

**EASTTOWN TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING MINUTES**

April 6, 2016 7:00 p.m.

Beaumont Elementary School

A special meeting of the Planning Commission held to consider the petition to amend the Zoning Ordinance and Zoning Map filed by Waterloo Devon, L.P. was called to order at 7:00 p.m. by Chairman Mark Stanish. Other members present: John McCarty, Mary Hashemi, Tim Brennan, Mike Cappelletti. Also attending: Eugene Briggs, Assistant Township Manager/Zoning Officer, Kristin Camp, Esquire, Solicitor, Lisa Thomas, Township Planner.

Ms. Camp introduced the Application and explained the purpose of the special meeting. She explained the “rules” of the meeting and asked that individuals who are represented by counsel to allow their counsel to speak on their behalf. She asked all members of the audience to sign in if they would wish to speak. The Planning Commission has allotted 20 minutes to the Applicants’ counsel, 20 minutes to Mr. Kohn, who represents Protestants and 3 minutes to other members of the audience.

Mr. Colagreco, Applicant Counsel, introduced the Application on behalf of the Applicants and explained the changes that have been made to the draft ordinance since the Planning Commission’s recommendation for approval at the November meeting in 2015. The ordinance allows a mixed use building to be maximum height of 50 feet as opposed to 60 feet and caps the number of dwelling units to 100. The ordinance includes a maximum floor area ratio at 1.25 and a maximum floor area ratio for residential uses of 0.9 as opposed to 0.8 to account for a calculation error by the Applicant Engineer.

Mr. Colagreco explained that since the Board of Supervisors’ hearing in February, the Applicants have met with the Residents (those who oppose the Application known as Protestants) and have attempted to address their concerns about the scale and density of the mixed use building.

Mr. Colagreco then presented an analysis of how the proposed zoning amendment is consistent with the Township’s Comprehensive Plan and asked that the Planning Commission take this into consideration when making their recommendation.

Mark Stanish asked if you add more land to the unified development, could there be more than 100 residential units. Mr. Colagreco answered no.

Mike Cappelletti commented that the ordinance addresses the Protestant concerns.

John McCarty had no questions.

Mary Hashemi stated that she is satisfied with the information that was presented.

Mr. Stanish explained to the audience what is currently permitted in the Zoning Ordinance for properties located in the PBO and in the R-3 District.

Joseph Kohn, Protestants Counsel, made a presentation on behalf of the Protestants. He was allotted 20 minutes to which he objected to this time limit. He stated that he does not believe that you can build a 50-foot building if you had 5 acres if setback 100 feet in the proposed Overlay District. Mr. Kohn thinks that the area and bulk regulations that would apply would limit the height to 35 feet. He remarked that the Protestants have no objection to the commercial uses, their only concern is with the residential building. Mr. Kohn pointed to his April 5, 2016 letter, which he explained that, if an appeal is filed from the Ordinance, Urban Outfitters will walk away from the project and not develop the property. He then presented a slideshow and his position that the Applicants' proposal is not good planning. Mr. Kohn thinks that the proposal is drastically different from the language in the existing Zoning Ordinance. He believes that the proposed mix use building will be the same type of building that Mr. Kahn has built in Malvern, West Chester, and Philadelphia. Mr. Kohn asked the Planning Commission to consider the opinion of Professor Sirico from Villanova who indicates that the proposed amendment is illegal spot zoning. Mr. Kohn then presented a Memorandum prepared by Edward Theurkaff, a Land Planner, who spoke to his conclusions in the Memorandum. Mr. Comitta, another Land Planner, presented a report. Mr. Comitta made suggested revisions to the Ordinance based on his opinion that terms in the Ordinance were undefined and unenforceable.

The public was then given an opportunity to speak.

Kira Sterling, 342 Sugartown Road, urged support of the Ordinance.

Mary Galligan, 213 Dorset Road, asked a question if a parcel within the unified development could be sold separately to which Mr. Colagreco confirmed that while the unified development requires a minimum 5 acre parcel, lots may be sold separately within the development.

Avis Yuni, 231 Waterloo Avenue, does not believe the Applicants have gone far enough in the changes. She does not think the unit cap or decrease in height will decrease the traffic and wants the medical property and the Lehman property to be removed from the Overlay District.

Ken Klaus, 138 South Devon Avenue, like the character of Devon with a small village setting. He does not think that the mixed use building is acceptable and has a concern over traffic.

Anna Marie Duryaea, 245 Sugartown Road, has concerns over sewer, stormwater, and traffic impacts.

Marty Cappelletti, 1129 Waterloo Road, spoke in favor of the proposal.

Mark Ward, 208 Dorset Drive, asked a question about where Mr. Colagreco obtained a copy of the Comprehensive Plan and wanted to know how the doctor's property and the Lehman property were added. Ms. Camp responded that the Township received correspondence from those property owners requesting to be included in the Overlay District.

Lynne Lewitt, 1128 Cymry Drive, has a concern over stormwater management and wants to see a more comprehensive plan.

Michael Lewitt, 1128 Cymry Drive, has a concern over Urban Outfitters pulling out. He asked if the mixed use building would be age restricted. Mr. Kahn responded no. Mr. Lewitt would like some sort of contribution by the Applicants for police and fire protection.

Jack Donlevie, 531 South Waterloo Road, has concerns over the intensity of the development. He believes that 85% impervious cover is too dense. He has concern over stormwater management. He thinks that this proposal will hasten the demise of the Devon Horse Show fairgrounds.

Carmen Wickland, 128 Berkley Road, wants the Planning Commission to focus on the Comprehensive Plan. He thinks it should be more of a traditional neighborhood design concept and does not think the 4-story building is consistent with what the Comprehensive Plan envisioned as a Town Center.

Everett Keech, 501 South Waterloo Road, has a concern over the increase in the number of residents and the impact on the Township's budget.

Gale Rawson, 132 Exeter Road, does not like the "cookie cutter" design and wants the Devon Horseshow property to be included in the Overlay District.

Emily Reed, 211 Dorsett Road, is concerned because there are many vacant stores now in Devon and doesn't want a large residential building. She thinks the development will increase crime and traffic.

Joan Bergquist, 217 Devon Blvd., does not believe that this is the proper use of an Overlay District.

Colleen Daugherty, 400 Sylvan Lane, is concerned over the impact of the development on the school and taxes.

Joe Wajdula, 185 Beaumont Road, wants existing trees on Waterloo Road to remain and is most concerned about allowing 85% impervious cover.

Lloyd Brown, 435 Beaumont Road, is also concerned over the 85% impervious cover.

John Lieberman, 229 Chester Road, read a statement from his wife Joy Lieberman in support of the proposal.

Jay Jennings, 212 Dorset Road, does not believe the development represents a Town Center.

Michelle Silva, 124 Berkley Road, thinks that this is a terrible idea and asks the Planning Commission to put themselves in her shoes.

Peter Neal, 303 Dorsett Road, is concerned over the fiscal impact.

Andy Gershbauch is concerned over parking garage setback.

Diane Jorosky does not support the residential development and believes it will have a domino effect and cause the Devon Horseshow property to be sold.

Dale Wygand is concerned about the impact on people wanting to reside in Devon.

John McCarty made a comment that the Planning Commission has done its due diligence and will consider many of the comments raised by the residents during land development.

Eli Kahn responded to a question and said that he will be targeting empty nesters. He believes the mixed use building will be the highest quality apartment building on Route 30 and there will only be approximately 7 to 11 students in the building. It will be a positive tax impact for the development.

Mary Hashemi asked if it possible to take action on May 03, 2016.

At the conclusion of the residents' comments, Mike Cappelletti made a motion to recommend that the Board approve the Ordinance, which was amended by Mary Hashemi to follow up with a letter on the Ordinance's consistency with the Township Comprehensive Plan after discussing consistency at the PC's Regular Session on May 03, 2016. John McCarty seconded the amended motion and the amended motion passed with Tim Brennan abstaining.

Respectfully submitted,

Kristin S. Camp, Esquire
Buckley, Brion, McGuire & Morris LLP
Planning Commission Solicitor