

**Tredyffrin Township
Planning Commission Regular Meeting Minutes
November 17, 2005**

A regular meeting of the Planning Commission was held on November 17, 2005, at the Tredyffrin Township Building. Members present included: Robert O'Leary, Chairman, Sean N. McCauley, Vice Chairman, Marlen Kokaz, Victoria Snyder, Libby Brinton and Thomas J. Cooper.

Members absent: Michael Tierney, Giovanni D'Amato, Edward Sweeney.

Also present: Mimi Gleason, Township Manager; Bill Bryant, Township Engineer/Director of Public Works

CALL TO ORDER:

Chairman O'Leary called the meeting to order at 7:05 PM.

APPROVAL OF MINUTES:

Motion made by Mr. O'Leary, seconded by Mr. McCauley to approve the October 20, 2005 regular meeting and the November 3, 2005 workshop meeting minutes.

CARRYOVER MATTERS:

Application (#20-05) **Locker Room Self Storage**; Land Development Sketch Plan: Proposal to build a self storage facility at 455 Devon Park Drive in a LI Light Industrial District [Plan prepared by Edward B. Walsh Associates, dated 5/17/05 last revised 10/06/05].

- Mike Kelly representing the applicant, presented a revised sketch plan showing utility poles, additional parking, stormwater management, lighting, fencing, landscaping and wetlands. He noted that testing had been done on the site and that there were actually no wetlands on the property.
- Mr. O'Leary commented that there were several issues of concern as expressed in an email from John Leiberman to the Planning Commission. They include the request for a variance to reduce the setbacks from the required 100' to 50', the type of materials used for construction, and the driveway that is being shown for ingress and egress.
- Mr. Kelly responded that the applicant was in negotiations with PECO, the property owner, to lease part or all of the driveway that currently exists off of Devon Park Drive. He noted that the buildings would be of steel and decorative block construction with significant landscaping designed to act as a buffer, especially in front of the buildings. The applicant is on the agenda for the November 22, 2005 Zoning Hearing Board meeting to request relief from the setback requirements. Ms. Gleason commented that they would also need to get a variance for the six foot fence shown in the front of the buildings. The Township Zoning Ordinance allows for only a four foot fence in a front yard. She also stated that the applicant would need to show hardship when asking for the setback relief and wanted to know what hardship they would use. The applicant responded that economically they needed the number of units shown on the plan and that logistically they needed to place them in the area shown which would require zoning relief.
- Mr. Bryant had several questions about the plan including whether or not PECO had seen it, would the units have a sprinkler system, had the turning radius for U-Haul type trucks been taken into consideration, and exactly how many units were going to be built. Mr. Kelly was unsure of the answers except for knowing that there would be a sprinkler system.

- Ms. Gleason noted one other zoning issue related to the required number of parking spaces. She stated that the applicant was showing three spots and asking for a determination from the Zoning Hearing Board if this would be enough. Since the Planning Commission intended to make a recommendation to the Zoning Hearing Board, they needed to think about whether three spots would be enough for this type of facility.
- Denise Yarnoff, representing Vanguard which is adjacent, said that her client has serious concerns about the requests for setback variances. Vanguard feels that the Zoning Ordinance setbacks are necessary for security reasons and to change them would set a bad precedence for the area. She also noted that Vanguard is the current tenant of the access driveway shown on the plan.
- John Lieberman, owner of The Meadows Office complex on Devon Park Drive, felt that the plan has too many unknowns, the buildings do not fit into the area, and the entire project would have a detrimental effect on the neighboring properties. For these reasons, he requested that the Planning Commission turn down the application.

Action: Motion made by Mr. O’Leary, seconded by Mr. McCauley, and carried unanimously that the Planning Commission not recommend approval to the Zoning Hearing Board of the above referenced plan requests for variances from the following sections of the Zoning Ordinance: Section 208-92C (Yards) to allow front, side and rear yard building setbacks of 50 feet where 100 feet is required at 455 Devon Park Drive, Wayne.

Application (#21-05) **Devon Veterinary Hospital**; Land Development Sketch Plan: Proposal to demolish an existing building and build a new veterinary hospital on the property at 81 Lancaster Avenue in a C-1 Commercial District [Plan prepared by Ba Bursich, dated 10/6/05].

- Bob Miller, representing the applicant, presented a slightly revised sketch plan showing relocation of the exercise yard toward the front of the building and the kennels to the rear. He noted that the kennels would be separated by soundproof walls and that they would have an acrylic roof overhead. This design was the result of conversations with neighbors concerning noise from barking dogs and was agreeable to all parties. He noted that the applicant would be asking the Zoning Hearing Board for an extension of a non-conforming use and variances from front yard setback and parking space setback. The final plan will have all of the variances noted.
- Frone Crawford, a neighbor, stated that he would like specifications from the applicant for the acrylic roof, but was otherwise in support of the plan.
- Mr. Bryant asked what the proposed impervious was. Mr. Miller said that it was 77% as currently shown but would be reduced to 70% after the purchase of additional property from Amtrak.

Action: Motion made by Mr. O’Leary, seconded by Mr. McCauley, and carried unanimously to recommend that the ZHB approve the above referenced plan requests for a special exception, extension of a non-conforming use, and variances from section 208-66-C, 208-66-E, and 208-103-C-2 of the Zoning Ordinance.

(Application #24-05) **Joseph and Sharon Anapolsky**; Preliminary/Final Subdivision Plan: Proposal for a lot line change between 141 Sheldrake Drive and 150 Sharon Lane in an R-1 Residential District. [Plan prepared by Chambers Associates, Inc., dated 10/12/04, revised 10/07/05.]

- John Bravacos, representing the applicant, said that the plans had been revised to show gross and net lot area as requested by the Planning Commission. One issue of a small structure in the setback remained. He had not gotten the exact dimensions, but felt that it might be within the size limits that would qualify it as a shed which could be within 6' from the property line. Ms. Gleason reminded him that the maximum size for a shed is 144 sf and that anything larger would have to adhere to the standard setbacks for the zoning district it is in. Mr. Bravacos felt that the lot line would have to be changed if the structure is larger than 144 sf.

Action: Motion made by Mr. O'Leary, seconded by Mr. McCauley, and carried unanimously to recommend that the Board of Supervisors approve the above referenced plan with the condition that the issue of the square footage of the outbuilding be satisfied with staff prior to submission to the Board of Supervisors.

(Application #25-05) **LeBoutillier Road Associates;** Preliminary Subdivision Plan: Proposal to build 19 houses on a 70.32 acre tract known as the Hudson Property on LeBoutillier Road in an R-1/2 Residence District. [Plan prepared by Commonwealth Engineers, dated 3/8/05.]

- Denise Yarnoff, representing the applicant, stated that December 1, 2005 marked the end of the 90 day clock for the Planning Commission to make a decision on the LeBoutillier subdivision plan that they had submitted on September 1, 2005. Therefore this was the last meeting before December 1, 2005 for a recommendation. The applicant understands that the Township would prefer a cluster subdivision, however, the plans meet ordinance requirements and are what Mr. O'Neill wants to see built; so they would like a recommendation tonight.
- Mr. O'Leary noted that it was the Planning Commission's policy to recommend preliminary approval only when everything was on the plans and they were ready to go. Because the applicant had only confirmed their attendance at tonight's meeting earlier in the day, the Planning Commission members had just received the revised plans as they walked in the door. Upon review, they seem far from ready to go. There was a long list of items from the meeting of October 6, 2005 that had not been corrected on the plans: Also, comments from the Township Engineer written in a memo dated November 16, 2005 and a review letter from ARRO dated November 17, 2005 would need to be addressed on a revised plan. There are many concerns about the conservancy easements on the property and how they could be managed in the future. With all of the above mentioned items still needing to be discussed and corrected, the Planning Commission could not possibly make a recommendation tonight.
- Mike Trio, representing the applicant, said that they appreciate the comments but believe that the plan as presented is best for the property and does meet Township zoning requirements.
- Ms. Snyder pointed out that the last page shows sidewalks on LeBoutillier. All pages should show sidewalks to be consistent, or all references should be deleted if they do not intend to construct sidewalks on that road. The stormwater basins on lot 15 and 16 had not been moved as requested at a previous meeting. If they remain in their present location nearby specimen trees will be killed. Township code says that if two or more lots are being created, they must have a road, rear lots should be minimized and two or more rear lots must come off of a cul-de-sac. The plans do not reflect this. A landscape plan must be prepared and signed by a registered landscape architect. A split rail fence marking the edge of the conservancy easements might make sense so that the property is clearly marked and enforcement made easier.
- Mr. McCauley asked if the applicant had closed on the property and whether the cluster development might still be considered an option. Mr. Trio said that the applicant had settled on only part of the property and that the plan as presented is the plan that they will be going forward with. The applicant feels strongly that the current plan is within his rights as the property owner and is best for the area.
- Michael Wilson, representing the Open Land Conservancy, expressed serious concern about the enforcement and future management of the conservancy easements which cover a large portion of the parcel, if it is split into many smaller lots. History has shown that as the property changes

- hands over time, the easements get ignored. This plan would also make it very difficult for the all volunteer conservancy group to inspect the property on a yearly basis. The group would have liked to have discussions with the developer prior to his submission of any plans, but it did not happen. He noted that any paths or fencing would have to be allowed by the language in the easement. Mr. Trio stated that the developer is willing to talk with the Open Land Conservancy but only at the appropriate time.
- Ms. Yarnoff stated that the easement, as currently written, does not allow any type of structure in the eased area. Furthermore, the grantor can use the property but not the public.
- Mitsie Toland from the Open Land Conservancy said that this particular easement was written in 1975 and had never been revised. When the cluster plan had been submitted for this property, there was discussion about the eased property being turned over in fee to the Conservancy. This would have made it much easier to manage the easement and keep the property as natural as possible. The current plan makes this all very difficult; so perhaps, there will have to be some amendment of the easement to make the language clear for the property owners and to allow for paths and fencing.
- Mr. O'Leary asked the Planning Commission members for their feelings about the present by right plan or a cluster plan for this property. Mr. Cooper, Ms. Kokaz, Ms. Brinton and Mr. O'Leary were in favor of a cluster plan. Mr. McCauley and Ms. Snyder personally favored the cluster design, but they reluctantly agreed that, if the plan were revised to meet all of the Code requirements, then the applicant was within his rights as the property owner to have it approved.
- Mr. Trio stated that they would make revisions to the plans to bring them into compliance with the Code, but reiterated that Mr. O'Neill was committed to proceeding with the current plan. The applicant would be willing to grant an extension to the Township into January of 2006 so that the Planning Commission and the Board of Supervisors could render a decision.
- Mr. O'Leary asked the applicant to work with the Open Land Conservancy and asked the Conservancy to think about amending the easement to allow for paths and fencing. He noted that lot 6 may not conform with code requirements and that the emergency access from lot 12 to Sorrel Road would need to be correctly drawn. He asked if the developer would eliminate the two lots on the South side of LeBoutillier Road to which Mr. Trio responded "no".

Action: None

Application (#27-05) **St. Davids Golf Club**; Preliminary/Final Land Development Plan: Proposal for a 1,225 s.f. addition to a cart barn near the club house at 845 Radnor Road in the R-1 Residence District. [Plan prepared by Yerkes Associates, Inc., dated 11/10/05].

- Patrick Spellman, representing the applicant, presented the final plan for St. Davids. Ms. Snyder asked if the waiver request from submitting a landscape plan had been noted. Mr. Spellman replied that it had and that the plans were ready for approval.
- Ms. Gleason noted that St. Davids was going to appear before the Zoning Hearing Board on November 22, 2005 to request a special exception for a non-conforming use. The Planning Commission could grant approval conditioned on approval from the Zoning Hearing Board.

Action: Motion made by Mr. O'Leary, seconded by Mr. McCauley, and carried unanimously to recommend that the Board of Supervisors approve the above referenced plan with the condition that they receive approval from the Zoning Hearing Board for a special exception for a non-conforming use.

Application (#28-05) **Carmine Rego**; Site Plan: Proposal for a change of use at 34 Darby Road in the SPDD Special Paoli Development District. [Plan prepared by Chester Valley Engineers, Inc. dated 2/07/2005 last revised 11/08/05].

- Carmine Rego, applicant, stated that all revisions had been made to the plan, and they were ready for approval.

6892

Action: Motion made by Mr. O’Leary, seconded by Mr. McCauley, and carried unanimously to recommend approval of the above referenced plan.

NEW MATTERS:

Application #29-05) **Iko Zakarija:** Preliminary/Final Subdivision Plan; Proposal for a lot line change between 121 and 3 Woodmere Court in an R-1 Residence District. [Plan prepared by Howard W. Doran Engineering and Surveying, dated 10/3/2005].

- Mr. Zakarija, applicant, wants to purchase the other half of a private road that is in front of his house. It is paved and has a Township sewer system running underneath.

Action: None

Application (#30-05) **Users, Inc.;** Land Development Sketch Plan: Proposal to build a 56,000 sf addition to their building at 1250 Drummers Lane in a P Professional District. [Plan prepared by Associated Engineering Consultants Inc., dated 11/03/05].

- Debbie Shulski, representing the applicant, presented a sketch plan proposing to build a 56,000 sf addition onto the existing building at 1250 Drummers Lane. The matter is considered a carryover because Users had submitted and received approval for a land development plan in the 1990s to construct a similar addition. She explained that Users would like to maintain its headquarters in the Township but had found nothing that could accommodate their need to expand. Therefore, they had decided to add onto their current building.
- Bruce Addlesberger, architect for the plan, showed a sketch of the proposed addition and noted several improvements to be made. Landscaping, parking lot changes, and a new circular entrance drive would make the whole property more attractive.
- Karen McManuel, engineer for the project, explained several stormwater management design features. The buildings and new parking area would have underground pipes to detain the water and be in compliance with all codes. They would consider better controls for the old parking lot to bring it into compliance. She also noted that landscaping would be per code in the new parking lots, parking spaces would be 384 which is above the required number, and the impervious is 54.86% which is slightly under the 55% required.
- Mr. O’Leary asked that revised plans clearly show existing versus proposed building footprints. Otherwise, the sketch plan seemed well thought out, and they should proceed to preliminary plans.

Action: None

Application (#31-05) **Tredyffrin Township Library;** Land Development Sketch Plan: Proposal to expand the existing building at 582 Upper Gulph Road in an R-2 Residence District. [Plan prepared by Chester Valley Engineers, Inc., dated 11/03/05].

- Brett McKay, from Chester Valley Engineers, presented a land development sketch plan for the Tredyffrin Township Library on Upper Gulph Road. The plan calls for an addition to the library building along Upper Gulph, parking lot expansion and improvements, stormwater management, and repositioning of the sidewalk. Mr. O’Leary noted that the building had been identified as among the top 100 libraries in the United States for architectural significance and retaining its character had been a prime consideration during the design process. The new addition and parking lot would be in compliance with stormwater management ordinances, but the existing building and lot would require further funding to be brought into line. There will be a dirt path setback from the Upper Gulph Road which will become a paved walk in the future as the sidewalk plan takes shape. The driveway will be split to improve sight distance for ingress and

egress and the pedestrian crossing was moved slightly back from the road. Ms. Snyder asked if a path from the library to the play area could be included in future plans.

- Mr. O'Leary stated that after a great deal of planning by a committee, the library was ready to proceed with preliminary plans.

Action: None

OTHER MATTERS:

Ordinance amendment: Amendment to update the entire Zoning Ordinance except Article XVIII (18), The Special Paoli Development District, and Article XXV (25), signs; and the following related amendments for consistency: amend parking, landscaping, and natural features requirements. Add or revise definitions in the Subdivision and Land Development Ordinance; rezone properties from the C-3 Commercial district to the C-2 Commercial district; amend the sign ordinance to delete references to the C3 zoning districts; and rezone properties from the PA-1 Planned Apartment district to the PA Planned Apartment district.

- The final draft of the entire Zoning Ordinance is ready to be sent to the Board of Supervisors for a public hearing to be held December 12, 2005. Ms. Gleason clarified the PA rezoning stating that only the PA-1 district would be rezoned to PA at this time. The PA-2 properties will be done when the SPDD comes up for rezoning next year.

Action: Motion made by Mr. O'Leary, seconded by Ms. Brinton, and carried unanimously to recommend that the Board of Supervisors approve the Zoning Ordinance rewrite as referenced above.

Ordinance amendment: Amendment to Article II, Terminology, and Article XVI, Hotel Office (HO) Districts.

Action: Motion made by Mr. O'Leary, seconded by Ms. Snyder, with Mr. McCauley abstaining, to recommend that the Board of Supervisors approve the Ordinance Amendment as referenced above.

Great Valley Association: Presentation on soundwalls for the Turnpike.

- Jim Simpson, representing the Great Valley Association, gave a presentation detailing the noise hazard produced by the Turnpike. The Turnpike will be expanded in the near future to three lanes from Valley Forge to Downingtown. This will only make the problem worse. Therefore, the association is asking the Planning Commission to support a resolution submitted by the GVA requesting that the Pennsylvania Turnpike Commission construct sound barriers on both sides of the Turnpike for the entire length of the road's passage through the Township.

Action: Motion made by Mr. O'Leary, seconded by Ms. Brinton to recommend that the Board of Supervisors support the noise abatement resolution presented by the Great Valley Association.

ADJOURNMENT

The meeting adjourned at 11:00 PM.

Respectfully Submitted,

Carol O'Neill
Recording Secretary

