

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
October 19, 2016 – 7:30PM

Present

Commissioners – Rodia, Pomerantz, Hatton, Lees and Yaw. Absent were Whitig and Adler. Also present was Township Code Enforcement Officer Travis DeCaro, Township Manager Robert Pingar and approximately 25 audience members including those mentioned below.

Call to Order

Mr. Pomerantz called the meeting to order at 7:33 and led those present in the Pledge of Allegiance.

Adoption of Agenda

Mr. Pomerantz noted that the majority of those attending the meeting were there to speak during the non-agenda public comment section of the meeting. The motion to switch the formal Agenda Public Comment portion of the meeting with Non-Agenda Public Comment portion of the meeting was unanimously approved (JL/SR).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of September 7, 2016, were unanimously approved (SY/JL).

Reports

Mr. Hatton presented the October 3, 2016 Board of Supervisors (BOS) meeting. There was a presentation from the Middletown pipeline coalition giving an update on what they were doing with the Sunoco Mariner Project. There was a discussion about the Westtown Reserve Building that is currently under construction. Specifically, a request to alter the plan to remove the fire lanes outlined in the plan due to the proximity to the other building. The applicant was able to demonstrate that the fire lanes were not necessary and the BOS agreed to grant the waiver. The \$20,000.00 estimated cost to construct the fire lane would instead be donated to the fire company.

Under new business there was a discussion about the Taylor Memorial Markers placed in the Pleasant Grove Development. The markers would be put on site in cooperation with the Taylor family to recognize Revolutionary War Soldiers who lived in that area. However, the residents of Pleasant Grove were not pleased. The planned ceremony for the Taylor family has been cancelled. Mr. Pingar noted that the public works staff had removed the markers and were storing them until a decision can be made on their final location. There was no further business and the bills were paid.

Mr. Lees presented the October 17 BOS meeting. He stated that there was no work shop meeting, just an executive session. During the departmental report, Chief Bernot reported on-going scams as well as the importance of locking car and house doors. Patrick McKenna reported that Giant project at the Westtown Marketplace has been approved and is on schedule to start. Mr. Pomerantz noted that the Giant food store will be expanding into the vacant Rite-Aid Building immediately adjoining it. Additionally, the West Chester Area School District is fighting several tax appeals. Mr. Lees noted that the Parks and Recreation Commission had a very

successful 2016 and 2017 is already looking promising. The BOS signed Resolution 2016-12, allowing the Township Finance Director to sign a grant application to upgrade the Kirkwood pump station in the amount of \$280,000.00. Finally, there was an escrow release for the Rustin Residential Project and the bills were paid.

Mr. Lees also during the meeting there was a long discussion about the possible development of the Crebilly Farm site. A formal Conditional Use Application has not yet been submitted.

There were no further questions or comments.

Announcements

Mr. Pingar noted that as of the date of the meeting, there has been no formal conditional use application submitted for the Crebilly farm site.

Mr. Pomerantz noted that the Westtown Township Comprehensive (Comp) Plan Task Force will have a meeting on 10/27/16 at 7:00 PM at the Township Building.

Mr. Pomerantz explained the importance of the Comprehensive plan, and why it must be updated at least every decade. He explained to the audience that since the Comp Plan update is not ready, any application for development that the Township receives prior to its adoption will be driven by the existing comp plan. He urged those in the audience who are interested in the potential development of the Crebilly Farm to read the existing comp plan so they can be informed if or when there is a Conditional Use Hearing and later through the subdivision and land development application.

Comprehensive Plan Update

Mr. Hatton noted that Himself, Mr. Pomerantz and Mr. Patriarca have finished up the majority of the stakeholder interviews and that they met with nearly 25 people to gain their opinion of where they would like to see Westtown Township in the future. Mr. Hatton noted that they were in the process of summarizing the meeting notes, but that they had several outstanding interviews in which all three interviewees learned a great deal of valuable information.

Mr. Hatton stated that the consultants were working to gather data on demographics and conducting geospatial analysis. Mr. Pomerantz added that a comp plan is important to guide the township on issues such as sub-division and land development and that it is more about developable land potential and orientation.

Mr. Hatton mentioned that the Comp Plan will affect all Westtown Residents. As a result of its adoption, the PC will begin reviewing the existing Zoning Ordinances and making changes so the ordinance is succinct with the new comp plan. Mr. Pomerantz added that neighbors in surrounding municipalities will also be affect by out comp plan change and that it is important to work together.

New Business

Zoning Hearing Board – 1024 Robin Drive Variance application

Mr. Pomerantz started the discussion of a special exception application to allow Mr. Egan, 1024 Robin Drive to allow for the expansion of an existing deck into a FEMA floodplain area. Mr. Hatton asked Mr. DeCaro if the whole property was in the flood plain. Mr. DeCaro stated that it is in the FEMA 100 year Floodplain, which does not necessarily indicate that the property experiences flooding. Mr. DeCaro also stated that the rest of the property was built before the

FEMA Floodplain Maps existed. Mr. Pomerantz asked Mr. DeCaro to confirm if the applicant was expanding the deck or replacing his existing. Mr. DeCaro indicated that he was both replacing the existing as well as expanding it further. Mr. Egan hired an engineer who was able to prove that his property is not actually in the flood plain and that the FEMA map is inaccurate. Mr. Hatton then stated he is also requesting relief from the 75 foot Riparian Buffer Set Back. Mr. Yaw asked Mr. DeCaro if the applicant had contact his neighbor to the north east. Mr. DeCaro was unaware if anyone was contacted directly by the applicant; however as part of the zoning hearing board application, the Township is required to notify everyone within the immediate area and there chance to speak to the application would be during the hearing.

Mr. Pomerantz asked the PC if there were any concerns with the application. Mr. Hatton noted he was concerned with the Riparian Buffer Set Back. Mr. Yaw stated he was not opposed to the application; however the expansion appears to be larger than the 25% allowed by the code. Mr. Pomerantz asked if the 25% allowable expansion was 25% of the existing deck, or 25% of the total home footprint. Mr. Pingar commented that it is 25% of the non-conformity. Mr. Lees inquired about the enclosure and if there were any construction drawings. Mr. DeCaro noted that there is currently no building permit application for the project and that the application would come after if the variance is granted.

After debate from the PC on the size of the deck and the square footage increase, the PC elected not to comment on the application.

Zoning Hearing Board – 1033 Dunvegan Road Variance application

The applicant is requesting relief from the front yard setback to construct a detached garage. This property is unique because there is no road frontage. Rather, it is land locked by Township Open Space. Mr. Hatton started the conversation by asking Mr. DeCaro approximately how many lots in the Township had a similar situation to this property. Mr. DeCaro states that this is the only lot he is aware of; however there may be others like this. Mr. Hatton verified that the proposed garage does meet the side yard setback. Mr. Hatton asked if his property line started from the road and therefore include the open space or if the front yard started from his property line. Mr. DeCaro verified that the applicant's property line was what is used to determine setback, not the setback from the road.

Mr. Pomerantz asked if this situation created a hardship. Mr. Rodia felt that this application reflected the intent of the ordinance, when looking at it from the road like most other property owners would. Mr. Lees stated he had reservations on the size of the proposed building. Mr. Hatton agreed that this building was on the large side, however it was hard to determine from the documentation the scale of the proposed garage compared to the house. Mr. Lees also stated his concern with the large tree located on the property as well as a replacement area should the septic system fail. Mr. Yaw asked what the strip of open space was for. Mr. Lees responded that a drainage swale ran through the open space. Mr. DeCaro noted that septic replacement should be of minor concern because alternative septic systems can be utilized in areas where soil conditions are less than optimal. Mr. Pomerantz asked Mr. Pingar and Mr. DeCaro if either of them had seen the property, but neither have.

The PC offered a positive recommendation with comments on the location of a replacement septic drain field, a concern about the tree, and the size of the proposed structure to the Zoning Hearing Board.

Mr. Pomerantz commented that both applications were very well composed which helped the PC have a thoughtful discussion.

Public Comment

There were no public comments.

Non-Agenda Public Comment

Patricia Ryan Platt, 1068 Edgewood Chase Drive, urged the PC to consider discussing amending the Zoning Ordinance to limit the size of accessory structures. She stated that this is not an ongoing problem because most of the structures are decorated to look like the primary structure; however this does not apply to all. She asked for the PC to consider a size limit for accessory structures as part of the zoning amendments done in relation to the comp plan.

Mr. Hatton informed Ms. Platt that Mr. Patriarca is looking into this issue further for the PC.

Randal Spackman, 1256 Thornbury Road, Thornbury Chester County asked the PC to consider connecting with Thornbury Township Chester County on the comp plan update, particularly the potential development of the Crebilly farm and having a master trail plan that matches with Thornbury's. Mr. Spackman also suggested that the township request to document historic structures on the Crebilly farm in case they are removed if the site is developed.

Mr. Pomerantz suggested that Thornbury Chester County request party status during the conditional use hearings.

Mindy Rhoads 331 Broad Run Road, West Bradford Township, read a memoir from her childhood about the time she had spent on the Crebilly farm and how much she, and other residents, values the farm and the historic location of the Brandywine battlefield. She asked all residents to get involved and put pressure on elected officials to find a more comparable balance between open space, development and historic preservation.

Peggy Wolfgang, 703 Spring Line Drive, recalled a meeting from several years ago and questioned what happened and what was changing from that discussion. Mr. Pomerantz stated that there have been two previous developments proposed for the Crebilly Farm. The first was a Continuing Care Retirement Community that was approved, but never developed due to the economic downturn in the late 2000's. Mr. Pomerantz also noted that plan required 90 acres and that there was very little public reaction to the project. The second proposed development for the site was an apartment complex developed by Bozzuto. The Bozzuto project drew more public reaction from Westtown Residents but required a zoning amendment that ultimately was not granted and the application withdrew. Mr. Pomerantz and Mr. Pingar explained that with the Toll Brothers Application, a zoning amendment was not required and therefore the township does not have the leverage to request and require certain conditions like the could with the Bozzuto Application.

Mr. Rodia informed Ms. Wolfgang that the Bozzuto project required 18 acres of land and the special use overlay (SUO). One of the many conditions the PC suggested to the Board was that the remaining site outside of the SUO be preserved in the form of 13 large lots with single family homes on them.

Mr. Pomerantz concluded by saying that the ball is in the court of the public because the Board

and the PC has a prescribed period of time to review and comment on the proposed plan once it is submitted. Mr. Pomerantz said that as a resident or open space enthusiast now is the time to start reaching out to conservancies or any other option. The PC and the Board will not be able to do that once the application is submitted.

Elizabeth Roche, 102 Pennfield Drive, Kennett Township, drives past the Crebilly Farm frequently. She is also a realtor broker in this area. She questioned who approved the Pleasant Grove Development due to the historical value of the Taylor Family Burial Ground and graves under homes. She stated that that issue illustrates how poor planning and a lack of respect for sacred grounds can cause future issues. Her point was not to let the same thing happen at Crebilly farm. She also noted that she believed traffic would be an issue as well.

Marie Boisvert, 975 Sunset Hollow Road, East Bradford Township noted that she is a realtor and has close personal connection to Crebilly Farm as well the owners of the farm. She commented on what she perceived quality of the Toll Brothers product but was also concerned with the traffic the development will cause. Mr. Pomerantz acknowledged her concern but noted that it will be the responsibility of the applicant to prove that the additional traffic will be mitigated. Mr. Pomerantz added it is not necessary to discuss the Toll Product.

Vince Morro, 158 McFadden Road, Chadds Ford Township, is member of the advocacy group called "Neighbors for Crebilly" who have organized and come together to hopefully preserve Crebilly.

Mary Sue Boyle ,1033 Lenape Road, East Bradford Township has been the Chairwomen of the East Bradford Historic Commission and sat on their Historic Architectural Review Board (HARB) as well as a historic consultant in Delaware and Chester Counties. She noted that the Crebilly Site has historic Revolutionary War significance as well ask Lenape Native American influence as well. She request the PC not rely on the contractor to contact the Township Office if something of historic significance is unearthed, rather the township should be proactive and conduct an archaeological study prior to land development. She also stated the township should solicit the services of a historic preservation consultant.

Matt Kelly, 22 Robins Nest Lane, spoke with Southern Chester County Land Conservancy and they will start the process of acquiring properties as long as land owners indicate they are willing to sell the land to them. He also indicated the Papenfuss property at 1010 Wilmington Pike was one of the last large developable properties left in the Township. In one of the Comp Plan meetings, it was discovered that the most desired items in Westtown Township was a trail system. He suggested that the Southern Chester County Land Conservancy and/ or a combination of groups could purchase that property and create a usable trail system that would connect Jacqueline Drive to West Chester University's Gordon Natural Area (GNA). He suggested creating a trail system from the GNA to the Crebilly farm that would connect with the Thornbury Township Chester County Trail System. He is requesting that the PC recommend the BOS deny the zoning change on that property from commercial to residential. He was also concerned with the traffic the additional developments would bring. Mr. Kelly then suggested that the Crebilly Farm be sold to the land conservancies, rather than a developer. Mr. Kelly asked how the residents could get the Crebilly Farm Owners to entertain a conversation with a conservancy group.

Jillian Fitzpatrick, 667 Heritage Drive, Birmingham Township requested that the PC do whatever possible to preserve any open space in the plans that are provided. She also suggested

imposing taxes on the dwellings if possible.

Jennifer Stafford, 951 South New Street, noted that Westtown Township Residents are an enlightened group was surprised to hear that the last comp plan updated occurred 15 years ago. She stated the importance and value that open space provides a community. She stated she has personal experience in both land preservation as well as working with elected officials.

Mr. Pomerantz noted that the PC has had no prior contact with Toll Brothers. He then stated that the first person the Comp Plan task force requested to meet as part of their stakeholder interviews was the Robinson Family. The Robinson's respectfully declined. Mr. Pomerantz again urged the residents to reach out to different organizations to see if they were able to come up with a solution. Mr. Pomerantz urged all of those attending tonight's meeting to continue attending meetings and providing their inputs.

Adjournment

9:00 pm (SY/JL)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary