

**Tredyffrin Township  
Planning Commission Regular Meeting Minutes  
December 20, 2007**

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A regular meeting of the Planning Commission was held on December 20, 2007 at the Tredyffrin Township Building. Members present included: Robert O'Leary, Vice Chairman, Libby Brinton, Giovanni D'Amato, Edward C. Sweeney, Robert Whalen, and Thomas J. Cooper.

Members absent: Sean McCauley, Chairman, Victoria Snyder.

Also present: Mimi Gleason, Township Manager, Mike Fahey, Director of Building and Zoning, and Stephen Burgo, Township Engineer.

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion made by Mr. O'Leary and seconded by Mr. Cooper to approve the November 15, 2007 regular meeting and December 6, 2007 workshop meeting minutes.

**CARRYOVER MATTERS:**

Application (#02-07) **Michael Hires, Peter Hires Jr., Peter Hires Sr.**; Subdivision Preliminary Plan: Proposal to subdivide 5 lots into 8 lots on 62.2 acres at 1289 Yellow Springs Road in an R-1/2 Residence District. [Plan prepared by Chester Valley Engineers, Inc., dated 1-04-07, last revised 12-06-07.]

- Mary Ann Rossi, attorney for the project stated that the application is for a subdivision of five existing lots into eight lots. She noted that four of the lots are along Horseshoe Trail which is a private road for use by the residents who live along it. An agreement has been reached with the neighbors on the side opposite the Hires property. Ms. Rossi and Mr. Shubert, who represents those neighbors, will draw up a document that specifies the easement with access rights. The document will also specify exactly what improvements will be made and who will be responsible for maintenance of the road. It will be recorded with the final approved plan. Mr. Fahey said that the township will not require anyone to hold the easement for horseshoe trail, as none could be found. The road and the trail will remain privately owned by the various property owners. Mr. Fahey also stated that some of the development as shown on the plans is in areas of steep slopes. He told the Planning Commission that they could give the developer permission to obtain zoning relief at the time of application for a building permit. If they choose to do this, a note will have to be put on the plan stating that approval of the subdivision plan does not grant any zoning approval. Application for a variance to build on steep slopes will have to be made and approved before a building permit can be issued. Ms. Gleason asked that the language for this note be emailed to Mr. Fahey before being placed on revised plans so that the Township's solicitor could make sure it is satisfactory. Mr. Sweeney wondered if allowing the zoning relief to wait until later would set a bad precedent. Ms. Rossi said that the language would be specific to this particular development and would not affect future applications which might require zoning relief. At this point, it is not even clear if any relief will be needed. The footprints shown on the plans are just examples of a common house that could be built. Each lot will most likely be built on by an individual builder to the owners specifications. The note will simply insure that they cannot claim that the subdivision approval gave them the right to build on the steep slopes without any variances. Mr. Whalen asked that an additional note be added stating that the hardship requiring zoning relief was created by the property owner during subdivision. The Township did not create the hardship and did not guarantee the right to build. Ms. Brinton wanted to make sure that none of the lots could be further subdivided. Mr. MacKay, engineer for the project, said that lot #5 was the only one that could possibly be further subdivided, and that a note prohibiting this was already on the plan.

- Mr. Burgo had told the applicant that they should do further soil analysis for lots #6 and #8. They need to dig more pits and try to find a better area to locate the septic systems. Mr. MacKay agreed that they would have Evans Mill do more testing. He also stated that the applicant would comply with the request to move the driveway on lot #2 and the septic system on lot #1 so that they are out of the steep slopes as much as possible.

**Action:** None

Application (#11-07) **University of Pennsylvania**; Conditional Use Amendment Application #79 and Land Development Preliminary Plan: Proposal to amend the prior conditional use approval for a 230,000 sf hotel in order to build a 90,000 sf medical office, teaching, conference, and ambulatory surgery center building at 1001 Chesterbrook Boulevard in an HO Hotel Office District [Plan prepared by Pennoni Associates, Inc. dated 4-11-07, last revised 10-22-07.]

- Mike Burg, attorney for the applicant, stated that his client was attending tonight's meeting in order to get a recommendation from the Planning Commission to the Zoning Hearing Board for approval of three variances they will need for the project. First a variance from §208-103.B(2) to allow parking spaces to be smaller than 10' X 20'. They plan to have 269 spaces at 18.5' X 9', 45 spaces at 10' X 19', and 99 spaces at 9' X 18'. Second, a variance from §208-103.B(12) to eliminate two landscape islands in part of the parking lot so that parking spaces in that area can be made big enough for larger vehicles. Third, a variance from §208-118 to allow 50% disturbance of man made steep slopes. University of Pennsylvania will submit their zoning application in time for the January meeting of the Zoning Hearing Board. Mr. Whalen noted that the EAC had some concerns about the disturbance of the steep slopes. Mr. Fahey said that U of P had submitted plans for the EAC to review and were scheduled to appear at their January meeting to discuss any issues.
- Mr. Burg noted that the applicant will be in for approval of their conditional use and land development application in January. They are working on the two outstanding issues of building a sidewalk along Chesterbrook Boulevard and constructing the section of the Chester Valley Trail which will be on their property. Penn is working with both the Valley Forge Suites and Chester County to work out the details. The County is unclear about ownership of the ROW on the property and is asking that Penn grant them a fee interest to the land where the trail will go. Penn is willing to put the terms for construction of the sidewalk and trail in writing and put money in escrow for these improvements. Mr. Cooper asked for more of an impediment to keep people from turning left onto Chesterbrook Boulevard when leaving the property. Kevin Hunt, traffic engineer for the applicant, said that the entrance/exit as shown is the best configuration for traffic flow and avoidance of the wetlands. He did not feel that it could be reconfigured.

**Action:** Motion made by Mr. O'Leary, seconded by Ms. Brinton to recommend to the Zoning Hearing Board approval of the above referenced variances from the Tredyffrin Township Zoning Ordinance.

Application (#12-07) **Islamic Society**; Land Development Preliminary Plan: Proposal to build a 200 seat two story detached worship hall at 958 Valley Forge Road in an R1 Residential District [Plan prepared by Momenee and Associates, Inc., dated 6-27-07, last revised 12-20-07.]

- Mr. Fahey gave a brief overview of the application stating that the Islamic Society plans to build a 200 seat worship hall and are here this evening seeking preliminary approval. Several changes had been requested by the Planning Commission and all had been addressed in the most recently revised plans. Low intensity lighting was added along the middle portion of the driveways, four canopy trees were put along the front of the property, and the sidewalk was moved in 8' from the edge of Valley Forge Road. A note on the plans says that additional right of way will be dedicated to Tredyffrin Township. Mr. Fahey said that the Township will not accept the additional ROW. The note needs to say that it will be dedicated to PADOT. The applicant will need to provide proof of a highway occupancy permit, an NPDES permit, and the waiver from a planning module before final approval can be given. Wendy McLean, attorney for the project, stated that the additional ROW will be dedicated to PADOT and that the note on the plans will be changed to reflect this. She said that a hardcopy of all third party permits will be provided to the Township. Ms. McLean noted that the applicant

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had asked for a waiver from providing any additional trees along the front of the property as there are already several trees there. Mr. O'Leary pointed out that the revised plans of 12/20/07 show four new canopy trees. He asked for clarification of exactly what the applicant intended to do. After consulting with her client, Ms. McLean said that she had not realized that a new landscape plan had been submitted and noted that her client did intend to plant the four new trees. Mr. O'Leary stated that the major issues had all been resolved, however, he still wondered if the Islamic Society would be willing to landscape and improve the front of the existing building. It has some overgrown plantings at this time and it seems a shame to be putting up a brand new building behind one which looks so disheveled. Ms. McLean said that this is not an ordinance related issue, but she will discuss this with her client to see if something can be worked out. Mr. Sweeney stated that Chairman McCauley had been assertive that the landscaping and appearance of the existing building be improved. Ms. McLean reiterated that she would see what could be done but could not promise a miracle. Mr. Sweeney also questioned whether there were actually six full showers in the new building. Mr. Jan clarified the issue by stating that there are only two full showers. One is for the boys and one for the girls. They will be used if the children should need cleaning up after playing outside. The other four facilities will be for foot baths. Mr. Sweeney asked if anyone would be living in either the existing or new buildings. Ms. McLean responded that there would be no one living in the buildings. The existing building will be used for the religious education of the children and there is no intent to use the property as a campus for adult education.

- Jenna Reese, a township resident, expressed great concern about the Islamic Society's plan. She referred to a letter she sent to each Planning Commission member regarding possible affiliations the Islamic Society may have. At this point, Ms. McLean noted that the question of an affiliation with a Lower Merion Islamic congregation had been brought up at the Zoning Hearing for the application and that it is in the record that there is no tie between the two groups. She said that any questions of this type were totally inappropriate at a Planning Commission meeting. Ms. Gleason stated that the Planning Commissions' authority is only to make sure that the plans meet all of the various ordinance requirements. Ms. Reese asked if an impact assessment could be requested. She feels one is necessary as this application could present a danger to the community. She did not specify what impacts should be measured. She was told that an impact study would not be done. Mr. O'Leary noted that the Planning Commission members had received Ms. Reese's letter, but he did not feel that the information was relevant to tonight's meeting. Ms. McLean informed the Planning Commission and Ms. Reese that any discussion of religious customs is prohibited by federal law, and any further comments by Ms. Reese could be the basis for a lawsuit.

**Action:** Motion made by Mr. O'Leary, seconded by Mr. Cooper, to recommend preliminary approval of the above referenced plan with the following conditions:

1. The applicant shall provide proof that a planning module waiver, an HOP permit, and an NPDES permit were obtained before final approval is given.
2. The plans dated 12-20-07 be revised to state that the additional ROW along Valley Forge Road will be dedicated to PADOT.

### **NEW MATTERS:**

Application (#19-07) **Devon Vet Hospital**; Land Development Preliminary Plan: Plan to build a 1,511 sf addition and a 1,034 sf open porch onto the existing building at 81 Lancaster Avenue in a C1 Commercial District. [Plan prepared by Man – Hughs Architecture dated 12-20-07.]

- Mr. Fahey presented a brief overview of the project. He stated that this is a land development application to renovate the existing building by building a 1,511 sf addition and adding a 1,034 sf open porch. The addition and porch will cover existing impervious areas, so there will actually be a slight reduction in impervious surface. The applicant will need to apply for three zoning variances. First, they will need a special exception to extend a use previously approved by a special exception. Second, a front yard setback for 18' instead of the 30' required. Third, a rear yard setback of 3'8" instead of the 30' required.
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- Stephen Romano, attorney for the applicant, said that Dr. Caracand had submitted a land development plan in 2005 which included demolishing the existing building and construction of a totally new one. The cost associated with this plan proved to be prohibitive. Dr. Caracand has instead decided to renovate the existing building so that the façade will be completely updated and the interior space will be reconfigured to allow for more rooms.
- There will be no disturbance to the existing parking lot, the building envelope, or the surrounding grounds. Because there will be no change in the contour of the land, there will be no change to the flow of the stormwater and the impervious surface will actually be reduced. Therefore, the applicant is requesting that they not have to do any further stormwater management.
- Dr. Caracand explained that the existing property had two open kennel areas on each end of the building. These will be demolished and a new fully enclosed kennel will be built on the eastern end of the building. The kennel will be insulated with foam tile and windowless on the side facing the neighboring houses to eliminate noise. This had been a concern of the neighbors during the previous application, therefore, the applicant has worked with them this time to address their concerns. The entire façade will then be remodeled so that the building looks more up to date and attractive. The inside will be gutted and the new floor plan will include surgical suites, additional grooming tables, and an extra treatment room. The second floor will have a loft with conference rooms and an apartment for the live in nurse. The current building already has an apartment on the second floor to accommodate the nurse. As stated before, there will be no change to the number of parking spaces, and the parking requirement is met. The parking lot will be resurfaced and restriped. Ms. Brinton wanted to make sure that the dogs would be ok being kept inside all day and was told that they would be walked outside daily. Mr. Whalen requested that the applicant work with the Township to come up with some kind of stormwater management. Any improvement would be helpful.

**ADJOURNMENT:**

The meeting adjourned at 9:00 PM.  
Respectfully Submitted,

Carol O'Neill  
Recording Secretary