

**WEST WHITELAND TOWNSHIP  
PLANNING COMMISSION  
MINUTES**

Minutes of the second April meeting

April 16, 2019

**Members Present**

Anita Nardone  
Rajesh Kumbhardare  
Jeff Glisson  
Joe Altimari  
Glen Marshall  
Ray McKeeman

**Township Personnel Present**

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 7:00 p.m.

**II. REVIEW OF MEETING MINUTES**

MOTION: To approve the minutes for the meeting of April 2, 2019. (Kumbhardare/Glisson)

ACTION: 3-0-3 (Altimari, Marshall, McKeeman abstained)

**III. PUBLIC COMMENT**

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

**IV. PLANS**

**1. Brandolini**

Address: 297 Kirkland Ave.

Second Review: Final Subdivision

Request: Subdivision to create seven lots for single family detached homes

Mr. Smiley reviewed John Weller's Memorandum dated April 12, 2019. The Board of Supervisors approved the preliminary plan for this project on October 10, 2018. On February 19, 2019, the final plan was reviewed by the Planning Commission. Neighbors in attendance at that meeting expressed concerns regarding stormwater management. Remaining concerns include the maintenance of the stormwater management facility on Lot #5 and a crosswalk connection across Berwick Way. The Applicant has added sidewalks on both sides of Berwick, but not the crosswalk. The Applicant has also provided a Declaration of Stormwater Management Easements and Maintenance Responsibilities outlining the shared maintenance costs among the seven lot owners, but the Declaration does not establish a homeowners' association (HOA).

The Applicant, James Brandolini, maintained that the Declaration document will bind all of the homeowners in a civic association, with each homeowner making an initial capital investment for the stormwater facility and the Builder being responsible for any empty lots. There was discussion of homeowners' association vs. civic association or stormwater association. Commission members expressed concern that owners may not be as familiar with their obligations when they are only listed in deed restrictions as they would be with an HOA. The Commission wanted to be sure that present and future property owners were aware of their responsibilities as well as avoid a scenario where the Township would have to lien the property owners to be reimbursed for maintenance of the stormwater facility. Ms. Gleason said a legal entity must be created that will clearly show the structure of

responsibility the facility. She said while the Applicant's attorney and the Township Solicitor have discussed the matter, there is not yet full agreement between them. Mr. Brandolini said his attorney, Frone Crawford, will discuss the matter with the Township Solicitor, and have the matter resolved by next week.

Mr. Brandolini confirmed that the culvert on Kirkland Avenue will be cleaned out. Mr. Smiley confirmed that the Police Chief did go out to the site to address concerns of speeding on Kirkland Avenue. He said the Chief did not see speeding but will keep an eye on it.

There was then general discussion about the maintenance of stormwater facilities; the cost of the annual inspection and the expense of repairs.

Ms. Nardone then called for public comment.

Priscilla Munroe, adjacent property owner, said she has been working out the details of the trees with Mr. Brandolini. Mr. Brandolini said he is getting bids on the trees. The Munroes would prefer to have their own landscaper do the work. Mr. Brandolini will have a Work Easement document drawn up between himself and the Munroes that will outline the work being done and the financial responsibilities to ensure payment to the Munroe's landscaper. Mr. Brandolini said he discussed the matter with Mr. Weller who advised him that this would normally be part of the Financial Security Agreement but that Mr. Weller felt it could be worked out. Mr. Marshall said to be sure that the document contained a good release mechanism for the Munroes to get the money to pay their landscaper.

Mr. Brandolini confirmed that he would comply with the Traffic Planning & Design letter dated April 8, 2019 regarding the sidewalks and crosswalk.

**MOTION:** To recommend that the Board of Supervisors approve the final subdivision plan for J.B. Brandolini as depicted on the 11-sheet plan set prepared by E.B. Walsh and Associates dated August 27, 2017 and most recently revised March 25, 2019 with the following waivers and subject to the following conditions:

1. Waiver of §281-27.C(4) of the Subdivision and Land Development Ordinance ("S/LDO") to allow a shorter levelling area for the proposed cul-de-sac at the intersection of Kirkland Ave. to accommodate the design as shown, pursuant to comment #4 of the Traffic Planning and Design ("TPD") review dated April 8, 2019.
2. Waiver of §281-33.C(6)(c) of the S/LDO such that no growth rate diagrams need be provided for the landscaping, pursuant to comment #13 of the Theurkauf Design and Planning ("Theurkauf") review dated August 22, 2018.
3. Waiver of §281-35.E of the S/LDO to accept the landscaping as shown on Sheet 6 as sufficient for the perimeter buffer requirement, pursuant to comment #5 of the Theurkauf review dated August 22, 2018.
4. Waiver of §281-35.F(4) of the S/LDO to allow a naturalistic basin with side slopes steeper than 4:1, pursuant to comment #6 of the Theurkauf review dated August 22, 2018.
5. Payment of a traffic impact fee in the amount of \$8,537.55, pursuant to Township Ordinance No. 427 and TPD correspondence dated March 27, 2018.
6. Payment of a fee in lieu of donation of permanent open space, pursuant to §281-47.B of the S/LDO.

7. Pursuant to discussion at the Planning Commission meeting of September 4, 2018, the Applicant shall provide for a landscaping professional to be present during excavation for the sanitary sewer line on the Munroe property for the purpose of minimizing adverse impacts of the excavation on existing trees. The Applicant shall replace any healthy mature trees on the Munroe property that are removed or damaged to the point of impairment as a result of the excavation.

8. Pursuant to discussion at the Planning Commission meeting of February 19, 2019, the Applicant shall provide sidewalk along both sides of Berwick Way (as shown on the plan) as well as a painted crosswalk and handicapped-accessibility ramps at the intersection of Kirkland Ave.

9. Pursuant to a legal solution to the current and future stormwater management facility on Lot 5, the Applicant shall satisfy Township Staff and Township Solicitor, prior to presentation to the Board of Supervisors.

10. All remaining consultant and Township Staff concerns shall be addressed to the satisfaction of the Township.

11. 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.

12. 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 Spotts, Stevens and McCoy 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.

13. 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)

## V. OLD BUSINESS

Ms. Gleason reported that the Board of Supervisors voted on April 10 to authorize advertisement of the proposed zoning amendment for the Lincoln Highway/Ship Road intersection area. The Board also requested additional information from Traffic Planning & Design on AM peak counts for the two developments. McMahon Associates will then review the data, and the public hearing will be scheduled for May 22<sup>nd</sup> or June 12<sup>th</sup> depending on when the requested information is received and reviewed.

Mr. Smiley said he will notify the Commission when Municipal Education classes are scheduled by Chester County 2020.

The Commission discussed the status of the Exton Square Mall and its prospects for the future. Ms. Nardone suggested that the Commission schedule an education session to review the regulations of the Towne Center Zoning District in an effort to be proactive with possible future changes to the Mall and other redevelopment areas within the district's boundaries.

## VI. ANNOUNCEMENTS

Mr. Smiley announced that the Bicycle and Pedestrian Plan is now in the advertising phase and a public meeting on the Plan has been scheduled for Thursday, May 23<sup>rd</sup>. The public hearing before the Board of Supervisors to consider adoption of the Plan is set for June 12<sup>th</sup>.

Commission members noted the great job done at the recent Open House, which was informative and well attended by residents.

The Fedor plan (1250 Ship Rd.) will be on the May 7<sup>th</sup> Planning Commission agenda. Ms. Nardone asked if the Township's Chief of Police could look at the access of the property and assess any safety concerns.

## VII. ADJOURNMENT

The meeting adjourned at approximately 8:10 p.m.

Recording Secretary,



Justin Smiley, AICP  
Township Planner