

Minutes of Meeting West Pikeland Township Planning Commission
February 11, 2008

The regular meeting of the West Pikeland Township Planning Commission was convened on February 11, 2008 at the Township Building at 1645 Art School Road in Chester Springs, Pa.

CALL TO ORDER

The meeting was called to order at 8:00 p.m. by Frank Best. Other Planning Commissioners in attendance were Tom Dinan, Bill Normoyle, Paul Dowie, John Henssler, Sean O'Neill and Albert Wachsmuth. Also present were Township Engineer Ted Gacomis, Subdivision Officer Harry Miller, and Township Manager, Jeri L. Diesinger. Linda Glaum attended as a representative of the Park and Recreation Board. Frank Tavani was present as an ex officio member of the Planning Commission.

APPROVAL OF MINUTES

Mr. Best called for the approval of the meeting minutes of January 14, 2008, 2008. Mr. Best noted a typographical error to be corrected and, there being no further discussion, on motion by Tom Dinan, seconded by Bill Normoyle, the minutes were unanimously approved.

PERSONS WISHING TO BE HEARD

Chairman Best asked whether any persons in attendance wished to speak to matters not on the agenda. There were no persons present wishing to be heard.

OLD BUSINESS

A. **BRYN COED FARMS SUBDIVISION EXTENSION.**

Jeri Diesinger reported that the current extension expires March 7, 2008. The Township is awaiting the final plans with the notes revised to reflect the necessary cross references to an environmental indemnification by the applicant of the Township.

Due to the pending expiration of the current extension, Sean O'Neill moved that the Planning Commission recommend to the Township that they secure a further extension but that, absent such further extension, the Township deny the subdivision based on failure to satisfy the condition regarding environmental indemnification satisfactory to the solicitor. Bill Normoyle seconded the motion, and the resolution for such recommendation was unanimously adopted.

B. **HARB MEETING REPORT**

Frank Best reported that he attended the recent HARB meeting, as the newly appointed Planning Commission member of HARB. Much of the meeting was focused on determining the HARB's role. Certain members felt the HARB Board should be proactive in terms of its scope of work and matters to monitor. The consensus concluded, after discussion, that its role was limited to review of applications submitted. Frank Best noted that those members that wished to proactively brainstorm could meet or talk to do so, but that would not be part of the Board's official function, per its charter and the statute. There also was discussed the delineation of the differences and scope of review of HARB in registered historic districts and that of the Historic Commission with respect to all class I and class II resources under the Zoning Ordinance whether or not in a registered district.

C. DAVISON LAND DEVELOPMENT PLAN, 921 KIMBERTON ROAD

Tom Oeste, Esquire, appeared on behalf of the Applicants. He referenced the letter review of the plan by Yerkes, as Township engineer, dated February 2, 2008. Mr. Oeste stated that there are 3 issues of substance raised by the review:

- (1) the on lot septic system is not properly functioning and a replacement system (possibly a holding tank) needs to be approved;
- (2) the Applicant is awaiting a letter for adequacy of the plans from the Chester County Conservation District (which they anticipate will be issued shortly); and
- (3) the Applicant is also awaiting a highway occupancy permit from PaDot, which they understand has been approved and will be in hand shortly.

Mr. Oeste reminded the Planning Commission that they are requesting a waiver with respect to the driveway grade limitation of 10% to permit the grade to be 12.5% on the driveway at certain points.

Tom Dinan questioned the notes on the E&S plan as follows:

- (1) The note regarding contacting by the developer of the cccd in the event significant changes are made is not clear as to who determines when that's necessary;
- (2) The note regarding the requirement for maintenance of bmp's until the site is stabilized is unclear since they should be maintained throughout the process.

Frank Tavani questioned the use of grass pavers in the parking area. Mr. O'Neill explained that these had been implemented due to the impervious cover restrictions in the area of the riparian buffer.

Frank Best asked about the grade waiver and Mr. Oeste noted that, in Mr. Cooke's opinion, it is permissible by zoning due to the existing nonconformity of the driveway grade. Mr. O'Neill stated he does not object to the grant of the grade waiver under the SALDO based on the reasons stated by the Yerkes review letter recommending the waiver.

Regarding the septic system, Mr. Oeste stated that the soils should support installation of a new system and that is the present plan. He wished however to hold out the possibility of installation of a holding tank should the installation of a new system prove infeasible on the site.

On motion by Tom Dinan, seconded Bill Normoyle, the Planning Commission unanimously resolved to recommend *approval* of the plan *subject to the following conditions*:

1. Prior to issuance of a U&O permit for the proposed gift shop, an on-lot septic system or holding tank shall be installed and operational as approved by the Chester County Health Department. Because a site has been tested and found satisfactory for replacement of the existing septic system, the installation of such replacement system shall be required (rather than holding tank) unless, due to presently unforeseen circumstances, the septic system installation proves infeasible anywhere on the lot, as confirmed by the Township code enforcement officer after Chester County Health Department review, due to circumstances presently not known;
2. Receipt by the Township of a copy of the adequacy letter from the Chester County Conservation District, regarding the erosion and sedimentation control plan for the property;
3. Receipt by the Township of a copy of the highway occupancy permit from the Pennsylvania Department of Transportation for the Property;
4. On the Conservation Plan, sheet 4 of 7, the word "significant" is to be removed from the note which reads: If any significant changes are to be made to the erosion and

sedimentation control plan, the builder or land owner will contact the Chester County Conservation District.

5. In the Conservation Plan note, (same sheet) commencing with the words “[u]ntil the site is stabilized...”, those words shall be removed so that the requirement for maintenance of BMP’s applies before and after stabilization of the site.

MISCELLANEOUS

John Henssler reintroduced discussion of a citizens’ petition which had been presented to the Township concerning recommended changes to the Zoning Ordinance.

.A general discussion of the petition followed. The petition seeks, among other things , to restrict hunting on a preserve. The intent is not clear as the term “preserve” is not defined in the ordinance or in the petition. The petition also seeks to amend the ordinance to prevent a problem regarding the location of road cinder storage by the Township. It is noted that Section 502(a)(8) of the zoning ordinance allows use for municipal purposes in all districts. The consensus was that it would be overly broad to remove that provision generally since it would limit the Township’s flexibility for other municipal uses such as recreation and the like in the Township. There followed a discussion of the status of the road cinders storage problem and the need for a suitable location. Jeri Diesinger reported that the Wyndolph tract is under consideration as are other sites. Presently the salt and cinder storage is continuing under a friendly lease arrangement with the new owners of the old Township building until April, but the Township will need to find a replacement location after that. The Township is continuing to study several areas.

Frank Best expressed a concern that in considering the petition, the Township needs to be careful that is not reacting in an ad hoc or piecemeal fashion in legislating changes to the zoning ordinance, which can lead to arbitrariness or appearance of same.

After discussion, the consensus was that some matters raised may warrant further consideration, and that these or other proposed changes should be considered in the context of a broader review of the Ordinance and in the context of Township wide planning objectives. No formal action taken or recommended at this time.

The Planning Commission also discussed the status of the ACMEC temple application. Jeri Diesinger reported that the Applicant had refiled their land development application. The Planning Commission questioned whether Yerkes should be reviewing the application for the Township, given that they prepared the original plans for the Applicant. This issues is unresolved. The Planning Commission reiterated their consensus concerns that the temple appears to be of a size and height not compatible with the character of the neighborhood and not consistent with the scale of a worship facility contemplated by the zoning ordinance in a residential neighborhood. These concerns and others were expressed in formal review of the prior filed plans and conditional use application. No formal recommendation was made at this time on the newly refiled applications as they have not been received yet by the Planning Commission. The Planning Commission asked that the Township manager and Engineer verify the status of the submissions to ensure that they are complete so that timely reviews can be made. Mr. O’Neill noted that the use will require review of both the conditional use and the land development applications, so that it is important to note which have been refiled.

ADJOURNMENT

There being no further business, on motion by John Henssler, seconded by Bill Normoyle, the meeting was unanimously adjourned at 8:45 pm.

Respectfully Submitted,

Sean O'Neill

Sean O'Neill, Secretary