

**EAST WHITELAND TOWNSHIP
PLANNING COMMISSION MEETING
July 23, 2014**

Members Present: Greg Davis, Chairman, Deb Abel, John Laumer, Maureen Martinez, Todd Asousa

Absent: Jeff Broadbelt, and Brian Taylor

Also Present: Terry Woodman, Township Manager, and Maureen Perri, Secretary

CALL TO ORDER: The regular meeting was called to order at 7:30 pm.

APPROVAL OF MINUTES:

A motion was made by Greg Davis to approve the minutes of June 25, 2014 as written. The motion was seconded by John Laumer and the vote was unanimously approved.

ZONING ORDINANCE AMENDMENT: SECTION 200-19 TO ADD “PASSIVE RECREATION” AS A USE PERMITTED BY RIGHT IN ALL RESIDENTIAL ZONING DISTRICTS

Ms. Woodman stated that due procedural technicalities pointed out by Susan Boswell, the Township decided to restart the process for adoption of this amendment. The Zoning Ordinance amendment presented this evening has had no changes since last acted on by the Commission.

Ms. Boswell submitted to the members the outline previously submitted to the Board of Supervisors at their meeting in April 2014. She feels the main issues are: 1) that standards should be developed; and 2) that the ordinance should be clearly drafted and not ambiguous. Ms. Boswell introduced Mr. Dave Cavanaugh, Land Concepts, who is a landscape architect with experience in trail development. He stated that his concern is the lack of specificity in our ordinance. In addition, he questioned the meaning of the term “pastoral enjoyment”. He referenced Chester County Trail guidelines which provides criteria for slope, composite, and length of trails which are not spelled out in this ordinance. Discussion ensued.

Ms. Boswell questioned our lack of regulations which would impact every residential property in the Township. She expressed concern that older neighborhoods would be adversely impacted by passage of this ordinance. Discussion ensued.

Mr. Asousa wanted the record to reflect that he is opposed to the Deer Run connector and the addition of “passive recreation” as a “permitted use” in all residential areas. He feels that this should be permitted as a “conditional use”. Ms. Martinez also feels that this use should be permitted as a “conditional use”.

ACTION:

Greg Davis made a motion to recommend to the Board of Supervisors the Zoning Ordinance Amendment to Section 200-19 to add “passive recreation” as a “permitted use” in all residential zoning districts. Mr. Davis also would like to recommend that consideration be given to providing on a case by case basis for landscaping and fence railing to the trail. Deb Abel seconded the motion. The vote was 3- in favor and 2- opposed.

MINOR SUBDIVISION PLAN: RLD ATWATER SUBDIVISION OF LOT “A” AT ATWATER INTO LOT 1 AND LOT 2 IN THE RMH OVERLAY ZONING DISTRICT

Represented by Alyson Zarro, Esquire and Bill Reardon

Ms. Zarro stated that the land will be subdivided into two lots to accommodate the apartment development. The subdivision provides the following: Lot 1 contains 136.23 acres and lot 2 will be 13.17 acres. The amended Master Plan for the larger parcel was approved in June 2014. She advised that there will be access to easements to use Atwater Drive, sanitary sewers and storm sewer easements.

The applicants are seeking six waivers: 1) scale of the drawn plan; 2) tying the plan to the PA coordinate system; 3) providing contour lines on the plan; 4) providing the location, size and invert elevation of storm and sanitary structures; 5) providing a conservation; and 6) the provision of an environmental impact assessment. Ms. Zarro said that some of this information will be provided with the Land Development Plans, some has already been provided in prior applications, and in the instance of the coordinate system, the applicant wishes to use the same system as used in prior applications of that this plan will comply with the earlier drawings.

ACTION:

Todd Asousa made a motion to recommend approval of the Final Land Development to the Board of Supervisors for the Minor Subdivision Plan: RLD Atwater, JV subdivision of lot A at Atwater into lots 1(136.23 acres) and lot 2 (13.17 acres) in the RMH Overlay Zoning District. Maureen Martinez seconded and the vote was unanimous.

SWEDSFORD ROAD PARTNERS: AMENDED PRELIMINARY LAND DEVELOPMENT PLAN AND REVERSE SUBDIVISION – 128,600 sq. ft. flex space

Represented by Jack Robinson, P.E. and Mark Bebevino

Mr. Robinson mentioned that in 2010 the original plan comprised 14.13 acres on two adjacent parcels on Swedesford Road. In 2010, the applicant submitted an appeal for a variance to the Zoning Hearing Board from the parking requirement for warehouse usage which would have required 416 spaces. The appeal was granted

and the Zoning Hearing Board's Decision and Order allowed for 140 paved parking spaces for three warehouse buildings. In 2011, the owners purchased the Cantrell property which provided an additional 1.38 acres with frontage on Swedesford Road. As a result of this acquisition, the applicant has modified the plan and provided for three flex buildings with an area of 128,000 sq. ft. With this revised plan, in 2014, another Appeal was filed with the Zoning Hearing Board for a variance to reduce the ordinance requirement for 516 parking spaces to 159 parking spaces to serve three buildings. Mr. Robinson confirmed his client's ability to comply with the comments of the Township Engineer's letter, dated July 2, 2014. The applicant has requested six waivers and each have been recommended for approval by the Township Engineer. The Commissioners specifically requested that a post and rail fence backed by turkey wire be provided around the detention basin. The applicant is proposing a spray irrigation system rather than a conventional underground infiltration system.

ACTION:

Greg Davis made a motion to recommend to the Board of Supervisors approval of the Amended Preliminary Land Development Plan and reverse Subdivision for Swedesford Partners incorporating a 1.38 acre parcel into the original 14.13 acre property and development of 128,600 sq. ft. of flex space on the north side of Swedesford Road, east of Malvern Hunt Development in an I-Industrial Zoning District subject to the conditions enumerated in Arro's letter, dated July 2, 2014. Todd Asousa seconded and the vote was unanimous.

SUBDIVISION AND LAND DEVELOPMENT: BENSON COMPANIES RENOVATION OF LINDEN HALL AND 60 TOWNHOUSES ON ROUTE 30 AND 352

Represented by Jack Robinson, P.E., Bo Erixson and George Broseman, Esquire

Mr. Broseman, representing the applicant, advised that the Conditional Use approval was granted by the Board of Supervisors on July 9, 2014 for townhouses in a VMX – Village Mixed Use Zoning District. His client is proposing 60 townhouses in lieu of the previously approved shopping center. Neighbors adjacent to a portion of this site, which fronts on Church Road, requested that they be permitted to continue to use the driveway leading to Church Road to access the rear of their properties. Mr. Broseman said he had consulted with his client and an easement for access/egress will be granted to these individuals. Additional landscaping and a fence are being provided to address other resident and business concerns. The current buffer between this property and the Chester Valley Golf Club will remain. The Linden Hall building will be renovated and an addition will be attached to the northern façade to add area that will be used for a commercial office. The plan shows a sidewalk along Rt. 30 from the PNC Bank to the driveway entrance to the proposed development. A discussion ensued concerning extending this sidewalk along Rt. 30 to the western property line. Mr. Robinson said a pedestrian study is being reviewed by PennDOT. Mr. Robinson also mentioned that there exists a steep culvert which impacts the ability to build a sidewalk.

Mr. Cockerham requests that a swing gate be placed at the emergency access from Church Road with a key for the fire company. He also agreed with Mr. Asousa who expressed a concern with headlights impacting the rear of the homes that will be built along Rt. 30. Mr. Erixson stated that, for the most part, the houses built next to

Rt. 30 will sit lower than the highway and there will be a paver retaining wall with landscaping as well as a guiderail along Route 30.

Mr. Robinson mentioned that the stormwater for the site is being spread out to utilize the area near Rt. 352 and wetland basins. The impervious surface has been reduced by at least 1/3 from the original plan which was approved in 2006. Mr. Smith, representing the Chester Valley Golf Club, expressed his concern with the runoff and the ability of the plan to handle major storms.

Review of Waivers being requested - per Arro's letter, dated July 22, 2014:

#12 – Residential subdivision to be served by two or more streets – they are requesting that the emergency access be counted as the second exit;

#13 – Community facilities and recreation areas – there is no promotional marketing for those with children due to their attracting a more mature family;

#25 - Surface area of BMPs for wetland area – they are proposing wetland seed mix. The Commission strongly recommended that they provide plants;

#44 – Mr. Robinson stated that they will remove this request for a waiver of Section 175-21C, 175-22C and 175-23B (1) providing existing topography and features 300' beyond the tract boundary;

#45 – Providing an Environmental Impact Assessment – they have reduced impervious coverage and are willing to increase stormwater management. The Commission agreed with this request since this assessment is mostly judgmental.

ACTION:

None

ZONING ORDINANCE AMENDMENT: EAST WHITELAND TOWNSHIP ADDING A DEFINITION OF "RACE CAR" AND ADDING LANGUAGE TO REGULATE RECREATIONAL & BOAT PARKING IN RESIDENTIAL ZONES

Ms. Woodman stated that the proposed changes to the Zoning Ordinance are in response to complaints received from residents complaining about neighbors who have vehicles parked on properties that are not their primary vehicle(s) used for transportation. Some property owners were given violation notices which were filed with the District Justice. The Justice stated that our ordinance wasn't strong enough. Thus this amendment is an attempt to tighten up our Zoning regulations. The draft under review adds a definition of Race Car: "A vehicle being constructed, modified, maintained or repaired for the purpose of racing on a sanctioned drag strip or race course. The term includes but is not limited to: stock cars, race cars, race trucks, figure eight cars, demolition derby cars, drag race cars, off-road race cars or sprint cars." In addition the ordinance is amending Section 200-69 (entitled "General Regulations"), Subsection I by deleting the current verbiage and replacing it with the following:

I. Recreational vehicle and boat parking in Residential Districts. Except as provided in Section I (4) below, no more than two recreational vehicles or boats may be parked outdoors on any lot in any Residential District.

(1) Such vehicle or boat must be owned and operated by the permanent occupant of the dwelling, shall not be parked in front yards and shall be parked no closer than 10 feet to any property line. When a vehicle or boat is parked 10 feet from a property line, such vehicle or boat shall be screened from view from adjoining lots and public streets by means of a buffer area.

(2) Such vehicles or boats shall not have exterior identification signs indicating an occupation, employment, or enterprise that is carried on for profit.

(3) Such vehicles or boats shall not be used for living or sleeping quarters on any lot in the Township.

(4) On a lot containing two or more dwelling units, a designated parking area may be established to accommodate several such vehicles or boats, provided that:

(a) The total number of vehicles or boats parked on the lot does not exceed the number of dwelling units on the lot.

(b) The designated parking area is screened from view from adjoining lots and public streets by means of a buffer area.

(5) A boat parked outdoors on a lot in any Residential District shall not exceed 30 feet in body length, 8.5 feet in width, or 12 feet in overall height. If a boat is mounted on a trailer, then the height of such boat shall include the trailer.

Many members discussed their displeasure with minimum definitions of (1) and (2) as written above. They felt that the Township is trying to regulate homeowners to appease a certain group of residents in a particular area of the Township. Further discussion ensued.

ACTION:

Greg Davis made a motion to recommend that the Board of Supervisors not adopt the proposed Zoning Ordinance amendment saying the Planning Commission has concerns about the language of this amendment and that it should be re-written. Members felt strongly that this amendment should be denied. Maureen Martinez seconded and the vote against passage carried unanimously. Individual members commented as follows:

Todd Asousa - against instituting homeowners association rules throughout the community;

John Laumer – feels too restrictive on residents and has unintended consequences;

Deb Abel – feels that property owners’ rights are being violated;

Maureen Martinez – against this ordinance but agrees but agrees with some buffer requirement.

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ADJOURNMENT:

Hearing no new business, the meeting adjourned at 9:40 pm.

Respectfully submitted:

Greg Davis, Chairman

Maureen G. Perri, Secretary