

East Whiteland Township

Planning Commission

Wednesday – May 26, 2021

Minutes

Virtual Meeting via Zoom

Note: There were technical difficulties during this meeting and, as a result, the full meeting was not livestreamed. A recording of the meeting can be viewed via the East Whiteland Township website.

Due to technical difficulties the first 30 minutes of the meeting were not recorded.

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

Also Present: Zachary Barner, Director of Planning & Development; Brittany Carosello, Planning Coordinator; Krista Stefkovic, Deputy Township Solicitor; and Darrell Becker, Township Engineer.

Call to Order:

Ms. Abel called the meeting to order at 7:11 p.m. and led the Pledge of Allegiance.

Minutes:

Ms. Abel requested a motion to consider approval of the **April 28, 2021** meeting minutes.

Action: Mr. Fixler made a motion, seconded by Mr. Bradley, to approve the March meeting minutes as drafted.

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

Development Applications

1. [LD-18-2020 for Parking Expansion at 333 Technology Drive](#) (MLR Technology LLC and 1201 Technology Drive LLC) – Preliminary/Final Development Application to construct or modify 42 additional parking spaces and stormwater management facilities at an existing office building. The property, located at 333 Technology Drive, is within the O/BP (Office Business Park) Zoning District.

Adam Brower, engineer for the applicant, explained that the site is an existing 23,000 square foot building and that additional parking is needed. The proposal is to add an additional 31 spaces, which will result in a slight increase in impervious coverage. Mr. Brower also explained that a site visit with Staff and the Township's Traffic Engineer was done to evaluate the possibility of pedestrian walkways around the property. While the sidewalk along the backside of the property (along Lapp Road) is not feasible given the slopes and existing springhouse, a sidewalk located along Old Morehall Road would allow for connection to future walkways on

surrounding properties. The applicant is requesting that the design and construction of this walkway be deferred until there are additional walkways on adjacent properties. This deferral could be permitted as a condition of approval and could be triggered by formal notice from the Township to the Applicant.

Action: Mr. Fixler made a motion, seconded by Mr. Laumer, to recommend Preliminary/Final land development approval, subject to compliance with all review letters, to the Board of Supervisors.

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

2. [LD-03-2021 for Parking Expansion at 40 Liberty Boulevard](#) (WPT Land 2 LP) – Preliminary/Final Land Development application to construct 43 parking spaces, a patio with seating wall, landscaping, multi-use trail, and stormwater management facilities at an existing office building. The property, located at 40 Liberty Boulevard, is within the O/BP (Office/Business Park) Zoning District.

Lou Colagreco, attorney for the applicant, introduced Cat Bianco, Tony Nichols and Eric McHugh, representatives of Workspace.

Rick Stratton, engineer for the applicant, presented the proposal explaining that 43 new parking spaces, along with a 2,500 square foot patio and a 1,000-foot long, 8-foot wide trail along Swedesford Road, would be completed as part of this project. A 20-foot easement will be provided on the plan to allow public access to the trail since a portion will be constructed outside of the right of way.

The trail along Swedesford will connect with the trail located in The Grove shopping center (to the west) and to the proposed trail on the adjacent office property (to the east). Currently Mr. Stratton is working with representatives of the Grove to ensure that the trail ties in thoughtfully.

Mr. Fixler and Ms. Abel both love the trail and are happy to see it on the plan.

Action: Mr. Bradley made a motion, seconded by Mr. Asousa, to recommend Preliminary/Final land development approval, subject to compliance with all review letters, to the Board of Supervisors.

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

3. [WLD-04-2021 for Modular Classroom Building at Villa Maria Academy](#) (IHM Villa Maria) – Request for Waiver of Land Development to install a modular building to serve as additional classroom space for the existing school located on site. The project will involve minimal site

improvements and will be served by existing stormwater and sanitary sewer facilities. The property, located at 280 IHM Drive, is within the INS (Institutional) Zoning District.

Rob Lambert, engineer for the applicant, and Sister Susan Joseph were in attendance on behalf of Villa Maria Academy.

Mr. Lambert explained that the proposal is to add an 1,870 square foot permanent modular building. This building will house two classrooms and will open in Fall of 2021. Mr. Lambert will coordinate with Mr. Becker to submit the permits needed for the site work.

Action: Mr. Broadbelt made a motion, seconded by Mr. Kelly, to recommend waiver of land development approval, subject to compliance with all review letters, to the Board of Supervisors.

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

4. [WLD-05-2021 for GVSD Stadium Restroom Addition](#) (Great Valley School District) – Request for Waiver of Land Development to construct a small building addition on the existing stadium restroom facilities to create a family restroom. The property, located at 225 Phoenixville Pike, is within NS (Neighborhood School) Zoning District.

David Schrader, architect for the school district, presented the proposal and explained that many improvements are being made to the stadium area in advance of next school year. As part of this project, the bathrooms will be renovated to include a family restroom. The restroom will be ADA accessible and 9'4" by 9'4" in size. The bathroom is planned to be finished ahead of the 2021-2022 school year.

Action: Mr. Kelly made a motion, seconded by Mr. Bradley, to recommend waiver of land development approval, subject to compliance with all review letters, to the Board of Supervisors.

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

Ordinance Amendments

The following [Zoning Ordinance Amendments](#) are proposed for review and recommendation by the Planning Commission in advance of a hearing before the Board of Supervisors on **June 21, 2021**:

5. Zoning Text Amendment Related to [Steep Slope Protection](#) and Corresponding Definitions within the Zoning Ordinance and Subdivision & Land Development Ordinance

Mr. Barner explained that the steep slope ordinance has been problematic for some time. Revisions have been made to modify the existing definitions that apply to the ordinance. There is a focus on restrictions for activities within, and disturbance to, areas of steep and very steep slopes - primarily on natural slopes. Slopes used to be measured over a horizontal distance of 10 feet, whereas the new ordinance would measure slope over 4 consecutive contour lines. This

provides additional clarity on how to measure slopes and apply the ordinance. The burden of proof will be on the applicant to determine if the steep slopes are natural or manmade.

Mr. Fixler asked if there would be a conflict of interest allowing the applicant to decide whether the steep slope is natural or man-made. Mr. Barner explained it would still need to be reviewed by the Zoning Officer and Township Engineer. Mr. Becker explained that, for example, an applicant would need to provide a previous land development plan that showed grading, showed flat ground, or historical aerial photographs. It will be assumed that all steep slopes are natural unless the applicant can prove otherwise. Discussion ensued on how steep slopes would be evaluated.

Mr. Bradley asked how this ordinance change would affect a resident that wants to add an addition onto their home. Mr. Barner explained that an existing home would be grandfathered under the ordinance, but that a new home would not be permitted. A homeowner with an existing home could apply for zoning relief. Mr. Bradley also asked the justification for excluding area of steep and very steep slopes from the impervious calculation. Mr. Barner explained that impervious coverage and building coverage would not be measured using developable acreage (which requires features to be netted out of lot area). The table of development standards for each zoning district identifies how each standard is measured.

Mr. Laumer noted that there is not a lot of undeveloped land on steep slopes, but there are a lot of old home on or near steep slopes.

Ms. Abel asked where in the ordinance it says that residents can apply for relief. Mr. Kelly noted that in paragraph I, there are application procedures. Mr. Fixler asked if Mr. Becker had reviewed the definitions and if he believes them to be better than the current existing. Mr. Becker has reviewed the new definitions and believes they are better than the current definitions.

Mr. Colagreco added to the discussion and believes the new definitions are practical. He also explained how a few of his various clients' projects are held up due to steep slopes. The current ordinance allows you to get relief to disturb the slopes if needed. It removes an expensive process to property owners in the township.

Discussion continued among Mr. Broadbelt and Mr. Bradley regarding existing homeowner's rights and the possibility of changing the language to give flexibility to homeowners with grandfathered natural slopes on their land. Mr. Barner commented that this new ordinance would create less of a burden and negative impact for homeowners and property owners who's slopes are man-made as a result of previous grading.

Mr. Fixler wanted to address the steep slopes on the Knickerbocker site. Mr. Barner explained that there seem to be both natural and man-made slopes at the site. Old plans, maps, and construction documents could be reviewed to determine which areas are natural.

Discussion ensued about allowing single family homeowners the ability to build on steep slopes. Mr. Barner explained it would be problematic to allow one type of home to build on steep slopes and not another. Mr. Asousa reminded that no changes have been made to the language regarding single-family homeowner regulations.

Questions and Comments were submitted or asked by the following:

- Martin Lutz

Questions and Comments submitted addressed the following subjects (summarized below):

- Overly restrictive regulations on individual homeowners
- Allowing a single family detached dwelling to be built on steep slopes should be considered
- Neighboring townships zoning ordinances vary in their approach regarding steep slopes

Action: Mr. Asousa made a motion, seconded by Mr. Kelly, to recommend approval to the Board of Supervisors. The motion carried unanimously **(7-0)**.

6. Zoning Text Amendment Related to [Developable Acreage and Contaminated Sites](#)

Mr. Barner explained that the intent of the ordinance is to modify the definition of “developable acreage” (or net lot area) - primarily which features would be included in the calculation. The existing definition includes rights-of-way, floodplains, wetlands, and sensitive sites – which references a map in the Township’s comprehensive plan. In addition to the existing features listed in the current definition, the proposed ordinance would also include natural steep slopes and riparian buffers in the features to be “netted out” of the gross lot area. It also adds references to the ordinance sections that regulate those types of features.

The intent of the proposed change from “sensitive sites” to “contaminated areas” is to address portions of a property that contain pollution. The current ordinance’s reference to the map in the comprehensive plan is difficult to apply to specific properties and is problematic for a number of reasons. This was a primary reason for initiating the ordinance amendment.

Mr. Barner displayed the table of development standards and reviewed how each of the standards within the tables would be calculated. In the example of the residential districts, only the maximum tract density would be based on developable acreage, whereas standards for building coverage and impervious coverage would be based on tract area (which is the gross area of a lot minus rights of way).

Mr. Broadbelt is concerned that the ordinance language may not be clear as to how each standard is to be calculated. He also raised concern about minimum lot area and how this ordinance could affect an individual homeowner. He noted that some of the development standards in the ordinance seem to be geared towards larger developments and not existing lots.

Ms. Abel is specifically concerned about potential impacts to residential landowners (as opposed to commercial properties) that might have steep slopes and that certain areas would need to be netted out of their developable acreage.

Discussion continued regarding the effect on units per developable acre, percentage of tract, building coverage, and minimum lot area.

Regarding contaminated area, Mr. Kelly asked which standards would be used - state standards or federal standards. Mr. Kelly also noted that dredged spoil is a dated term. Mr. Barner explained which ever standard is the higher standard would need to be met.

Mr. Barner thanked the Commission for their thorough review of the ordinance amendment. He acknowledged that the comments from the Commission were helpful and will be reviewed in more detail to ensure that the language is clear. He added that there are a number of definitions within the ordinance that affect how the development standards are calculated, so it is important that it is clear how each would apply.

Questions and Comments were submitted or asked by the following:

- Martin Lutz
- Ann Bell

Questions and Comments submitted addressed the following subjects (summarized below):

- Overly restrictive regulations on homeowners
- Other townships do not deduct steep slopes from developable acreage
- Support for limiting development on contaminated sites

Action: Mr. Bradley made a motion, seconded by Mr. Asousa, to not recommend approval to the Board of Supervisors, until issues regarding bulk and area calculations and which features need to be netted out are resolved. The motion carried unanimously **(7-0)**

7. Zoning Text & Map Amendment related to the [Great Valley Revitalization \(GVR\) Overlay District](#) with corresponding Design Guidelines within the Subdivision & Land Development Ordinance

Lou Colagreco explained that the text and map amendment has been before the Planning Commission prior, along with the draft Master Plan for the property. The district and scope of development will be downsized as part of this proposal. The number of residential units has decreased, the amount of commercial square footage has decreased, and the maximum building height has significantly decreased. The scope is less ambitious overall. Small changes needed to be made to get rid of inconsistencies from the old ordinance to the new ordinance, particularly for the current assemblage of land in the revised overlay. The applicant agreed that when the

first phase of the project is approved that money for all the road improvements are escrowed at that time.

Mr. Broadbelt asked if the map amendment would include the north side, Mr. Colagreco stated the land that has already been redeveloped by Exeter will be removed from the GVR Overlay. Mr. Fixler commented on the comparison between the 2015 plan and the current plan and how much the plan was downsized. Discussion ensued about the future of the corporate center and continuing growth.

Action: Mr. Fixler made a motion, seconded by Mr. Broadbelt, to recommend approval to the Board of Supervisors. The motion carried unanimously **(7-0)**

The following [Zoning Ordinance Amendments](#) are proposed for review and recommendation by the Planning Commission in advance of a hearing before the Board of Supervisors on **June 9, 2021**:

8. Zoning Text Amendment related to [Specialty Hospital](#) and allowing as a permitted use in the FC (Frontage Commercial) and INS (Institutional) Districts

Mr. Barner explained that this particular use was not found in the ordinance and proper licensing with the state will be required.

Action: Mr. Fixler made a motion, seconded by Mr. Bradley, to recommend approval to the Board of Supervisors. The motion carried unanimously **(7-0)**

Public Comment

Public comment will be facilitated during the virtual meeting and may also be submitted via email both *before* and *during* the meeting. Please submit comments to publiccomment@eastwhiteland.org.

Adjournment:

Ms. Abel adjourned the meeting at 10:05 p.m.

~ **Next Meeting** ~
Wednesday – June 23, 2021