

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Cheyney University of Pennsylvania
Marian Anderson Music Center
1882 University Circle, Thornbury Township, PA 19319

Wednesday, July 8, 2020 – 6:00PM – 8:30PM

Present

Commissioners – Planning Commission (PC) member, Elaine Adler was absent, all others were present. Also, present were Gregg Adelman, Toll Bros. solicitor, Nicole Kline, Toll Bros. traffic consultant, Kristin Camp, PC solicitor, Al Federico, traffic consultant, Planning Director Will Ethridge, and Planner, Mila Robinson.

Aaron A. Walton, President of Cheyney University, provided a brief overview of the University's history, shared the vision for the future and welcomed the attendees. Mark Corbin, Event and Conference Services Manager of Cheyney University, reminded the attendees to follow the health and safety guidelines to maintain social distancing throughout the meeting.

Call to Order

Mr. Hatton called the meeting to order at 6:10 PM. Mr. Hatton thanked Aaron Walton and Mark Corbin for providing an opportunity to hold a meeting, Kristin Camp for providing legal guidance, Al Federico and other consultants for professional expertise and residents participating in the process. Mr. Hatton reminded the attendees about the goal and the formatting of the meeting.

New Business

None

Old Business

1) 2019-01 Toll Brothers-Crebilly Farm II CU Application

Kristin Camp briefly explained the process behind the decision to hold the public meeting at Cheyney University, which was a change from the originally scheduled meeting at the Public Works garage. She also noted that the Township tried to accommodate those who chose not to attend in person meeting by providing an access via virtual platform (Zoom).

Kristin Camp reiterated that the PC was an important advisory body in the land development process, including the current review of the Toll Bros. Conditional Use (CU) application for the development of Crebilly Farm. She reminded everyone that it was the second application submitted by Toll Bros. seeking an approval pursuant to Sections 170-909 A and C of the zoning ordinance to allow flexible development for 319 homes.

Kristin further explained that under the CU the proposed development was an appropriate use of the property in AC district as long as the applicant could meet the criteria under the zoning ordinance. She noted that the ordinance defined what those criteria were and the burden of proof was on the applicant to demonstrate that the ordinance standards would be met. She further explained that if the applicant met the standards, the BOS by law was supposed to approve the development unless objectors who were entered as parties at the hearing could present substantial evidence that this particular flexible development would create more negative impact than you would normally see from a traditional subdivision of 319 homes. Kristin reminded that the Public

Hearing would take place on July 21 at the Uptown Theatre in West Chester at 6pm with all precautions being taken for safety of those in attendance.

Kristin recapped for those in attendance that the PC had been working on drafting recommendations to the BOS in response to the second CU application from August to December 2019. To address some of the PC's comments, Toll Bros. made a decision to provide an alternate concept plan, which they presented to the PC in January 2020. The concept plan was again a flexible development with some changes, including shifting of the development to the east, providing more trail and pedestrian network, and adding a connection to public sewer. Since February 2020, the PC had been evaluating the alternate plan and subsequent supplemental information submitted by the applicant along with feedback from the township consultants and the public.

Kristin then explained that the goal of the meeting was to review some items related to previously expressed traffic concerns and to make a final motion on the PC's recommendations to the BOS. She emphasized that those recommendations were not legally binding and it was up to the BOS to make a final decision.

Gregg Adelman, Toll Bros. solicitor, presented plan revisions based on previous comments from the PC. He reiterated that the alternate plan pushed the development eastward by 500-600 feet with the open space area of approximately 76 acres, showed additional walking trails and pedestrian connections throughout the property. He noted that the plan had changed a little bit since the last PC meeting to address the PC's comments. Mr. Adelman pointed out that right angle intersections were changed to curved streets resulting in some of the housing units shifting west; the plan now showed a connection to public sewer and eliminated an on-site wastewater treatment facility that was previously proposed in the northwest and the southeastern corners of the property; and the plan shows an equestrian area where horse riding would be permitted.

Mr. Adelman reminded everyone that previous discussions with the PC included on-site and off-site traffic improvements, specifically, PennDOT related improvements at the intersection of Rt. 926 and S New St, the intersection of Rt. 202 and 926, the intersection of Rt. 202 and W Pleasant Grove Rd, and the intersections along W Pleasant Grove Rd, including the intersection with the proposed collector road as well as two site entrances. He pointed out that there was no discussion about the W Pleasant Grove Rd and New St intersection as there were no improvements proposed in that location. Main highlights included:

- Intersection of Rt. 926 and S New St:
 - Plans were provided to PennDOT for review and were tacitly approved.
 - As per PennDOT requirement, Toll Bros. prepared appraisals to attempt to acquire additional right-of-way (ROW) to be able to complete proposed improvements. Toll Bros. submitted the offers to those property owners to purchase the ROWs with 10% above the appraised amount. The response from Spackman Trust and Thornbury Township indicated that they were not agreeable to provide ROWs primarily due to the potential impact on the existing houses adjacent to the roadway.
 - If the ROWs are acquired, Toll Bros. are prepared to make all necessary improvements. If Toll Bros. are unsuccessful at acquiring those ROWs, it will be up to PennDOT to determine next steps.
- Intersection of Rt. 202, Skiles Blvd and Stetson MS:
 - Plans were provided to PennDOT for review and were tacitly approved.
 - As per PennDOT requirement, Toll Bros. prepared appraisals to attempt to acquire additional right-of-way (ROW) to be able to complete proposed improvements. No

response from the condominiums located on Skiles Blvd.

- Out of Stetson MS approach, the existing single left turn lane, dedicated thru lane and dedicated right turn lane are proposed to be changed to two dedicated left turn lanes and a shared thru right-turn lane to accommodate additional traffic.
- Proposed modifications on Skiles Blvd approach to line up the lanes include dedicated right, dedicated thru and dedicated left-turn lanes. It would require ROWs.
- Intersection of Rt. 202 and 926:
 - No traffic impact by the proposed development at the intersection of Rt. 202 and 926 according to the traffic study submitted by the applicant.
 - PennDOT is planning improvements at this intersection, including adding capacity on the eastbound Rt. 926 approach.
- Intersection of Rt. 926 and Collector Road:
 - Turn lanes to the left and right on Rt. 926 to turn into the collector road from Rt. 926 as well as the signalization.
 - Pending PennDOT review and approval.
- Collector Road:
 - The applicant emphasized that the safest option was previously proposed stop sign control on Collector Road approach.
 - To address PC's concerns, the applicant presented a design plan with a mini roundabout at W Pleasant Grove Rd and Collector Road. The applicant also presented a design plan for a full roundabout as requested by the PC. However, the applicant emphasized that a full roundabout would have a significant impact on the primary and secondary conservation areas.

Al Federico, Township traffic consultant, summarized some of the comments provided by PennDOT regarding the proposed improvements, such as signal coordination along the roadways, widening of Rt. 926 and Rt.202, and the need to acquire ROWs. He strongly recommended a full roundabout at proposed Collector Road and W Pleasant Grove Rd in lieu of proposed stop control or a mini roundabout presented by the applicant. Mr. Federico recognized that there would be an impact on conservation areas, which he suggested to be deferred to the solicitor and BOS to explore whether it was permitted by the Code. He also suggested that a full roundabout could be shifted more to the east and have the same impact to the adjacent property (church) that the mini roundabout concept would have, which further lessened the impact to environmentally sensitive areas. Mr. Federico also expressed his preference for a curved internal circulation versus previously proposed right-angled streets. He didn't have any objections to proposed modifications at Rt. 202, and the Skiles Blvd/Stetson MS intersection.

Mr. Flynn raised a question about what would happen if the needed ROWs were not acquired. Mr. Federico suggested that PennDOT would require an applicant to come up with an alternate transportation plan.

Mr. Rodia asked whether there would be a pedestrian crossing at the roundabout location. Mr. Adelman confirmed that only if there was a ROW available to provide that connection.

Mr. Lees expressed his concern that it was not very clear which items requested by the PC were addressed by the applicant. Al Federico recapped that the most significant outstanding items included sight distances, Rt. 926 and S New St intersection, coordination with the church regarding site access, and the W Pleasant Grove Rd deceleration.

Mr. Sennett asked the applicant to elaborate why they did not recommend a full roundabout in the location where the applicant indicated a mini roundabout was possible. Nicole Kline responded that the full roundabout design would have a more significant impact on the church's property and its design criteria would require shifting the alignment of the W Pleasant Grove Rd affecting adjacent property owners. Mr. Adelman added that the reason the applicant did not prepare a design plan placing a larger roundabout in lieu of a mini one, was because it would have affected private properties Toll would not own. He reiterated that the location for a full roundabout was chosen based on the land available to the applicant and because of the impact a full roundabout would have on sensitive environmental features present near the intersection.

Kristin Camp believed that if the PC was in favor of a full roundabout and the BOS did not object, the zoning ordinance allowed for that impact. Mr. Adelman disagreed with her assessment stating that the full roundabout was not deemed necessary, and from a practical perspective, a stop control would be sufficient. He reminded that the reason a concept plan for a mini roundabout was presented was to address some comments regarding additional traffic calming and aesthetics at that location.

Motion to deny the application because the applicant has failed to adequately demonstrate that the proposed development does not unreasonably or significantly affect the values protected by Article 1, Section 27 of the Pennsylvania Constitution known as the "Environmental Rights Amendment" (the "ERA") that is "the right to clean air, pure water and preservation of natural, scenic, historic, and aesthetic values of the environment." Additionally the Planning Commission does not believe that Applicant has demonstrated compliance with the criteria in 170-2009.D.1.h of the Ordinance and therefore, the Second CU Plan and application should be denied on that basis. Based on the Township Traffic Engineer's review of Applicant's Transportation Impact Study, as well as the Supplemental Plans and the Revised Alternate Plan, the Planning Commission believes that Applicant has failed to provide credible evidence to demonstrate that the proposed flexible development will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The Planning Commission bases this conclusion on the comments made by the Traffic Engineer in his review letters dated 3/13/20, 5/13/20, 7/2/20, and 7/6/20.

If however, the Board were to find that the ERA is not a basis to deny the Second CU Plan or that Applicant has presented sufficient evidence to demonstrate compliance with the criteria in Section 170-2009.D.1.h of the Ordinance, the Planning Commission prefers that Applicant implement the Revised Alternate Plan and the Board impose 49 recommended conditions, as outlined in a written report which has been developed during previous meetings and is to be finalized by the Planning Commission's solicitor. JE/SR (6-0)

Kristin indicated that the final recommendation letter would include supplemental materials that the PC had reviewed throughout their various meetings on the application.

Public Comment

The public raised the following concerns:

- The disbelief that there would be no traffic impact as presented by the applicant.
- Traffic increase at the Stetson MS, Rt. 202 and Skiles Blvd by the proposed development.
- Call for synchronization of lights along Rt. 202 and Birmingham Rd.
- The impact of roadway improvements on historic properties at the intersection of Rt. 926 and S New St.
- The opinion that the development of 317 homes is a huge strain on the township's and West Chester area's resources, from the school district to emergency services.
- The amount of additional cars in the development and their impact on nearby roadways.

The question about what calculations were included in the traffic impact study.

- The question about the best solution for a traffic flow – mini roundabout or a full roundabout or a stop sign.
- The increase of travelers cutting through the collector road and Orvis Way to avoid Rt. 202.
- Traffic increase of local roadways and through adjacent neighborhoods.
- Judy Lizza of Thornbury Township emphasized the Chimney House as an important historic resource and that they proposed improvements to the intersection of Rt. 926 and S New St will have a significant impact on that resource.
- Thornbury Township provided a letter indicating that traffic from the proposed development would not be permitted to cross SR926 into Thornbury and recommending that the site be preserved for its historic value.

Adjournment

Meeting was adjourned at 8:50 pm.

Next PC Meeting:

July 15, 2020, 6:30 pm – Virtual (via Zoom)

PC Representative at next Board of Supervisors Meeting:

July 20, 2020 – Kevin Flynn / Jim Lees

Respectfully submitted,

William Ethridge,

Planning Commission Secretary