

EAST WHITELAND TOWNSHIP  
PLANNING COMMISSION MEETING

August 23, 2017

Members Present: Deb Abel, Chairman, Peter Fixler, Jeff Broadbelt, John Laumer, Todd Asousa, Greg Davis and Michael Chain

Absent: None

Also Present: Scott Greenly, Director of Planning and Development, Steve Brown, Zoning Officer and Darrell Becker, Township Engineer

**CALL TO ORDER:** The regular meeting was called to order at 7:35 pm.

**APPROVAL OF MINUTES:** A motion was made by Mr. Davis to approve the minutes of June 28, 2017. Mr. Broadbelt seconded and the vote was unanimous.

**ZONING ORDINANCE AMENDMENT: Steep Slope Protection**  
Presented by Scott Greenly, Director of Planning and Development

Mr. Greenly explained that the Solicitor recommended that the Township amend the regulations to delete single family detached dwellings as a permitted use in areas of steep slope and very steep slope. The Solicitor also recommended adding language that will allow existing single family detached dwellings in areas of steep slope to rebuild in the event of loss and to expand up to 50% of their building area or floor area, which is to be determined. Mr. Greenly will bring the additional language and the full amendment back to the Planning Commission.

Ms. Abel opened the discussion up to the public.

There was concern raised over the impact to existing single family dwellings, as well as accessory uses.

Mr. Martin Lutz stated he took part in the update of the Comprehensive Plan (or Zoning Ordinance) in the 1990's and they specifically decided to allow single family detached homes in the steep slope areas as it would impact approximately 350 properties. He also noted that single family homes have less of an impact on steep slope than multifamily dwellings. Mr. Lutz provided a map from ChescoViews that indicates the contaminated portion of the Bishop Tube property only had a 7% grade but he acknowledged there were pockets of steep slope. Mr. Asousa stated that the steep slopes at issue on that property were the natural slopes on the uncontaminated portion of the property.

Mr. Joseph Rubino, Malvern Borough resident and property owner in the Township, said the property his family owns north of Route 202 and east of Mill Lane was would be impacted by the amendment. It is zoned R-1 and allows single family homes, he believes that eight dwellings would be lost. His concern is that the new regulation could be considered a taking and noted that

they could have developed the property in the past but did not. He asked what the next steps were.

Mr. Greenly stated that this matter would be back before the Planning Commission in the future and ultimately before the Board of Supervisors for formal consideration.

**PRELIMINARY/FINAL PLAN: Vanguard Malvern West Campus Expansion**

Represented by Ms. Denise Yarnoff

Ms. Yarnoff, attorney for the applicant, explained that Vanguard plans to construct two new office buildings being 240,000 s.f. each. They are asking for preliminary and final approval for building 1 (phase 1) and preliminary plan approval for building 2 (phase 2). Ms. Yarnoff stated that her client has reviewed the Township Engineer's review letter and they will comply with the comments but there are four waivers to discuss. There was a discussion regarding how employees get to work and how that reduces Vanguard's need for parking. Mr. Asousa stated a stairwell access should be provided to the rooftops for the emergency services providers. Mr. David Henry, architect for Vanguard, stated they would provide the requested stairwell access.

The Planning Commission reviewed the requested waivers. Darrell Becker stated that ARRO found the first three waivers to be acceptable. Mr. Michael Kissinger, Pennoni Associates, engineer for the applicant, reviewed the fence waiver. He stated that they would be filling the large, existing basin and remaking it so that there were smaller, more numerous naturalized pools. The slope would be more gradual and the depth would remain at 5'-6'. He noted that the site is secured and there is no public access. The Planning Commission indicated that this waiver was acceptable.

Mr. Davis made a motion to approve the preliminary/final plan for building 1 and the preliminary plan for building 2 subject to:

1. Compliance with the ARRO August review letter
2. Compliance with the Pennoni response letter dated August 23, 2017
3. Grant of the four requested waivers
4. Provision of stairwell access to roofs of the new buildings for emergency services personnel

**FINAL PLAN: Swedesford 66 Subdivision/Land Development Plan**

Represented by Mr. Louis Colagreco and Mr. Jack Robinson

Mr. Louis Colagreco, attorney for the applicant, provided a re-introduction to the project. He stated 66 townhouses were planned for a 15.6 acre parcel located along Swedesford Road. The property was location in the Medium-High Density Residential (RMH) District. Mr. Colagreco said that the Planning Commission had recommended approval of the preliminary plan in February and the final plan was almost identical. There was one waiver request to consider. Mr. Colagreco also said the project engineer, Jack Robinson, met with the Township Fire Marshal and Engineer earlier today to resolve a few final details.

Mr. Robinson reviewed the waiver request with the Planning Commission. It was related to the loading ratio requirement for storm water management basins, specifically the one located near Swedesford Road. He stated the Chester County Conservation District had already approved the request. Mr. Becker stated that ARRO accepted the waiver as a geotechnical letter had been provided and the DEP had approved it. The Planning Commission asked that a post & rail fence be provided around the wet basin. Mr. Asousa asked the applicant to confirm that the document related to the presence of the Williams pipeline facility would be signed by all purchasers at settlement. Mr. Colagrecco said that it would be. Mr. Fixler asked if the Fire Marshal comments had been addressed. Mr. Greenly stated that the applicant had addressed the concerns of the Fire Marshal.

A motion was made to approve the final subdivision/land development plan for Swedesford 66 and also recommending approval of the loading ratio waiver request. Mr. Davis seconded the motion. The motion was approved 7-0.

### **PRELIMINARY/FINAL PLAN: LIDL Grocery Store**

Represented by Mr. Ryan Jennings

Mr. Ryan Jennings, attorney for LIDL, stated that applicant had been before the Zoning Hearing Board twice and was granted the relief they sought each time. He also said that the applicant had worked out their issues with the One Park Place homeowners association and they will enter into a settlement agreement and be given an amended road access easement. There was a discussion regarding the location of proposed sidewalks, road access and safety along Maple Linden Way. It was noted that the traffic signal and sidewalk had been added to help address safety concerns. It was asked about the proposed buffer and how it might impact the community garden at the adjacent Mennonite church. Mr. Jennings stated he believes the development will be adequately buffered but not block the sun for the garden.

Mr. Al Federico from Kimley-Horn discussed the access to Maple Linden Way, Lancaster Avenue and the traffic signal as they relate to traffic flow and safety. He stated that the signal will include the hardware to coordinate with existing signals. He also noted that four access points on Lancaster Avenue were being consolidated into one. Mr. Federico said LIDL will also provide a vehicular access easement to the property to the east for a future connection. Mr. Fixler asked if Planet Fitness, to the west, will access Maple Linden Way. The response was that they would have to work with the homeowners association to do so. There was discussion regarding the school bus stop with Mr. Jennings noting they had talked to the homeowners association, the bus company and the Great Valley School District about it. In the end they decided to added signs delineating where parents can park along Maple Linden Way for the existing bus stop on Lancaster Avenue.

There was a discussion about the stacking on Lancaster Avenue for the left turn signal and how it would impact Planet Fitness. The discussion continued and included the impact of the signal on driveways across Lancaster Avenue.

The Planning Commission asked if Maple Linden Way will be widened at the signal. Mr. Federico said they would investigate the need for it as PennDOT has asked them to consider truck turning movements there. Mr. Asousa asked if a right turn lane for Maple Linden Way was needed. Mr. Greenly stated that McMahan considered this and a right turn lane was not warranted and said that the signal barely was warranted. It was noted that the applicant is providing the right-of-way for the widening of Lancaster Avenue to five lanes.

Mr. Asousa made a motion to approve the preliminary/final land development plan for LIDL subject to the following conditions:

1. Compliance with ARRO review letter
2. Placement of a post & rail fence around the storm water management basin
3. Recommendation of approval of the four requested waivers

Mr. Broadbelt seconded the motion. The motion was approved 7-0.

### **ADJOURNMENT**

The meeting adjourned at 9:30 pm

Respectfully submitted:

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Deb Abel, Chairman

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Secretary