

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

**APRIL 04, 2017**

The work session meeting began at 6:30 p.m. Members present: Chairman Mark Stanish, Tim Brennan, Michael Cappelletti, Mary Hashemi, and John McCarty. Planning Commission discussed the matters that were on the regular meeting agenda.

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

**APRIL 04, 2017**

The regular meeting was called to order at 7:00 p.m. by Chairman Mark Stanish. Other members present: Tim Brennan, Michael Cappelletti, Mary Hashemi, and John McCarty. Also attending: Eugene C. Briggs, Jr., AICP, Assistant Township Manager/Zoning Officer; Lisa Thomas, RLA, AICP, Township Planner; Kristin S. Camp, Esq., Solicitor; and Andrew D.H. Rau, Esq., Township Solicitor.

**Approval of Minutes from March 07, 2017 Meeting**

Motion by Mr. Cappelletti, seconded by Mr. Mr. McCarty, and carried unanimously to approve the meeting minutes from March 07, 2017.

**Proposed Zoning Chapter Amendment by Denise Lehmann and Andrew Holder**

On February 06, 2017, the Township received a petition from Denise Lehmann and Andrew Holder proposing a draft Ordinance amending the Zoning Chapter and Map to include 133 Berkley Road in the Devon Center Overlay District and permit townhouses and professional and business offices within the Devon Center Overlay District as standalone uses.

Fred Fromhold, Esq., was in attendance representing the applicants and he stated that the applicants were opposed to having their property removed when the initial Devon Center Overlay District ordinance was approved. He added that this property is the sole surviving single family home north of Berkley Avenue in this area and including it in the overlay district represents sound planning practice. Rob Lambert, PE, presented the proposed site plans and architectural renderings of an office building or a six unit townhouse development.

The Commission discussed this project's alignment with current Comprehensive Plan and town center principles. Townhomes, it agreed, are an appropriate transitional use between commercial and single-family home properties. Commissioners expressed concerns, however, about recent proposed townhome developments within and around the Township, especially as it pertains to setbacks, density, and building heights and specific design elements such as roof decks and soffit heights.

Mark Ward of 208 Dorset Road, Joan Bergquist of 217 Devon Boulevard, and Avis Yuni of 231 Waterloo Avenue, all expressed concern over the proposed density of the six unit townhome development. Mr. Ward added that there are no guarantees that the developer would design the project in the same manner

in which it is depicted on the proposed sketch plan. Ms. Yuni added her fear that amending the text of the draft ordinance could allow future property owners to build townhomes on the proposed Devon Yard town center site.

Joseph Kohn, Esq., of 240 Sugartown Road, stated that he was speaking on behalf of himself as a resident and 34 residents who are against this proposal. He expressed concern over potential spot zoning and inappropriate levels of density and setbacks for the site.

Ms. Camp stated that this proposal does not constitute spot zoning and that anyone has the right to petition the Township for a zoning ordinance text amendment. She and Chairman Stanish then stated that this Applicant will be held to same stringent standards as the Devon Yard applicant.

There was no action taken on this application and the applicant will resubmit a draft text amendment based off of feedback received at this meeting for future review.

#### **Conditional Use Application: CU 98 – 642 Lancaster Avenue (La Cabra Brewing)**

The Applicant has revised its Conditional Use Application, originally seen by the Commission on March 07, 2017, by proposing to add 75 restaurant seats from the originally proposed 91 seat. This reduction calculates for the need of 30 additional parking spaces. The Applicant is seeking to use off-site parking through a shared parking agreement with two neighboring properties, to get on-street parking credit for four required parking spaces for the Berwyn News Agency, and to provide less parking than what is required. Due to a business conflict with the Planning Commission Solicitor, the Township Solicitor, Andrew D.H. Rau, Esq., attended to provide legal guidance on this Application.

George Broseman, Esq., was in attendance representing the Applicant. He stated that, since the last Planning Commission meeting, the Applicant has recalculated available parking spaces based off of feedback and worked with Mr. Briggs regarding streamlining parking lot signage.

There was no action taken on this application and the Commission requested the outstanding agreement that the Applicant has for shared parking with Malvern Federal Bank.

#### **Zoning Hearing Board Application: ZHB 559 – 642 Lancaster Avenue (La Cabra Brewing)**

The Applicant has illegally installed a projecting sign higher than both the minimum and maximum heights allowed and proposes to paint a wall sign across the front of the building. Variances are requested from Section 455-79.I to allow a new sign to be painted on the wall where such signs are prohibited, Section 455-83.C.(1) to allow a total sign area of 60.8 square feet where the total sign area allowed for the premise is 38 square feet, Section 455-83.C.(6) to allow the projecting sign to remain at its lowest point of 15 feet 6 inches high where 8 feet is the minimum height allowed and its highest point of 18 feet 10 inches where 12 feet is the maximum height allowed, and any other relief that may be deemed necessary by the Zoning Hearing Board. The Commission reviewed this Application on March 07, 2017, decided to not make a

recommendation, and requested that the Applicant revise the Application to ensure accuracy in the amount of zoning relief requested primarily regarding the proposed painted wall sign. The Applicant has submitted a clarification letter dated March 24, 2017 in an attempt to clarify the relief needed. Due to a business conflict with the Planning Commission Solicitor, the Township Solicitor, Andrew D.H. Rau, Esq., attended to provide legal guidance on this Application.

After discussion, the Planning Commission made the following recommendations:

- The Planning Commission unanimously supports the variance relief (Zoning Code Section 455-79.1) sought by La Cabra to create a painted sign on the front face of the building, provided that the sign painting and related work is prepared and completed by a signage professional, and that the painting and work is subject to advance review and approval of the Easttown Township Zoning Officer.
- The Planning Commission unanimously opposes the dimensional variance request (Zoning Code Section 455-83.C.1) to allow 22.8 sq. ft. of sign area in excess of the 38 sq. ft. of total sign area allowed.
- The Planning Commission supports, by a 3-2 vote in favor, the variance relief (Zoning Code Section 455-83.C.6) proposed for the projecting sign on the front of the building to allow the sign to remain at its current height (15'6" — 18'10"), which is above the permitted 8'-12' height above grade.

#### **Subdivision and Land Development Plan Applications: Stonehaven Homes**

##### **Sketch Plan – Stonehaven Homes (Mack Oil)**

The Planning Commission last reviewed this Sketch Plan on January 04, 2017, where the Applicant proposed the construction of eighteen new Single-family Detached Dwellings. The Applicant has submitted a revised Sketch Plan based upon comments received in January.

John McGrath, Applicant, was in attendance with George Broseman, Esq. and Dave Gibbons, PE, and stated that the Applicant had made some adjustments to the Plan to accommodate Commission feedback, including adding on street parking and improving traffic circulation. Berwyn Fire Company has reviewed the plan and finds it acceptable. A traffic study will be completed by the next time the Applicant comes before the Planning Commission.

The Commission discussed continued concerns with traffic circulation and asked Mr. Briggs to provide clarification on required rail road setbacks. Residents addressed issues regarding buffering and grading.

There was no action taken on this application.

### **Sketch Plan – Stonehaven Homes (Armstrong)**

The Planning Commission last reviewed this Sketch Plan on January 04, 2017 where the Applicant proposed the construction of six new Single-family Detached Dwellings. The Applicant has submitted a revised Sketch Plan based upon comments received in January.

John McGrath, Applicant, was in attendance with George Broseman, Esq. and Dave Gibbons, PE. The Commission discussed extending the sidewalk west to the other development and improving upon the entrance intersection.

There was no action taken on this application.

### **Zoning Permit Application: Class 1 Historic Resource Demolition – 631 Lancaster Avenue (Fritz Lumber)**

The Applicant proposes to demolish the existing buildings and redevelop the site into a new mixed use development. Map 6 of the 2001 Easttown Township Comprehensive Plan identifies a Class 1 Historic Resource at this location. In accordance with Section 455-44.C.(1), “No Class 1 or Class 2 historic resource shall be demolished, in whole or in part, whether deliberately or by neglect, including removal or stripping of any historically or architecturally significant exterior features, unless a permit is obtained from the Zoning Officer.” By practice, the Zoning Permit Application for demolition is first submitted to the Historical Commission for review and recommendation, before by Code, it goes to the Planning Commission for review and recommendation and then to the Board for a final decision. The Historical Commission reviewed the Zoning Permit Application for demolition on March 08, 2017 and rendered a decision recommending demolition after a Historic Resource Study is completed. See the enclosed HC Memorandum dated November 14, 2016. Additionally, the Tredyffrin Historic Preservation Trust issued a letter on February 24, 2016 (2017) supporting the redevelopment of the property and demolition of the Class 1 Historic Resources so it can reuse some of the building materials on one of its historic resources.

Ms. Yuni asked if the Applicant would follow the appropriate environmental regulations during the demolition. David Schwartz, also of 231 Waterloo Avenue, asked if the Applicant would take the necessary safety precautions required for demolition.

On a motion by Mr. McCarty, seconded by Mr. Brennan, the Planning Commission unanimously recommended that the Board of Supervisors approve the issuance of the demolition permit subject to Applicant complying with the recommendation of the Historical Commission as stated in the Historical Commission's Memorandum dated March 28, 2017.

### **Draft Chapter 220 Floodplain Ordinance Amendment**

In January 2016, the Township attended a Federal Emergency Management Agency (FEMA) Community Communication meeting for Chester County Municipalities. The purpose of the Meeting was to layout the Township's responsibilities associated with the draft updated Flood Insurance Rate Maps (FIRM) that

are schedule to go into effect in September 2017. The Township responsibilities included the review and comment on the draft revised FIRMs, where there were changes from the existing FIRMs alert property owners that would be affected so that they could consider their need for flood insurance, and adopt a new or amended floodplain ordinance meeting the National Flood Insurance Program (NFIP) minimum requirements. Should the Township not update its floodplain regulations to meet the NFIP minimum requirements, then the Township would be suspended from the NFIP. To ensure that there would be no interruption in Flood Insurance within the Township, the Zoning Officer has been working with a FEMA Representative and the Township Solicitor to customize the Pennsylvania Model Floodplain Ordinance provided by FEMA to fit within the Township's Code of Ordinances. The FEMA Representative has found the draft Chapter 220 Floodplain Ordinance Amendment acceptable.

On a motion by Mr. Cappelletti, seconded by Mr. McCarty, the Planning Commission unanimously recommended the Chapter 220 Floodplain Ordinance Amendment to the Board of Supervisors for adoption.

**Public Comment**

None

**Announcements**

Next tentatively scheduled Workshop is Tuesday, May 02, 2017 at 6:30 p.m.

Next regularly scheduled Regular Meeting is Tuesday, May 02, 2017 at 7:00 p.m.

The meeting adjourned at 9:46 pm.

Respectfully submitted,

Kate Jones  
Recording Secretary