

East Whiteland Township
Planning Commission
Wednesday – August 26, 2020
Minutes

Members Present: Deb Abel, Chair; Jeff Broadbelt, Vice-Chair; Peter Fixler; Todd Asousa; John Laumer; Tim Kelly; and Dante Bradley;

Also Present:

Zachary Barner, Director Planning & Development; Brittany Carosello, Planning Coordinator; Ted Locker, Zoning Officer; Joe McGrory, Township Solicitor; and Darrell Becker, Township Engineer.

Call to Order:

Ms. Abel called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Minutes:

Approval of the June 24, 2020 meeting minutes.

Action: Mr. Fixler made a motion, seconded by Mr. Asousa, to approve the June minutes. The motion carried unanimously **(7-0)**

Development Applications:

1. [LD-17-2019 for Ducklings Early Learning Center](#) (Planebrook Partners, LLC) - Preliminary/Final Land Development application for the construction of an 11,000 s.f. children's day care facility, parking lot, stormwater management, and associated improvements. The property, located at 105 Church Road, is within the R-1 Residential District.

Vic Kelly engineer for the applicant described the project for the Commission members, as 2 acres located at 105 Church Road off Route 401. The property is adjacent to the Hoover financial building. Over the last year and a half the applicant has received variances for the use of a daycare on the property as well as the disturbance of steep slopes. The disturbance of steep slopes was needed to allow for proper site distance into the entrance of the property. The applicant is seeking approval for Preliminary/ Final land development and believes all items called out in ARRO and McMahon review letters can be easily complied with. Waivers requested will need to be discussed by the planning commission.

Mr. Fixler asked about item #2 on McMahons review letter to better understand how the applicant will work with the township. Vic Kelly explained that the intent is to have shoulder lane markings to create less of an issue for cars as people are turning into the site. Mr. Barner explained that this would be more of a soft improvement and could include signs or notice for drivers coming around the turn. Mr. Fixler asked what the sidewalk would be made from along church road, Vic Kelly explained the sidewalk would likely be paved black top. Ms. Able asked what the existing sidewalk is made from that the new sidewalk would be connected to? The existing sidewalk is concrete. Mr. Becker acknowledged that his review letter mostly calls out administrative and financial items, all the technical items have been addressed.

Mr. Barner did want to confirm that there will be no site line issues with the proposed landscaping. Mr. Bradley asked about the possibility of having a cross walk to the site considering there are a lot of children who live in Bryn Erin. Vic Kelly explained that there was a lot of discussion about a possible cross walk but with the many public safety issues and the need for ADA compliance it became too cumbersome and carried little benefits. Mr. Laumer noted that most of the parents will be traveling by car for drop off and pick up. Mr. Kelly questioned what would happen with the pine trees where the sidewalk will be constructed, Mr. Barner noted that the applicant will need to navigate around the existing trees. Vic Kelly mentioned the \$97,000,209 fee that will need to be paid to the township. Vic Kelly read through the 6 waivers being requested.

1. The applicant requests that the plan be submitted as a preliminary/final plan because of the small size of the project.
2. The applicant requests that the plan be allowed to have cuts and fills that are greater than 5 feet because of the elevation difference that exists on the site and to provide required sight distances at the proposed driveway entrance.
3. The applicant requests that the plan be allowed to remove more than 20% of the trees on the site per the requirements of section 175-41.C(4) but with a plan that is not prepared by a licensed landscape architect. The proposed landscaping plan is being prepared with the assistance of Earth Care, which is a large landscaping company owned by the applicant.
4. The applicant requests that the plan be allowed to install sidewalk on only the west side of Church Road along Moore Road.
5. The applicant requests that the plan be allowed to install buffer along the proposed sidewalk that is only 2 feet wide.
6. The applicant requests that the basin outlet pipe be HDPE pipe since it drains to a level spreader that has perforated HDPE pipe which is designed to evenly distribute stormwater discharges from the proposed rain garden.

Action: Mr. Fixler made a motion, seconded by Mr. Asousa, to recommend Preliminary/Final Land Development approval to the Board of Supervisors, subject to waivers being granted and compliance with all outstanding comments in the various review letters. The motion carried unanimously **(7,0)**

2. [LD-04-2020 for Uptown Worthington](#) (Worthington Associates Holding, L.P.) – Amended Master Plan and Amended Final Land Development Plan for Phase IV of the previously approved mixed-use redevelopment of the former Worthington Steel property. The current plan reduces the overall development yield and now includes a total of 19 buildings containing 466,712 s.f. of entertainment, retail, and restaurant space; 195,350 s.f. of commercial office; and 753 apartments units (including existing buildings already constructed). The current plans no longer contemplate structured parking. The property, located at the intersection of Morehall and Matthews Roads, is within the ROC/R (Regionally Oriented Commercial/Residential) District.

Lou Colagreco, attorney for the applicant presented the application. The amended application is for 2 buildings, 1 is the proposed theater which has been downsized and the other is a converted 3 story medical office building. Previously a 5-story building had been approved. The applicant is fine with all conditions in review letters and said most of the comments are minor. Ms. Abel questioned the applicant's timeline for construction. Mr. Colagreco answered that the timeline is not set in stone, he does not know when a shovel will hit ground. The movie theater is still interested, and the medical office building did put a hold on things immediately following the pandemic.

Mr. Fixler wanted more details on McMahon's item #5 regarding the Brennan Boulevard round about, Mr. Colagreco believes the problem to be operational, Vanguard has a control booth that regulates employees and guests coming to the campus. Mr. Asousa agreed with Mr. Colagreco, he noted he has seen many times that cars get stopped at the guard shack entering the campus and can cause a backup. Frank Tavani, traffic engineer for the applicant noted it is a morning back up issue, in McMahon's March 25th review letter they mention feedback from the township police that it is a morning issue and not an exiting/evening issue. Mr. Tavani also had a chance to talk to the guard at the Brennan Boulevard booth. The road at the entrance is not very wide and depending on where the front car stops, the car behind it may have trouble getting around the stopped car. Mr. Barner mentioned that in addition to the 7 traffic conditions assigned to the previous approval an 8th may be necessary. This 8th condition would be to monitor this issue and potentially make changes once the impact is reassessed. Mr. Laumer made the comment that it would be in Vanguard's best interest to help improve this situation for their employees. Mr. Broadbelt brought up a comment from McMahon's letter concerning the drive aisles. Mr. Barner mentioned that in previous conversations with the applicant the Chester Valley Trail was shown going through the site, but after discussion with the County, the County would prefer the trail stay out along Matthews Road. Mr. Laumer was curious why the County prefers to have the Trail along Matthews and mentioned that area is noisy. Ms. Abel asked if the medical building would be a single user or multiple, Mr. Colagreco said it was initially for a single user but that it could expand to multiple users.

Action: Mr. Broadbelt made a motion, seconded by Mr. Kelly, to recommend amended Master Plan and amended Preliminary/Final Land Development for Phase IV approval to the Board of Supervisors, subject to compliance with all outstanding comments in the various review letters. The motion carried unanimously **(7,0)**

Zoning Hearing Board Applications:

3. [ZHB-11-2020 for 20 Old Lancaster Road](#) (Dan & Holly Butcher) – Zoning Hearing Board application seeking variance relief from various requirements in §200-57 related to “Steep Slope Protection.” The owners are proposing to subdivide the property into 2 lots for the purpose of constructing a new single-family dwelling on lot 2. Lot 1 will contain 18,734 s.f. and lot 2 will contain 17,162 of land net of the right-of-way of Old Lancaster Pike. The property, located at 20 Old Lancaster Road, is within the R-3 (Residential) District.

Dan Butcher, the applicant and homeowner introduced his engineer Tom Smith and gave a brief introduction of the lot. He currently resides in the home on the lot with his wife. He has an application seeking relief from Zoning Hearing Board, but he must present to the Planning Commission first. He and his wife have decided to subdivide to help offset debt and general education expenses. Most of the lots on the street also have steep slopes, his home is a modest home with a modest yard the new lot would be constructed as the same.

Tom Smith presented the application from a technical standpoint noting that the lot meets all applicable zoning and building requirements such as lot size and setbacks, however there is no place on the lot to build a single-family dwelling without disturbing steep slopes. The very dark shaded areas near Lancaster pike shown on the plan are over 25% slope. Mr. Smith noted these slopes are manmade and likely created when the road was created. The lightly shaded areas are 15-25% slopes, these are likely natural. The applicant is asking for relief from the following sections of the township ordinance to be allowed to construct a dwelling on lot 2 in the steep slope area:

§200-57.C.(6)- Applicable to only existing dwellings and not to any new dwellings on the same property or on vacant property.

§200-57.D.(1)- Prohibiting structures, other than those associated with Subsections C(6), E and F.

§200-57.D.(2)- Prohibiting cut and fill, other than those in conjunction with uses associated with subsections C(6), E and F (if necessary)

§200-57.D.(4)- Prohibiting removal of topsoil (if necessary)

§200-57.F.(3)- Requiring a Conditional Use for the construction of Stormwater management facilities within areas of steep slopes.

Ms. Abel commented she thinks the township does need more affordable housing in some areas and this could create a modest affordable home within the township. While she is not against the application, she does have concerns on stormwater management. Mr. Smith added that this is the first step to go to the Zoning Hearing Board, after receiving ZHB approval the applicant would submit a subdivision application and return to the Planning Commission. Mr. Becker asked about the driveway and if it will be directed into the infiltration bed. Mr. Smith answered that they have added a catch basin in the newest plans and would perform infiltration testing to be sure they are able to handle the storm water. Mr. Asousa questioned the disturbance of steep slopes, Mr. Smith explained that they are trying to disturb the least amount of land as possible and have angled the proposed home and lot in a way to limit the disturbance. Mr. Broadbelt asked about the steep slopes the proposed home would be built on and the bulk cut and fill. Multiple commission members asked about the potential for whoever moves into the home, to add on or change the lot. Mr. McGrory confirmed that relief will always be needed to build anything not shown on the plan. Mr. Kelly asked if the applicant had given it any thought to tie in the stormwater with the existing lot and dwelling? Mr. Smith answered that may result in more disturbance and conflict with utilities.

Mr. Bradley noted that the new dwelling looks very close to the new property line, he asked Mr. Barner if that meets the townships setback requirements? Mr. Barner answered that it is settled

in just right and would not be able to be shifted, but it does meet the minimum setback. Mr. Bradley mentioned this seems like it could be a way to gain a rental property. Mr. Laumer believes the proposed lot and home looks modest. Mr. Fixler wanted to know how many trees would need to be removed, Mr. Butcher said there is already one dead tree that will need to come down, and there is another that will likely need trimming or to be taken down, basically 2 trees in total would need to be removed.

Mr. Asousa was not in favor of this proposal and thinks the proposed home will be jammed in. Mr. Broadbelt commented he is not opposed and doesn't believe it is overly aggressive, he does believe an aerial showing the land from an overhead view would be best for the Planning Commission to understand. Mr. Fixler questioned if this application would be subject to a transportation impact fee. Mr. Barner said he would need to check the service area, but the applicant would be subject to the rec fee, would need to submit a subdivision land development application and would need to replace trees. Mr. Kelly agrees with Mr. Asousa and feels like this home is being wedged and right up against the setback lines. Mr. Broadbelt wanted clarification on what the Planning Commission's vote at this meeting determined and if the plan could change when it comes time for subdivision. Mr. Laumer supports the application. Mr. Barner commented that the applicant should look at the code regarding sanitary sewer connections.

Action: Mr. Broadbelt made a motion, seconded by Mr. Bradley, to recommend that the Board of Supervisors remain neutral on this application. The motion carried **(6,1)** with Mr. Asousa opposed to the recommendation.

Ordinance Amendments

4. The following (draft) Zoning [Ordinance Amendments](#) are proposed for review and discussion by the Planning Commission:

- Revised Definition of Medical Clinic

Mr. Barner explained that months ago the ordinance was updated but since that time the township has found there are other types of facilities that appeal to short term in patient stays up to 3 days, not a hospital or doctors office but somewhat in between. Mr. Laumer thinks this change is sensible and was curious if it poses any risk. Mr. Barner thinks it is a harmless use and somewhat interesting and new. There are spaces that are logical for these uses in the township. Ms. Abel, Mr. Asousa, and Mr. Broadbelt all agreed this would be a good use in the township. Mr. Kelly asked if there would be any conflict with this use and eating facilities, Mr. Barner concluded that would all be regulated by the Department of Health.

- Revised Regulations regarding Accessory Uses to Residential Principal Uses

Mr. Laumer mentioned he has first-hand accounts with neighbors having chickens and noted roosters can be a real problem. Mr. Laumer also said rats can be a big problem, where people feed chickens there will be rats and feed and feces need to be kept up with to maintain cleanliness standards. Ms. Abel said she has chickens and agrees with Mr. Laumer, if feed is not

kept in tight storage you will get rodents. Mr. Bradley said he recently got chickens and allow them to free range, under this new ordinance he would need to have them fenced in.

Mr. Broadbelt wanted clarity about A.3, to him 16 feet seems restrictive. Mr. Locker explained it was intended to mean you can build into the required yard setback 40% or 16 feet. Mr. Broadbelt thinks this could be worded better to make it easier to understand. Mr. Barner said it could be rephrased to say may not extend into the required rear yard setback, not the rear yard. Mr. Locker explained this could eliminate the need for a variance in instances when its not necessary. Mr. Kelly had questioned about the retractable awnings and if that included screened in porches. Mr. Locker confirmed a screened in porch in the setback would require relief from the Zoning Hearing Board. Mr. Kelly is surprised we would allow residents to build into a setback. Mr. McGrory said the most common ordinance that he seems permits a 10' encroachment into the rear yard setback. Ms. Abel asked how this ordinance would affect her, her lot includes a 100 year flood plain, her home is close to the property line, but she lives on 2.5 acres. Mr. Locker said it would depend where her floodplain is and the elevation of the property. Mr. Barner noted this ordinance likely would not affect her, but she would need to be above the flood plain if anything this could allow her and others to do more and would be a benefit. Mr. Barner explained the intent was to allow flexibility, with the current ordinance no one can build within the setback, with this new language you could build 16 feet or 40% into the rear yard setback. Staff will continue working on the language for this proposed ordinance change.

Public Comment:

No Public Comment

Adjournment:

Ms. Abel adjourned the meeting at 9:33 p.m.

~ Next Meeting ~
September 29, 2020