

**WEST WHITELAND TOWNSHIP  
PLANNING COMMISSION  
MINUTES**

Minutes of the first April meeting

April 2, 2019

**Members Present**

Anita Nardone, Chairman  
Jeff Glisson  
Mark Gordon  
Rajesh Kumbhardare

**Township Personnel Present**

John Weller, Director of Planning & Zoning  
Justin Smiley, Township Planner  
Mimi Gleason, Township Manager

**I. CALL TO ORDER**

Anita Nardone called the meeting to order at 7:00 p.m.

**II. REVIEW OF MEETING MINUTES**

MOTION: To approve the minutes for the meeting of March 19, 2019. (Glisson/Gordon)

ACTION: 3-0-1 (Mr. Kumbhardare abstaining since he did not attend that meeting)

**III. PUBLIC COMMENT**

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

**IV. PLANS**

**1. CSH Exton, LLC**

**Address: 100 Oaklands Blvd.**

**First Review: Land Development**

**Request: Construction of a senior living facility with associated improvements**

In attendance on behalf of the Applicant were attorney Stephan Pahides, engineer Neal Camens, and architects Joseph Zadlo and Paul Butala.

John Weller reviewed his memorandum of March 29, 2019. The plan proposes a 3-story, 99-bed assisted living facility on a currently vacant 4-acre lot in the Oaklands Corporate Center. The use is permitted pursuant to the provisions of the IN Institutional zoning district, and the Board of Supervisors approved the conditional use application for the project on February 13, 2019. Mr. Weller noted that the Commission should provide the Applicant with guidance regarding the configuration of the sidewalk at the southeast corner of the site, accessibility for emergency vehicles, and overnight lighting.

Mr. Pahides said the Applicant is agreeable to dimming the lights overnight as required by the Subdivision and Land Development Ordinance and stated that this would not create a safety issue.

Mr. Camens noted that the principal sidewalk concern is the placement of the crossing for Oaklands Blvd. The current placement of the crosswalk allows pedestrians to use the existing median as a "refuge" area, which is desirable given the length of the crossing. However, this places the crosswalk so far north that it becomes for all practical purposes a mid-block crossing, raising safety concerns despite the provision of signs and a painted "yield bar" on the pavement. Extending the median to be closer to the intersection is not an option as that would impede truck and emergency vehicle circulation. Grades and utility infrastructure further limit options. After some discussion on the

matter, it was agreed that Mr. Camens would meet with the Township's traffic engineer and Public Works Director Ted Otteni to identify a satisfactory solution.

Regarding accessibility for emergency vehicles, Mr. Camens said he met with the ambulance company and walked through the plan. They expressed concern about the curbed island at the Oaklands Blvd. access drive, so this has been changed to textured pavement that can be mounted by emergency vehicles. Mr. Camens noted that the Township has a new fire truck. While he does not yet have a turning template for the truck, he believes that its wheel base is the same or smaller than the existing truck, so access should not be a problem.

The SSM review suggested straightening an existing jog in the curb along the existing access drive. Mr. Camens explained that there is an existing inlet there which the Applicant is proposing to keep since moving it would also require moving the pipes that connect to it. The Commission agreed with this and were content to allow the inlet to remain at its current location.

Mr. Zadlo said the Applicant the comments from Stanley Stubbe, Theurkauf Design and Planning, the Fire Marshal, the Police Chief, and the Chester County Planning Commission were all "will comply" items. They will work with Traffic Planning & Design to resolve the sidewalk issue. Mr. Butala showed elevations for the trash enclosure.

Mr. Weller reviewed the conditions from the Conditional Use Decision and Order, noting that those not yet met could be made conditions of plan approval.

**MOTION:** To recommend that the Board of Supervisors approve the "CSH Exton, LLC / Oaklands Business Park (Lot 1)" land development plan as depicted on the 30-sheet plan set prepared by Chester Valley Engineers, Inc. and Longstone Gardens dated February 21, 2019 with the following waivers and subject to the following conditions:

1. The plan is approved as a final plan, pursuant to §281-10.H of the Subdivision and Land Development Ordinance ("S/LDO").
2. Waiver of §270-20 of the Stormwater Management Ordinance such that infiltration of stormwater is not required, pursuant to comment #1 of the Spotts, Stevens and McCoy ("SSM") review dated March 26, 2019.
3. Waiver of §281-32.C(2) of the S/LDO to allow curbs with a reveal of not less than six (6) inches, pursuant to comment #2 of the SSM review dated March 26, 2019.
4. Waiver of §281-36.B of the S/LDO to allow the required street trees to be planted outside of the street right-of-way, pursuant to comment #3a of the Theurkauf Design and Planning ("Theurkauf") review dated March 14, 2019.
5. Waiver of §281-37.B(4) of the S/LDO to allow the trees required for two (2) parking lot islands to be planted elsewhere on the site, pursuant to comment #4 of the Theurkauf review dated March 14, 2019.
6. Pursuant to condition #2 of the conditional use Decision and Order approved on February 13, 2019 ("D&O"), the Applicant shall be required to pay a traffic impact fee of \$31,710.90, such payment to be made not later than the time of application for the first building permit for this project.
7. Pursuant to condition #6 of the D&O, all elevators within the facility shall be large enough to accommodate ambulance stretchers, as well as the attendant personnel and equipment (a minimum of six [6] feet in width or depth), and all doors shall be a minimum of forty-two (42) inches wide.
8. Pursuant to condition #7 of the D&O, prior to the issuance of a Use and Occupancy

Permit, the Applicant or operator of the facility, if different from the Applicant (“Operator”), shall make a one-time donation of Thirty Thousand Dollars (\$30,000.00) to the Uwchlan Ambulance Corps.

9. Pursuant to condition #8 of the D&O, upon the issuance of a Use and Occupancy Permit, the Operator shall purchase one Senior Individual Membership (or its equivalent) from the primary responding ambulance company covering the property for each unit within the facility, for a total of eighty-eight (88) memberships. Subject to the last sentence of this condition, these memberships shall be renewed annually, even if no residents occupy a unit at the time of renewal, and shall not be permitted to lapse. The cost of such memberships shall be non-discriminatory as applied to Operator and shall not exceed that charged by the local ambulance company to all other similar individuals for the same membership level. Should the provision of or payment for ambulance services fundamentally change - by way of illustration, services are no longer available from a non-profit organization or services are paid for as part of insurance coverage or included as part of other health care services - the Operator may request relief from this condition from the Board of Supervisors of West Whiteland Township (“Board”), and the Board shall reasonably consider such request, without the need for further conditional use proceedings.
10. All remaining consultant and Township Staff concerns shall be addressed to the satisfaction of the Township. These shall include but are not limited to:
  - The design revision to the stormwater management facilities directed by comment #20 of the SSM review dated March 26, 2019.
  - The landscaping revisions described in comments #2 and #6 of the Theurkauf review dated March 14, 2019.
  - The revised analyses of the traffic study directed by comment #1 of the TPD review dated March 18, 2019.
11. Any other concerns or conditions raised by the Commission in the course of tonight’s meeting, which may include but are not limited to:
  - Revision of sidewalk configuration, to be coordinated with Township Staff and traffic consultant;
  - Confirmation from Fire Marshal that the internal access drives will be accessible to fire equipment.
12. Pursuant to condition #10 of the D&O, the Applicant shall execute and provide to the Township a recordable, notarized copy of a memorandum containing a metes and bounds description of the site and stipulating the terms and conditions of the conditional use approval and shall consent to the recording by the Township in the office of the Recorder of Deeds of Chester County no later than at the time of recording of final subdivision and land development plans.
13. Execution and recording of the Township’s Stormwater Facilities Maintenance Agreement and Landscaping Restrictive Covenant, pursuant to Township practice. If the Applicant makes no material revisions or additions to the standard form of the said documents, then the Board should authorize the Township Manager to sign these forms on behalf of the Township.
14. Execution of a Developer Agreement and a Financial Security Agreement pursuant to Township practice. The amount of such security shall be based upon construction cost estimates for the site improvements, including landscaping, to be provided by the Applicant, which shall be reviewed and deemed sufficient by SSM and Theurkauf. If the Applicant makes no material revisions or additions to the standard form of the said

agreements, then the Board should authorize the Township Manager to sign these forms on behalf of the Township.

15. Payment of all outstanding Township invoices within thirty days of the date of final plan approval or at time of application for a building permit, whichever comes first.

ACTION: Passed 4-0 (Kumbhardare/Glisson)

There was discussion about the need for ambulance companies to be adequately compensated by assisted living facilities to cover the gap between what Medicare and supplemental insurance companies pay and the actual cost incurred by the ambulance companies.

## V. NEW BUSINESS

### 1. Curative Amendment on Signs Discussion & Recommendation to the Board of Supervisors

Mr. Weller reviewed his memorandum, which explains that the Township currently allows billboards along expressways in the I-2 zoning district. This limits billboards to a section of the US Route 30 by-pass, and the Township maintains that this is sufficient to meet our legal obligation to provide for this use. However, the Commonwealth has designated "the middle portion" of the by-pass a scenic byway; this designation prohibits billboards. Neither Staff nor the Township Solicitor have been able to find any definition of "the middle portion," so in an abundance of caution, the Township is proposing an amendment that will allow billboards along a short strip of the US Route 202 expressway. Staff has been working with the Township Solicitor and Thomas Comitta Associates on the proposed amendment, with Comitta providing expertise on the regulation of LED signs. Mr. Weller explained that the current regulations for LED signs were adopted in 2011 when the technology was still relatively new and there was limited information concerning best practices. Because this type of sign is now more common and driver distraction is less of a concern, the proposed amendment will change the rate at which messages may change from once per 24 hours to once per ten seconds.

There was discussion regarding how existing and proposed residential projects will be impacted by the amendment. Mr. Weller noted that the amendment was drafted to assure that any new billboard along US Route 202 would not be visible from any existing or approved residence.

MOTION: To recommend the Board of Supervisors adopt the Curative Amendment regarding sign regulations.

ACTION: Passed 4-0 (Gordon/Glisson)

### 2. Chester County Transportation Improvement Inventory Update 2019

Justin Smiley reviewed the list of projects currently on the County's Transportation Improvement Inventory (TII) and explained how the TII is used in securing funding. The TII is revised every two years. Staff has identified projects for inclusion on the 2019 update but would like to know if the Commission has any other suggestions before the Township submits our list. Since the list won't be submitted until May, we will discuss possible additions at a future meeting.

## VI. OLD BUSINESS

### 1. Bicycle and Pedestrian Plan Presentation of Final Plan & Recommendation to the Board of Supervisors

Mr. Smiley reviewed his memorandum and summarized the milestones in the development of the plan, including an on-line survey, the use of social media, and several meetings held for the purpose of

soliciting input and feedback from the public. Mr. Smiley then explained how the input was used to identify and prioritize 16 main projects and six planning projects, noting that prioritization was based upon a combination of public interest, feasibility, and usefulness. The Commission members were pleased with the Plan, describing it as professional, thorough, and dynamic; they thanked Mr. Smiley for his hard work. Mr. Smiley noted that the executive summary and map will be available at the Township Open House planned for April 9.

Mr. Smiley explained that the Plan will be an amendment to the Township Comprehensive Plan. After the Board of Supervisors authorizes initiating the amendment process, copies of the draft plan will be sent to surrounding municipalities, the Chester County Planning Commission, and the West Chester Area School District for their review and comment. The Commission will host a public meeting to present the Plan (tentatively scheduled for May 21), and the Board will convene a public hearing following the comment period, tentatively planned for June 12.

**MOTION:** To recommend to the Board of Supervisors to initiate the Comprehensive Plan amendment process by circulating copies of the March 2019 draft of the Township's Bicycle and Pedestrian Plan to the Chester County Planning Commission, the West Chester Area School District, and each municipality abutting the Township, pursuant to the requirements of the Pennsylvania Municipalities Planning Code.

**ACTION:** Passed 4-0 (Kumbahadare/Gordan)

## **VII. ANNOUNCEMENTS**

The Brandolini land development plan will be on the April 16 agenda. The Township will host an Open House next Tuesday April 9, from 5:00 p.m. to 8:00 p.m. Mr. Weller will give a presentation on development in the Township, Mr. Smiley will present the Bicycle and Pedestrian Plan, Mr. Otteni will review capital improvements projects.

## **VIII. ADJOURNMENT**

The meeting adjourned at approximately 8:40 p.m.

Recording Secretary,

  
John R. Weller, AICP

Director of Planning & Zoning