

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
May 4, 2016 – 7:30PM

Present

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Yaw. Also present was Township Planning Director Chris Patriarca, Township Transportation Engineer Andy Parker and those mentioned below.

Call to Order

Mr. Pomerantz called the meeting to order at 7:30 and led those present in the Pledge of Allegiance.

Adoption of Agenda

The Agenda was approved unanimously as amended (JL/SY).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of April 20, 2016, were unanimously approved with Mr. Pomerantz and Mr. Yaw abstaining (EA/JL).

Reports

Mr. Rodia presented the May 2 Board of Supervisors (BOS) meeting. He stated at their workshop the BOS discussed the Comprehensive Plan Update Task Force, the 2016 road program and Bureau Veritas. At their regular meeting, the BOS had several departmental reports made to them. Specifically he indicated under the public works report that all of the Township grass cutting is being done in house now and that the Historical Commission is developing an annual preservation award. Under old business the BOS executed various agreements and easements associated with the Rustin Residential project and awarded the contract for the 2016 road program.

Announcements

Mr. Patriarca first stated the Zoning Hearing Board (ZHB) concurred with the PC comment on a recent application relevant to the minimum relief being requested for the construction of a detached garage and continued the hearing. He then stated the Giant land development application will come before the PC at their May 18 meeting and that their 90 day clock expires on July 5. Additionally, he indicated the Westtown Woods application for 15 single family homes will likely be before the PC in the late summer/early fall. Mr. Patriarca then concluded by giving a brief update to the PC on the Comprehensive Plan Update Task Force kickoff meeting and stated the minutes from that meeting will be forwarded to the PC when completed.

Non-Agenda Public Comment

There were no non-agenda public comments.

Old Business

Planning Commission Alternate Member

Mr. Pomerantz introduced the topic which was most recently discussed by the PC at their March 23 meeting. In the time since, Mr. Yaw researched the genesis of the state legislation allowing for localities to appoint alternate members. Mr. Yaw stated he reviewed the legislative history of the

bill and indicated there were no floor remarks made on the legislation by lawmakers and no formal rationale given for the genesis of the legislation. He then stated his concern with the potential of an appointment of a PC alternate was that the legislation does allow an alternate who participates on a topic has the right to participate on the specific matter they participated in at all future meetings on the topic. This in turn can result in situations where the alternate participates in a meeting and the regular member does not on specific topics and can lead to some confusion. Mr. Pomerantz then stated that due to a lack of rationale from the state for the appointment, the concern brought forth by Mr. Yaw, and the overall lack of support from the PC as a whole on this issue that the PC would no longer pursue it further.

Dunkin Donuts (100 Skiles Boulevard) – Potential Text Amendment and Conditional Use Application

Mr. Pomerantz introduced Abjibapa Enterprises and their consultant team on traffic and site related issues for a possible zoning amendment to allow a Dunkin Donuts (DD) to occupy the former space of the Malvern Bank at 100 Skiles Boulevard. The applicants' attorney Kristin Camp started the discussion by relaying the results of a recent conversation had by their potential neighbor EBS Healthcare. She indicated the majority of their current employees do not arrive until after 8:00 which is after the peak time for DD, and further stated they do not believe DD traffic will cause significant impact to EBS throughout the remainder of the day. She further stated they have provided several options to EBS for parking area enhancements to improve the overall safety of the parking lot as a whole. However after taking them under advisement, she indicated that EBS was not supportive of the enhancements and was opposed to the text amendment altogether. Ms. Camp stated she did understand their concerns, but did state as part of a condominium they do have to work with the other owners and did raise a concern with the overall use of the Jefferson building. She then used both examples to illustrate that as a property matures its use can change as well to reflect more contemporary trends and that localities should be open to amending ordinances to reflect this as well.

Ms. Camp next discussed the use of the newly opened DD in East Goshen. The initial data from this store illustrates that their traffic analysis was undertaken utilizing more conservative numbers that are 30 percent greater than the actual traffic of the East Goshen store. The applicants traffic engineer John Yurick discussed the East Goshen data and how it is broken down between county and drive-thru visits. He noted this data was very comparable to what was utilized in his traffic study. Mr. Rodia asked if the East Goshen DD is similar to what is being proposed in Westtown to which Mr. Yurick stated it was and the data that was utilized in their study reflects this fact. Mr. Pomerantz asked how the proposed Westtown location compares to another location at a similar location along a major highway. The applicant Diptesh Patel stated their location along 322 in Upper Chichester is similar to that proposed in Westtown and that they have not experienced significant traffic hazards at that location. Mr. Patel further stated the proposed location will have ten stacking spaces for its drive-thru and that the longest queue he has seen at the East Goshen location to date is three. Mr. Yurick also stated in his experience the most vehicles he has seen in a DD queue is eight and then illustrated to the PC the data utilized in his study is similar to the field conditions present at East Goshen.

Mr. Pomerantz next asked Mr. Parker to give the PC an overview of his memo that focused on overall site circulation in relation to EBS. The first issue discussed was on traffic exiting the DD drive-thru and the potential for this traffic to be in conflict with users of EBS. Mr. Parker noted this conflict was possible regardless of the use of the DD site. In terms of items for consideration, Mr. Parker noted EBS could mark additional visitor spaces adjacent to the building to reduce pedestrian conflicts.

Ms. Camp then stated EBS was not supportive of the zoning change due to possible safety concerns associated with additional DD traffic. Mr. Yurick followed by discussion several of the options posed to EBS to make a safer condition for pedestrians using the facility (raised crosswalk, speed humps, pedestrian crossing sign, etc.). Mr. Pomerantz then asked Mr. Parker if in his opinion there is a safety concern with traffic as a result of the proposed DD. He stated that other than the increased volume during the morning peak hour, the safety concerns are not much different than what they would be for a bank. He further noted the proposed pedestrian enhancements would improve the overall safety concerns regardless of use. Ms. Adler asked how traffic signs are enforced in a private parking lot. Ms. Camp stated that although they are not enforced by WEGO, private owners can authorize police to enforce traffic signage.

Mr. Parker then concluded by stating he felt the conflict with persons parking for EBS were limited to the two areas immediately adjacent to KinderCare. Mr. Yaw asked if the intent of the amendment relative to loading areas would exempt from other sections of the zoning ordinance relative to loading areas. Ms. Camp stated the amendment only would allow for a loading area outside of a structure, but that all other loading requirements would be applicable. Mr. Patel then stated food is delivered once a day in middle of the night and that other supplies are delivered one a week on a smaller box truck.

Mr. Hatton asked if outdoor seating is proposed, and Mr. Patel stated it was not proposed. Relevant to the façade, Mr. Hatton stated his concern with all of the colored facias and awnings proposed for the building. Mr. Patel stated this is an area that he would be willing to work with the Township on in the application moves forward. Mr. Hatton then asked if the parking in the immediate vicinity of the building is sufficient for the needs of DD. Mr. Patel indicated that at their busiest, they only require 15-20 parking spaces and that there are sufficient in the vicinity of the building. Mr. Patel further stated that only one drive-thru is proposed and the second drive-thru present would be used as a by-pass area or something else to be determined at a future date. Mr. Hatton then asked if the curbing at the exit of the drive-thru could be altered to compel better a right turn out as opposed to a left turn. Ms. Camp stated that she did not think the turning movement would be an issue based on how it is currently designed. Mr. Hatton concluded by noting that as of late he has not seen the parking area more than half full.

Mr. Pomerantz asked Mr. Patel about the concerns that EBS has, and Mr. Patel did indicate that although additional traffic will result from the DD, it would not present a substantially more impactful safety concern.

Mr. Pomerantz asked the EBS team to discuss their concerns. Their attorney thanked Ms. Camp for meeting with them on-site and they did evaluate several options to improve overall pedestrian safety at that time. Afterwards, they discussed this issue with their full Board and they voted to oppose any proposed zoning change as a result of the increased traffic generated by a DD. Specifically they have a safety concern as many children and special needs children utilize their facility and cross through the parking area. Further they have concerns with DD patrons following additional traffic signs as well as how this would be enforced.

Mark Stubits, the owner of EBS, followed and stated that he not opposed to DD in general, but does have concern with this proposed location as a result of the location and integration into the existing complex. He further echoed the concern of their attorney with regards to their patrons crossing through the parking lot in a safe manner. Mr. Stubits also stated their building is only about 30 percent full at this time and future expansion of their business will result in the need for additional parking on-site as well as additional patrons utilizing the facility at different times

throughout the day. John Glessner, the EBS CFO, also expressed his concern with additional traffic from DD crossing their main entrance area and the potential safety impacts associated with this as well.

Mr. Rodia asked Mr. Parker if the revelation that the EBS building is only 30 percent occupied was considered in the traffic analysis. Mr. Parker stated that future growth of EBS was not considered in the analysis and/or his memo, but that this increase would not necessarily cause substantial increased impact in the area. Mr. Pomerantz followed by asking the timeline for future expansion, to which Mr. Stubits indicated that it could be in the next few years with possibly 50 new employees over the next three years. Mr. Pomerantz followed and asked why future expansion was not discussed at their previous meeting, and the EBS representatives stated this was simply an oversight. Mr. Pomerantz stated that after a conversation with Mr. Hatton, on five separate visits to the site he did not witness anywhere near 150 vehicles parked on-site to which the EBS representatives stated that no less than 115 cars are present on-site during the day.

Mr. Pomerantz asked Mr. Parker if the potential for expansion of a neighboring business should be taken into account as part of the traffic analysis or is it solely to focus on the incremental impact of the DD. Mr. Parker stated the focus is only on DD with other approved projects in the vicinity included in future traffic counts. Further, Mr. Parker stated the current EBS traffic counts were taken as part of the report during the peak traffic hours. Mr. Pomerantz then asked what use EBS would prefer to see at that location if the DD proposal was withdrawn. They stated their preference is for another bank or one of the uses presently allowed at the site. Mr. Pomerantz then followed by stating as the property has remained vacant, additional uses should be considered that are in the best overall interest of the Township, and as such what additional uses would EBS find acceptable for the site. They stated they would be fine with additional commercial uses if their overall traffic impacts are similar to that of a bank. Mr. Stubits followed by stating that his concern is with any possible use that may negatively impact their situation as an educational facility. He further stated his concern with how the increased traffic would impact the users of both EBS and the KinderCare.

Ms. Adler next asked if there is anything EBS could do to improve pedestrian circulation for their employees and clients in the immediate vicinity of their building. EBS stated their concern with the additional DD traffic in the vicinity of their building is of specific concern as their primary pick-up/drop-off area the eastern entrance where the DD traffic is proposed to traverse.

Ms. Camp stated their traffic engineer has been on the site multiple times and has not witnessed 150 cars on-site. Further, she stated her concern that future expansion of the EBS operation may result in their use being too intense for the location and even if the use is permitted. She further stated that it should have never been assumed that the neighboring property would forever remain a bank, and that the possibility of redevelopment was always present. Ms. Camp then stated the East Goshen location and associated traffic is what they expect this proposed location to be like and that its redevelopment improved the overall safety of the site. Finally, Ms. Camp reiterated that the peak time for DD does not conflict with the peak time for EBS employees arriving on-site.

Mr. Patriarca then asked the PC their overall comfort level for the signage being proposed as part of the text amendment. Mr. Patriarca stated his preference is for the ordinance to be reflective of what is acceptable for the Township as a whole, and that their amendment would allow for a monument sign the size of the one that fronts the Township building. Ms. Adler then asked about the location of the proposed menu board. The location of the 50 square foot menu board is proposed to be on a stand-alone pole on the left side of the drive isle. Mr. Patriarca then suggested

the principle issues that should be considered when making their recommendation is his opinion were determining if the use is appropriate, if the applicant has sufficiently demonstrated their project will not create a substantial safety issue, that the applicants have demonstrated a willingness to work with their neighbors to address circulation issues and that they are conceptually fine with what is being proposed for signage.

Mr. Rodia stated that he felt the property should be viewed through the lens of other alternatives for the site. He indicated that he is only aware of the DD proposal as being the only serious one thus far for the redevelopment of this site and that the applicant has demonstrated to him that they have satisfied his overall safety concern. Further he stated the EBS expansion will generate additional traffic in and of itself to potentially create additional traffic issues. Mr. Whitig stated that due to the shared use nature of the property, that the applicant has not sufficiently satisfied his concerns with allowing the DD use. He further stated that if this were proposed for a standalone location that it may be appropriate for that type of location, but that what has been proposed is not sufficient enough to justify a zoning change.

Ms. Adler stated she generally agrees with Mr. Whitig that the proposed DD is not the best use of the property. Specifically she has concerns with the additional traffic and how it impacts the existing traffic pattern. Mr. Yaw stated that he generally agrees with Mr. Rodia's assessment looking at market conditions as well as assessing the present uses allowed at the location that the proposed DD use can work with appropriate traffic controls. He further stated there is an opportunity for EBS to work with DD to address both DD and future EBS parking and circulation needs as a whole. Mr. Lees stated he agreed with what Mr. Yaw had stated and that issues between DD and EBS can be worked out.

Mr. Hatton stated he is generally in favor of the proposed amendment. Specifically he noted as a condominium situation that each of the owners will need to work with one another collaboratively to address circulation issues that may arise. Mr. Pomerantz also stated that he is in favor of the proposed amendment for the aforementioned reasons. Additionally, he stated his concern with being too rigid with the zoning ordinance as to not consider additional uses from time to time as to reflect current retail trends. Further he acknowledged that any property is subject to potential development and/or redevelopment and that their unanticipated impacts cannot always be forecast. As such, for these situations safety considerations need to be evaluated and addressed, and that this applicant has done so thus far.

After Mr. Patriarca gave a general timeline of events, the following motion was made with Mr. Rodia, Mr. Pomerantz, Mr. Hatton, Mr. Lees and Mr. Yaw voting in favor and Mr. Whitig and Ms. Adler voting against it:

The Planning Commission at its meeting on May 4 discussed the proposed use of the existing bank building as a Dunkin Donuts and the majority voted in favor of recommending the Board of Supervisors consider this use. It will require an amendment to the Zoning Ordinance to permit this use in the Planned Office Campus (POC) District and to adjust the signage regulations in the District.

Public comment

There were no public comments.

Adjournment

9:30 pm (JL/RH)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary

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