

**EASTTOWN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 01, 2021**

Call to Order:

The regular meeting was called to order at 7:00 p.m. by Chairperson Mary Hashemi. Other members present: Vice Chairperson Ann Rothman, Mark Stanish, Nik Kharva, and Paul Salvaggio. Also attending: Eugene Briggs, AICP, CZO, Township Manager; Don Curley, Assistant Township Manager; Sharon Norris, Administrative Assistant to the Township Manager; Tom Oeste, Esquire, Planning Commission Solicitor; Bryan Kulakowsky, Township Engineer; and Chris Williams, Township Traffic Engineer.

May 4, 2021 Regular Meeting Minutes:

Chairperson Hashemi asked the Planning Commission members if they had any edits to the draft minutes. Mr. Kharva made a motion to approve the minutes as distributed. The motion was seconded by Mr. Stanish. Ms. Hashemi called for the vote. The motion passed 5-0.

Subdivision and Land Development Plan Applications:

SD 533 – 578 Lancaster, 4 Midland, and 5 Woodside Avenues Preliminary Subdivision and Land Development Plan for Mixed Use Building – Mr. Stanish recused himself from this discussion. Mr. George Broseman, Mr. Rob Lambert and the property owner, Mr. Todd Pohlig, were in attendance to present the plan which proposes to consolidate three existing lots and redevelop the consolidated lot with a 129,000 Sq. Ft. multi-story mixed use building consisting of 112 multi-family units and 3 commercial units. Mr. Pohlig clarified for the Commissioners and the public that the multifamily plan was approved by the PC. This is the mixed use concept plan which requires a height variance that was granted by the Zoning Hearing Board over a year ago. The mixed use plan utilizes this relief; however, the height variance decision is currently being appealed by a group of residents. Mr. Curley summarized the status of this plan as a result of last month’s Planning Commission meeting. The Commission discussed the plans with Chris Williams, Township Traffic Engineer, who finds the plan as presented to be acceptable. Mr. Williams stated it is too early in the road diet process to make that request. Mr. Kulakowsky, Township Engineer, reviewed ARRO’s comments with the PC. Mr. Salvaggio acknowledged that the plans reflect the additions the Commissioners requested. Mrs. Hashemi called for public comment. Joe Kohn, 240 Sugartown Road, commented on requiring a new variance for this plan and the conditions of the ZHB decision granted in 2020. Cheryl Harper, HC Liaison to the PC, commented on sensitivity to the historic architecture in the area.

Mrs. Hashemi made a motion that the Planning Commission recommend to the Board of Supervisors that they grant approval of SD 533, Preliminary Subdivision and Land Development Plan for 578 Lancaster, 4 Midland and 5 Woodside Avenue consisting of 15 plan sheets dated October 05, 2020; last revised May 10, 2021; prepared by Site Engineering Concepts, LLC, Stuart Landscape Architects and Bernardon Architects – Mixed Use Building (collectively the “Application”) – Applicant/Equitable Owner: Berwyn Owner, LLC subject to the following conditions:

1. The Applicant shall comply with all outstanding comments and recommendations in the following review memorandum and letters:

- a. McMahon Associates Inc., Township Traffic Engineer letter dated May 25 , 2021;
 - b. ARRO, Township Engineer, letter dated May 11, 2021;
 - c. Eugene Briggs Zoning Officer Memorandum dated May 26, 2021.
- 2) The Applicant and the design and construction of the proposed mixed use building and exterior spaces shall substantially comply with the Architectural Renderings and Street Wall Diagrams, Drawings ASK 01 through 09, and the plan titled “Berwyn Square Mixed-Use Illustrative Plan with Use Overlay” dated May 11, 2021, which were submitted as part of the Application.

The PC also recommended that the Board approve the following waivers as noted by ARRO in their letter of May 11, 2021:

- 1) Section 388-17.A, which regulates post-construction stormwater runoff, provided the Applicant receives NPDES permit approval;
- 2) Section 388-18 which regulates stormwater infiltration, provided the Applicant receives NPDES permit approval.

Vice Chair Rothman seconded the motion. Mrs. Hashemi asked for public comment. Michael DeFlavia, 125 Bartholomew, questioned compliance with height restrictions and the Comprehensive Plan. Mr. Oeste confirmed with the Commissioners that they prefer this mixed use plan over the Plan depicted in SD 537 and Mrs. Hashemi included that statement in a revised motion. The revised motion was seconded by Mr. Salvaggio. Mrs. Hashemi asked for public comment on the revised motion. There was no public comment on the revised motion. Mrs. Hashemi called for the vote. The motion carried 4-0.

Zoning Hearing Board Application:

ZHB 619 – 1490 Argyle Road – The Planning Commissioners discussed this application which seeks to construct a new, three-season room in the location of the existing deck attached to the rear of the owners’ home. The applicant is requesting a variance to allow an increase in impervious coverage to permit the construction of the room. Mr. Briggs, in his capacity as Zoning Officer, noted that an additional variance from Section 455-123.A.1 may also be required because the floor area of the existing nonconforming structure will be increased by the construction of the three season room. The property owner indicated he would amend the application as may be necessary after consultation with his attorney.

Mr. Stanish made a motion that the Planning Commission recommend approval of this variance and any other relief that may be necessary to construct the three-season room. The Commission also noted there would be no adverse impact on adjacent properties since the adjacent property is undeveloped, conserved land and the applicants intend to infiltrate additional stormwater. Mr. Salvaggio seconded the motion. Mrs. Hashemi called for public comment. There was no public comment. Mrs. Hashemi called for the vote. The motion carried 5-0.

Other Business:

Berwyn Parking Study – Mrs. Hashemi summarized that the Board of Supervisors asked the Planning Commission to review and make recommendations on the Parking Study. The Study had 13 action items and Mrs. Hashemi recommended adding a 14th item to include a review of the zoning requirements for parking in the Village of Berwyn since this issue has come up a number of times.

The Planning Commission discussed the road diet and the boundaries of the road diet. Chris Williams outlined the steps required for implementation of a road diet including ensuring businesses can still function successfully once it is completed. The Commissioners recognized this to be a transformative process for the Township and discussed seeking multiple proposals from different Traffic Engineering firms. It was decided that the design consultant should investigate the appropriateness of roundabouts acknowledging they are expensive and difficult to implement in certain locations. Mrs. Hashemi made a motion to forward the Berwyn Parking Study document to the Board of Supervisors as amended by tonight's discussion. Mr. Stanish seconded the motion. Mrs. Hashemi called for public comment. Francine Danenhower, 552 Woodside Avenue, commented on pedestrian safety especially pedestrian crossings used by children at Bridge Street, the Post Office and from First Avenue to Waterloo and considering any new single family homes and new rentals in the area. Joe Kohn commented on a new RFP, Berwyn Square and the costs already incurred. Cheryl Harper commented on new construction with driveways detracting from the feel of a village community. Deborah Dooling, 736 Berwyn Avenue, asked about boundaries of the Village. Mrs. Hashemi called for the vote. The motion carried 5-0.

Public Meeting Procedures:

Mrs. Hashemi summarized that the document, entitled "Public Comment Rules and Procedures" was developed to provide a framework for the PC meetings that is clear and will assist in running the meetings more efficiently. The Commission discussed the document and made revisions as a result of the discussion. Mrs. Hashemi made a motion that the Planning Commission adopt the "Public Comment Rules and Procedures" document. Mrs. Rothman seconded the motion. Mrs. Hashemi called for public comment. Joe Kohn commented on the timing of posting agendas, the length of consultant comments and setting public comment guidelines at the beginning of the meeting. The PC members and staff discussed difficulties and limitations with providing agenda information any earlier than is done currently. Francine Danenhower commented on working together and complimentary public comment. Michael DeFlavia commented on the public comment policy. The Planning Commission discussed the comments. Mrs. Hashemi called for the vote. The motion carried 5-0. The Public Comment Rules and Procedures will be implemented beginning with the next meeting.

Fee In Lieu Evaluation – The BOS asked that the PC evaluate the appropriateness of the fee in lieu associated with sidewalk installation, street widening and curb installation and if the fees are suitable. In 2018, the Township's Traffic Engineer, McMahan Associates, evaluated the fee in lieu and determined that the fees were set appropriately; however, it was noted that these fees reflect the builders' cost at the time of construction. It would cost the Township much more to install sidewalks, etc. once a project is completed. This is a policy choice for the Township and this topic arises often during plan consideration. It was noted that the Comprehensive Plan and the Parking study outline specific locations for sidewalks that best serve the community. Mrs. Hashemi made a motion that the Planning Commission recommend to the Board of Supervisors that the fees for fee in lieu be reviewed annually to allow for adjustments as construction costs change. The motion was seconded by Mr. Salvaggio. Mrs. Hashemi called for public comment. Cheryl Harper commented on applicants not paying a fee in lieu. Mr. Oeste opined about fee in lieu in other municipalities noting it is more common than not to have it collected. Mrs. Hashemi called for a vote. The motion carried 5-0.

Prospective Sidewalk Map (Comp Plan Figure 4-1) – The Board of Supervisors asked that the Planning Commission evaluate the validity of the map and when and how it should be updated. The Commission discussed some reasons for a lack of sidewalks in areas pointing to obstacles such as wetlands, large trees, and lack of housing. The PC agreed to be clearer on their reasoning when they make a motion to waive the sidewalk requirement during plan review. Mrs. Hashemi made a motion that the Planning Commission recommend to the Board of Supervisors that no changes are needed to the Sidewalk Map due to the following: there is flexibility for change built into the Comprehensive Plan and therefore the map can be updated periodically; it was developed relatively recently; and it was appropriate at the time. The motion was seconded by Mr. Kharva. Mrs. Hashemi called for public comment. Cheryl Harper commented on the need for sidewalks in specific areas that link to other sidewalk networks. Mrs. Hashemi added the particular area to her list noting that the Board will most likely be focused on the corridor within the Village of Berwyn. Michael DeFlavia commented on the need for sidewalks on First and Waterloo, manipulating the light at Bridge, and constructing a path.

Liaison to Historical Commission:

At last month’s Planning Commission meeting, Mrs. Rothman was selected to be the PC liaison to the Historical Commission. Mr. Oeste advised that this action should be memorialized in a motion. Mrs. Hashemi made a motion that the Planning Commission select Mrs. Rothman to be the PC liaison to the Historical Commission. The motion was seconded by Mr. Stanish. Mrs. Hashemi called for public comment. There was no public comment. Mrs. Hashemi called for a vote. The motion carried 5-0. Mr. Kharva gave a brief summary of the Historical Commission’s May 12, 2021 meeting. Mrs. Hashemi called for the vote. The motion carried 5-0.

Public Comment:

Mrs. Hashemi called for public comment. Joe Kohn commented on posting the agenda, posting a draft agenda, the policy on public comments and general public comments. Francine Danenhower commented on the public comment procedures, and respectful dialogue. Michael DeFlavia commented on his perceptions. Mrs. Hashemi clarified the PC procedure regarding the acceptance of multiple public comments on the same topic. Mr. Salvaggio commented on his qualifications and his position. Mr. Stanish commented on the PC vote for Mr. Salvaggio. Mr. Kharva noted that the guidelines are to keep the meetings efficient.

Announcements:

The next regularly scheduled meeting is Thursday, July 08, 2021 at 7:00 p.m.

Adjournment:

The meeting was adjourned at 10:27 p.m.

Respectfully submitted,

/s/Sharon Norris

Sharon Norris

Administrative Assistant to the Township Manager