

**WEST WHITELAND TOWNSHIP
PLANNING COMMISSION
MINUTES**

Minutes of the first February meeting

February 4, 2020

Members Present

Anita Nardone, Chairman
Joe Altimari
Jeff Glisson
Mark Gordon
Glenn Marshall
Ray McKeeman

Township Personnel Present

John Weller, Planning Director
Justin Smiley, Township Planner
Mimi Gleason, Township Manager
Ted Otteni, Public Works Director

I. CALL TO ORDER

Anita Nardone called the meeting to order at 7:05 p.m.

II. REVIEW OF MEETING MINUTES

MOTION: To approve the minutes for the meeting of January 21, 2020.
(Glisson/McKeeman)

ACTION: Passed 4-0-1 (Mr. Altimari abstaining)

III. PUBLIC COMMENT

There was no public comment on items not on the agenda.

IV. PLANS

1. **Frame Property (Exton Knoll)**
Address: 891-921 E. Lincoln Hwy.
Second Review: Conditional Use
Request: Construction of 324 housing units on 56.6 acres

Applicants Tom Bentley and Scott Emerson, Attorney Ross Unruh, and project engineer Dave Gibbons of D.L. Howell were in attendance to present the application.

John Weller provided an overview of the project, which occupies a 56.6-acre site along the north side of E. Lincoln Hwy. between Lochiel Farm and the Church Farm School campus. The northern portion of the tract is a FEMA-designated floodplain, and the western part of the tract is the former Mid-County Mustang property, an EPA Superfund site.

The proposed residential community is organized into two neighborhoods: 104 for-sale carriage homes in the eastern section and 220 rental homes, designed as both traditional townhouses and as two-story townhouses over a single-story flat. The proposed main entrance will be at the existing traffic signal opposite Springdale Drive. A secondary access to Lincoln Highway is proposed near the east side of the tract, and another secondary access to Livingston Lane will be at the west side of the site.

The Planning Commission previously reviewed this application on November 19, 2019. At that time, the Commission was agreeable to the proposed gross density of 5.72 dwellings per acre, noting that

the buildings will be shorter than allowed in order to promote a more intimate feel for the community and to preserve views to Exton Park.

Mr. Weller noted that on February 22, 2017 the Board approved a land development plan for a day care center at the southwest corner of this site. That project was never constructed, and it appears that none of the conditions of approval affect this project. Regarding the Superfund site, the Applicant previously reported that the US EPA will provide a "comfort letter" advising that the contamination has been remediated to the point where there will no longer be a hazard to residents. Mr. Weller suggested that receipt of this letter be made a condition in the Decision and Order.

The Commission noted that many of the outstanding consultant concerns could be addressed during the land development phase; Mr. Weller suggested that resolution of those concerns be included as conditions in the Decision and Order.

Since the application was submitted prior to the Board of Supervisors' authorization to advertise the recent amendments to the open space requirements, the application must be reviewed against the previous regulations. Mr. Weller advised that Staff had determined that the plan shows all the open space required under those standards.

Additional topics of discussion included:

- The Traffic Planning and Design (TPD) concerns about how the design would be affected if PennDOT widens Lincoln Hwy.
- The need for curbs along Lincoln Hwy. was discussed in light of the effect upon stormwater management (and the Township's responsibility for any management facilities that may be installed) and pedestrian safety.
- The Applicant will meet with TPD and the Director of Public Works to discuss the waivers requested from the street design standards, particularly minimum curve radius and the design of the traffic circle.
- Adequacy of buffer and separation from Church Farm School campus; applicant will meet with School representatives for further discussion on this issue.
- The proposed subdivision of the property will define maintenance responsibilities between the management company of the rental community and the homeowners' association representing the owners of the carriage homes.
- The parking had been reconfigured since the November meeting to provide additional spaces near the clubhouse.

Ms. Nardone called for public comment on the project. Matthew Burns and Rev. Ned Sherrill, on behalf of the Church Farm School, expressed concerns regarding density, trespassing onto School property, and the impact on School safety and security. Mr. Burns also provided an update on the School's campus development project, now under construction: the new entrance from Valley Creek Blvd., the new Art Center, and the enlargement of Greystock Hall are all expected to be complete by this Fall.

MOTION: To recommend that the Board of Supervisors approve the conditional use application for "Exton Knoll" as depicted on the 13-sheet drawing set prepared by D.L. Howell and Associates for Weston Investment Properties and 891 E. Lincoln Associates, dated October 15, 2019, most recently modified January 10, 2020, with the following conditions:

1. The final land development plan approval granted by the Board of Supervisors on February 22, 2017 for tax parcel #41-6-3 is hereby repealed.

2. The final design of the community shall be generally consistent with the plan most recently revised January 10, 2020 as modified by the drawing presented to the Planning Commission during the meeting of February 4, 2020.
3. Not more than 324 dwelling units shall be approved for and constructed upon the tract.
4. The building height of the residential structures shall not exceed thirty-five (35) feet.
5. The Board shall consider granting the following waivers from the Township's Stormwater Management Ordinance and Subdivision and Land Development Ordinance ("S/LDO"):
 - a. §270-15.T of the Stormwater Management Ordinance to allow the disturbances and grading as shown within Zone 2 and Zone 3 of the riparian buffer area, pursuant to comment #9 of the SSM review dated January 27, 2020.
 - b. §270-20 of the Stormwater Management Ordinance such that not all stormwater need be infiltrated, subject to Spotts, Stevens and McCoy ("SSM") being satisfied on this point, pursuant to comment #1 of their review dated January 27, 2020.
 - c. §281-16.B of the S/LDO to allow plan sheets larger than 24" x 36".
 - d. §281-25.C of the S/LDO to allow a minimum cartway width of twenty-four (24) feet.
 - e. §281-26.B(1) of the S/LDO to allow streets with a centerline radius of not less than fifty (50) feet, as described in comment #4 of the SSM review dated January 27, 2020.
 - f. §281-26.C of the S/LDO to allow streets with centerline tangents of less than one hundred (100) feet between reverse curves, as described in comment #5 of the SSM review dated January 27, 2020.
 - g. §281-28.E(2)(a)[2] of the S/LDO to allow clear-sight triangles of not less than seventy-five (75) feet, provided that the PennDOT standard for safe stopping distance is met, pursuant to comment #6 of the SSM review dated January 27, 2020.
 - h. §281-32.C of the S/LDO to allow curbs with a reveal of not less than six (6) inches, as advised by the Director of Public Works.
 - i. §281-35.F(4) of the S/LDO to allow stormwater basins with side slopes as steep as 3:1 to be landscaped as a naturalistic basin.
6. Prior to submission of the land development plan, the Applicant shall meet with representatives of Church Farm School ("CFS") and come to agreement regarding the details of the required landscaped perimeter buffer to resolve CFS concerns about security and aesthetics to the satisfaction of the Township.
7. Prior to submission of the land development plan, the Applicant shall meet with Traffic Planning and Design ("TPD") and the Township to review the following items from the Conditional Use review for their impact upon the overall design:
 - a. The design of the proposed traffic circle shall be evaluated in consideration of the potential future widening of Lincoln Hwy. as provided for by the ultimate right-of-way line shown on the plan. The circle shall be confirmed as a traffic circle or mini-roundabout with appropriate design consideration for vehicle parking, truck movements, and pedestrian crossings.
 - b. Discussion of design approach for the roads within the site, based upon the issues noted in comments #11, #16, and #17 of the TPD review dated January 27, 2020. The Township shall confirm the acceptability of speed limits and traffic calming measures.
 - c. The design of the sidewalks and drainage facilities along the Lincoln Hwy. frontage shall be defined to the satisfaction of the Township and shall demonstrate proper consideration for pedestrian and motorist safety as well as efficient storm drainage.

8. The land development plan shall clearly show which recreational trails will accommodate both bicycles and pedestrians and which will be restricted to pedestrian use.
9. A pedestrian connection shall be provided to the existing bus stop near the southeastern corner of the tract.
10. Payment of a traffic impact fee, pursuant to Township Ordinance No. 427.
11. Prior to approving the final land development plan, the Township shall be in receipt of a comfort letter from U.S. Environmental Protection Agency regarding the status of the groundwater contamination mitigation efforts on the western side of the tract.
12. Resolution of all remaining consultant concerns to the satisfaction of the Township, specifically including but not limited to those described in comments #15 through #18 of the SSM review dated January 27, 2020.
13. Payment of all outstanding Township invoices within thirty days of the date of the Board's Decision and Order, or at the time of submission of the land development plan, whichever comes first.

ACTION: Passed, 4-1 (Gordon/McKeeman) (Nardone opposed)

2. MacIntyre/Stratton Tract

Address: 1460 Pottstown Pk.

Second Review: Sketch Plan

Request: Support for amendment to Zoning Map to allow construction of 37 townhouses as shown on the plan

Applicants Vernon MacIntyre and Bill Stratton and project engineer Rich Vishneski of D.L. Howell were in attendance to present and discuss the plan.

Mr. Weller reviewed the project, noting that the Commission had reviewed two sketch plans for this site on January 7, 2020. At that time, there were questions about the legal aspects of the proposed access drive from the site to Boot Rd. through the Township-owned Boot Road Park North. Mr. Weller stated that the Township Solicitor has since determined that such access would not be allowed under the Pennsylvania Donated or Dedicated Property Act, since the access would extend onto a portion of the Park that was dedicated to the Township by Toll Brothers as a condition of approval of the Whiteland Woods community. While the Township could petition the Orphan's Court to allow use of the property for a use other than for which it was dedicated (i.e., public recreation), we would be required to demonstrate that the land could not be used for that purpose. Since we are currently improving the dedicated land for precisely that purpose, we could scarcely make such a case.

Another alternative access, through the CVS Pharmacy site, was also discussed on January 7. At that time, Mr. Stratton noted that the approved land development plan for the pharmacy shows a 25-foot wide access easement connecting his property to Boot Rd., but the easement does not appear on the CVS deed. In response to the question of whether the easement could be claimed solely by virtue of being on the recorded plan, the Township Solicitor advised that it could not: the indication on the plan is considered only an offer to provide. It must be noted on the deed for Mr. Stratton to have a legal claim to the easement.

While Mr. MacIntyre's property is zoned R-3, Mr. Stratton's land is zoned NC, Neighborhood Commercial. The proposed design requires that the Zoning Map be amended to change Mr. Stratton's land from NC to R-3. Given the extent of high-density residential development now underway in the Township, it is difficult to make a compelling argument that more land needs to be zoned for such use. The Commission concluded that what was proposed did not provide any clear benefit to the Township and that they therefore would not support amending the Zoning Map. The Commission discussed

possible uses under the current zoning, adding that they felt the site was not well-suited for residential use given the access constraints.

V. NEW BUSINESS

None.

VI. ANNOUNCEMENTS

Mr. Weller announced that the 2019 Planning and Zoning Annual Report was complete and will be presented to the Board of Supervisors at their next meeting, as required by §207 of the Pennsylvania Municipalities Planning Code. Mr. Weller will also be giving a brief presentation to the Board on “Development by Design” at that same meeting.

The upcoming agenda will include a conditional use application from Raj Real Estate to construct a storage facility at 4 Tabas La.

VII. ADJOURNMENT

The meeting adjourned at approximately 9:25 p.m.

Recording Secretary,



John Weller, AICP

Director of Planning & Zoning