

**EASTTOWN TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 05, 2021**

Call to Order:

The Planning Commission 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: Don Curley, Assistant Township Manager; Matt Lubitz, Planning and Zoning Officer, Bryan Kulakowsky, Township Engineer, Chris Williams, Township Traffic Engineer and Tom Oeste, Esquire, Planning Commission Solicitor. Mrs. Hashemi reviewed meeting protocol.

September 09, 2021 Regular Meeting Minutes:

Chair Hashemi asked the Planning Commission (PC) members if they had any edits to the draft minutes. Mrs. Hashemi noted a change to the list of attendees adding Chris Williams and Darryl Becker from ARRO. Mr. Oeste noted a change to the date of his recommendation letter to September 13, 2021. Mrs. Hashemi called for a motion to approve the minutes with those revisions. Vice Chair Rothmann made a motion to approve the minutes as revised. Mr. Kharva seconded the motion. Mrs. Hashemi called for public comment. There was no public comment. Ms. Hashemi called for the vote. The motion passed 5-0.

Subdivision and Land Development Plan Applications:

SD 538 – 416 and 418 S. Valley Forge Road

The Applicant attorney Carl Ewald, the Applicant Engineer (via ZOOM) and the property owner, Lisa Canavarro, were in attendance to discuss the Final Plan which proposes conveyance of part of Lot 1 (labeled Parcel A on the Final Plan) to Lot 2 in order to make Lot 2 a conforming lot relative to required minimum lot area. No new lots are being created by this subdivision. The PC discussed the Plan at length with the Applicant and the Township Consultants. Bill Friedrich, Chair of the Historical Commission (HC), commented on the historical significance of the existing shed noting that the main house is the only structure considered an historic asset on the property. Mrs. Hashemi made a motion to approve SD 538 Final Plan with conditions as outlined in Mr. Oeste's recommendation of approval letter dated October 12, 2021 and stated below:

1. The Final Plan shall comply with all outstanding comments and recommendations in the following Township review memorandum and correspondence:
 - 1) Matt Lubitz, BCO, Planning and Zoning Officer, memorandum dated September 27, 2021
 - 2) ARRO, Township Engineer, correspondence dated September 15, 2021
 - 3) McMahan Associates, Township Traffic Engineer, correspondence dated September 24, 2021
 - 4) Glackin Thomas Panzak, Township Planner, correspondence dated September 22, 2021
2. In order that no new nonconformity is created by this subdivision, the existing shed depicted on the Final Plan located on Parcel A shall be demolished before recording of the Final Plan with the Chester County Recorder of Deeds.
3. The Applicant has requested waivers from the requirements of SLDO Section 400-41 which requires the design and construction of curbs and sidewalk along the S. Valley Forge Road frontage; and SLDO Section 400-32.E and 400-34.A which require a roadway cartway width of 28 feet for S. Valley Force Road. The Commission supported the granting of the waivers since no new lot is being created. Regarding the request for the sidewalk waiver, the Commission noted

there is no adjacent sidewalk on the Easttown side of S. Valley Forge Road and there is a sidewalk available on the Radnor Township side.

4. If the BOS is in favor of granting the waivers, the Commission recommends fees be assessed in accordance with the current fee schedule, in-lieu of the installation of curbs and sidewalk and the widening of S. Valley Forge Road based on the lineal frontage of Lot 2 only.

Mr. Stanish 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.

Zoning Hearing Board Applications:

ZHB 626 (439 Beaumont Road)

The Applicants seek variances from the Township Zoning Ordinances to permit the construction of a 50 SF addition with an increased height to an existing nonconforming accessory structure on the property. The Applicants also seek a special exception to authorize the alteration, renovation or expansion of a nonconforming structure as well as a variance to permit the expansion to not conform with an area and bulk regulations. The property owner, Lloyd Brown, along with her consultants Peter Zimmerman were in attendance to present the plan. The Planning Commission discussed the Plan with the Applicants. Mrs. Hashemi called for a motion. Mr. Salvaggio made a motion that the PC recommend that the Zoning Hearing Board grant the requested variances as outlined by Mr. Oeste and set forth as follows: the building footprint will be constructed on an existing terrace and therefore, not add to the impervious cover; and the proposed renovation will be in keeping with the historic vernacular and result in a more livable and useful dwelling that will support the continued preservation of the cottage. It was noted that the cottage is located on a property identified by the Township as an historic resource and the applicants will consult with the Township Historical Commission on the proposed renovation. The Planning Commission recommends that the ZHB consider a condition on any approval that requires the applicants to rehabilitate the cottage with traditional materials as represented by the Applicants, including cedar shake roof shingles and traditional wall siding. Mr. Stanish seconded the motion. Mrs. Hashemi called for public comment. Bill Friedrich commented on the 1980 Historical Asset survey. Buck Buchanan, 683 Wetherby Lane, commented on the property. Mrs. Hashemi called for the vote. The motion carried 5-0.

ZHB 627 – 138 Berkley Road

Dave Shollock and Courtney Shollock were in attendance to discuss their application. They seek a variance from Section 455-14.A and Table 3.2 of the Zoning Ordinance to permit the construction of an addition that will encroach approximately 11 feet into the required 25 foot rear yard setback. The Planning Commission discussed the Plan and asked questions of the Applicant. Mrs. Hashemi made a motion that the Planning Commission recommend that the ZHB not support the application as submitted and the applicant should modify it as discussed. Mrs. Rothmann seconded the motion. The PC identified missing substantive elements such that the applicant indicated a desire to revise and resubmit their application to the PC and if necessary, submit an extension of time to the Zoning Hearing Board. Mrs. Rothmann 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.

ZHB 628 – 527 Green Hill Road

Paul Miller, the contractor was in attendance to present the plan on behalf of the owners. After a lengthy discussion, It was determined that the property was approved under lot averaging, and the only variance necessary is from Section 455-28.B for the proposed front yard setback of 35.7 feet

(40' is required in order to construct a roofed porch on the front of the dwelling.) The PC unanimously recommended that the ZHB approve the variance since the request is a minor encroachment into the front yard, and the porch is an open structure with no walls or windows. The Commission also noted that front porches are desirable architectural elements which contribute to the streetscape and the interaction of neighbors. The Commission also recommends that the ZHB consider a condition that prohibits enclosing the porch with walls, screening, glass or windows; and that such prohibition be memorialized in a restrictive covenant recorded at the CC Recorder of Deeds and such recordation be a condition of building permit issuance. Mrs. Hashemi called for public comment. There was no public comment.

ZHB 629 – 620 Church Road

Mr. Paul Strid presented his plan which seeks a dimensional variance to place portions of a retaining wall, pool coping and patio in the rear yard setback. The Planning Commission asked questions of the Applicant and discussed the plan. Mrs. Hashemi called for a motion. The Planning Commission recommends approval of the variance to the extent depicted on the plan titled, "Grading and Post Construction Stormwater Plan" dated August 31, 2021 prepared by Schock Group because a building is not being constructed in the required rear yard, the pool basin itself complies with the setback and the adjoining property to the rear is open space which will not be adversely affected. Mr. Stanish made a motion that the Commission supports the plan as drawn and recommends that the Applicant revise the Plan to include the area in square feet of the rear yard encroachment, the length in feet of the encroachment and correct the Zoning Data table as necessary, including the proposed rear yard setback. The motion was seconded by Mrs. Rothmann. Mrs. Hashemi called for public comment. There was no public comment. Mrs. Hashemi called for the vote. The motion carried 5-0.

Conditional Use Applications

CU 109 – 300 Lancaster Avenue

The Applicant is seeking Conditional Use Approval for a retail bakery restaurant and indoor play area at this location. The owner, Scott Furman and representatives of Le Mignon, LLC, the tenants, were in attendance to present the proposed plan. The Planning Commission and the Applicant discussed the restaurant, play area and parking. Mrs. Hashemi called for a motion. Made a motion that the PC recommend approval of this application conditioned on the Applicant demonstrating compliance with the applicable Conditional Use standards for review set forth in Section 455-104 of the Township Zoning Ordinance. They also recommended that the Applicant address the following issues at their Conditional Use Hearing:

- 1) Explain the proposed use and operation of the play area and the extent of the use (number of users.
- 2) Explain whether the play area use is a use accessory to the principal restaurant use or is a separate principal use.
- 3) Explain the impact of the play area use on off-street parking. Mrs. Hashemi called for public comment. There was no public comment. Mrs. Hashemi called for the vote. The motion carried 4-1 with Mrs. Hashemi voting nay.

Other Business:

Update Regarding Coordination with the Environmental Advisory Council for Revisions to the Open Space Recreation, and Environmental Resource Plan of 1993 – Gary Ellis, member of the EAC, gave a presentation on how the EAC would like to work together with the Planning Commission and

the Parks and Recreation Board to update this Plan and opened up the floor for questions from the PC. The PC endorsed the project and will establish a process at a later date. Mrs. Hashemi called for public comment. There was no public comment.

Consideration of Omnibus Zoning Amendment – The Planning Commission noted that a Special Meeting to discuss only the Omnibus Zoning Amendments on October 14, 2021 so that a situation such as tonight doesn't arise where the hour is late and the people who want to participate are no longer able to. The Historical Commission had a special presentation and are unable to present at the special meeting so they wanted to proceed with their presentation. Mr. Stanish noted that the noise ordinance is no longer part of zoning and therefore, the PC is no longer involved in it. It is strictly a supervisor consideration. Mr. Curley noted at this time they do not have a plan for how the noise ordinance will be vetted. He added that the PC may have to opine on the noise ordinance references (administrative in nature) within the Zoning. HC Chair, Bill Friedrich began the presentation, "Why History Matters" starting with the code changes and why the recommended changes are important. Following Mr. Friedrich's presentation was a presentation by Vice Chair, Cheryl Harper who summarized the 3 primary zoning amendments the HC recommends and their long term goal of pursuing Certified Local Government status for Easttown. Mrs. Hashemi called for public comment. Supervisor Jim Oram commented on the presentation and collaboration.

Public Comment:

Mrs. Hashemi called for public comment. There was no public comment.

Announcements:

The Special Meeting to discuss only the Omnibus Zoning Amendments is planned for October 14, 2021 at 7:00 PM in the Township meeting room. The next regularly scheduled meeting is Thursday, November 04, 2021 at 7:00 PM preceded by a Workshop meeting beginning at 6:30 PM.

Adjournment:

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

/s/Sharon Norris

Sharon Norris
Administrative Assistant to the Township Manager