

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
Wednesday, November 20, 2019 – 7:30PM

Present

Commissioners – All Planning Commission (PC) members were present. Also present was Planning Director, Will Ethridge, PC Solicitor, Kristin Camp, and Township consultant, Al Federico.

Call to Order and Pledge of Allegiance

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

Adoption of Agenda (JL/SR) 6-0

No changes were made.

Approval of Minutes

Planning Commission Special Meeting – 11/7/2019 (JE/KF) 6-0

Announcements

None

Public Comment – Non Agenda Items

None

New Business

None

Old Business

- 1. Toll Bros. Crebilly Farm development application** - Kristin Camp, Township solicitor, referred to the draft letter she prepared on behalf of the PC to the BOS in regards to the submitted Toll Bros. development application for conditional use approval. She confirmed her judgement that the applicant had not demonstrated compliance with the criteria in §170-2009(D)1(h) of the ordinance and therefore, the application can be denied on that basis. Ms. Camp also referred to Al Federico's review letter that included most notably, the deficiencies of the application including insufficient and unverified site access distances, as well as inconclusive traffic impacts due to the use of outdated traffic counts and the use of incomplete or outdated data to derive assumed diversions and crash summaries.

Al Federico recapped his review letter provided to the PC summarizing a list of deficiencies with the application regarding the traffic impact of the proposed development. He emphasized that the way the transportation study was developed, the age of data chosen for the analysis, and methods of measurements used, made the application not credible. In his opinion, those items needed to be addressed by the applicant.

Mr. Embick raised a question as to whether the township could argue that the additional traffic caused by the proposed development would impinge on the protected values in the Pennsylvania Constitution, and therefore, failure to provide information on those projected impacts could be further grounds for denial. Ms. Camp did not believe such an argument would be legally supportable.

Mr. Pomerantz questioned the reason behind the applicant choosing not to provide a credible analysis. Mr. Federico speculated that the traffic engineer had treated the analysis as an update and not a new study. However, in his opinion, it was a new application submitted to the Township that called for new data.

Mr. Pomerantz asked Mr. Federico for any feedback from PennDOT regarding the application. He responded that PennDOT expected the proposal to move forward with the applicant providing whatever mitigation was required to meet the agency's standards.

Mr. Flynn asked if the updated traffic study included the additional traffic generated by new Toll Bros. development off Teague Rd in East Bradford. Al Federico clarified that the applicant addressed that as a part of background growth; and he provided a summary on how the traffic studies were developed.

Mr. Embick inquired whether the applicant provided any information about the effect of traffic on the constitutionally protected values he noted earlier. Mr. Federico confirmed that they did not.

Mr. Flynn pointed out that there were other items to serve as reasons for denial. Ms. Camp recapped that the application was not consistent with a newly adopted Comprehensive Plan. She referred to the list of those deficiencies provided by John Snook, the Township's planning consultant.

Mr. Embick suggested requiring the applicant, as a condition, to provide an environmental assessment. Ms. Camp noted that there were no legal cases where an application was denied due to an applicant not providing evidence of impact on protected values. She argued that if the Township wanted an applicant to demonstrate that impact in some form, it had to be included in the zoning ordinance with specific criteria on what and how those items would be assessed. She suggested looking into the specifics of an environmental assessment and building standards around that. After a brief discussion, the PC decided to include the requirement for an environmental assessment as a condition.

Motion to recommend to the Board of Supervisors the denial of the Toll Bros. Application for conditional use approval. (DP/SR) 7-0

In the event that Applicant presents evidence or more recent traffic reports, revised grading/intersection designs, updated traffic counts, more in-depth modeling and more comprehensive safety studies to address the comments and noted deficiencies in the Traffic Engineer's October 15, 2019 review letter to satisfy its burden of proof under Section 170-2009.D(1)(h) or revises the Plan so that it is consistent with the Comprehensive Plan as required by Section 170-902.D, the Planning Commission recommends that the Board approve the application subject to the conditions noted in the November 2019 letter.

Ms. Camp recapped the list of 47 conditions as stated in the motion and referenced in the draft letter prepared on behalf of the PC to the BOS. A list of conditions was compiled from the review letters provided by various consultants and the public. PC members went through the list and made final edits as appropriate. Several of those included:

- Restrictions on construction times
- Pedestrian/bicycle facilities within the proposed development
- Paving and trail maintenance
- Impervious calculation changes
- Sufficient parking for school buses
- Additional parking concerns
- Public sewer tie in
- Structural integrity of the existing bridge
- Incorporation of the Chester County Planning Commission comments
- Darlington Inn and improvements to Rt. 926 and 202 intersection
- Right-of-way related project modifications

Mr. Pomerantz noted that at the next PC meeting scheduled for December 4, 2019, Ms. Camp would present a final draft of conditions for the PC to vote on.

Public Comment

The public brought up the following concerns and suggestions to the PC to consider:

- Recommendation to include something about perpetual deer management
- Maintain the bridal path in the area outside the fence
- Maintain the pastoral aspect of the community and access that will allow for equestrian use
- Consideration to the corn cribs by the main barn, by the pond and the scale house
- Document the inside and outside of all the homes located on the property for historic preservation purposes
- Working with the walkable Brandywine Battlefield and maintain the part of that trail system
- Impact on the school system and the taxpayers

Reports

Board of Supervisors

Adjournment (JL/RH) 7-0

Meeting was adjourned at 10:40 pm.

Next PC Meeting:

December 4, 2019, 7:30 pm – Township Bldg (last meeting of the year)

PC Representative at next Board of Supervisors Meeting:

December 2, 2019 – Jim Lees/Elaine Adler

December 16, 2019 – Russ Hatton/Jack Embick

Respectfully submitted,

William Ethridge, Planning Commission Secretary