the calculations. He also reviewed the issue of a view shed. Commissioner Adler stated that she felt the view into the site should be less important than a sensible design on the tract. Mr. Snook feels this need to be included because of the remaining undeveloped tracts in the Township. He feels that the wording in 170.94.A3.b.2 should be left in.

9. Section 170-904.D.1&2 - Revises wording to remove old language references to PRD procedures.

10. Change open space requirement in Section 170-904.C.

Chairman Verdiani state this might need to change if Flexible Development is allowed in the AC/O district.

12. Amend Subsection 170-904.E(2) Townhouses may not exceed 105' nor exceed five dwellings in a single structure.

13. Amend Section 170-904E(11) relating to required buffers.

14. Amend Section 170-905.A (1) A site analysis will be required as part of the Conditional Use Application for a Flexible Development.

15. Amend Section 170-905A. (1) Add site analysis inventory list.
16. Amend Section 170-906.A Clarification of Conditional Use.
17. Amend Section 170-907.A.(5) Delete “replanted”.
20. Amend Subsection 170-907.B(2)(a)(2) May require 20% of the open space to be dedicated to the Township.
21. Delete Sections 170-909-170-915 - Delete references to PRD procedures.
22. Amend Section 170-1519 - Change to 75% net out.
23. Amend Section 170-1519.B To clarify calculations and to include calculations shall be rounded to the next lower whole number
24. Amend Section 170-1519B - Delete Residential Cluster.
25. Amend Section 170-1519B - Change density to 1.1.
26. Amend Section 170-1612 - Delete - Residential Cluster option.
27. Amend Section 17-2009.B.3 - Requirement of site plan for Conditional Use.

Mr. Steel expressed his concern that Section 170-904.A gives the Board of Supervisors the power to nullify the ordinance requirements. Mr. Snook responded it only gives them direction. Chairman Verdiani stated that if all conditions are met the applicant may have 1.1 units per acre. Mr., Steel said the bonus density is at the discretion of the Board of Supervisors and they could ignore the conditions of the ordinance. Mr. Snook stated that this language gives the Board direction approving an application for Conditional Use. Chairman Verdiani advised Mr. Steel that Township Solicitor Adams does a complete review of the ordinances before they are adopted by the Board of Supervisors.

Public Comment Non-Agenda Items.

There was no public comment at this time.

Adjournment.

On the motion of Commissioner Adler, seconded by Commissioner Flynn, the meeting was unanimously adjourned.

Respectfully submitted,

Patrick B. Howard
Secretary to Commission