

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

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

Members absent: Giovanni D'Amato.

Also present: Mimi Gleason, Township Manager; Steve Norcini, Director of Public Works; Michael Fahey, Zoning Officer

**CALL TO ORDER:**

Chairman O'Leary called the meeting to order at 7:00 PM.

**APPROVAL OF MINUTES:**

Motion made by Mr. O'Leary, seconded by Ms. Brinton to approve the January 19, 2006 regular and February 2, 2006 workshop meeting minutes.

**CARRYOVER MATTERS:**

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

Proposed amendments to the Zoning Ordinance to eliminate the Special Paoli Development District and create new zoning districts around the Paoli train station and surrounding area; and to the Subdivision and Land Development Ordinance to add streetscape design requirements.

- Sean McCauley recused himself from the discussion.
- Tory Snyder presented a revised draft of the ordinance as discussed at the workshop meeting on February 2. The plan spells out permitted uses, dimensional requirements, impervious, height, buffer requirements, parking, access and circulation and plan submission requirements. A definition of an entertainment facility as limited to no more than 4,000 sf was added, the overlay district will be eliminated and incentives will be placed in the district where they apply. Language from the Municipalities Planning Code was added to support the procedure for approval of a master plan for the TCD district. At this point, a letter from Vince Pompo, Township Solicitor, was introduced that talked about making the master plan a conditional use. By doing this, the Planning Commission and Board of Supervisors could approve the master plan with reasonable conditions. Revisions to the master plan would require reapplication to the Board of Supervisors for a new conditional use. This would allow the Board to have more control over the master plan and allow more flexibility than making the master plan an ordinance and having revisions done by ordinance amendment. It would also allow the transportation center and parking structures to be conditions of approval as opposed to ordinance requirements. Mr. Pompo further suggested that the multi-modal transportation center be defined, a maximum density for each proposed use be specified, multi-use percentages for amount of retail, multi family, etc. be included in the ordinance.

(Application #03-01) **First Baptist Church**; Preliminary Land Development: Proposal to construct a new church building on a lot adjacent to their current facility at 1040 Upper Gulph Road in the R-2 Residence District [Plan prepared by H. Gilroy Damon Associates, Inc., dated 12/7/00, last revised 1/18/06].

- Dave Damon, engineer for the project, presented preliminary land development plans. The plans had been sent to ARRO for review, and Mr. Damon had spoken to Andy Levine regarding all items noted in the review letter. The applicant will comply with all ARRO suggestions. Mr. Damon also stated that the appropriate permits had been applied for but had not yet been issued.
- Tory Snyder had concerns about the discharge from the level spreader going out onto the sidewalk. Steve Norcini, Director of Public Works, stated that the Township had several issues about stormwater management including the types of plantings in the level spreader area. He had also spoken with Andy Levine and noted that the applicant and Andy will work out the stormwater details which will be included on final plans.

**Action:** Motion made by Mr. O’Leary, seconded by Ms. Snyder, and carried unanimously to recommend preliminary approval of the above referenced plan with the condition that all ARRO items be completed to the satisfaction of Township staff before 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, last revised 1/19/06.]

- Bob O’Leary, noted that there were several issues still to be addressed concerning the plan revised on
- 1-19-06 and submitted on 1-30-06. Letters from ARRO, Township staff, Township Chief of Police, and the Paoli Fire Chief, expressed concerns regarding the Subdivision and Land Development Ordinance and the Zoning Ordinance requirements as well as the right of way to be improved as an emergency access.
- Susan Boswell, attorney for the applicant, stated that the applicant had hoped to get preliminary approval tonight as this plan had originally been submitted on 9-01-05 and had been revised several times in order to comply with Township Staff and ARRO concerns. Ms. Boswell noted that she and the applicant had not received the Township and ARRO letters until two days ago but had still managed to revise the current plan and would provide illustrations of those revisions to demonstrate compliance with issues brought up in the letters. At this point, Victor Kelley PE, Commonwealth Engineers, presented a new plan showing the emergency access widened by four feet in order to accommodate a 55’ truck. It would be constructed of an 8” base covered with topsoil and planted in grass. It would be able to accommodate a 75,000 pound truck. Ms. Boswell stated that the applicant would have preferred to take the emergency access off of the plans as she alleges the Township Zoning Ordinance did not require it. Mimi Gleason, Township Manager, clarified the reason that an emergency access had been required. The Township Subdivision and Land Development Ordinance §181-46 requires the developer put in a through street between Summerhill and the proposed development. As a compromise, both parties agreed to an emergency access being constructed in its place. This would allow ingress and egress to Summerhill by residents and emergency vehicles if the development’s only access road had to be closed. Mr. Kelley also showed a revised plan showing the width at the building line of the lots on the cul-de-sac of road “B” off of Mill Road. Ms. Snyder asked if the widths shown were actually at the building line, and whether the amount of property from the street line to the building line as shown had been netted out of the total lot area. Ms. Boswell responded that it was not required to show building lines right at the minimum setback and that all but lot #9 had netted out the area from the street line to the building line.
- Joe Orsati, landscape architect for the project, presented a revised landscape plan, showing trees that are being saved and counting toward the minimum landscape requirements per the Subdivision and Land Development Ordinance §181.52.B.

- Ms. Boswell responded to several other issues from the ARRO letter as follows:
  1. Will comply with showing setbacks from flood plane even though she believes the ordinance does not require it.
  2. Will accept as a condition that engineer review 50' radius on road "B".
  3. Will accept as a condition that septic systems will not be put on any property lines or flood plains.
  4. Sewer planning module has been submitted to CCPC and Department of Health. The Board of Supervisors still has to give their approval to the module.
  5. Certification blocks do not have to signed until final approval by the Board of Supervisors.
  6. Stormwater management will comply with all items on the ARRO letter.
  7. Applicant stated they wish go forward with a specific plan after preliminary approval of one of the two plans submitted.
- Mr. O'Leary expressed concern about several of the lots whose back yards were directly adjacent to land in the Open Land Conservancy easement. He wondered about the sale ability of these lots given that the homeowner would be severely restricted with respect to using their back yards. No swimming pools or even lawn mowing could occur on the conservancy lands. He noted that Mill Road did not show the appropriate widening, and that the sidewalk along Mill Road could not be included as part of the plans until an agreement is reached between the developer and the Conservancy. Mr. O'Leary stated that both of these issues had been discussed during a field meeting and were expected to be put on the plans.
- Several neighbors expressed concerns about the plan. Bill Nassau of 1625 LeBoutillier questioned why the Planning Commission wanted sidewalks along Mill Road in an R1/2 district. He felt that small lot ordinance requirements were being applied to an R1/2 area and asked the members to be more flexible.
- Jim Brown from Summerhill asked about the width and composition of the emergency access. Mr. O'Leary responded that it would look like a lawn but would have a strong enough base to accommodate emergency vehicles. Mr. Brown wanted to know how many trees would have to taken out. He was concerned about flooding since houses near from what he considers an improperly constructed retention basin already flood. Steve Norcini noted that the basin was not improperly constructed and that the flooding into walk out basements was because of the slope down into of the yard. Mr. O'Leary pointed out that the access would be a pervious service that would absorb stormwater and not create more. Mimi Gleason explained again that Summerhill had been a court ordered subdivision plan that allowed 90 homes with one access road for ingress and egress. An additional right of way had been grated from the cul-de-sac at Sorrell Road to allow for a through road to be built into any new development on the Hudson property. Because this through road was designated by the court, the Township Subdivision and Land Development Ordinance required that it be built. The Township and the developer compromised and agreed to an emergency access in place of a through road. Mr. Brown said that the people of Summerhill did not want the emergency access, and he presented a petition signed by 48 of the resident families.
- Randy Kinsley from Summerhill stated that he had lived there for 10 years in "peril" without any incident. He questioned the real need for the emergency access especially since a large development like Chesterbrook did not have any. Ms. Gleason explained that Chesterbrook had also been a court ordered plan so the Township did not have the opportunity to go back and address the situation after the court decision.
- Lynne Brown from Summerhill expressed concern about the emergency access being used by criminals as an escape route.
- Helene Land questioned the Planning Commissions duty to protect the health safety and welfare of the residents. She did not receive any help or protection when the roads flooded several years

ago causing her family a hardship and her daughter to get sick. She felt that the developer had a right to build what he presented on his land.

- Jay Land voiced his support for the plan and noted that the developer had promised to fix the flooding problems on LeBoutillier.
- Ann Franks told the Planning Commission that they had a responsibility to the community to keep the rural feel of the area around LeBoutillier and Mill Roads. She did not want to see Mill Road widened for fear that this would destroy that atmosphere and encourage cars to speed which would be a safety hazard. Mr. O'Leary pointed out that the walkway along Mill was intended to make it safer for walkers and joggers. The Planning Commission had deliberately not asked for sidewalks on LeBoutillier so that the rural atmosphere would not be disturbed.
- Bob Haver from the Open Land Conservancy said that 39 of the 50 acres on the parcel were in the conservancy easement. He currently checks and maintains that easement and feels that it will be too difficult when there are 19 separate owners with yards that are part of the easement. As the homeowners build structures such as swimming pools and sheds, the rural feel of the area will definitely be compromised.
- Ms. Boswell stated that the issue of the conservancy easement was not a Township matter. She felt that the developer was in compliance with all of the Township ordinances and respectfully asked for approval of the plan at this evening's meeting. Mr. O'Leary expressed appreciation for the amount of time spent on meetings and phone calls trying to make the plan happen. He noted that the developer had a right to build the plan as laid out subject to compliance with all Township regulations. However, it is the policy of the Planning Commission to give preliminary approval only to plans that are completely ready to be presented to the Board of Supervisors. Since there are still several issues to be resolved regarding the plans as presented tonight, the Planning Commission cannot make a recommendation for preliminary approval at this time. He requested that the applicant grant an extension. Ms. Boswell wanted to know which issues still needed to be resolved. Stormwater, sidewalks, lot width, septic system placement and several smaller items were mentioned as needing to be cleaned up. Mr. McCauley suggested that these issues could be worked through with the developer and long as an extension was granted. Otherwise a vote tonight would have to be denial. Ms. Boswell agreed to an extension until March 21, 2006 as long as a meeting with Township staff, the Township solicitor, and an ARRO representative could be set up in the next 10 days or so. She emphasized that this would be the last extension. Mr. O'Leary accepted the extension and agreed that a meeting would be set up as soon as possible.

**Action:** None

Application (#31-05) **Tredyffrin Township Library**; Preliminary Land Development 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, last revised 2/09/06].

- Brett McKay, engineer for the project, stated that no new plans had been developed yet. The applicant and Township staff had met to discuss some small details and plans were being adjusted accordingly. Mr. O'Leary asked Mr. McKay to come back with revised plans after the details had been worked out.

**Action:** None

#### **NEW MATTERS:**

(Application #23-05) **Steve Schrager**; Sketch Plan: Proposal for a new parking lot to support a change of use from residential to commercial office at 29 Berkley Road in a C-1 Commercial District [Plan prepared by Site Engineering Concepts, LLC dated 7/16/05, last revised 1/06/06.]

- John Bravacos, attorney for the applicant noted that Mr. Schrager was presenting a sketch plan in order to get a change of use from residential to commercial so that he could operate his business at 29 Berkley Road. Mr. Schrager said that he did not know he needed to go through this process

to get a change of use. There had been a plumbing business in there. He bought the property, cleaned it up and started working from the location.

- Mr. O’Leary stated that Mr. Schrager had known for some time that he was in violation of the Township Zoning Ordinance since he had been issued a citation and was scheduled for court in early January. The Township agreed to waive the court appearance if Mr. Schrager presented plans to the Planning Commission at the February 19 meeting. The plans as presented are inadequate and will need to be revised before being submitted again. The following items should be addressed:
  - Show parking space dimensions.
  - Parking shows two spots in the garage. The garage needs to be cleaned out and fixed before it could be used for parking.
  - The new parking lot will be considered impervious coverage.
  - Show stormwater management for the property.
  - Driveway off of Berkley is showing a chip and seal treatment. This will not work. Must repair.
  - Sidewalk and curb in front of property will have to be replaced.
  - If change of use results in an increase in sewer capacity needed, a planning module will have to be submitted.
- Mr. O’Leary suggested that Mr. Schrager go forward, have his plans revised, and then come back to the Planning Commission for consideration of his request for a change of use.

**Action:** None

(Application #02-06) **Jerome McVeigh**; Subdivision Sketch Plan: Proposal to subdivide a single lot into two lots at 971 Henry Avenue in an R-4 Residence District. [Plan prepared by Susanne M. Creveling, P.E. dated 10/31/05].

- Mr. McVeigh presented a sketch plan to subdivide a single lot into two lots at 971 Henry Ave. The sketch showed a twin being built on the new lot. Mr. McVeigh wanted to know if this would all be possible. Mr. O’Leary told him that preliminary/final plans for the subdivision would have to be submitted to the Planning Commission who would then make a recommendation to the Board of Supervisors for approval or denial. A twin is an allowed use in an R-4 zoning district, but the person building the twin would have to submit a land development application to the Planning Commission for approval.

**Action:** None

(Application #03-06) **Peter Batchelor & Associates, PC**; Preliminary Land Development Plan: Proposal to demolish existing building and build a new 4,500 sf office building at 20 Paoli Pike in the SPDD Special Paoli Development District. [Plan prepared by Chester Valley Engineers, Inc. dated 1/12/2006].

- Peter Batchelor presented a model of the building he wants to construct and use as his office at 20 Paoli Pike. He noted that it would be 4,500 sf, have 18 parking spaces, and a handicapped spot. Suggestions regarding fencing and lighting, given to Juni Properties, the original applicant, had been taken into consideration. He hoped to make it look like a beautiful house.
- Mr. O’Leary pointed out some issues that would need to be addressed for a preliminary plan.
  1. The trash receptacle location could be improved.
  2. The side yard setback was required to be 0’ or 10’.
  3. The location of adjacent buildings should be shown.
  4. Only one streetlight would be needed. Preferably in the center.
  5. A copy of the easement from his neighbors to allow for stormwater management.

**Action:** None

**OTHER MATTERS:**

**ADJOURNMENT**

The meeting adjourned at 11:00 PM.  
Respectfully Submitted,

Carol O'Neill  
Recording Secretary