

# East Whiteland Township

Planning Commission

Tuesday – September 29, 2020

## Minutes

*Virtual Meeting Livestreamed via Township Website*

### **Members Present:**

Deborah Abel, Chair; Jeff Broadbelt, Vice-Chair; Peter Fixler; Todd Asousa; John Laumer; Tim Kelly; and Dante Bradley.

### **Staff & Consultants Present:**

Zachary Barner, Director Planning & Development; Brittany Carosello, Planning Coordinator; Joe McGrory, Township Solicitor; James Craig, Deputy Township Solicitor; Darrell Becker, Township Engineer; Chris Williams, Township Transportation Engineer.

### **Call to Order:**

Ms. Abel called the meeting to order at 6:14 p.m. and led the Pledge of Allegiance.

### **Minutes:**

Approval of the August 26, 2020 meeting minutes.

**Action:** Mr. Broadbelt made a motion, seconded by Mr. Kelly, to approve the September minutes. The motion carried unanimously **(7-0)**

### **Conditional Use Applications:**

1. **2 Frame Avenue** (Sloan Homes, LLC) – Conditional Use application pursuant to §200-57.F(3) and (4) to construct a driveway and underground stormwater management facilities within areas of steep slopes. The property, located at 2 Frame Avenue, is within the R-2 (Low-Density Residential) District.

Matt McKeon, Attorney for the Applicant, presented his client's plan to build a single-family dwelling on an existing lot, which is permitted in the R-2 Zoning District. The proposed dwelling will not require any additional zoning or conditional use approvals since it will not be built on steep slopes. The driveway and stormwater facilities, however, are located within areas of slopes and therefore require conditional use approval. Mr. McKeon explained that the proposed layout and disturbance of slopes is necessary because any alternative locations are limited by the surrounding topography. Mr. McKeon asserts that there would be no adverse impacts on neighboring properties. The Applicant submitted copies of the plan, application, and a narrative to the Township for review.

**Action:** Mr. Asousa made a motion, seconded by Mr. Laumer, to recommend Conditional Use approval to the Board of Supervisors.

The motion carried unanimously **(7-0)**

## **Development Applications:**

2. **Bishop Tube Redevelopment** (Constitution Drive Partners, LP) – Preliminary Land Development application to construct 92 townhomes, internal roadways, stormwater management facilities, and associated improvements. The property, located at 1 South Malin Road, is within the RRD (Residential Revitalization) District.

Lou Colagreco, Attorney for the Applicant, began his presentation by addressing the previous proposal brought before the Commission. The previous plan proposed a total of 228 units. As part of that proposal, the Applicant went before the Zoning Hearing board seeking to disturb areas of steep slopes. The Applicant received a decision in 2017 which granted partial relief. The current Preliminary plan shows a reduction from 228 units to 92 units. The plan shows development only on the parcel owned by Constitution Partners and conforms to the relief granted by the Zoning Board. Mr. Colagreco explained the current plan was submitted this past summer and has since been reviewed by the Township's Engineers and Staff. While the Applicant is not seeking a recommendation for approval, the plan was brought to the Commission to discuss the current review letters, the recent changes to the plan, and to answer any questions the Commission may have.

Mr. Colagreco addressed the review letter provided by LandConcepts. Much of the review is clean, however, there are a handful of comments about trees species and planting locations. Mr. Colagreco agrees with the comments and the Applicant intends to address these issues on the resubmitted plan.

The review letter provided by McMahon Associates referenced split phasing of the traffic signal at the Lancaster Ave/ Malin Road intersection, necessary signal upgrades, and meeting applicable the Zoning and SALDO requirements. The Applicant is agreeable to the signal improvements outlined in the letter.

Mr. Colagreco addressed comment 5 regarding perpendicular parking. The Applicant has no problem removing certain parking spaces if desired by the Township. If that is not the preference, parallel parking could be provided. Chris Williams offered that traditionally perpendicular parking is not typically found within residential areas, but it can be a planning decision based on the need for overflow parking since it is not an ordinance requirement.

Mr. Laumer asked about the parking options – which the plan designates as 18-foot driveways, but 20-foot driveways are the preferred. Mark Thompson, Engineer for the Applicant, explained that each home would have a 2-car garage with a 2-car driveway which would ultimately give each home space for 4 cars.

Mr. Colagreco addressed that the Applicant will comply with sidewalks on both sides of the proposed streets but will not be able to comply with the need for a 4 ft. verge along the sidewalk.

Ms. Abel asked for reassurance that the driveways will be longer than the Linden Hall development and would be able to fit a full car without overhang into the street. Mr. Kelly asked if additional

overflow parking could be included for the southern part of the neighborhood. Mr. Thompson advised that he explore adding spaces in the general vicinity, possibly on Malin Road.

Mr. Williams offered that any spaces on Malin Road should be parallel and provide clear site distance for vehicles exiting and entering the development.

Mr. Thompson addressed the proposed walkway in relation to the railroad bridge overpass (note: the terms “overpass,” “underpass,” “tunnel,” and “bridge” are used interchangeably throughout the meeting). It is proposed to have a sidewalk going north along the eastern side of Malin Road. As you approach the underpass, the plan shows a sidewalk under the overpass. The plans propose to narrow the width of the drive aisle in order to install an elevated sidewalk. There will be a barrier against the sidewalk to keep pedestrians safe. On the north side of the overpass (closer to Lancaster Avenue) the walkway crosses over to the opposite side (west side) of Malin Road – primarily due to the lack of existing right of way.

Mr. Williams addressed his comment and the inconvenience of multiple crosses. Pedestrians may be inclined to take the straightest path. At one point, the plans showed a sidewalk staying on the east side of Malin Road.

Mr. Colagreco explained the Applicant may not have been aware of how little right of way there was on the east side of Malin. Options were discussed, including a sidewalk entirely on the west side of Malin and a crosswalk on the west side at the Malin Road and Lancaster Avenue intersection.

Mr. Fixler asked how wide Malin Road was beneath the overpass so that he could understand how much room would be left after the potential sidewalk and barrier are installed. The road will be 20 feet wide once the barrier is installed. Mr. Williams responded that the sidewalks provide pedestrian connections and is good planning. He added that 20 feet is sufficient for 2 lanes of traffic since Malin Road is not a high-volume roadway. The Applicant will discuss options with McMahon as to how to best address the sidewalks and crosswalks.

The Applicant has had difficulties contacting Conrail to discuss potential plans for the bridge itself and has yet to receive an inspection report. Mr. Colagreco addressed the non-conformity of the height of the overpass and the ability for emergency vehicles access. The Applicant is not proposing to decrease the existing clearance and will attempt to improve the situation as part of the proposed roadwork.

The Applicant advised that they will be able to comply with all of the comments in Mr. Becker’s review letter

Since the plan proposed alterations to the landscape within 200 feet of a historic resource (Whiteland Friends Cemetery) the Applicant will appear before the Historical Commission for review of the project.

Mr. McGrory asked the Applicant about environmental approvals. Mr. Colagreco explained DEP is still reviewing the proposed site remediation plan. The Applicant was told there may be direction by the end of the year. There is litigation in federal court, that is unrelated to the land development project, to determine who is responsible for the clean up. The Applicant anticipates a decision on the plan before DEP makes its determination. The Applicant understands the plan is contingent upon DEP approval of remediation. Mr. McGrory asked about the Applicant's eligibility for the County clean up grant.

The Applicant submitted an updated environmental impact study over the summer with the revised plans, which needs to be updated on the Township website and given to the Planning Commission members to review.

The Applicant will avoid the wetlands except for the proposed emergency access. The emergency access will be deed restricted to allow for emergency access only.

Mr. Barner facilitated public comment by reading aloud the comments and questions that were submitted via email both *prior* and *during* the meeting. Comments were submitted by the following individuals:

- Deanna Tanner on behalf of Maya van Rossum
- Larry Stauffer & Kathleen Stauffer
- Debra Mobile
- Representative Kristine Howard
- Robert Reinhardt
- Nancy Dunbar
- Kristin Thomas
- Stephen Schmid
- John Preston
- Barbara Arnold
- Barbara-Ann Thav
- Carol Armstrong

The questions and comments covered a wide range of topics, which are summarized below:

- the ability to develop on a contaminated site;
- the size of the tunnel and ability to accommodate fire apparatus and emergency vehicles;
- the need for longer driveways and additional overflow parking;
- the need for ADA compliant sidewalks;
- the presence of hazardous chemicals and heavy metals on the site, including trichloroethene (TCE) and tetrachloroethane;
- the environmental concerns, including disturbance of contaminated soils and potential exposure;
- the number of potential students and concern over the impact on the school district;
- the structural health and maintenance of the Malin Road overpass;
- the use of Village Way as an emergency access;

- the concern over the possibility of opening Malin Road to connect to Summit Road.

Ms. Abel thanked everyone for their comments and for attending the live stream.

In response to various comments, Mr. Colagreco clarified that there are conditions of approval associated with the Zoning Hearing Board decision that were imposed by the Township. The Applicant must comply with these conditions as part of the proposed land development application. The conditions, which are primarily related to environmental concerns, require that the site be remediated in accordance with DEP standards prior to construction of any homes.

Mr. Colagreco advised that the Applicant would be revising the plans per the various review letters and would resubmit in advance of the November Planning Commission meeting.

### **Petition for Zoning Map Amendment:**

3. **Knickerbocker Redevelopment** (DP Whiteland, LLC) – Petition to rezone various parcels known collectively as the “Knickerbocker Tract.” The petition seeks to rezone these parcels from their current designation as R-1 (Low-Density Residential) and O/BP (Office Business Park) to RMH (Medium-High Density Residential). The parcels are located between Mill Lane, Lapp Road, Old Morehall Road, Liberty Drive, and Swedesford Road.

Jason Dempsey and Mark Pellicciotta of DP Whiteland, LLC were present to discuss their petition to rezone the subject property. Mr. Dempsey is both the Applicant and a resident of East Whiteland Township. He asked the Commission to view the application as a residential development versus commercial development. The decision comes down to the preferred use of the property. The present zoning of the property would allow for warehouse distribution among other commercial uses. If the parcels are rezoned to RHM, Mr. Dempsey plans to voluntarily restrict the number of units permitted on the property. The current concept plan shows a reduction in the number of homes compared to the previously submitted concept plan. The overall number of units has been reduced from 330 units to 280 units. The proposed concept plan showing residential development will likely be an age-targeted community to try to decrease any possible stress on the school district. Mr. Dempsey hopes fewer units would help with the overall design of the community and allow for more a more appealing product. The units will feature a larger footprint than many of the recent townhomes built in the community.

Mr. Broadbelt stated that the focus should be on the zoning request and not on the details that will be addressed during the land development process. He favors residential over warehousing and believes the plan is not overly aggressive, however, he would like assurances that the overall unit count would not increase.

Mr. Dempsey plans to voluntarily limit the total number of units using a restrictive covenant which would “run with the land.” The covenant would apply to any plan that goes through the land development process. Mr. McGrory advised that a covenant has already been drafted. As discussed, the covenant would limit the number of units and reference the concept plan – which shows the general layout of the development including areas designated as open space.

There would be a requirement within the covenant that any future development must be built in substantial conformance with the concept plan – which will be attached as an appendix to the covenant.

Mr. Fixler does not favor the residential plan and believes it should remain zoned O/BP – citing the fact that this corridor of the Township has always been zoned for business. He believes the Township is being overbuilt.

Mr. Asousa is in favor of retaining the O/BP zoning. He added that he would not mind some residential uses on the site and warehousing on another portion of the site. Mr. Asousa believes the Township has the infrastructure to support commercial uses and warehousing.

Ms. Abel believes there is a need for both last mile warehousing and residential developments, and that there will always be a need for Class A office space. Ms. Abel also realizes that there is vacant space in the existing corporate park now, but the question up for discussion is the rezoning of these specific parcels.

Mr. Laumer asked to address references to the landfill on the knickerbocker property.

Mr. McGrory has requested that the Applicant provide environmental documentation for his office to review. The Applicant is reluctant to provide environmental documentation at this time until a use is determined for the property. Mr. McGrory feels that the Township and the Board need environmental documents prior to making any decisions.

Mr. Laumer is worried about the air quality impact for warehousing. He finds residential to be the more attractive of the two uses.

Mr. Kelly is concerned with the environmental impacts and the need for site remediation.

Mr. Bradley does not dislike the plan overall – especially the decrease in scope from the previous plan – but he does not feel there is enough documentation to go ahead with a rezoning.

Mr. Broadbelt doesn't have a problem with making a recommendation contingent upon the environmental documentation being supplied to the Board of Supervisors.

Mr. McGrory said he could take action to review environmental documents after the Planning Commission but prior to the Board of Supervisors meeting.

Mr. Barner facilitated public comment by reading aloud the comments and questions that were submitted via email both *prior* and *during* the meeting. Comments were submitted by the following individuals:

- Ann Bell

- Doug & Aeran Atlas
- Marshall Hoffritz
- Kim Banks
- Martin G. Lutz
- Martin Lutz Jr.
- Molly Chiccino
- Lisa & Peter Harper
- Cristina Hartley
- Bryan Brook

The questions and comments covered a wide range of topics, which are summarized below:

- the ability to develop on former landfill;
- the environmental contamination of the site;
- the light pollution if warehouse or distribution facility is built;
- the noise if warehouse or distribution facility is built;
- the role of the restrictive covenant;
- the impact on quality of life;
- the congestion and traffic impacts;
- the opposition to rezoning property to RMH;
- the strain on the school system;
- the concerns over stormwater management;
- the depletion of natural landscape;
- the Township's ability to use potential "in lieu of" funds towards open space goals;
- the enforceability of the development being consistent to the RMH sketch plan;
- the fact that the Applicant's petition to rezone does not incorporate the RMH sketch plan;
- the location of the gate for the proposed emergency access road;
- the willingness of the developer to deed restrict the emergency access road;
- the DEP landfill boundaries;
- the developable acreage of the with respect to sensitive sites;
- the procedural aspects of zoning changes

Discussion ensued regarding traffic concerns. Mr. Williams said age-targeted or age-restricted communities typically generate less traffic than other types of residential developments. He added that warehouse facilities do not generate significant traffic during conventional rush hours but do generate traffic at different times throughout the day. A traffic impact study will need to be completed in order to understand the potential impacts.

Gina Gerber, Attorney for the Applicant, addressed the specific comments made regarding the emergency access - which will be determined during the land development process. The developer is agreeable to restricting the emergency access.

**Motion:** Mr. Broadbelt made a motion, seconded by Mr. Bradley, to recommend approval of the requested zoning change to Board of Supervisors, subject to environmental documents being supplied by the Applicant for review.

The motion did not carry **(3-4)** with Mr. Bradley, Mr. Laumer, Mr. Fixler, and Mr. Asousa opposed.

**Motion:** Mr. Asousa made a motion, seconded by Mr. Fixler, to recommend denial of the requested zoning change to the Board of Supervisors.

The motion did not carry **(3-4)** with Mr. Laumer, Mr. Kelly, Mr. Broadbelt, Ms. Abel opposed.

### **Ordinance Amendments**

4. The following **Ordinance Amendments** are proposed for review and recommendation by the Planning Commission in advance of a public hearing before the Board of Supervisors:
  - Revised Zoning Definition of “Medical Clinic”

This ordinance amendment was reviewed and discussed as a *draft* at the August Planning Commission meeting. The revised definition would allow for a short term stay at a medical facility for the purposes of monitoring and physical rehabilitation following a surgical procedure.

**Action:** Mr. Asousa made a motion, seconded by Mr. Fixler, to recommend approval the Board of Supervisors.

The motion carried unanimously **(7-0)**

### **Adjournment:**

Ms. Abel adjourned the meeting at 10:25 p.m.

This meeting was livestreamed on the Township website and has been recorded for viewing online at [Municipal Meeting](#).

~ Next Meeting ~  
October 28, 2020