

East Bradford Township Planning Commission Meeting Minutes July 28, 2020

The July meeting of the Planning Commission was held on July 28, 2020. In an effort to minimize public exposure to COVID-19 and maintain social distancing, the meeting was held via Zoom teleconferencing. A public notice was published in the Daily Local News on June 30, 2020. The agenda and dial in numbers were also posted on the Township website at <https://www.eastbradford.org/government/boards-commissions/> on July 21, 2020.

Commission members present:

Anthony (Tony) Biacchi, EdD, Chair
Kathryn Deaville
Lucia Millet-Lajusticia
Joe Fautleroy
Robert Korbonits, Vice Chair
Wes Thomas, PhD

Commission members absent:

Ash Swayne

Staff/Professionals present:

Mandie Cantlin, Township Manager/Planning Administrator/Secretary
Mark Lucas, P.E., Township Engineer
Andrea Campisi, Director, Planning & Zoning/Zoning Officer/Recording Secretary

Staff/Professionals absent:

Michael P. Lynch, Director of Finance
Rich Phifer, Director of Property and Recreation
Planning Commission Solicitor
Planning Commission Special Counsel

Others in attendance:

Greg Radford, applicant
Pat Comerford

CALL TO ORDER: The meeting was called to order at 7:30 p.m. by Chair Biacchi who reviewed the agenda and virtual meeting procedures. Chair Biacchi asked for public comment on non-agenda items of which there were none.

PUBLIC COMMENT: None

MINUTES: Dr. Thomas made a motion to approve the minutes from the June 23, 2020 Planning Commission meeting as presented. Ms. Deaville seconded the motion. There was no further discussion and no public comment. The motion passed unanimously.

OLD BUSINESS:

650 SD Radford Sketch Plan – Discussion

The Commission was in receipt of reviews from:

Township Engineer (July 23, 2020)

Planning & Zoning Director/Zoning Officer (July 23, 2020)

- Parks & Recreation Board (June 24, 2020)
- Trails Committee (June 25, 2020)
- Historical Commission (July 21, 2020)
- EAC (July 27, 2020)

The following groups had no comment:

- Traffic Committee
- HARB

Greg Radford, the applicant, was present and thanked staff for their assistance with the application thus far. He reiterated his proposal to subdivide the existing 2.2 acre lot into two lots. He explained that the newly created lot is short on the minimum required lot area as well as the setback for the existing house on Lot 1. He said his goal is to create a sustainable net zero house. He addressed concerns raised at the last meeting with regard to trees being cut down to install the new driveway. He stated that the driveway will be underneath the canopy of the trees and reiterated that he will not be taking down any major trees but mostly removing scraggly undergrowth. He said the trees of major substance are further away from the driveway as shown in the photos he submitted. Mr. Radford wished to address the items raised in Ms. Campisi's memo. With regard to meeting the planted buffer, he said that can be done by shifting the proposed detached garage. Mr. Radford stated that his engineer does not believe that a variance will be needed to disturb steep slopes. To alleviate any concerns, however, he will have the engineer take section surveys of the slopes to verify that. He said he will shift the garage to comply with the planted buffer requirement. He said he hopes to reduce the side yard setback relief on Lot 1 to less than 1 foot. He said he will need relief on the lot area for Lot 2 and said he will talk further with Mr. Lucas about how to best address the slope issues in the final design.

Mr. Radford addressed Mr. Lucas' comments and said he would like to sit down with him to discuss the driveway design. Mr. Lucas said he believes it works now but said Mr. Radford will have to designate on a future plan where the driveway will be located. Regarding sightlines for the driveway, Mr. Radford stated that looking to the left when one exits the driveway there are some 8 inch trees that may have to be cut down and there is a large sycamore tree on the right hand side of the driveway that would

preclude meeting the required sight distance. Mr. Radford said he has lived in the residence for a long time and has never had an incident with the sycamore tree.

Dr. Biacchi noted that the lot area for Lot 2 is deficient but stated that the lot area for Lot 2 exceeds the minimum requirements. He asked Mr. Radford if the lot area can be adjusted to eliminate the deficiency on Lot 2. Mr. Radford said Lot 1 meets the minimum area requirement but Lot 2 is short by just over 900 sq. ft. which he said cannot be eliminated.

Dr. Biacchi asked Ms. Campisi that if the adjustments cannot be made with the detached garage, can landscaping ameliorate the variances needed for the side yard setback? Ms. Campisi said that could be something that Mr. Radford offers to the Zoning Hearing Board for consideration.

Dr. Biacchi asked if Mr. Radford is aware that the Trails Committee is no longer interested in pursuing a trail on his property? Mr. Radford said yes.

Dr. Thomas asked if the applicant has to go before the Historical Commission. Ms. Campisi stated that the plan was reviewed by the Historical Commission but stated that no relief is needed from them.

Ms. Deaville stated that Ms. Campisi's review states that four variances are needed. She asked if one is possibly not needed any longer. Mr. Radford said he can meet the 25-foot buffer adjacent to the garage. With regard to the 150 setback from historic resources, he said he proposes additional plantings along that area so he will need the three other variances.

Dr. Biacchi asked if the Planning Commission would remain neutral with the applicant's future submission to the Zoning Hearing Board. Dr. Thomas said yes. Mr. Fauntleroy addressed the sight distance issue and noted that it is a pass/fail item and is not something that can be waived. Mr. Lucas said he will go out and look at the sight distance. He stated that the Township follows PennDOT's guidelines for sight distance.

Mr. Fauntleroy wished Mr. Radford luck with the project. Mr. Radford thanked staff for their help through this process. Dr. Biacchi reminded Mr. Radford to not lose sight of the other issues such as stormwater raised by Mr. Lucas. Mr. Radford understood. He noted that he is looking to address stormwater with nonstructural issues.

NEW BUSINESS:

Conditional Use Application – 725 W. Miner Street Discussion/Recommendation

Dr. Biacchi stated that the Zoning Code prohibits two residences on one property and asked if the play school is considered a residence. Anthony Verwey, the applicant's attorney, said, "I am taking a more restrictive reading of the Code that there is only one use allowed on the property and that is the playschool." Mr. Verwey stated that his

client also has a variance application pending before the Zoning Hearing Board seeking relief from the single use limitation on the property.

Dr. Biacchi stated that the property is two acres and asked if the path of least resistance is to subdivide the property into two lots rather than seek relief from the Zoning Hearing Board? Jeff Hilker, the applicant, stated that the lot does not have enough frontage to be subdivided into two lots. Dr. Biacchi commented that there is plenty of distance between the playschool and the carriage house so there seems to be adequate space for the two uses so the residents will not be too close to the children. Mr. Verwey said his client will agree to a condition that requires potential tenants to fill out a background check form prior to signing a lease as an additional safeguard to protect the children.

Dr. Biacchi asked who would reside in the carriage house given its size. Mr. Hilker said likely a single person or a couple. Dr. Biacchi asked where the tenant would park their vehicle. Mr. Hilker said the tenant would park in the barn behind the carriage house or next to it.

Dr. Biacchi said he observed furniture in the barn and asked if anything else is going on inside the building. Mr. Hilker said that his furniture is being stored in the barn after his move from Pittsburgh several years ago. Dr. Biacchi wished to confirm that there is not a furniture refinishing business taking place in the barn. Mr. Hilker said, "No" and indicated that he uses the barn for storage.

Dr. Biacchi asked if any other Planning Commission members have driven by the site. Mr. Korbonits said he is familiar with the site as he used to work across the street. He stated that he was involved with the original conditional use application which required only the playschool to be located on the property and added that he does not like to see the original approval get modified. Mr. Hilker said the reason he is pursuing this is to restore the carriage house because if he does not do this then the carriage house will not be able to be saved.

Dr. Biacchi asked how many students are enrolled at the play school? Mr. Hilker said approximately 20. Mr. Hilker said there are three year old's at the school on Monday, Wednesday and Friday and two year old's on Tuesday and Thursday. Dr. Biacchi asked if there will be any interaction between the residents and the children. Mr. Hilker said, "No" because the play school is only open five days a week from 8:00 a.m. through 2:30 p.m.

Mr. Korbonits asked if Mr. Hilker runs the playschool. Mr. Hilker said he does not run it and stated that the building is leased out to the operators of the playschool. Mr. Korbonits asked about the history of the carriage house and if it is on the historic registry? Mr. Hilker said he doesn't know the date of construction of the carriage house but said it is on the Township's inventory. He stated that he went before the Historical Commission as part of this process.

Ms. Deaville asked whether the conversion of the carriage house would substantially change the exterior or the footprint of the building. Mr. Hilker said he plans to keep the exterior the same but will make the windows longer to take into consideration the height of the floor inside the building. Mr. Hilker also stated that the front overhang on the carriage house was added later and he would like to shorten it to keep it further from the road. Mr. Korbonits asked how many bedrooms would be in the carriage house. Mr. Hilker said the unit would have one bedroom.

Dr. Biacchi said there are townhouses that are closer to the carriage house than the playschool from looking at an aerial. He does not have an issue with the application, but said the Zoning Hearing Board would have to review it and make a decision.

Ms. Cantlin said the application has to go before the Zoning Hearing Board for the variance and it also through the conditional use process because of the condition that was imposed on the Mercer's Mill conditional use application. She said staff is looking for a recommendation from the Planning Commission on the conditional use application.

Mr. Verwey said condition 14 of the conditional use decision dated July 9, 2002 includes a restriction limiting the use of the property to the playschool and if that use ceases, then the use reverts back to a single family dwelling. He read in his requested change to condition 14 as follows:

"The play school lot shall be **subject to** ~~conveyed with~~ a deed restriction, the form and substance of which shall be satisfactory to the Township, which shall restrict the use **of the property** to either a play school **and**, ~~or if that use is discontinued for more than ninety (90) days,~~ one single family ~~home~~ **unit on the lot or no more than two single family units on the lot, one in the main house and one in the carriage house,** and no other use **or development.**"

Dr. Biacchi asked if the applicant is willing to restrict the carriage house to the existing footprint. Mr. Verwey agreed to that as did Mr. Hilker. Dr. Biacchi asked for the condition to be further amended to include that restriction. Mr. Verwey suggested adding the following language to the end of the condition, "the footprint of which will not be changed or altered".

Ms. Deaville asked if there is a shared driveway and if there is any issue associated with that. Ms. Campisi stated that a cross access easement exists over the driveway which serves Mr. Hilker's residence and the playschool/carriage house.

Mr. Korbonits asked if there are any issues with the septic system. Mr. Verwey said the carriage house will be connected to public water and sewer. Dr. Thomas asked if all buildings will be connected to public water and sewer or just the carriage house. Mr. Hilker said the playschool is already connected to public water and sewer and that the carriage house will be connected to public water and sewer. He stated that the sewer line is behind the playschool and did not anticipate any issues with the connection.

Ms. Deaville asked if the Homeowner's Association at Mercer's Mill has been notified of this application. Mr. Hilker said that the HOA had been informed. Mr. Lucas provided a summary of the Mercer's Mill application. Dr. Biacchi stated that the property was also posted when he visited it.

Chair Biacchi made a motion in favor of revising condition 14 as requested by the applicant. Dr. Thomas seconded the motion. Mr. Korbonits asked for the revised condition to be restated. Mr. Verwey restated the revised condition as follows:

"The play school lot shall be subject to a deed restriction, the form and substance of which shall be satisfactory to the Township, which shall restrict the use of the property to either a play school and one single family unit on the lot or no more than two single family units on the lot, one in the main house and one in the carriage house, the footprint of which will not be changed or altered, and no other use." Mr. Korbonits stated that he was not comfortable revising the condition. All members voted in favor of the motion except for Mr. Korbonits who voted nay.

Mr. Verwey thanked the Commission for their time.

Private Special Event Ordinance - Discussion/Recommendation

Dr. Biacchi asked who and what determines if support services are needed for special events subject to the ordinance.

Ms. Cantlin said a similar question was raised by John Spangler on the Trails Committee who asked if an event that has taken place for several years has done so without the need for support services then is that sufficient to determine that the event does not need support services and the event is therefore exempt from the ordinance. Ms. Cantlin said she did not have an answer to that question right now and stated that staff has been compiling questions raised from the advisory boards and would take those questions back to the Board of Supervisors for consideration. She noted that staff has spent a good deal of time drafting the application form that goes along with this ordinance and that the form collects information from the holder of the event which would go to the support service providers to ensure that the needed services would be provided.

Dr. Biacchi asked if a development-wide garage sale would trigger the need for a private special event permit. Mr. Lucas said that is the type of event where the Township wouldn't know how many people would attend. Dr. Thomas said an auction was the same type of event. Dr. Biacchi asked about the outside use of the football field owned by St. Agnes and if that would be considered use by a religious organization. Ms. Cantlin said these were all good questions.

Dr. Biacchi questioned the timeline in Section 8A and 8E of the ordinance and whether it is realistic. Dr. Biacchi asked, "What if the event sponsor hires a band and paid them in advance and then the permit is denied?" He cautioned the Township to protect itself from liability.

Ms. Deaville asked about events held at the fire station and Hillsdale Elementary School. She asked if those events would fall under this ordinance? Dr. Biacchi said the school district is exempt from the ordinance. Ms. Deaville asked about the parades held in the Borough which use the elementary school's property for staging and whether that would apply to this ordinance.

Mr. Korbonits asked about Chester County Day events. Ms. Cantlin said that was already noted in prior discussion of the ordinance. Ms. Deaville asked about events held at the Chester County Art center. Ms. Cantlin said this ordinance would not apply to an approved bed and breakfast estate. She wasn't certain what the approval of the Art Center states and what events were included in that approved use of the property. Ms. Deaville said, "We want to make sure that this is not too overreaching."

Dr. Biacchi asked about requiring liability insurance. Ms. Cantlin stated that was included in the ordinance.

Pat Comerford, a Township resident, asked if the application form was available to the public. Ms. Cantlin said it was in a very early draft form so was not ready to be shared. Mr. Comerford questioned limiting a private special event to 100 people. He felt that size is restrictive for a private wedding or party on private property. He asked if staff can review police records in West Whiteland Township and West Chester Borough and see what the issues are with special events before adopting such an ordinance. He raised concerns with costs for support services. He recommended letting people self-regulate private events. Mr. Lucas said original drafts of the ordinance included a sliding scale that allowed larger properties to have a larger number of attendees.

Mr. Korbonits asked what the genesis of the ordinance is. Ms. Cantlin explained that it was suggested by Pat Davis who works with Chester County Emergency Services after the Country Spirit Music Festival that was held several years ago near Ludwig's Corner. Ms. Cantlin explained that the event company refused to pay that township and other support service providers for their time expended while the event was underway since it was not codified in an ordinance. Ms. Cantlin stated that the cost to that township and other support providers was very high and that the purpose of the ordinance was to have a mechanism in place to plan in advance for what type of support services would be required for large events so that the Township and the tax payers do not have to pay the bill.

MISCELLANEOUS BUSINESS:

1. Application Updates
 - a) SD 641 West Chester Crossing – approved by the Board of Supervisors on July 14, 2020
2. Events – none scheduled

NEXT MEETING: The next Planning Commission meeting is scheduled for August 25, 2020.

ADJOURNMENT / CONTINUANCE

The meeting adjourned at 8:40 p.m.

Andrea Campisi
Planning Commission Secretary

CURRENT TIME CLOCKS

Application	Clock Expiration	Next Extension to be Considered
CU for Marshall B&B	October 25, 2020	6 th hearing
CU for Comerford B&B	January 31, 2021	Deadline to schedule hearing