

**EASTTOWN TOWNSHIP PLANNING COMMISSION
WORK SESSION
MEETING MINUTES**

January 05, 2016

Work Session Meeting

Planning Commission members discussed the land development application for 26 Main Avenue. Gene Briggs explained the changes in this plan from the prior land development plan that had been approved by the Board of Supervisors in October of 2013. The Planning Commission expressed concern over the parking spaces for the townhomes in the rear and compared the size of the townhomes on the new plan with the approved plan. The Planning Commission also discussed their preference with respect to the sidewalk specifications.

**EASTTOWN TOWNSHIP PLANNING COMMISSION
REGULAR MONTHLY MEETING
MEETING MINUTES**

January 05, 2016

The regular meeting 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 Bruggs, Assistant Township Manager/Zoning Officer, Kristin S. Camp, Esquire, Solicitor, Kevin McAghon, P.E., Township Engineer.

1. **Appoint Chairman.** Mike Cappelletti appointed Mark Stanish as Chairman, the Planning Commission members unanimously approved the motion.
2. **Appointment of Solicitor.** The Planning Commission approved the appointment of Buckley, Brion as Planning Commission Solicitor.
3. **Approval of Minutes from the December 1, 2015 Meeting.**

The Planning Commission unanimously approved the Minutes.

4. **LD-108- 26 Main Avenue. Preliminary/Final Land Development Plans.** This application amends the prior land development plan that was approved by the Board of Supervisors on October 7, 2013. Applicant's original plan proposed to retain a portion of the existing dwelling on the property and add an addition. Once Applicant started demolition, they discovered that the house was in poor condition and would have to be gutted to the foundation. Applicant decided it would be easier and less expensive to start with new construction of a single family dwelling. Bryon Anstine explained the revised plan and addressed comments in the Township consultant review letters. Applicant can comply with Eugene Brigg's Memo of December 22, 2015 and ARRO's letter of December 18, 2015. With respect to Lisa Thomas' letter of December 18, 2015, Applicant has provided a courtyard area in front of the new dwelling along Main Avenue in order to meet the requirement of Section 455-24.B(1)(e) which requires a build to line of 15 feet. Section 455-24.B(2) allows for a setback from the build to line of 15 feet for purposes of a courtyard, plaza, square etc. The Planning Commission has no objection to this, but would like a note to be added to the plan that restricts this area for use only as a courtyard. With respect to the design of the sidewalks, Applicant proposes a 5 foot wide concrete sidewalk and curbing which is identified as Specification #2 in Section 274-47.A. The Planning Commission had much discussion about this, but ultimately decided that based on the existing sidewalks in the neighborhood, the narrow street widths and the need for on-street parking, this specification was suitable. The Planning Commission agreed that the specification #1 in Section 274-47.A is more appropriate in the commercial areas in the Village of Berwyn. Mr. Anstine presented an architectural rendering of the proposed dwelling. Mary was concerned that Lisa Thomas had not reviewed the rendering or provided an opinion as to its compliance with the architectural standards in the Code. The Planning Commission assured Mary that the recommendation

would be conditioned upon Lisa Thomas reviewing the architectural renderings and confirming that it meets the guidelines set forth in the Code. With respect to McMahon's review letter of December 18, 2015, Applicant does not wish to provide additional right of way for Main Avenue. The Planning Commission is comfortable with deferring this decision to the Board of Supervisors with a recommendation from the Director of Public Works as to whether or not the Township has any intention to widen Main Avenue. Applicant also will agree to demarcate the parking spaces for the townhomes in the rear given the fact that the townhomes are now smaller and only have one car garages. The Planning Commission approved the following motion:

The Planning Commission recommends that the Board of Supervisors approve the preliminary/final revised land development plan for 26 Main Avenue subject to Applicant complying with the following conditions:

- Address all outstanding comments in the Zoning Officer's Memorandum of December 22, 2015;
- Address all outstanding comments in ARRO's review letter of December 18, 2015;
- Address outstanding comments in Lisa Thomas' review letter of December 18, 2015 subject to further comments below;
- Applicant adds a note to the plan that requires the courtyard areas in front of the dwelling to be restricted to use as a courtyard;
- Applicant is permitted to use specification #2 as referenced in Section 274-47.A for the sidewalk along Main Avenue which allows a 5-foot wide scored concrete sidewalk and curbing;
- Lisa Thomas reviews the architectural renderings and confirms that they comply with Sections 274-48.A and 274.48.C of the Code;
- Address all outstanding comments in McMahon's review letter of December 18, 2015 provided that the Board of Supervisors shall make the decision as to whether or not additional right of way must be provided along Main Avenue frontage after receiving a recommendation from the Director of Public Works as to whether the Township has plans to widen Main Avenue; and
- Applicant must demarcate the off-street parking spaces for the rear townhomes to demonstrate compliance with the off-street parking requirements for such dwelling units.

5. **ZHB-544 Yang- 251 Foxall Lane, Berwyn.** Brian Nagle, Esquire, appeared to represent Applicants, the Yangs, who own the dwelling at 251 Foxall Lane in the R-1 District. The single family dwelling was completed in 2013. The Yangs purchased the property in 2014. When the Yangs purchased the property, they did not intend to construct a swimming pool. They intended for their children to swim at the YMCA which is in close proximity to their property. However, due to Dr. Yang's son having allergies, he is not able to swim in a public pool. They now wish to provide a swimming pool with salt water in their backyard for their son to be able to exercise. In order to construct the pool, they require a variance from Section 455-14.A which requires

a minimum 20-foot side yard setback. The pool is setback 5-feet from the adjacent property owned by the McGarrys. Applicant presented a letter from the McGarrys which supported the variance request. Mr. Nagle argued that given the location of the dwelling on the property and the slopes on the side of the dwelling that the pool could only be located in the location shown on the proposed plans. The Planning Commission did not agree and felt that there was no unique physical characteristic of the property that created a hardship. The Planning Commission felt that there were alternate ways to design the pool closer to the dwelling by removing the terrace area and thus reducing or eliminating the encroachment in the required side yard setback. The Planning Commission members felt unanimously that this application should not be approved by the Zoning Hearing Board and would recommend that if the Applicant does not revise the application, they would recommend that the Board of Supervisors oppose the application to the Zoning Hearing Board. Mary felt that it was the Planning Commission's duty to uphold the Ordinance and protect neighbors from encroachments into the mandatory minimum setback requirements.

6. Informational Items.

- a. Side Yard Setback Amendment for VT and VR Districts Update
 - i. The draft amendment to Zoning Ordinance Section 455-24.E is in process and will be presented when ready.
- b. Comprehensive Plan Task Force Update
 - i. The Comprehensive Plan Task Force will be holding a special meeting on January 14, 2016 and then again on January 25, 2016 at 6:30 p.m.

7. Meeting adjourned at 8:10 pm.

Respectfully submitted,

Kristin Camp, Esquire
Planning Commission Solicitor