



WESTTOWN TOWNSHIP

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December 15, 2023

VIA EMAIL

Ashu Distributor LLC
1014 Wilmington Pike
West Chester, PA 19382

**Re: Preliminary Plan Land Development Application – Completeness Review
Kashmir Singh LD – 1014 Wilmington Pike**

Dear Mr. Singh:

The Township is in receipt of an application for approval of a preliminary plan for the property located at 1014 Wilmington Pike submitted by the applicant, Ashu Distributor LLC, on December 7, 2023. The application is to address parking requirements and gas pump setback requirements for the existing automobile service station, where modifications were completed without Township's review and approval. The 1.9 acre property (tax ID # 67-4-9.2) is zoned C-2 Highway Commercial where automobile service stations are permitted by special exception provided that all gasoline pumps and service facilities are set back at least 30 feet from the street line and provided further that no service station shall be located within 500 feet of another service station on the same side of the street. The property fronts Wilmington Pike and is serviced by public water and sewer. Prior to change of ownership and improvement activities, the property has been used as a gas station and was improved with a 1-story building with auto service area accommodating three vehicles and a small retail area, gas canopy with three gas pumps, two additional gas pumps, trash container and unmarked parking areas.

The Township became aware of improvements taking place without a permit and issued a stop work order on June 10, 2022. The applicant has submitted a building permit application retroactively. The proposal was to convert the garage portion of the building into the retail area, add concrete walkway with an ADA ramp, designate parking areas, install a trash enclosure and remove two gas pumps. The placement and number of gas pumps under the canopy remained the same. The Zoning Officer has determined that seven parking spaces, including one handicapped parking, met the Township's parking requirements. In summer 2023, the Township became aware of additional construction activities taking place. Upon request, the applicant submitted a site plan acknowledging that the number of pumps under the canopy increased from three to five. That modification resulted in the incompliance with parking requirements, which the Township requested the applicant to address. The applicant submitted a land development application to remove a portion of the guardrail to install a 160 square foot parking area and retaining wall to accommodate placement of handicapped parking.

This letter shall serve as a review of the application to determine its overall completeness prior to commencing the land development process per Chapter 149 Section 601 of the Westtown Township Subdivision of Land Code. The following items were received by the Township:

1. Application for Approval of Preliminary Plan dated December 06, 2023 and application fees;
2. Act 247 County Referral Form;
3. Escrow Agreement dated December 6, 2023;
4. Subdivision and Land Development Information Sheet;
5. Land Development Plan Set (sheets 1-2) prepared by Crossroads Group LLC, dated December 6, 2023.

Pursuant to the standards for preliminary plan applications articulated in the Township Subdivision of Land §149-602, the Township considers the application complete with the following deficiencies that need to be addressed prior to scheduling the application for the Planning Commission meeting:

General Comments

1. The plan set depicts a new location of gas pumps as existing, which is what has been installed without an approval from the Township. Therefore, the applicant shall revise the plan to indicate conditions that existed as per the approved building permit plan (B-2022643) for interior renovations. That plan depicted three gas pumps under the canopy, seven parking spaces, including one handicapped parking space, and placement of the trash enclosure.
2. The completed Act 247 County referral form notes that the application is for preliminary and final land development plan. However, the application does not include a waiver request from §149-700.A that requires the submission of the final plan to the Township after the approval of the preliminary plan.

The Township needs clarification whether the applicant seeks a waiver; otherwise, the application is only reviewed in accordance with the preliminary plan review process. Once such clarification is received, the Township will review the submission in accordance with the final plan requirements.

Preliminary Plan Requirements

1. §149-602.B(9) requires precautionary and prohibitive slope areas to be noted as defined by Chapter 170, Zoning.

The applicant shall depict precautionary and prohibitive slope areas on the plan or include a plan note addressing the requirement.

2. §149-602.B(10) requires the applicant to include location and ownership of all existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, watercourses, trees, wetlands (or certification that none are present), soils, easements, rights-of-way and other significant man-made or natural features within the proposed subdivision and within 50 feet from the boundaries of the proposed subdivision.

The applicant shall verify that all items as required are depicted on the plan.

3. §149-602.B(11) requires the applicant to include all existing buildings, structures and other significant structures including parking areas, recreational areas, open space, etc.

The applicant shall include labels to identify existing and proposed improvements.

4. §149-602.B(12) requires the applicant to include all existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

The applicant shall indicate approximate grades on the plan.

5. §149-602.B(13) requires the applicant to include a statement of the intended use of all nonresidential lots.

The applicant shall include a statement describing the proposed use of the property.

6. §149-602.C(3)(d) requires the applicant to indicate the location of water mains and fire hydrants.

The applicant shall depict the location of water mains and fire hydrants on the plan.

7. §149-602.C(4) requires the applicant to provide supplementary data.

The applicant shall provide statements as applicable to the proposed land development.

8. §149-602.D requires the preliminary plan to include the plans in accordance with Article VIII of the Subdivision of Land Ordinance, including conservation plan in accordance with §149-801, landscape plan in accordance with §149-802, stormwater management plan in accordance with §149-803.

The applicant shall demonstrate compliance with this requirement.

9. §149-602.E requires the preliminary plan to include all supplementary studies in accordance with Article VIII of this chapter as required by the Township.

The applicant shall demonstrate compliance with this requirement.

Zoning Ordinance Requirements

1. §170-11A06.D requires the applicant to submit a plan which includes a certification from the Chief of the fire company responsible for serving the site as to the adequacy of access for emergency vehicles and the sufficiency of available water for fire-fighting purposes. Where the water source is off site, suitable arrangements to assure access at all times shall be demonstrated by the applicant.

The applicant shall demonstrate compliance with the requirement.

2. §170-1602.B requires pump islands and any similar equipment or facilities to be set back at least 30 feet from any property line or street right-of-way. Per §170-1511, Establishment of future right-of-way widths for streets, the future right-of-way of U.S. Route 202 (Wilmington Pike) is 120 feet, which is depicted on the provided plan set. Two relocated gas pumps do not meet the required setback.

The applicant shall revise the plan set to demonstrate compliance or seek a variance with the Zoning Hearing Board to permit gas pumps closer than 30 feet from the street right-of-way.

3. §170-1602.F requires all used tires and parts, trash and similar objects shall be stored within a solid brick or concrete enclosure in the rear half or, in the case of corner sites,

the rear quarter of the site, and shall be secured against dispersal by wind or water from such site.

The applicant shall indicate the location of relocated trash enclosure and compliance with this requirement.

4. §170-1602.K(2) requires each self-service island an automatic fire-suppression system, the design and installation of which is approved by the Fire Marshal.

The applicant shall provide verification that this requirement is met.

5. §170-1702.A requires that a 24-foot wide driveway aisle to be provided. The depicted driveway aisle does not meet this requirement.

The applicant shall revise the plan set to demonstrate compliance or seek a variance with the Zoning Hearing Board.

6. §170-1705.B(7) sets parking requirements for automobile service stations: Parking or storage space for all vehicles used directly in the conduct of the business, plus:
 - (a) One parking space for each gas dispenser;
 - (b) Three spaces for each service bay or similar facility; and
 - (c) One space for every two persons employed on the premises.

The number of provided parking spaces as depicted on the plan set is incompliant with the parking requirements.

The applicant shall revise the plan set to demonstrate compliance or seek a variance with the Zoning Hearing Board to permit the proposed number of parking spaces.

Please be advised that deficiencies described in this letter might not represent all items to be addressed during the land development process. If you have any further questions, please feel free to contact me.

Thank you,



Liudmila Carter
Director of Planning & Zoning

Cc: Jon Altshul – Westtown Township Manager
Patrick McKenna, Esq. – Westtown Township Solicitor