

**Tredyffrin Township
Planning Commission Regular Meeting Minutes
November 16, 2006**

A regular meeting of the Planning Commission was held on November 16, 2006 at the Tredyffrin Township Building. Members present included: Sean N. McCauley, Vice Chairman, Edward C. Sweeney, Libby Brinton, Thomas J. Cooper, Giovanni D'Amato, Marlen Kokaz, Michael Tierney, and Victoria Snyder.

Members absent: Robert O'Leary, Chairman.

Also present: Mike Fahey, Zoning and Building Officer, Stephen Burgo, P.E., Township Engineer, and Mimi Gleason, Township Manager.

CALL TO ORDER:

Vice Chairman McCauley called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES:

Motion made by Mr. McCauley, seconded by Ms. Brinton to approve the October 19, 2006 regular meeting minutes. Motion made by Mr. McCauley, seconded by Mr. D'Amato to approve the November 2, 2006 workshop meeting minutes.

CARRYOVER MATTER:

(Application #25-05) **LeBoutillier Road Associates**; Subdivision Final Plan: Proposal to build 17 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, last revised 11-14-06.]

- Susan Boswell, attorney for the project, commented that the applicant had received preliminary approval on April 3, 2006 and has since revised those plans to accommodate public sewers, some infiltration systems for stormwater management, and the comments of the November 8, 2006 staff review letter. She noted that the questions of third party permits and a formal Homeowners Association document were still outstanding. A planning module was approved by the Township and sent to and all of the paperwork for the NPDES permit had been submitted to DEP. They are just waiting for the formal approval documents. The Homeowners Association documents will be finalized as soon as the Planning Commission gives final approval to the plans so that the two can be consistent. Mike Fahey stated that the applicant should put the detail for the sidewalk on Mill Road that was in the plans approved at the April 3, 2006 meeting. Mr. Haigney, engineer for the project, clarified that LeBoutillier Road will be milled two feet in from the present edge and repaved. The cartway width will remain the same as it is now. *The applicant had received a waiver from widening LeBoutillier and the final plan set should reflect this.* Mr. Burgo, Township engineer, stated that the current plans have addressed all of the stormwater issues he had raised since preliminary approval and should be OK for final approval. He reminded the applicant that the Homeowners Association document will need to specify operation and maintenance responsibilities for all stormwater BMPs on lot 6 and beneath Buckingham Place. All stormwater easements must also be listed in that document. Ms. Snyder raised the issue of the landscape plan, pointing out that it is total tract based instead of individual lot based. She did not feel that this makes sense and had raised the issue at the time of preliminary approval. The applicant said that they would correct it but did not. Mr. Fahey agreed, stating that the Zoning Ordinance codes have a reason and to apply the landscape requirements to the perimeter of the whole tract does not meet the intent of the ordinance. Mr. Trio

stated that they will make adjustments to the landscape plan. Mike Woolston from the Open Land Conservancy group spoke about the fact that the conservancy has easements on much of the development's property. The group is concerned that future homeowners will want to build pools etc. in their backyards in violation of the easements. He asked that the Township recognize these easements and enforce them by denying building permits for any project that would encroach into them. Mr. Fahey responded that the Homeowners Association document will state this, the individual deeds will define the easement on a specific property, and a note will be on the recorded plan stating that the Township has the authority to enforce the conservation easements.

Action: Motion made by Mr. McCauley, seconded by Mr. Sweeney, and carried unanimously to recommend that the Board of Supervisors grant final approval of the above referenced plan with the following conditions:

1. That all items in the Township review letter of November 8, 2006 be addressed to the satisfaction of Township staff.
2. The applicant shall provide evidence that all third party permits have been obtained.
3. That the Mill Road construction detail and improvements be as per sheet 15 of the plan prepared by Commonwealth Engineers, Inc. dated 9/1/05, last revised 3/16/06 and given preliminary approval on April 3, 2006.
4. Three copies of the Escrow agreement and Subdivision and Land Development agreement be submitted to the Township for approval.
5. The Homeowners Association agreement shall be submitted to and approved by staff and the Township solicitor.
 - Specific provisions for all best management practices be noted on the plans and approved by Township staff.
 - Specific provisions for Tredyffrin to deny building, grading, and zoning permits to any property owner for any project which violates the Open Land Conservancy easements.
6. That the final landscape plan is acceptable to Township staff.

(Application #17-06) **Joel Funston**; Conditional Use Application: Proposal to install a driveway in the Flood Hazard District at 499 Timber Lane, Devon, Pa. in an R-1 Residence District [Plan prepared by Momenee and Associates, Inc. dated 10-3-06.]

- Kristin Kamp, attorney for the project and Martin Sweigart, engineer for the project, presented a conditional use application in order that a driveway can be built at 499 Timber Lane. Ms. Kamp noted that the property was being sold for the construction of a single family dwelling which is a by right use in the R-1 zoning district. The driveway is for access to the house and is allowed as a conditional use under 208-15.1[H(2)] and 208-15.1[H(5)]. Mr. Sweigart stated that the driveway would cause a change in grade and would require fill. Per 208-15.1[H(5)] these changes could not increase the elevation of the one-hundred year flood, nor increase the runoff characteristics of the area. In order to comply, two box culverts had been included in the driveway design to accommodate the one-hundred year flow and cause no increase in its elevation. Mr. McCauley asked if a PINDI study had been performed. The applicant responded that there no wetlands on the property so that study had not been required. Ms. Snyder questioned if there really were no wetlands given the nature of the property. The applicant was asked to study and verify this before the application goes to the Board of Supervisors. Ms. Snyder also reminded the applicant that maximum allowable impervious coverage is calculated net of steep slopes etc., and that he should make sure the new home and driveway will fall within the allowable impervious. Mr. Burgo stated that the applicant had shown the driveway as impervious asphalt, but had requested the conditional use per 208-15.1[H(2)] which deals with permeable roads. He asked that they change their application to reflect a request for a conditional use per 208-15.1[(3)]. He also said that the construction detail for the proposed box culverts be shown on the plans submitted to the Board of Supervisors. Ms. Kamp stated that the application and plans would be revised to meet the Planning Commissions' comments before they are submitted to the Board of Supervisors.

Action: Motion made by Mr. McCauley, seconded by Mr. Sweeney, and carried unanimously to recommend that the Board of Supervisors grant approval of the above referenced plan with the condition that all issues are

addressed to the satisfaction of Township staff before submission to the Board of Supervisors for final approval.

(Application #18-06) **Pitcairn Properties**; Sketch Plan: Proposal to build 36 stacked townhouse condominium units in Chesterbrook 1,100 feet from the intersection of Morris Drive and Duportail Road in the OA Office Apartment District [Plan prepared by Yerkes Associates, Inc., dated 8-14-06, last revised 8-16-06.]

- Tony Noce presented a revised sketch plan based on comments from the October 19, 2006 meeting. The issues addressed include designing a separate tree lined driveway with a sidewalk coming off of Morris Drive and going to the site, a note on the plan showing the effect on parking for 1200 and 1300 Morris Drive, and changing the location of the retaining wall along DuPortail Road so that it is outside of the one hundred year floodplain. Several Planning Commission members expressed concern over the proposed driveway. Mr. Cooper felt that the turning radius would be too tight for a large truck like a moving van or an emergency vehicle. He also wondered if the driveway could come off of DuPoratil Road instead of Morris Drive. Mr. Noce stated that access from DuPortail would not work due to the stream, wetlands and detention basin which would all have to be crossed, however, he said the turning radius would be adjusted. The proposed driveway is also used to access some parking spaces for 1200 and 1300 Morris Drive. The Planning Commission felt that it would be better to make a separate access for the parking spaces and dedicate the driveway for use by the townhomes only. Mr. Burgo stressed that stormwater management for the eight townhomes along DuPortail Road would have to be carefully addressed in the engineered plans. There is a serious question about whether the retaining wall can fit outside of the one hundred year floodplain and whether all BMPs for stormwater can be accommodated on that site.

Action: None

NEW MATTER:

(Application #12-06) **James and Heidi Hole**; Subdivision/Lot Line Change plan: Proposal to change the lot line between 6 Cross Gate Road and 10 Cross Gate Road, Wayne, Pa. in an R-1 Residential District [Plan prepared by Yerkes Associates, Inc., dated 4-5-06.]

- James Hole presented a plan to change the lot line between 6 and 10 Cross Gate Road. The respective property owners will exchange equal amounts of land to facilitate the change. Mr. McCauley asked if the applicant was aware of §181-44.F in the Subdivision and Land Development Ordinance which prohibits excessively irregular lots. Mr. Hole responded that they had discussed this with Township staff before pursuing the lot line change. He stated that all of the lots in the area were very irregular. This had caused confusion concerning a fence which existed on their property when they purchased it. They thought the fence was on their property line and proceeded to do extensive landscaping in front of it. It was subsequently found to be on the neighbor's property, so they negotiated the property exchange and lot line change to remediate the problem.

Action: Motion made by Mr. McCauley, seconded by Mr. Tierney, and carried unanimously to recommend that the Board of Supervisors grant approval of the above referenced plan with the condition that pins be placed at all points necessary to mark the property lines.

(Application #19-06) **Paoli Village Shops**; Land Development Final plan: Proposal to make changes to the parking lot at 43 W. Lancaster Avenue, Paoli, Pa. in the SPDD Special Paoli Development District to accommodate the conversion from a single tenant building into a multi-tenant retail/commercial building [Plan prepared by Jon Edward Fox & Associates, PC, dated 9-18-06.]

- Mike Murray, attorney for the project, presented the plan showing changes to the parking lot for the building at 43 West Lancaster Avenue. He noted that a new entrance to the building will be constructed, 13 parking spaces in the back of the lot will be stripped, and the existing entrance driveway off of Paoli Plaza will be widened. Mr. McCauley asked if the plan as submitted meets all Township parking requirements. Mr. Fahey

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responded that it does as long as the building is used for retail. The applicant will need to add landscape planters to be in compliance with the Township Zoning Ordinance requirements. Mr. Burgo asked that the plan show all details to the actual survey line which would include the right of way into Greenwood Avenue.

Action: Motion made by Mr. McCauley, seconded by Mr. D'Amato, and carried unanimously to recommend approval of the above referenced plan with the following conditions:

1. That the planter island requirements per the Tredyffrin Township Zoning Ordinance are met.
2. That the plans depict features west of the site to the actual survey line.

OTHER MATTER:

Patriots Path Plan:

A plan from the Chester County Planning Commission for a trail corridor linking Valley Forge National Historic Park with the Paoli Massacre Site in Malvern Borough and the Battle of the Clouds Park in East Whiteland Township.

- The Chester County Planning Commission had given a presentation to the Tredyffrin Planning Commission at their September 21, 2006 meeting concerning a feasibility study for a historically significant path along the route where Washington's army marched. The path would use existing trails, paths, and sidewalks to cross through several townships including Tredyffrin. At the meeting, they distributed several hard copies of the study to the Township for their review and comments. The Sidewalk, Trails and Paths Committee submitted a letter to the Planning Commission outlining their suggestions for and approval of the path. The Planning Commission is in agreement with their letter. They recommend that the Board of Supervisors review it, add their comments, if any, and forward a unified version to the County.

Action: Motion made by Mr. McCauley, seconded by Ms. Brinton, and carried unanimously to recommend approval of the above referenced STAP comment letter to the Board of Supervisors to be used as the basis for a unified Township recommendation letter to the Chester County Planning Commission.

Ordinance amendments to carry out recommendations in the Paoli Community Master Plan:

Proposed amendments to the Zoning Map to rezone certain properties between the Township line and Glenn Avenue in Paoli from the SPDD and C1 zoning districts to the Transit District (TD), Town Center District (TCD), C1 and C2 zoning districts.

- Mr. McCauley recused himself and noted that a temporary chairman would have to be appointed. Mr. D'Amato nominated Ed Sweeney to act as chairman for the remainder of the evening. Ms. Gleason stated that the Planning Commission was in the process of finalizing ordinance amendments for the Paoli area. The ordinances should be ready for a recommendation to the Board of Supervisors at the December 21, 2006 meeting. As part of the process, drafts had been sent to McCormack Taylor and their review had been included in the packet for tonight's meeting. The review included comments on several of the issues that the Planning Commission had been debating. McCormack Taylor recommends including both sides of Central and Circular Avenue in the same zoning district and extending the Town Center District from the Township line to Route 252 which would then include the Paoli Shopping Center. They also suggest adding language to ensure that the developer of the rail yards is required to address access to Route 30 across land not owned by Amtrak. The Planning Commission had discussed the Central and Circular Avenue boundaries and decided that both sides of West Central and the east side of Circular would be included in the Town Center District (TCD), while the west side of Circular would remain an R-3 residential district. Including the shopping center in the Town Center District had been discussed and the majority of members had felt that it should stay zoned as Shopping Center (SC). Mr. D'Amato said that he thought these changes had been voted on by the Planning Commission and did not see why they were being brought up again. Ms. Gleason explained that no decision is final until it is written into the ordinance that is recommended to the Board of Supervisors for approval. As stated previously, the final draft should be up for recommendation to the Board at the December 21, 2006 meeting. They will then have to hold public meetings on the ordinance so that all residents can express their opinions before it is voted on. Ms. Snyder stated that if the decision was to rezone the west side of Circular to

the TCD, then it should just be the five properties previously discussed. She also expressed her concern about including the Paoli Shopping Center in the TCD at this point. If it is included, they could just come in as a non-conforming use, build up, and avoid all design standards that apply to the new Town Center District. These design standards had been carefully considered to encourage a certain look for Paoli in the future. The current SC zoning already allows the shopping center to “build up” on the existing buildings but would limit the use to retail and service oriented stores. If the zoning is changed to TCD, residential uses would also be allowed, giving the developer much greater opportunity for growth without having to follow any of the design standards. This could limit the Planning Commissions’ ability to request improvements to the plan.

- Several residents from the neighborhood around Jimmy Duffy’s Catering expressed concern about rezoning in that area. Ms. Gleason explained that only the portions along Lancaster Avenue that are currently zoned SPDD (Special Paoli Development District) will be changed at this time. They will simply revert back to their underlying zoning of C1 and C2. The residential district behind this strip is not being considered as part of the Paoli ordinances. Mr. Sweeney assured the residents that they would have lots of opportunity for input on any rezoning of their neighborhood it was proposed by the developer and put on the agenda. Ms. Gleason reminded the audience that the Planning Commission agendas are posted on the Township’s website before the meetings.

ADJOURNMENT:

The meeting adjourned at 10:00 PM.
Respectfully Submitted,

Carol O’Neill
Recording Secretary