

**Tredyffrin Township
Planning Commission Regular Meeting Minutes
October 16, 2008**

A regular meeting of the Planning Commission was held on October 16, 2008 at the Tredyffrin Township Building. Members present included: Sean McCauley, Chairman, Robert O'Leary, Vice Chairman, Edward C. Sweeney, Victoria Snyder, Trip Lukens, Bob Whalen, Giovanni D'Amato, and Thomas J. Cooper.

Members absent: Libby Brinton

Also present: Mimi Gleason, Township Manager, 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 Ms. Snyder and seconded by Mr. D'Amato to approve the August 21, 2008 Regular meeting minutes, the September 4, 2008 Workshop meeting minutes, and the October 2, 2008 Workshop meeting minutes.

CARRYOVER MATTERS:

Application (#11-07) **University of Pennsylvania**; Land Development Final Plan: Proposal to 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 9-11-08.]

- Mr. Burgo gave a brief overview of the project. He stated that they had received preliminary approval at the June 19, 2008 PC meeting. There were three conditions attached to that approval. First, to clearly identify which trees were being removed versus those remaining on site. Second, provide details of the crosswalks. Third, review stormwater management with Mr. Burgo so that all of the details can be worked out to his satisfaction. Mr. Burg, attorney for the project said that the application for the planning module had been submitted and they were awaiting a response. He also noted that an escrow agreement for the sidewalks and trails would be submitted in the next few days.
- Ms. Snyder asked the applicant to identify the symbols for the trees on the plan. She also suggested that all cleared areas with slope be planted with ground cover to help prevent erosion. The plan shows them planted with a meadow grass and native plants which she feels will be mistaken for weeds and grass to be mowed down.

Action: None

NEW MATTERS:

Application (#31-08) **Tredyffrin/Easttown School District**; Land Development and Lot Consolidation Sketch Plan; Proposal to consolidate 4 lots on Old Lancaster Avenue into one lot and build a parking area at 801 East Conestoga Road in an R2 Residential District [Plan prepared by Chester Valley Engineers, Inc. dated 9-15-08.]

- Steve Aichelle, attorney for the project, stated that the School District was presenting a sketch plan this evening in order to get a recommendation from the Planning Commission for reduced size parking spaces. They will also need a special exception and a variance for impervious coverage but do not feel they need a recommendation for these. Anytime the School District has done outside renovations, they have to ask for a special exception and a variance for impervious due to their location in an R1

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Residence District. He feels that the Zoning Hearing Board had heard these two requests several times and will not have a problem with them. However, the request to reduce the size of the parking spaces is new for the School District, so the applicant is seeking a recommendation from the Planning Commission to the Zoning Hearing Board in favor of this variance. The reduced size parking spaces will allow the parking lot to be made smaller in size which will help limit the amount of impervious and thus reduce stormwater runoff. The applicant will submit fully engineered land development plans at a future meeting after their zoning requests are granted. Mr. Aichelle noted that the School District's plan proposes to demolish four houses on Old Lancaster Road and build a parking lot. The applicant has worked with the Township before to control stormwater and will do so again. He also stated that they would coordinate with the Township on the new sidewalk project around the Middle School. Mr. Aichelle said that there is a shortage of parking for the school employees, volunteers, and visitors. They are forced to park in the street during school hours. Mr. O'Leary asked if the School District had plans for the bus building on the west side of the new lot. Mr. Daley responded that the maintenance facility on Howellville Road was going to be relocated but it was not certain yet exactly where. Mr. O'Leary asked where the buses would park and do transfers if the current bus building is turned into a new two story maintenance building as seems to be planned. Mr. Daley said that they would most likely stay in the area of the existing building. Mr. O'Leary then asked if there was any idea of when the fifth house on Old Lancaster Avenue would be demolished and whether more parking lot would be constructed on that site. Mr. Aichelle responded that there are many plans being considered by the School District for future improvements. They are of a conceptual nature and no formal decisions have been made on them. Ms. Snyder asked about the reduction in impervious if the smaller parking space size is granted. Angelo Capuzzi, engineer for the project, said that it would be reduced from 53% with full size spaces to 43% with the reduced size spaces. Ms. Snyder also suggested that the number of curb cuts along Old Lancaster need to be reduced because on street parking is allowed along that road. She then asked about where the kids are dropped off. She noted that even though the driveway had been made longer, the drop off spot would still cause traffic to back up onto Old Lancaster and Howellville. She said that the applicant might want to consider reversing the circulation pattern or at least put someone out front to keep traffic moving forward into the driveway queue. Mr. Whalen asked if the parking lot would move back from the road once it was made smaller? Mr. Aichelle said that it would. The smaller parking lot would allow for an 8' buffer area in front of the lot. Mr. Whalen asked if this area could have a berm with the landscaping planed on top of it to act as a shield against headlights shining into the homes on the opposite side of the road. Mr. Aichelle said that they would look into it; and do whatever would best reduce the light, including possibly moving the driveway out of the lot between the houses. Mr. Sweeney asked how far from Howellville Road the entrance into the drop off driveway and was told that it is 220'. He said that there is lots of traffic coming into the drop off area from Howellville Road and Route 30 and expressed concern that it could back up onto Howellville. He wondered if the new driveway will actually improve the current situation and agreed that having a person direct traffic to continue father into the driveway would be a good idea. Mr. McCauley suggested that the applicant consider putting in some sort of canopy to help define the drop off area and encourage vehicles to move forward.

- Cindy Verguldi who lives on Old Lancaster Road, distributed and read a letter to the Planning Commission members in which she expressed concern about all of the changes to Old Lancaster Road in the past several years. Each change has brought increased traffic. She also said that the School District has several other projects it is concurrently considering, including building a new two story maintenance building where the bus garage is now and demolishing the old maintenance building. These projects will respectively add 44 and 28 additional parking spaces to the area. She feels the parking lot project presented this evening is too large and not really necessary. We would like to see it put on hold until the parking needs can be adequately coordinated between the various projects. She would also like to see a traffic study done which reflects the volume during school hours vs. non-school hours based on the total volume of traffic from all of the plans that the School District has for this area.
- Mr. Walker, who is a resident along Old Lancaster Road, asked if the project would hold up the paving along that road. He said that he has been told for several years that Old Lancaster is getting paved, and

so far nothing has happened. Ms. Gleason explained that the sidewalk project in the area is holding up any paving of adjacent roads. They are hoping to start it in the spring and Old Lancaster will be paved as soon as the sidewalks are installed. Mr. Walker asked if the road could at least be fixed, and Ms. Gleason said that it could only be patched.

- Steve Miller, a resident on Old Lancaster Road, expressed his concern over additional traffic that will be generated by the parking lot. He said it is currently difficult to get into or out of his driveway between 2 – 5 pm. He actually did his own study of parking spaces available during the day in the north parking lot and the maintenance building lot. On any given day there are 17 up to 30 empty spaces. He would also like to see a traffic study done including the new maintenance building and IT building to be constructed where the existing maintenance building now stands. Four years ago, the lots where the houses will be demolished were proposed to be tennis courts, but now they will become a parking lot. He feels this is less desirable and will have a negative impact on the neighborhood.
- Doreen Miller, a neighbor, feels that the back parking lot should be reconfigured rather than build a new one. She challenged the statement that there are 25 volunteers at the school during the same time each day and wants to see the lots developed with a recreational use instead of a parking lot.
- Mike Parelli presented pictures of stormwater and traffic problems in the area. He said that the School District has done nothing in 20 years to correct the problems, so he doubts their claim that they will address them now.
- Mr. McCauley asked if the applicant would consider using a porous surface in the parking lot. Mr. Capuzzi answered that, because of the grade, it would not be a good idea. He felt that the recharge system they are proposing will work quite adequately. Mr. O’Leary asked if the light standards would be 12’ or 15’ and would they have appropriate shields so that there would be no spillover into the neighboring houses. Mr. Capuzzi said that they would be 15’ high with full cut off. Mr. McCauley clarified that the applicant wants only to come out of this meeting with a single recommendation to the Zoning Hearing Board regarding the smaller size parking spaces. Mr. Aichelle replied in the affirmative.

Action: Motion made by Mr. O’Leary, seconded by Mr. Lukens and unanimously approved to give a favorable recommendation to the Zoning Hearing Board for the above mentioned variance from the Tredyffrin Township Zoning Ordinance to allow for smaller than required parking stalls with the condition that a berm and landscaping be provided between the lot and Old Lancaster Road to provide screening from car headlights.

OTHER MATTERS:

St. David’s Golf Club (07-04): Amended land development plan; Request to reconsider ordinance and plan requirement for sidewalks on Upper Gulph Road included on previously approved land development plan for a clubhouse.

- Mr. Burgo stated that this was to be a discussion about the sidewalk along Upper Gulph Road which St. David’s Golf Club had agreed to install as part of the land development approval for their 2004 application to rebuild the clubhouse.
- Mark Rhodes, attorney for St. David’s Golf Club, introduced himself as well as Dan Aboyan and John Shimrack, two other members of the club. He said that St David’s was here to request that the previous decision be revised to provide that St. David’s not be required to construct sidewalks on the north side of Upper Gulph Road until such time as funding is in place and agreements for sidewalks for all properties on Upper Gulph Road between Old Eagle School Road and King of Prussia Road are in place. He noted that this request was not to abandon the sidewalk project but simply to delay it. He said that the piece of sidewalk would dead end at Fletcher Road and the Copper Beech development and would be in essence “a sidewalk to nowhere”. Also, in 2004-05 the club had put \$25,000 into escrow for the sidewalk. They just received five estimates ranging from \$100,000 to \$125,000 to install the sidewalk and feel it would an irresponsible use of resources at this time.

- Dan Aboyan, President of St. David's Golf Club as well as a resident and taxpayer of Tredyffrin Township, reiterated that this was not a request to renege on their deal; but rather a request to wait until other sidewalks are installed in the area so that a connection to them could be made. He said that he is a resident of the Panhandle area of the Township and does not think that local residents walk along Upper Gulph Road now because it is hazardous to do so. He feels that sidewalks would encourage pedestrians which would actually increase the risk of their being harmed by the traffic. Also, there is no sense to put sidewalks along Upper Gulph Road until it is widened. From a taxpayer's standpoint he feels it is an expensive and impractical idea to put in sidewalks all around the Township. Some areas would be appropriate but others just don't make sense.
- Ms. Gleason told the Planning Commission members to think beyond the request as just being for a delay in constructing the agreed upon sidewalk due to expense. She said that it would set a precedent that anyone applicant could come in and request a change to a decision that had been rendered on a Subdivision or Land Development plan due to expense or any other reason they felt to be valid. Mr. O'Leary stated that he was Chairman of the Planning Commission during the time in which the St. David's application was being reviewed and approved. He is very surprised that the sidewalk issue is coming up so far after the fact and feels that it is a challenge to the core integrity of the Planning Commission. He noted that many members of the Planning Commission had served long enough to remember any number of applicants who would love to come back in to request changes to their original decisions just because of expense. He said that this would be a very dangerous precedent to set. Mr. O'Leary said that the application had come before the PC in November of 2004 and required six meetings before a decision was rendered. At this same time, Tredyffrin's Board of Supervisors unanimously approved the Park, Rec, and Open Space Plan (PROS). Part of that plan was a vision of a system of interconnected sidewalks throughout the Township. In order to implement this sidewalk system plan, the BOS approved the formation of a Sidewalk, Trail, and Path Committee (STAP). In August of 2005, the Planning Commission final approval to St. David's Golf Club plan to rebuild the clubhouse. That approval had eight conditions attached to ensure that a sidewalk would be built along Upper Gulph Road. Mr. O'Leary noted that this is highly unusual. Normally the PC does not give final approval with conditions. However, because the STAP was just getting started, the PC agreed to the new clubhouse with the condition that the applicant meet with staff as well as get a recommendation from STAP for the exact location and size of the sidewalk. This process took an additional year and included field meetings with staff, and PaDOT and by STAP members. In July of 2006, STAP recommended that a four foot wide asphalt sidewalk with no curb and no stormwater management would be installed along the north side of Upper Gulph Road. St. David's agreed to complete the sidewalk within two years and put money in escrow for the project. Two years came and went with no progress being made on the sidewalk. Suddenly, two Township Supervisors are involved with and supporting St. David's request to postpone installation of the sidewalk. They too are asking the Planning Commission to revise their earlier decision. Mr. O'Leary feels that undue political pressure is being put on the PC. In all of his time on the PC, the authority for Tredyffrin's land development has been in the hands of the Planning Commission. Now that authority is being challenged for political reasons. Mr. O'Leary implored the members to think about the long term implications of revising the St. David's decision, and the negative impact it would have on the integrity of the Planning Commission.
- Mr. Whalen concurred with the idea that revising the decision would set a very bad precedent and every developer could come back for relief from the approved plan. Mr. Whalen was involved in a self storage being built on Black Horse Pike in NJ where he was asked to put in sidewalks where no others existed. The sidewalks were put in per plan, without question, and he never went back to request relief. Developers are frequently asked to construct property improvements as part of a land development. Finally, Mr. Whalen said that he lives on Upper Gulph Road and his wife often walks along it to go to the library. He would personally like to see sidewalks along all of Upper Gulph Road so that residents would not have to walk on front lawns.
- Ms. Snyder stated that she had done an informal survey of friends and residents in the Panhandle area of the Township and all want to see sidewalks built. She said that the negotiations for the land development plan had been long and thorough. At this late date, to pull one element out of the entire

plan as being too expensive and not necessary is wrong. Resubmit a revised plan for the property and renegotiate all of the elements of that plan. She agreed that no one wants to build a sidewalk to nowhere; however St. David's is the largest piece of property along Upper Gulph Road and would be a good starting point. She also felt that the stipulation in St. David's letter that the project just be deferred until funding and plans are in place for all of Upper Gulph Road from King of Prussia Road to Old Eagle School Road was completely unacceptable.

- John Shimrack, who is on the Board of Directors for St. David's as well as a 35 year resident of the Township, read several rhetorical questions about Tredyffrin's sidewalk plans. He wanted to know if there was a date in mind for completion of sidewalks along the entire length of Upper Gulph Road. Mr. McCauley said that budgeting for and assigning a date to start a sidewalk was not within the PCs' authority. Mr. Shimrack stated that the PROS document was only a planning tool and had no legally binding power. He asked if any engineering studies had been done for sidewalks along Upper Gulph or anywhere else? He questioned what easements might have to be obtained before sidewalks could be built. He wanted to know if any of the residents along Upper Gulph had been notified of a public hearing about the installation of sidewalks along their properties. Ms. Gleason responded that a public hearing was not necessary at this time since that particular project is not yet underway. She answered Mr. Shimrack's questions of cost and who would pay for the project by saying that the Township was not at that point yet. She did say that other applicants had been required to put in sidewalks where their project was in an identified area of priority. Mr. Shimrack went on to question whether it is prudent management to ask residents to put in sidewalks and then never have them used. He feels that residents should have had more input into a plan for sidewalks throughout their Township. Mr. O'Leary spoke up to say that there had been several public meetings held when the PROS plan was being adopted. Public meetings are advertised and open to the public.
- Tom Abel, a resident of the Copper Beech neighborhood, said that it is clear that Tredyffrin Township needs sidewalks to make it safe to walk between neighborhoods. He does walk along Upper Gulph to attend church. He is the son of a developer and understands that they are trying to reduce costs. However, the Township has an obligation to protect their citizens and encourage improvements that will benefit the public. St. David's should have questioned the need and expense of a sidewalk two years ago when they agreed to install one so that their land development plan would be approved. It is at least a beginning point and fill in can come later.
- Hans VanNaerssen, a resident who lives near Valley Forge Park and a STAP member, commended the PC for facing the issues and adhering to the regulations. He can see everyone asking for exceptions and revisions if St. David's is granted their request. He has seen other residents have to put in sewer and sidewalk and thinks that it is selfish of the St. David's members to not want to follow their agreement. Mr. VanNaerssen is also a member of the Delaware Valley Regional Planning Commission and can site many examples of Townships where sidewalks have been built in a piecemeal fashion.
- Tim Lander, Vice Chairman of the Sidewalks, Trails, and Paths Committee (STAP), said that the committee had met this morning and confirmed the decision to require a sidewalk to put in by St. David's along Upper Gulph Road. It does not even make sense to postpone it for expense reasons as the expense will only increase with time. If a private golf club is granted a favor, then it makes the STAP Committees' job even harder when they have to ask private, sometimes elderly, citizens to put in sidewalks.
- Mark Werther, a resident and member of the Panhandle Civic Association, was not in favor of putting in sidewalks to nowhere. He said that the Township was not considering additional cost of removing trees, grading, and maintaining any sidewalks. He submitted a report last year that even the Township Building sidewalks are not maintained adequately. He asked who had liability if someone falls on the property owner's sidewalk that the Township required be built. Mr. Whalen said that it would be the same as if someone was walking on the lawn and fell. The property owner is responsible for accidents on their property.
- Mr. Sweeney said that he was philosophically sympathetic to residents who do not want to have the Township mandate that they install sidewalks. However, he feels that all of the questions of expense, location, and necessity were asked and addressed two years ago. The real issue to be considered this evening is the change in precedent that would result from granting St. David's request. The details of

the timing and exact relief would have to be discussed if the PC wants to go forward with granting St. David's request.

- Mr. D'Amato said that he had not heard at anytime during tonight's meeting that St. David's wants to abandon the sidewalk project. It seems they just want to delay the installation until such time as plans and agreements for other sidewalks in the area are in place. Therefore, Mr. D'Amato is proposing that the following motion be voted on. "I move that relative to the Land Development agreement between St. David's Golf Club and Tredyffrin Township, the golf club shall not be required to construct sidewalks on its property until such time as funding is in place and agreements for sidewalks for all properties on Upper Gulph Road between Old Eagle School Road and King of Prussia Road as contemplated by the Tredyffrin Township Sidewalks, Trails, and Paths plan are in place."
- Mr. McCauley commented on the motion saying that when St. David's came through the Land Development process several years ago, they had been given approval with the condition that they complete the sidewalk by 2008. The PC had said that no certificate of occupancy should be issued until the sidewalk was complete in order to avoid exactly what is now happening. The PC wanted to insure that St. David's could not come back and ask to revise the plan. At that time, the representatives from St. David's were highly offended at that suggestion. Mr. McCauley has been in the development business for over 30 years and cannot count the sidewalks he has been required to install and maintain. He pointed out that the Baptist Church was asked to put sidewalks and curb along Upper Gulph Road as part of their land development application and they had agreed without question even though money is an issue. Mr. McCauley said that as the area changes Upper Gulph Road will get sidewalk improvements. However, he fears that as the years go by and staff changes, the PC members change, and the St. David's board changes, no one will remember that they are required to put sidewalks in and the project will slip into oblivion. Mr. McCauley called for a vote on the aforementioned motion made by Mr. D'Amato.

Action: Motion made by Mr. D'Amato to allow St. David's to postpone the installation of a sidewalk along Upper Gulph Road until such time as funding and plans were in place for sidewalks on all properties between Old Eagle School Road and King of Prussia Road. Mr. O'Leary, Mr. McCauley, Mr. Lukens, Mr. Whalen, Mr. Cooper, and Ms. Snyder voted no while Mr. Sweeney and Mr. D'Amato voted yes.

The meeting adjourned at 9:30 PM.
Respectfully Submitted,

Carol O'Neill
Recording Secretary