

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, June 6, 2016 at 7:30 PM

In attendance were: Chair Carol De Wolf, Vice Chair Tom Haws, Director of Public Works Mark Gross, Historical Commissioner Erica Reilly, and Planning Commissioner Elaine Adler. There were 14 guests present.

I. **Pledge of Allegiance & Call to Order**

Ms. De Wolf led the Pledge of Allegiance, and called the meeting to order at 7:35 PM.

II. **Approval of Minutes (May 16, 2016)**

Mr. Haws made a motion to approve the May 16, 2016 Board of Supervisors meeting minutes. Ms. De Wolf seconded the motion. There was no public comment and the minutes were approved.

III. **Workshop Meeting Summary (June 6, 2016)**

At the workshop session, the Board received an update from Parks & Recreation and Historical Commission representatives on Westtown Day planning. Carmen Battavio made a request to the Board for putting beehives at Oakbourne Park, and the Board heard from Donald and Deborah Asplen regarding the possible acquisition of their property at 950 S. New Street. The Board also held an executive session on police personnel. Mr. Haws added that the Board would be continuing the executive session after the regular meeting.

There were no questions regarding the workshop.

IV. **Departmental Reports**

A. **Public Works – Mark Gross**

Mr. Gross reported that the crew has been concentrating on preparing the roads for the 2016 paving project, including replacing concrete stormwater inlets, and sewer manholes. The crew also repaired a concrete stormwater pipe on Fielding Drive in Pleasant Grove, and a failed sanitary sewer pipe at the mansion gatehouse. Ms. De Wolf asked Mr. Gross to explain what happened at the gate house. He stated that when contractors dug the trench to install the communication lines to the cell tower, they broke the clay sewer pipe going from the gatehouse to the septic tank, and failed to report it. Over the years, the pipe has leaked into the trench and finally backed up into the gatehouse. A new PVC line was installed by the township. Ms. De Wolf asked Mr. Pingar to investigate reimbursement from the cell tower owner for the cost for the project.

On the wastewater side, Mr. Gross reported that the cleaning and televising of the township's sewer collection system has been completed, and the information has been given to Carroll Engineering for their evaluation and recommendation. During the process, several manholes were identified that were leaking a considerable amount of groundwater. Those manholes are being grouted.

This month the crew will continue preparing for the road maintenance project, slated to begin in early July.

There was no public comment.

B. Township Solicitor – Patrick McKenna

Mr. McKenna had nothing to report.

C. Historical Commission (HC) – Erica Reilly

Ms. Reilly reported that the letter to residents on the Historic Resources List requesting permission to photograph the exterior of those properties, provide interior photographs and/or historical information is ready to be sent.

Five markers honoring Revolutionary War soldiers who are descendants of the Taylor Family will be installed at the Taylor Burial Ground in Pleasant Grove in October. The stones have been ordered, and Dave Walter will be meeting on site with Mr. Gross later this week to discuss placement.

The Westtown photography project is progressing. The HC is trying to capture what the township looks like today for future historians.

Ms. Reilly reported that the Historical and Parks & Recreation commissions are planning a number of events for Westtown Day on September 17 including games, tours of Oakbourne Mansion and grounds, Civil War re-enactors, a play, and a presentation on Camp Elder. The HC will also hold a ceremony presenting Historic Preservation awards in several categories.

There was no public comment.

D. Planning Commission (PC) – Elaine Adler

Mrs. Adler reported that the June 8 PC meeting was devoted primarily to the proposed 9,000 sq. foot expansion of the Giant at the Marketplace Shopping Center. Brandolini hopes to begin the project in early 2017 for completion by November, 2017. The PC asked about the possibility of connecting the Westtown Mews apartments to a gravity sewer line in order to abandon the existing pump station. This topic has been discussed periodically over the years, but the Giant project presents an opportunity to encourage Westtown Mews to connect. The PC also discussed parking. The existing parking is not conforming (width & number of spaces) for the expansion, but Brandolini proposes additional parking behind the store, to be used primarily by employees.

Mr. Haws stated that he frequently shops at Giant, and has never found parking to be an issue on the east side of the shopping center. Mrs. Adler said the issue is complicated because the township's ordinance has different parking ratios depending on the use. He asked Mr. Pingar to work with the PC to consider revising the parking ordinance.

Mrs. Adler stated that there is an unofficial connection between the Marketplace Shopping Center and the former Texaco property at the corner of Manley Road. The developer but does not want to make a formal easement. Another issue is a path from Wickerton Drive that was on the previous plan for the shopping center, but was never constructed.

Mrs. Adler reported that the PC will be working on various ordinance revisions this summer, including amending the Bed & Breakfast ordinance. Mr. Haws requested that the parking ordinance be given priority.

Ms. De Wolf asked about the status of the traffic issue on the Dunkin Donuts project on Skiles. Mrs. Adler said the traffic pattern is still being discussed to ensure safety issues are addressed.

There were no other questions or comments.

V. **Public Comment Non Agenda Items**

Craig Brown stated that he purchased his home at 910 Springview Court, which is next to a stormwater basin, about 4 years ago. He said that Mr. Gross replaced a pipe several years ago to improve the drainage of the basin, but he expressed concern about the fallen trees, insects, and the wildlife they attract. Mr. Brown said there are large trees that he doesn't think should be growing in a wetland. He also felt that the vegetation in the basin was an eyesore, and wanted to know the township's plan for remediation.

Mr. Gross explained to the Board that this is the retention basin at the corner of Thorne Drive and Little Shiloh Road. He said that a small creek runs through the naturalized storm basin. Mr. Brown asked if it was a registered wetland with the state. Mr. Gross did not know, but said that the vegetation is indicative of wetland soil. Ms. De Wolf stated that trees and decaying plant material are necessary for naturalized basins. Mr. Brown argued that the trees are too big, and present a hazard and are an eyesore. He said he was told by Mr. Gross that work on the basin was a budgetary consideration.

Mr. Gross said his comments to Mr. Brown pertained to a stormwater pipe which has eroded on the tail end. He explained that the township makes repairs based on economies of scale when hiring outside contractors, consolidating work within a neighborhood. Mr. Brown added that he thought the manhole was sinking. Mr. Gross said he didn't see any evidence of sinking the last time he was there, but said he would take another look.

The Board asked Mr. Gross and Mr. Pingar to report back. Mr. Gross added that the Thorne basin is owned and maintained by the township and is part of the township's MS4 plan, so that needs to be considered. Ms. De Wolf stated she would take a look at it as well.

There was no other public comment.

VI. **Old Business**

A. **Rustin Zoning Ordinance Amendment - 1629 E. Street Road (Wynnorr Farm) / Deer Creek Malthouse**

Deer Creek Malthouse is operating as an approved agricultural use on the Wynnorr Farm, owned by the Stratton family at 1629 E. Street Road. In order for Deer Creek to expand their operation, a text amendment allowing malt production is necessary. The Township has been working with Deer Creek to draft a text amendment for consideration.

Mr. Haws asked Mr. McKenna if the text amendment addresses all 3 phases of the proposed expansion plan. Mr. McKenna stated that the applicant has considerably scaled back their expansion plans. He reported that the draft ordinance has gone through several rounds of revision, and said he was comfortable with the language regulating the conditional use allowing malt production. Mr. Haws stated that the text amendment would apply throughout the entire Agricultural/Cluster Residential (A/C) district. Mr. McKenna felt it would be up to the township PC to decide if the text amendment should apply only to Wynnorr Farm.

Mr. Haws made a motion to refer the application the township PC and the CCPC for Act 247 review. He requested that the township PC consider the impact of granting this text amendment to the A/C district. Ms. De Wolf seconded the motion. There was no public comment and the motion was approved.

VII. **New Business**

A. **Subdivision & Rezoning Applications – 1006 Wilmington Pike / Westtown Woods**

Westtown Woods is a rezoning and subdivision application to allow the construction of 15 single-family homes on the former Papenfuss property at 1010 Wilmington Pike. The subdivision would be accessed from a new road off Jacqueline Drive and be serviced by public water and sewer. The rezoning application will be concurrent with the subdivision application and would result in the C-2 portion of the property located adjacent to Wilmington Pike being rezoned back to its original R-2 designation to allow for construction of additional houses. The applicant had previously met with both the community at large and the PC, and the application reflects discussions had at both.

Mr. Haws reminded the Board that in 2014 he voted against a motion made stating the township would not rezone that property. At that time, the majority of the Board voted not to change the zoning, and now the Board is considering changing it. Mr. Haws did not want to appear to be doing anything unethical by taking any action on the application with one member of the Board absent. Mr. McKenna assured Mr. Haws that it was perfectly reasonable for the Board to change its opinion over time.

Mr. Haws then made a motion to refer the application the township PC and the CCPC for Act 247 review. Ms. De Wolf seconded the motion. There was no public comment and the motion was approved.

B. Zoning Ordinance Amendment – 1131 S. Chester Road / Dave & Michele Gifford

Kristin Camp, solicitor for the Giffords, stated that their 1.2 acre property at 1131 S. Chester Road is currently zoned R1 (Rural Suburban Residential District). In 1983, the Giffords obtained a special exception to run a photography studio on the property. Since then, the zoning ordinance allowing this home occupation has changed, and it is now considered a Major Home Occupation. The Giffords are nearing retirement and looking to market the property. They are seeking a text amendment with greater flexibility to permit a limited professional office as an allowable Major Home Occupation at the intersection of two arterial streets. The text amendment further incorporates the recently approved Historic Resources Map.

Ms. De Wolf asked several questions regarding the existing footprint of the structure and the parking area. Ms. Camp stated that the parking could accommodate the allowable 6 non-resident employees. Mr. Gifford did not approach the microphone, so his comments could not be heard. Mr. Haws expressed concern about parking for clients of the professional office.

Mr. Haws requested Mr. McKenna's advice on whether to refer the text amendment for review or to have some of the Board's concerns addressed by tightening the language. Mr. McKenna stated that if the Board was inclined to accept the idea of a limited professional office, then he would refer it to the PC, and let them make their review. They will define what is an allowable professional use (e.g. lawyer, photographer, engineer, doctor).

David Gifford approached the microphone and stated he discussed the matter with Chris Patriarca, who advised him to get a lawyer to draft a text amendment, which is what Ms. Camp has done. He said he is suggesting a logical use of the building.

Mr. Haws and Ms. De Wolf expressed concerns over the definition of allowable home occupation, parking, ingress/egress, and neighborhood impact. Ms. Camp stated that she tried to keep the use very narrow, and make a recommendation that would be acceptable to the Board. She acknowledged the need to review the amendment.

Mr. Haws made a motion to refer the application the township PC and the CCPC for Act 247 review. Ms. De Wolf seconded the motion "with a lot of reservation."

Matt Kelly, 22 Robin's Nest Lane, asked if the change of use would be for this one property, or apply to the entire township. Ms. De Wolf stated that needs to be decided. Ms. Camp said it was

her intent to change the definition of Professional Office Use within the context of Home Occupation.

There were no other comments or questions, and the motion to refer the application for act 247 to the PC was approved.

C. Zoning Ordinance Amendment – 100 Skiles Boulevard / Dunkin Donuts

Kristin Camp, representing the owners of the property at 100 Skiles Blvd, stated that communication with the Board was initiated in October, 2015 when a letter was sent to the township indicating that her clients were interested in purchasing the property for a Dunkin Donut franchise. They operate approximately 20 Dunkin Donut franchises, typically converting an existing site such as the former bank pad in East Goshen Township at the Goshen Village Shopping Center. They seek to do the same with the former Malvern Bank site at 100 Skiles Boulevard.

Ms. Camp stated that the coffee shop is an allowable use within a Planned Office Campus (POC District), but the language is specific to it being contained within an office building. The change being sought is to allow a stand-alone coffee shop within the POC District. If the Board agrees to consider this zoning amendment, then the applicant would go through the Conditional Use hearing process, whereby neighboring property owners would have the opportunity to attend and voice their opinions, and the Board could impose reasonable conditions.

Ms. Camp introduced John Yurick from McMahan Associates, who prepared a traffic impact analysis which was provided to the township Planning Commission. He reviewed the traffic study for the Board. He stated that the intersection at 202 and Skiles Blvd and the two driveways into the site were evaluated during peak usage hours (weekday morning commute hours and Saturday mid-day), and concluded there would not be a queuing problem. They also examined internal circulation.

Mr. Haws asked Ms. Camp if the Text Amendment and Conditional Use Hearing would be done concurrently. Ms. Camp stated that she thought it made sense to combine the process, stating that a lot of the same issues would be discussed for both the Zoning amendment and the Conditional Use application. Combining the process would avoid duplicative hearings.

Andy Parker, Township Traffic Engineer from McCormick Taylor, stated that he reviewed the traffic study and generally concurred with Mr. Yurick's assessment. He prepared a review letter with suggestions that has been provided to the PC. He said the big issue is internal site circulation.

Mr. Haws stated that he felt comfortable with a text amendment and conditional use hearing. He felt uncomfortable continuing the conversation at this level of detail outside of a formal Conditional Use Hearing. Ms. De Wolf said that she wanted to hear from EBS.

Max O'Keefe, of Lamb McErlane, spoke on behalf of EBS. EBS President Mark Stubbitz and Director John Glessner were also present. Mr. O'Keefe stated that EBS has engaged a traffic consultant as well, but he was retained to address their concerns about the project. He stated that EBS stands for Educational Based Services. They provide training therapy for children and young adults. He said EBS chose this site as their national headquarters based on the township's current Zoning restrictions. He stated that the proposed use is counter to the Township's Zoning ordinance and Comprehensive Plan. He argued that Dunkin Donuts is not a coffee shop. It is an international fast food chain, and presents a significant commercial use. He stated that based on the applicant's traffic study, the proposed use would create an estimated 133 cars entering and exiting a site with children present for both the daycare and EBS. He added that these drivers circulating the parking lot would be distracted with coffee and food, creating a hazardous condition for children.

Mr. Haws thanked Mr. O'Keefe for his statement and said that the Conditional Use Hearing would allow for these concerns to be addressed. He stated that nothing is being approved tonight. Mr. O'Keefe requested that the township not conduct a joint hearing for the Text Amendment and

Conditional Use. He felt that the Text Amendment needed to be decided before a Conditional Use Hearing.

Mark Stubbitz, President of EBS, echoed concerns about both parking and the safety of the children entering and exiting their facility and the daycare. Ms. De Wolf thanked Mr. Stubbitz for his comments. She stated that she did not oppose considering a Text Amendment.

Mr. McKenna suggested making a motion to authorize Act 247 review of the Text Amendment and approve the scheduling of Text Amendment and Conditional Use Hearings at a future date, pending the receipt of a Conditional Use Application. Mr. Haws made the motion and Ms. De Wolf seconded it. There was no additional public comment and the motion was approved.

VIII. **Announcements**

Ms. De Wolf made the following announcements:

1. Electronics Recycling Event @ East Goshen Park Saturday, June 11 from 9am to 1pm.
2. Summer Movie Night @ Oakbourne Park Friday, June 17 at 8 pm featuring “Star Wars – The Force Awakens”
3. West Chester History Train Saturday, June 18 at the Market Street Station. Westtown Township Historical Commissioner, Dave Walter, will provide an interactive presentation to passengers. For more information visit www.westchesterr.net.
4. Comprehensive Plan Update Community Visioning Workshop at 7:00pm Thursday, June 23 at the Rustin High School Cafeteria

IX. **Public Comment on All Topics**

There was no other public comment.

X. **Payment of Bills**

Mr. Haws made a motion to approve General Fund bills in the amount of \$439,044.66 and Wastewater Fund bills in the amount of \$36,595.04, for a grand total of \$475,639.70. The motion was seconded by Ms. De Wolf. There was no public comment and the check registers were approved.

XI. **Adjournment**

Mr. Haws made a motion to adjourn the meeting, seconded by Ms. De Wolf. The meeting adjourned at 9:43 PM.

Respectfully submitted,

Robert Pingar
Township Manager