

EAST WHITELAND TOWNSHIP
PLANNING COMMISSION MEETING
November 25, 2014

Members Present: Greg Davis, Chairman, Deb Abel, John Laumer, Todd Asousa, Jeff Broadbelt, and Brian Taylor

Absent: Maureen Martinez

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 October 22, 2014 as written. The motion was seconded by Todd Asousa and the vote was unanimously approved.

ZONING ORDINANCE AMENDMENT: ADDING A DEFINITION OF “RACE CAR” AND LANGUAGE TO REGULATE RECREATIONAL AND BOAT PARKING AND TO LIMIT PARKING IN RESIDENTIAL ZONES

Ms. Woodman introduced Ms. Kushto, Township Solicitor, who presented the background of this ordinance. The proposed ordinance is a result of residents’ unhappiness with a property owner using a building to work on “race cars” in a residential district. Ms. Kushto stated that in addition to race cars, there has also been the storage of construction equipment, multiple passenger cars and car trailers which is why this was also included in the ordinance. The Solicitor and Ms. Woodman addressed the changes proposed in Section I, (1) of the current ordinance. Discussion ensued relative to the distance and buffering between properties.

The next discussion concerned the addition of a new paragraph – J – Parking in Residential Zoning Districts. Members expressed an issue with the vehicle weight restrictions indicated in this paragraph. They felt that limiting vehicles weighing 1 and ½ tons as being too restrictive. This language could impact other throughout the Township and they requested that this section be removed.

In response to a question, Planning members and the audience were advised that a property owner has been issued a Notice of Violation and, they have 30 days to appeal this violation notice. Mr. Bellasario stated that the property owner has been working on race cars at all hours, lighting is intrusive on others and it is unsightly to the surrounding community.

Commission members changes suggested to the proposed ordinance Section I (1) are as follows: “Such vehicles 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 15 feet or less 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.”

Also, Section I should include the following addition: Recreational vehicles, construction vehicles, boat, and oversize vehicle parking in Residential Districts etc.

ACTION:

The members suggested that the solicitor should make these changes to the ordinance.

**PRELIMINARY SUBDIVISION AND LAND DEVELOPMENT: RLD ATWATER DISTRICT
A MIX OF 549 DWELLINGS OF SINGLES, TWINS AND TOWNHOUSES**

Represented by Lou Colagreco, Esquire and Ray Grochowski

Mr. Colagreco stated that there have been no significant changes to the plan since last presented. Both St. Peter's Church and the Valley Forge Chapter of Trout Unlimited had no objections to the plan.

Ms. Woodman stated that the County Planning Commission view letter has some objections to the perceived lack of trail connection, bus connections and pedestrian walkways. The County Planning Commission objections can be addressed. A meeting with them is scheduled including the Township Manager and RLD Atwater representatives. Mr. Colagreco stated that the pathways are 8 feet wide and Tredyffrin Township has already approved the Patriot's Path connection. In addition, there are scattered toddler lots within the development.

Ms. Woodman inquired whether the homes will have porches. She felt that this would provide for a more country feel and sense of community. Mr. Grochowski stated that some of the units will have porches. He mentioned that the area is easily accessible with the internal walkways which will be addressed at the meeting with the County Planning Commission.

Gary Sheridan stated that RLD has been very cooperative with the Fire Association with funding and instituting rescue service capabilities.

ACTION:

Greg Davis made a motion to recommend to the Board of Supervisors approval of the Preliminary Subdivision and Land Development plan submitted by RLD/Atwater, for 549 dwelling units representing a mix of singles, twins and townhouses on the east side of Route 29 south of Atwater Quarry Lake in a RHM Overlay Zoning District subject to Arro's letter, dated November 12, 2014 and the Chester County Planning Commission letter, dated November 6, 2014. Mr. Davis also asked the representatives to consider the addition of porches to the fronts of the units. Mr. Asousa seconded and the vote was unanimous.

**PRELIMINARY SUBDIVISION AND LAND DEVELOPMENT: JDA/ATWATER, 326 APARTMENTS
(THE HAVEN) IN AN RHM OVERLAY DISTRICT**

Represented by Lou Colagreco, Esquire, Rich Philips

The land is on the north side of Atwater Drive and the application is for nine buildings to house 326 apartment units. Mr. Philips stated that the buildings will be three stories tall with one building having a four story façade on the lake side. A total of 652 parking spaces will be provided. This site will be situated on 13.17 acres.

Mr. Tom Cockerham, Vice President of the East Whiteland Fire Company, introduced two volunteer fire fighters attired in their response gear. The purpose was to show Commission members the bulk of the gear and demonstrate what the firefighter is carrying and, their need to have sufficient room to roofs. Mr. Asousa reiterated his strong desire that the site provide for any possibility of a water rescue on the property.

Mr. Colagreco stated that they are requesting two waivers: 1) to permit Belgian block stone for curbing and 2) to provide a clear site triangle at the intersection of the access drive at Atwater Drive.

ACTION:

Mr. Asousa made a motion to recommend to the Board of Supervisors approval of the Preliminary Subdivision and Land Development plan of JDA/Atwater, for 326 apartments (The Haven) on the east side of Route 29 south of the Atwater Quarry lake in a RHM Overlay Zoning District subject to Arro's letter, dated November 18, 2014 and the Chester County Planning Commission review letter, dated November 6, 2014. Mr. Laumer seconded and the vote was unanimous.

ZONING ORDINANCE TEXT AMENDMENT: ARGUS PROPERTY GROUP – PROPOSED AMENDMENTS

Represented by Lou Colagreco, Esquire and Mike Ruffo

Mr. Colagreco stated that a presentation had been conducted before the Board of Supervisors and the plan seemed to be favorably accepted. The property is located on Church Road west of the Township building and abutting up to Route 202 on approximately 42 acres. He stated that there are three section of the ordinance which they are proposing to amend: 1) changing the definition of "Tract"; 2) to provide further incentive for reuse and preservation of Township Historic Resources as part of a cluster development; and 3) to reduce the required setback from an arterial road. Mr. Colagreco stated that in order to be considered a cluster development you need a tract of land which is not divided by a roadway. They are also proposing to reduce the setback requirement from Route 202 from 250 feet to 100 feet with suitable landscaping and screening. Also, they are proposing to raise the Historic density bonus from 10% to 25% for preservation of a Historic structure. Discussion ensued.

Mr. Ruffo stated that they met with the East Whiteland Township Historic Commission and there plan received a favorable response. Their investigation of the 1800s farmhouse showed that it had an addition attached to it which didn't match the historic property. The house will require foundation work and will it be repurposed and made available for sale. A smoke house and ice house will also be refurbished. An internal trail system will connect the community to the Chester Valley Trail.

ACTION:

None

ZONING ORDINANCE TEXT AND MAP AMENDMENT: LIBERTY PROPERTY CREATION OF A NEW ZONING DISTRICT TO BE APPLIED TO THE EAST SIDE OF RT 29 AND NORTH OF VALLEY CREEK PARK AND SOUTH OF THE ATWATER DEVELOPMENT.

Represented by Lou Colagreco, Esquire and Gary Lorgus

Mr. Colagreco stated that Liberty is considering redoing a master plan for the corporate center. They wish to fix a gap which exists in the O/BP zoning district which would allow for increasing building heights to 65 feet. Currently, the buildings are restricted to 42 feet in this area. This zoning change will match the 65 feet building heights which are permitted in other district. Mr. Lorgus stated that Liberty is out of Class A office space within the corporate center.

At this point, their desire is to take an existing building at 5 Country View and demolish it and then build a new building to these specifications. The office building market is geared to taller buildings with more amenities. There are nine properties on the east side of Route 29, six of which are owned by Liberty. The vacant property at 5 Country View is their focus for the zoning change at this time. The 15 foot floor height permits them to finish the ceiling with storage of the mechanicals and taller windows for natural light. Mr. Lorgus stated that throughout the Township there is a wide mixture of building heights permitted. Discussion ensued.

ACTION:

None

ZONING ORDINANCE AMENDMENT: BRANDYWINE REALTY AMENDING THE ZONING ORDINANCE TO PERMIT MIXED USE DEVELOPMENT IN THE CGO-CORPORATE GATEWAY OVERLAY DISTRICT

Represented by Lou Colagreco, Esquire and Paul

This ordinance amendment is to provide additional uses for the Gateway Overlay District. The focus of the change is related to a property at 50-52 Swedesford Road which is on the northwest side of Route 202. This CGO district is restricted to a minimum 20 acre tracts. Members were advised that this property has been undeveloped for 13 years because of it not being marketable.

Their proposal is for 132,000 sq. ft. office space, two buildings which are mixed use buildings, buildings with retail on first floor with residential above and one building possibly for a food market. Members were ambivalent to the suggested changes to the Corporate Gateway Overlay District.

After much discussion of the ordinance, members requested that under Section D (4) that hotels and conference centers be removed as a use and a desire to limit the amount of any one mixed use at the site.

ACTION:

None

SUBDIVISION SKETCH PLAN: RICHARD HALY – 3 LOT SUBDIVISION ON THE SOUTH SIDE OF LAPP ROAD OPPOSITE WILBURDALE ROAD IN AN R-1 RESIDENTIAL DISTRICT

Represented by Jack Robinson and Walter Haly

The property was formerly the Gable Subdivision. Mr. Robinson stated that the applicant is proposing to build single family homes on three lots on 5.736 acres at 280 Lapp Road. They are requesting a Conditional Use Approval to be able to run utility lines through steep slopes. An on-lot septic system pipe network must be constructed within a portion of the steep slopes. They are also requesting a waiver request under Section 175-31E – expansion of existing streets which requires widening of existing streets for an abutting subdivision.

Mr. Rubino, an adjacent property owner, is primarily concerned with the stormwater runoff. Mr. Rubino spoke to erosion that exists in the area. He is also concerned that the monitoring wells at the landfill, which are downstream from this subdivision, might result in ammonia in his wells. This condition is a major concern with PADEP.

ACTION:

Todd Asousa made a motion to recommend to the Board of Supervisor approval of the Sketch Plan of Richard Haly for a Conditional Use Approval to run utility lines through the steep slopes for a three lot subdivision on 5.736 acres and for granting the waiver request under Section 175-31E not to widen Lapp Road in an R-1 Residential Zoning District. The applicant is to control the impact of stormwater to surrounding properties. Deb Abel seconded and the vote was unanimous.

SKETCH PLAN FOR COMMENT TO ZONING HEARING BOARD: RICHARD HALY GRANTING A VARIANCE TO PERMIT GRAVEL PARKING FOR THE STORAGE OF COMMERCIAL VEHICLES AT 55 & 63 LANCASTER AVENUE IN AN O/BP ZONING DISTRICT

Represented by Jack Robinson and Walter Haly

Mr. Robinson stated that the applicant is proposing to construct a gravel parking lot for his business of Haly Oil and to permit outdoor storage of vehicles on a two acre parcel under the PECO power lines. Mr. Haly is requesting comment to the Zoning Hearing Board for special exception under Section 200-69A to permit off-street parking of a 200 ft. x 180 ft. gravel parking lot for their commercial vehicles. As well as, Section 200-93.2E for the outdoor storage of commercial vehicles. The applicant will surround the area with an 8 ft. fence. The members are concerned with the impact on neighbors and the neighborhood park at Downeast.

ACTION:

Greg Davis made a comment to the Zoning Hearing Board to recommend the variance to construct a gravel parking lot for the storage of commercial vehicles and a special exception to permit the outdoor storage of vehicles on a two acre parcel under the PECO high tension wires but asked the applicant to check out the adjacent park and neighborhood homes. The property is located behind 55 and 63 Lancaster Avenue in an O/BP Zoning District.

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ADJOURNMENT:

Hearing no new business, the meeting adjourned at 11 pm.

Respectfully submitted:

Greg Davis, Chairman

Maureen G. Perri, Secretary