

WEST WHITELAND TOWNSHIP

**PLANNING COMMISSION
MINUTES**

Minutes of the first January meeting

January 9, 2024

Members Present

Andy Wright, Chair
Dan Cote
Mark Gordon
Jeff Glisson
Virginia Kerlake

Township Personnel Present

John Weller, Planning Director
Patrick Gorman, Assistant Planner
Pam Gural-Bear, Township Manager
Rajesh Kumbhardare, Board of Supervisors

I. CALL TO ORDER

Andy Wright called the meeting to order at 7:02 p.m.

The Commission observed a moment of silence to honor our veterans and first responders.

II. REORGANIZATION

MOTION: To appoint Andy Wright as Chair (Glisson/Cote)

ACTION: Passed, 5-0

MOTION: To appoint Mark Gordon as Vice-Chair (Glisson/Cote)

ACTION: Passed, 5-0

III. REVIEW OF MEETING MINUTES

MOTION: To approve the minutes for the meeting of December 5, 2023.
(Cote/Kerlake)

ACTION: Passed, 5-0

Commission members welcomed newly appointed member Virginia Marcille Kerlake. Ms. Kerlake has been a Township resident since 2004 when she and her family moved to a historic home on Shoen Rd. She currently works for the non-profit Food and Water Watch and is a community organizer. She holds a Bachelor's degree in earth science and a Master's in soil chemistry. Prior to moving to Pennsylvania, she ran an analytical laboratory specializing in soil analysis. Welcome Ginny!

IV. PUBLIC COMMENT

None.

V. PLANS:

1. Columbia Cottage at Boot Road

Address: 930-936 E. Boot Rd.

Second Review: Subdivision/Land Development

Request: Consolidation of two lots into one lot and construction of a 64,908 sq. ft. assisted living and memory care facility

In attendance on behalf of the Applicant were attorney Aristidis Christakis, Esq., of Buckley, Brion, McGuire & Morris, LLP; Stephen Schmid, President of SCG Realty, Inc., and co-developer of the project; and Andrew Eberwein, PE, project engineer from E.B. Walsh & Associates.

John Weller provided an overview of the project, which proposes an 80-unit personal care facility with memory care on two contiguous lots along the south side of Boot Rd. near the intersection of Ship Rd. at the border with West Goshen Township. As Zoning Officer, Mr. Weller has determined that the use is permitted at this location pursuant to the provisions of the IN Institutional overlay district (the underlying district is NC Neighborhood Commercial) and the design complies with the area and bulk provisions of the IN district. Due to the size of the proposed building, the project required conditional use approval, which the Board of Supervisors granted on June 22, 2022 by approving a Decision and Order (D&O) with nine conditions. Because of the proximity to the historic William Everhart House, the Township Historical Commission reviewed the plan on February 13, 2023, and issued a unanimous recommendation for approval conditioned on additional landscape buffering, which has since been added to the plan.

Tonight is the second review of this project by the Planning Commission. The first was on February 28, 2023, at which time the Commission did not act due to the number of outstanding conditions. At this time, Staff is now satisfied that four of the nine conditions from the D&O have been met, three can be carried forward, and two have not been met, the most significant being the lack of an emergency evacuation plan.

Mr. Christakis explained that the Applicant does not have an evacuation plan yet as they have been waiting for the County to publish its County-wide Emergency Response Plan. Recognizing that it is not likely that the County will have its plan completed soon, the Applicant will move forward to develop an evacuation plan that meets the satisfaction of the Township's Emergency Management Coordinator and that is also flexible enough to be modified, if necessary, once the County plan is released. Mr. Christakis added that the Applicant has five other locations, all with evacuation plans, and that the Applicant takes its residents' safety seriously.

Mr. Eberwein reviewed the changes since the last review by the Commission. A new wetlands delineation showed that they were larger than shown previously. The building footprint has been reduced by making a portion of it two stories. The plan now shows a sidewalk connecting the building to Boot Rd. Mr. Eberwein was not sure that the sidewalk is required to be ADA-compliant, but he believes he can make it so. The landscaping changes recommended in the Theurkauf review have been made. The design retains the secondary emergency access to Boot Rd. as well as the service access on the north side of the building rather than along the south side - adjacent to a residential area - as first shown.

Mr. Cote asked about the Planning Module. Mr. Eberwein explained that this is an administrative item required by DEP to assure that the sanitary sewage treatment provider has the ability to meet the needs of the project.

Mr. Gordon asked if the Applicant has reviewed the Township's Emergency Management Plan. Mr. Christakis said Horst Seniorcare has reviewed it, and the Applicant will be meeting with Township Emergency Management Coordinator George Turner. Mr. Gordon suggested that the Fire Chief, Kevin Miller, be included in that meeting. Mr. Gordon said he appreciated the Applicant moving the service drive and the additional buffering added to protect West Goshen neighbors.

Mr. Weller explained that the Township required the Applicant to provide the emergency access easement shown connecting to another easement on an adjacent lot, but the Township is not requiring construction of any such access at this time.

Ms. Kerlake expressed concern about the evacuation plan and asked if any of the Applicant's other locations are near a high-volume natural gas liquids pipeline. Mr. Christakis said their Colledgeville location is about 4,000 feet from a natural gas pipeline. Ms. Kerlake said natural gas pipelines, chemical facilities, and similar hazards are addressed by an "all hazards" plan, which the County already has. She noted that Mariner East requires something different, which is the challenge for the County: if Mariner East develops a leak, residents must evacuate very quickly ½ mile upwind on foot, which would be impossible for individuals with mobility limitations. When Mr. Christakis asked why residents need to be evacuated on foot, Ms. Kerlake explained that this gas is heavier than air: unlike natural gas, which is lighter than air and would therefore dissipate upward, this gas would spread out along the ground. Any spark - such as from starting a vehicle engine - would cause an explosion. Mr. Christakis pointed out that cars would be traveling along Boot Rd. Ms. Kerlake agreed and said this is why neither the Township nor the County has an adequate emergency response plan for Mariner East.

Mr. Glisson maintained the probability of the pipeline failing at this location was infinitesimal and not worth addressing. He added that the pipeline is 38 feet deep at this location making the probability of something striking it extremely low. Ms. Kerlake cited studies that have been done on pipeline failures, and while the probability (i.e., the chance of a failure occurring) is low, the consequences (i.e., the impact if there is a failure) are severe. She noted that the risk of something striking the pipeline may be low, but there are other ways the pipeline could fail, such as a flaw in the pipe. She noted an earlier incident that occurred in West Whiteland that was due to a dent in the pipe that was missed initially by inspections, adding that inspections are only valid for the day they are done. Also, there are places within half a mile of the proposed facility where the pipeline is only a few feet below ground.

Mr. Gordon commented on the difficulty of trying to implement risk analysis into an ordinance. Mr. Christakis said there is no perfect answer, and the Applicant will return to the Commission after meeting with the Township's Public Safety personnel and will try to strike a balance between risk and consequences. Mr. Gordon pointed out that a leak does not mean a blast or explosion and added that Energy Transfer has very sophisticated instruments to monitor the pipeline. Ms. Kerlake responded that when the pipeline is shut down, there is still a significant volume of gas held between the valves.

Mr. Weller read the exact wording of condition 9 from the D&O: "*The Applicant shall work with the Township's Emergency Management Coordinator to develop a satisfactory strategy in the event of a pipeline-related emergency.*" The condition is silent on the matter of coordination with the County.

The architectural renderings provided were only pencil drawings. Mr. Gordon noted that the adjacent residents would be interested in seeing more detailed drawings when they became available, adding that he appreciated that the newly shown two-story portion was not

immediately adjacent to those properties. Mr. Eberwein responded that the view away from Boot Rd. will look the same, as the design took advantage of the site topography with the structure now occupying an area that previously required fill.

The Commission took no action on the plan.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

None.

VIII. ANNOUNCEMENTS:

Mr. Weller reported that McMahon - the Township's traffic engineering consultant - has changed its name to Bowman. While the new name will appear on future reviews, the personnel advising us remain the same.

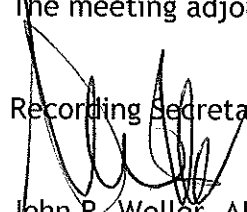
The Township has received a draft of East Caln Township's new Comprehensive Plan and is invited to make comments. There was discussion regarding the quarry, which is mostly in East Caln but partially in West Whiteland. Mr. Weller noted that we have had complaints in the past from West Whiteland residents and businesses about being able to feel blasts from the quarry operations. Ms. Gural-Bear advised that our Public Works Department and Township Engineer work closely with the quarry operator to address sinkholes due to quarry operations, adding that the quarry is highly regulated by the State. Mr. Weller will compile a list of bullet points from the draft plan for the Commission to review.

The next Planning Commission meeting will be on January 23. Items on that agenda include the Exton Express Car Wash land development plan and the second review of the conditional use application for the Valley Creek active adult community adjacent to East Whiteland.

ADJOURNMENT

The meeting adjourned at approximately 8:01 p.m.

Recording Secretary,


John R. Weller, AICP
Director of Planning