

**Tredyffrin Township
Planning Commission Regular Meeting Minutes
January 18, 2007**

A regular meeting of the Planning Commission was held on January 18, 2007 at the Tredyffrin Township Building. Members present included: Sean McCauley, Chairman, Robert O'Leary, Vice Chairman, Edward C. Sweeney, Thomas J. Cooper, Giovanni D'Amato, Libby Brinton, Michael Tierney, and Victoria Snyder.

Members absent: None.

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

CALL TO ORDER:

Chairman McCauley called the meeting to order at 7:10 PM.

APPROVAL OF MINUTES:

Motion made by Ms. Snyder seconded by Mr. O'Leary to approve the December 21, 2006 regular meeting minutes.

CARRYOVER MATTERS:

Application (#22-05) **Lanni Builders**; Subdivision Preliminary/Final Plan: Proposal to subdivide one lot into two lots at 781 N. Wayne Avenue in an R-1 Residence District. [Plan prepared by D.L. Howell & Associates, Inc. dated 10-28-05, last revised 12-18-06.]

- Kenneth Taylor, attorney for the applicant, stated that Mr. Lanni and DL Howell had been in contact with Township staff and felt that they had resolved all of the outstanding issues except for one which seems to be irresolvable. That is putting in sidewalk and curb along North Wayne Avenue. The right of way along this road is controlled by PADOT who has told the applicant that they will deny any highway occupancy permit based on plans showing a curb and sidewalk in that right of way. Part of their opposition to curb and sidewalk is the suggestion that stormwater runoff down North Wayne Avenue be controlled by an inlet at the south end of the property with piping under the road to a system on the opposite side. The applicant feels that PADOT will reject any final plan with this system and suggests that the Planning Commission is not compelled to make them manage stormwater in this way. Therefore, they presented plans dated December 18, 2006 showing an alternative for stormwater management. They show stormwater from the north at Valley Forge Military Academy being directed into a pipe at the upper edge of lot 1 which would run along the front of that lot and be put into the waterway at the rear of lot 1. Runoff below this pipe would travel down North Wayne Avenue and go into an inlet which already exists about 120 feet south of the property. These two measures along with seepage beds on each lot will adequately control the stormwater. The applicant wants to close this matter and feels that the December 18 plans should be approved.
- Mr. Burgo, township engineer, noted that he had spoken with Mr. Rosetti from PADOT who said nothing to indicate that the plan would be rejected if it showed curb and sidewalk along North Wayne Avenue. Mr. Burgo stated that PADOT does not normally over rule the Township Ordinance and refuse a permit to an applicant who is following the requirements of that ordinance. He felt that the best course of action at this point would be for the applicant, township staff, some PC members, and PADOT to meet at the site and discuss the issues of stormwater management, sidewalks, and curb. Mr. Burgo will make arrangements for the meeting.
- Mr. Vischnesky, engineer for the project, started to address each individual issue raised in a memo sent to him by Mr. Burgo on January 11, 2007. It was decided that rather than list each one, Mr. Vischnesky would discuss them with Mr. Burgo and submit revised plans showing all needed corrections.

- Ms. Snyder questioned the placement of the driveways. She noted that the site distances given were at the minimum for the posted speed limit of 35 mph. If you use actual speed traveled they would be below the minimum requirement. Mr. Vischnesky stated that the applicant had met with members of the Planning Commission last summer to decide on the best placement for the driveways. As a result, the driveway on lot 1 had been moved and both now meet the site distance requirements. Ms. Snyder asked if a car turning left into the lot 1 driveway could be seen by someone traveling south and coming over the hill on North Wayne Avenue. Mr. Vischnesky responded that the car turning into the driveway could be clearly seen. Ms. Snyder also noted that no landscaping plan had been submitted for the project.
- Mr. Fahey, township zoning officer, clarified that the requirement for a landscape plan only applied to subdivisions of three lots or larger.
- David Diff whose property at 765 North Wayne Avenue is next to the applicant's, said that his yard and the Joneses' yard get flooded during a heavy rain. He does not want to see anymore water added to the stream or wetlands in back of the houses as proposed on the plans. He also expressed concern over a large black walnut tree right on the property line between his property and the applicant's property. There is a large leader that hangs over the line which will be cut by the applicant. This will kill the tree or cause it to fall onto their house. Putting the new house so close to the property line will also cast a shadow and create a dark alley where nothing will grow. He is asking that all of these issues be looked at. Mr. Diff also noted that egress from the new driveways onto North Valley Road might be a problem. In order to see cars coming south, he has to pull out into the road when he leaves his driveway.
- Mark Jones who lives at 750 North Valley Road said that his basement floods during a heavy rain. He has to run a sump pump to keep his basement dry. Any water that comes down North Valley Road flows into his yard and compounds the problem from springs in the yard. Plus the creek that runs along the back of Mr. Diff's property turns and runs between their houses. As Mr. Diff stated earlier, any additional discharge into this creek will make the flooding worse. Township staff said that they will discuss stormwater management options with the applicant to try and come up with the best possible solution for all parties.
- Ms. Snyder suggested that the applicant talk to Mr. Diff about the black walnut tree and said it would be considerate to add some buffer planting between the new homes and his home.

Action: None

Application (#31-05) **Tredyffrin Township Library**; Final 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 1-12-07.]

- Ms. Gleason stated that the Library had received preliminary approval last April but had to get an NPDES and HOP permit before they could get final approval. These permits have been granted and final plans have been submitted for approval.

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

NEW MATTER:

Application (#01-07) **Kilgore & Liberman**; Zoning Ordinance Amendment: Proposal to amend the Township Zoning Ordinance to include a definition for "Professional or similar organization".

- John Bravacos, attorney for the applicants, presented a proposed amendment to the Township Zoning Ordinance to include a definition for "Professional or similar organization". They feel that this definition is needed to clarify the way medical uses are handled in the P (Professional) and LI (Limited Industrial). Some medical uses have been granted by right while others have had to go before the Zoning Hearing Board for approval. They had been told to try and address the issue through the comprehensive plan process, but would rather seek an amendment to the Zoning Ordinance now.
- Eli Kahn, owner of the West Valley Business Center, stated that they have always had medical uses in their center. If the Township now requires a Zoning Hearing Board decision for the medical uses, it will hurt their

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business. Medical practices do not want to have to go through the variance process and wait for permission to occupy the building.

- Mr. McCauley asked Mr. Fahey where the Township was in the comprehensive plan process. Mr. Fahey stated that the committee had finished gathering data and were ready to move on to the next phase. He expects a draft version to be ready by late summer or early fall with a final version to be approved near the end of 2007. At this point Mr. McCauley asked the Planning Commission members their opinion on whether to amend the Zoning Ordinance now or wait until the comprehensive plan is finished. Everyone agreed that it would be OK to amend the ordinance now. Ms. Gleason asked that the phrase “having limited contact with the general public” be stricken from the proposed definition. Mr. McCauley suggested that any new language be sent to the Township solicitor for review before the ordinance amendment is drafted and sent to the Board of Supervisors for approval. Mr. Bravacos will be sent a copy of the draft ordinance for his comments and will be notified of the date for the public hearing prior to approval.

Action: None

Application (#02-07) **Michael Hires, Peter Hires Jr., Peter Hires Sr.**; Subdivision Preliminary Plan: Proposal to subdivide 5 lots into 9 lots on 62.2 acres at 1289 Yellow Springs Road in an R1/2 Residence District [Plan prepared by Chester Valley Engineers, Inc., dated 1-04-07.]

- Brett McKay, engineer for the project, stated that the site consisted of approximately 60 acres on Horseshoe Trail and Yellow Springs Road. The plan proposes to consolidate the parcels and divide the area into nine lots. Eight of the lots will be conveyed to the Hires’ sons and one will be swapped with Mr. Bascom in order to straighten out the lot lines. Four houses will be built along Horseshoe Trail, one will be built along Yellow Springs Road, and three of the lots will retain the existing houses.
- Mr. McCauley noted that there are very steep slopes and a drainage way on the property. He also asked about the status of the Horseshoe Trail access which seemed to be partially on the Hires property and would therefore be considered a private road. Mr. McKay answered that Horseshoe Trail was currently a semi public road, used by residents to get to their houses. Mr. McCauley asked if there was a legal agreement for them to use Horseshoe Trail as a Right of Way. Mr. McKay answered that he would have to check into that. The question of easements for the driveway going to a garage lot 8, the access on lot 6 which serves two other residences, and the access for the Bascom lot was raised. It was stated that lot 8 would most likely have a new driveway built, the easement on lot 6 will still apply, and Mr. Bascom will have access to Diamond Rock Road via an easement. Mr. McKay also stated that the applicant is willing to deed restrict the larger lots to prevent further subdivision. Mr. McCauley noted that lots 1 & 3 might need to have the driveways relocated as they are going against some very steep grades. He also requested that the applicant provide ten extra sets of plans to be reviewed by the Township’s Environmental Advisory Board. The Township staff will review the plans more thoroughly and send a letter with their comments to the applicant and Mr. McKay. The plans can move forward once any necessary revisions are made.
- Chris Shubert, attorney for the Randolphins, said that his clients were concerned about their rights to use Horseshoe Trail Road. They use the road for access to their property along with other neighbors and each one maintains the portion of the road in front of their property. Again, Mr. McKay promised to look into the matter.

Action: None

Application (#03-07) **Trammel Crow/Atwater**; Land Development Sketch Plan: Proposal to construct office buildings, apartments, or apartments with retail on lots 9, 10, and 11 at Rt. 29 and Yellow Springs Road in a PIP Planned Industrial Park District [Plan prepared by Glacken, Thomas, Panzak, dated 11-22-06, last revised 11-29-06.]

- Lou Collagrecio, attorney for the project, presented a brief history of the Atwater Corporate Park. He stated that it is a large tract of land with 2/3 being in East Whiteland and 1/3 being in Tredyffrin Township. The three lots numbered 9,10,and 11 which are in Tredyffrin are zoned PIP (Planned Industrial Park) which allows for offices and light industrial uses among others. The three parcels had already been approved for large office buildings but Trammel Crow wants to reconsider that use. After studying the needs for the area, they have decided that a mixed use zoning might be more appropriate. Two ideas are being presented tonight as sketch

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plans to get a feel for the Planning Commission's and the area residents' feelings. The first sketch plan shows lots 9, 10, and 11 with only apartments on them. The total number of units would be around 505. The second sketch plan shows those same lots with about 445 apartment units and two 9,000 square foot buildings containing retail on the first floor and offices on the second floor. These two mixed use buildings would be on Yellow Springs Road. On both plans, the apartments will be accessed via Atwater Drive and Route 29. Only the two mixed use buildings would have an ingress/egress drive on Yellow Springs Road. There would be a walking path from a parking lot near the apartment buildings that would allow patrons from the corporate office buildings to park and walk to the retail stores. All of the Planning Commission members felt that a residential use would be good for this location. Concerns that any rezoning to accommodate the apartments be done in a careful manner and questions about the traffic patterns were expressed. Ms. Snyder noted that the details for the zoning amendment would have to be worked out and yield could be affected once they are. At this point, Mr. McCauley opened the floor to residents who wanted to express their opinions of the proposal. Several residents who live on Yellow Springs and surrounding roads stood up to speak. Al Charpentier, president of the Great Valley Association, said that some members had looked at the plans and felt that it was a good start as an alternative to the large office buildings which had originally been approved for the site. However, exactly how many apartment units and exactly what will be built along Yellow Springs Road will have to be carefully looked at. Polly Hagan, also of the Great Valley Association, stated that the Association had not endorsed the plans. They are considering whether residential would be better than large office buildings but are concerned about adding the two 9,000 sf mixed use buildings on Yellow Springs Road. Steve Klein, Jim Edie, Frank Rice, and Paul Sudmeyer all talked about traffic problems on Yellow Springs if the retail stores were put in. They felt there is already plenty of shopping very nearby and that traffic should not be allowed to go east on Yellow Springs Road. They did not want to see the fabric of the community changed by adding shopping and offices there. Several other residents worried about the transient nature of people living in apartments. They felt that the density was very high and wondered if that could be limited along with the height of the buildings. The high number of units could mean a lot of new families with children who would be attending the Tredyffrin Easttown schools. This could require additional space. Amy Anderson asked about the need for this many apartments when O'Neill was adding a large number right down the road off of Route 29 and 202. Mr. Henry, from Trammel Crow, stated that studies indicate that the market will support all of the proposed units from both developments. There is a great need for this type of housing in the area and Trammel Crow will have year long leases to help minimize turnover of tenants. He said that Trammel Crow is also open to changing the size and configuration of the proposed buildings. What is being shown at this meeting is only a sketch plan so that the process of deciding what type of use is best suited for the Atwater site. At this point, the Planning Commission decided to form a subcommittee to discuss possibilities for the site. Sean McCauley, Bob O'Leary, and Libby Brinton will represent the Planning Commission. Trammel Crow, the Great Valley Association, and some of the nearby residents will also be represented.

Action: None

OTHER MATTERS:

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

Proposed amendments to the Zoning Ordinance to create the Town Center District (TCD) and the Transportation District (TD) in Paoli that would include elements to encourage commercial vitality, a mix of residential and commercial uses, pedestrian connections and streetscape improvements around Lancaster Avenue and a new multi-modal transportation center and associated development on the west side of North Valley Road.

Proposed amendments to the Zoning Map to rezone certain properties between the Township line and Glenn Avenue in Paoli from the SPDD, C1, and R3 zoning districts to the Transit District (TD), Town Center District (TCD), C1, C2, and SC zoning districts.

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Add Streetscape design standards to the Zoning Ordinance to insure consistency with the Subdivision and Land Development Ordinance for the TD and TCD districts.

- Ms. Gleason noted that the draft Zoning Ordinance had been reviewed by the Township solicitor and had been agreed to with Willistown Township. Minor changes had been made and the draft which the Planning Commission members had received in their packets was the final version to be recommended for approval to the Board of Supervisors. Mr. D'Amato stated that he had been told of a change to the zoning map which had not been previously discussed. A parcel of land which is the parking lot for the office building at the corner of Lancaster Avenue and Glen Avenue is shown as having reverted back to the underlying zoning of C1. This parcel was actually part of the R1 zoning district. The line between C1 and R1 is 200 feet from the centerline of Lancaster Avenue. Mr. D'Amato expressed his disappointment that all other zoning changes had been discussed so completely and this one just slipped by. If the piece is left as C1 it will give Arc Wheeler more land for by right C1 uses. It was decided that the area in question would revert to its underlying R1 zoning and the line of demarcation would be shown on the map as being 200 feet in from the centerline of Lancaster Avenue.
- Mr. Ed Morris spoke about the square footage requirements in the new TCD district. He said that he had bought a property on South Valley Road and wanted to build luxury condominiums. The language in the new ordinance would restrict him to a 6,000 sf footprint for a single use building. He did not feel that this was enough to allow the type of building he envisions. Furthermore, it might discourage future redevelopment of the area by being too limiting. He asked if the Planning Commission would consider changing that section of the ordinance. Ms. Snyder felt that this was a good opportunity to take a look at the language for the area, bulk, and height in the TCD. Mr. O'Leary noted that this draft had taken two years and the cooperation of two Townships to complete. He felt that it should be recommended to the Board of Supervisors for approval. If changes are needed, they can be explored when a developer actually submits plans for something he intends to build.

Action: Motion made by Mr. McCauley, seconded by Mr. O'Leary, and carried unanimously, with Mr. McCauley abstaining from the vote, to recommend to the Board of Supervisors approval of the above referenced ordinance amendments.

ADJOURNMENT:

The meeting adjourned at 10:50 PM.

Respectfully Submitted,

Carol O'Neill
Recording Secretary