

**WEST WHITELAND TOWNSHIP
PLANNING COMMISSION
MINUTES**

Minutes of the second January meeting

January 19, 2021

This was a virtual meeting; all participants attended on-line via Zoom.

Members Virtually Present

Mark Gordon, Chair
Joe Altimari
Dan Cote
Brian Dunn
Jeff Glisson
Ray McKeeman

Township Personnel Virtually Present

John Weller, Planning Director
Justin Smiley, Township Planner
Mimi Gleason, Township Manager
Pam Gural-Bear, Asst. Township Manager

Rajesh Kumbhardare, Board of Supervisors Liaison

I. CALL TO ORDER

Mark Gordon called the meeting to order at 7:00 p.m. Due to the ongoing Coronavirus pandemic, the meeting was held virtually via Zoom, and Mr. Gordon asked that everyone observe video etiquette.

A moment of silence was observed for the members of the military that protect our nation and first responders who protect us locally on a daily basis here at home.

II. REVIEW OF MEETING MINUTES

MOTION: To approve the minutes for the meeting of January 5, 2021
(Gordon/Glisson)

ACTION: Passed, 6-0

III. PUBLIC COMMENT

There was no public comment on items not on the agenda.

IV. PLANS

1. **Dunwoody Drive Outdoor, LLC**
Address: 1473 Dunwoody Dr.
Second Review: Conditional Use
Request: Construction of an electronic billboard

Patrick Wolfington and attorney John Snyder were in virtual attendance on behalf of the Applicant. The application was first reviewed by the Planning Commission on January 5, 2021 and proposes a two-sided digital billboard at the northwest corner of the subject lot adjacent to the northbound lane of the U.S. Route 202 expressway. A land disturbance plan submitted earlier in the day was shown via Zoom screen sharing. Mr. Snyder described the areas of temporary disturbance for construction of the sign. A tree survey is expected to be completed by the end of next week. Mr. Wolfington described the total structure height and grade from the cartway, noting that the required 35 foot trees will not screen the structure from Route 202. Some tree pruning is proposed for visibility of the sign. There will be no permanent driveway, only a temporary one to access the structure during construction. The structure will be accessed by foot for maintenance.

An exhibit entitled "Broadcast of Light at Distances and Angles" was shown. Mr. Snyder maintained that all neighboring residences are outside the reach of the projected light (no measurable light output) and will not be impacted.

Jeff Glisson said he visited both neighboring residential communities (Whitewoods and Reserve at Glenloch) and believed that the sign will not be visible from either community.

Joe Altimari expressed his opinion that the view of the proposed sign from Route 202 would be unseemly. Mr. Gordon reiterated that the use is permitted in this area by Ordinance.

Mr. Wolfington briefly described the light technology noting that light will be directional (toward the roadway) with measurable light dropping off at an angle. Addressing Mr. Gordon's concern, Mr. Wolfington estimated the sign would be visible to motorists on Route 202 from about 800 feet and added that the project meets all PennDOT requirements.

Dan Cote said he felt there would not be much leakage of light and asked about maintenance of the sign. Mr. Wolfington said the sign would be accessed by foot from the Univest driveway about twice each year.

Ray McKeeman asked about the stream crossing. Mr. Snyder said no stream crossing was proposed. Mr. McKeeman noted that because the sign will be higher than ground level it will not appear as bright and distracting to motorists and added that the Applicant is meeting the Township's regulations.

Mr. Wolfington recapped PennDOT regulations pointing out that the project will meet all of the regulations including a distance of 500 feet from on- and off-ramps; the 5-second minimum dwell time (the Township minimum dwell time is 10 seconds); no animation; one-second maximum transition time from one static image to the next with no dissolve.

Mr. Weller reminded everyone that the State requires every municipality to accommodate all legal uses of land, including billboards. Mr. Gordon added that the present project is a conditional use application: the use is already permitted. The review is to determine whether it complies with all regulations and to recommend reasonable conditions to mitigate the impact of the project.

Mr. Wolfington addressed Mr. Altimari's concerns about cybersecurity, stating that the servers controlling the sign are off-site. Content is uploaded remotely via a secure connection with password protection and encryption. He added that the Applicant has never had a security breach.

Mr. Cote asked what happens when the sign fails. Mr. Wolfington said there are cameras on the sign and notifications sent if an error occurs. In the event of serious error or failure, the sign would go black, but such failure has never happened.

Mr. Snyder suggested the Commission consider a condition addressing the 3 required trees, as they would have to be planted in the wetlands. Because the regulation appears in the Zoning Ordinance, a waiver cannot be granted.

There was discussion regarding the times of operation. Mr. Weller said that the Zoning Ordinance does not limit hours of operation. State regulations allow 24/7 operation on limited access highways, such as Route 202. Members asked Mr. Wolfington if the Applicant would consider turning the sign off between midnight and 5:00 a.m. or between 10:00 p.m. and 7:00 a.m. Mr. Wolfington said that the Township's 10-second dwell time already reduces the profitability of the sign and that they prefer not to turn the sign off. Mr. Snyder added that he did not think that limiting hours of operation would be viable at this location given the Township's dwell time.

Mr. Gordon asked for comments from the public.

Frank Donohoe, resident of East Whiteland Township, speaking on behalf of the Valley Forge Chapter of Trout Unlimited, expressed concern for protecting the West Valley Creek headwaters as they are critical to managing stormwater. He felt the project would have long-term impact on the wetlands.

Cindy Claffey of 9 Whitewoods La. in East Whiteland Township was concerned about the environmental and aesthetic impact, noting that the area is a haven for wildlife. She encouraged Commission members to walk the site. Mr. Glisson said he did walk the site and concluded that the sign would be visible from only one home on Whitewoods La. He added that the regulations regarding streams are extremely strict, and he was confident that the stream would be adequately protected. Mr. Gordon added that any disturbance will be monitored by the State Department of Environmental Protection and the Township. Mr. Wolfington responded that a 48-inch diameter pole will be the only structure permanently placed in the ground. Mr. Gordon reminded everyone again that the present application is to consider the use only, and that design details will be reviewed during the land development phase.

Larry Block, resident of Roswell La. in the Reserve at Glenloch, thanked Mr. Weller for responding to his previous e-mail questions, and asked if the impact to the homes in Glenloch has been considered. Mr. Glisson said it has, and he estimated that, at most, only six homes there would be able to see the sign. Mr. Weller agreed, noting that the sign will barely be visible due to the density of the woods.

Bryan Siedlecki of 1426 Roswell La. disagreed and believed up to twenty homes will be impacted. Mr. Glisson added that the sign may be visible, but not offensively so.

Ed Chanatry of 1210 Isaac Way asked for clarification on the height of the sign and asked if other billboards would be permitted in the area. Mr. Weller said the Township's Ordinance requires 3,000 foot spacing between billboards. This distance would now be entering a different zoning district that does not allow the billboard use. Mr. Wolfington added that following Township approval, there is a 30-45 day PennDOT review period. The actual on-site construction time will be about two weeks, including a one-week curing period for the concrete.

Mr. Weller then reviewed the approval process, noting that the present conditional use review is just the first step. There will be a public hearing before the Board of Supervisors on January 27, and following conditional use approval the Applicant will need to submit a land development plan and come before the Planning Commission and the Board of Supervisors again to get final approval.

Lynn Deithorn of 14 Whitewoods La., East Whiteland Township, felt the proposed billboard will spoil the aesthetics along Route 202.

Virginia Kerlake of 103 Shoen Rd. asked if the Township could require the Applicant to conduct a full-scale demonstration as was done for a previous project along Pottstown Pk. Ms. Gleason said the Township did not and cannot require a demonstration but can strongly suggest the Applicant do so. Mr. Wolfington indicated that such a demonstration is resource, cost, and time intensive. Mr. Snyder said the present Applicant meets all Township requirements, and he would not recommend the Applicant conduct a demonstration.

Doug Claffey of 9 Whitewoods La. in East Whiteland Township asked about alternate buffer screening since the 35-foot trees required by the Ordinance will not be tall enough to screen the sign. Mr. Weller said the buffer required by the Ordinance is intended to screen property directly across the street from a sign and would therefore not screen the Whitewoods community. The details of the tree requirement will be discussed during the land development review.

Mr. Altamari again stated that the plan seemed "beyond the pale" and noted the amount of opposition. Mr. Gordon explained again that the Township is required by law to provide a place for all land uses and that the Township allows billboards in areas of least impact. The Township cannot exclude the use but can only place "reasonable" conditions to mitigate the impact.

Mr. Wolfington said there will be minimal pruning of trees, but they will not know the extent until the tree survey is complete, expected before the January 27 public hearing. Mr. McKeeman said the Applicant should work closely with Theurkauf Design and Planning concerning landscaping issues.

Ms. Kerslake asked about limiting the hours of operation. Mr. Glisson said while the sign can be seen from some homes, there would be no measurable light. Mr. Snyder said the Applicant would not accept a condition limiting hours of operation. Mr. Chanatry noted there are more homes scheduled for construction in the community. Mr. Gordon said the light from the sign will be no more intense than the existing lighting at the corporate park. He said a condition limiting hours of operation would be challenged in Court by the Applicant, and the Township would lose.

Mr. Snyder recommended a condition be included to address the matter of the three required trees that would be planted in the wetlands, to either provide an alternate location or a fee in lieu of.

Regarding impact to the stream, Mr. Snyder acknowledged the exceptional value watershed and assured that all regulations will be followed.

MOTION: The Planning Commission has the following concerns regarding the application of Dunwoody Drive Outdoor, LLC for placement of a billboard at 1473 Dunwoody Dr.:

1. While the Applicant is not proposing a new building or enclosure, the placement of a billboard still falls within the definition of a "land development" as per §325-8 of the Zoning. Should the Board approve this application, it should be clear that the project will still need to be reviewed and approved as a land development.
2. Information provided by the Applicant prior to the Planning Commission meeting of January 19, 2021 did not satisfy the conditional use criteria set forth in §325-124.C(1)(g) and §325-124.C(1)(h) of the Zoning. The Board should confirm that these criteria have been satisfied in the course of the conditional use hearing.
3. Should the Board approve this Application, such approval should be conditioned upon the billboard being operated in complete compliance with the provisions of §325-95.E(7) and §325-95.I of the Zoning.
4. The Planning Commission shall review the placement of the buffering trees required by §325-95.I(6) in the course of the land development review. Strict compliance with the language of this section will not provide the intended buffering effect and may adversely affect environmentally sensitive areas on this particular site.

(McKeeman/Glisson)

ACTION: Passed 5-1, with Mr. Altimari opposing.

2. **Boot Rd. Storage, LLC**
Address: 200 King Rd.
Second Review: Subdivision
Request: Subdivision to provide a separate lot for an existing dwelling on a commercial property.

Attorney Brian Nagle and Applicant Rick Bates were in virtual attendance. Mr. Weller provided a summary of the project, which the Commission had reviewed for the first time on October 6, 2020. The property is the site of Extra Space Storage, a self-storage facility at the intersection of Boot and King Rds. In 2000, the Board of Supervisors approved a conditional use application for construction of the self-storage facility. At that time there were two buildings on the property with frontage on Boot

Rd. Condition 2 of the Decision and Order stipulated the creation of a separate lot for the eastern building following approval of the land development plan for the self-storage facility. This was never done and is the subject of this application. Mr. Weller said the only outstanding issue is that of sidewalk. Mr. Weller said the Township Solicitor advised that the application is governed by the regulations in effect at time of submission, so the sidewalk may be required: the previous plan approval does not grandfather the failure to require a sidewalk earlier, as was suggested by the Applicant.

Noting that the Township Ordinance requires sidewalk for development, Mr. Gordon suggested that no sidewalk was required since no development is proposed. Mr. Nagle agreed citing that the Ordinance does not require sidewalk for subdivision, only for development (also noting that the language does not specify "land development"), of which the present application has none.

There was discussion regarding payment of a fee-in-lieu of sidewalk, redevelopment of the lot at a future time, and the observation that the sidewalk would lead nowhere. Mr. Weller pointed out that if Mr. Nagle's interpretation of the Ordinance were accepted, no waiver of the sidewalk would be required. Ms. Gleason said she agreed with the Township Solicitor's interpretation and maintained that the Township can require sidewalk but should not in this case as only a lot line change is involved.

Mr. Gordon asked about the cesspool. Mr. Nagle said the cesspool was previously moved to the other lot due to frontage/setback concerns adding that there is an easement for water supply, but not for sewage disposal. Mr. Gordon was concerned that the existing house will become blighted as it cannot be occupied without some kind of sewer connection. Mr. Bates said he planned to redevelop the property in the future but did not yet know when. Mr. Gordon suggested a condition that the existing house be demolished if an application for redevelopment is not submitted within one year. Mr. Weller noted that the lot itself is useable.

Mr. Altimari - felt there was no need for sidewalk to be installed but would agree to a fee-in-lieu of.

Mr. Dunn - in favor of waiving the sidewalk requirement.

Mr. Cote - in favor of waiving the sidewalk requirement.

Mr. Glisson - in favor of waiving the sidewalk requirement.

Mr. McKeeman - in favor of waiving the sidewalk requirement.

MOTION: To recommend that the Board of Supervisors approve the subdivision plan entitled "Lexington, Ltd." for the property at 200 King Rd. as depicted on the single-sheet plan prepared by Edward B. Walsh & Associates, Inc. dated July 15, 2020 and most recently revised December 11, 2020 (the "Plan") with the following waivers and subject to the following conditions:

1. The Plan is approved as a final plan pursuant to §281-10.H of the West Whiteland Township Subdivision and Land Development Ordinance ("S/LDO").
2. Waiver of various provisions of §281-17.D of the S/LDO such that the information shown on the Plan shall be deemed sufficient.
3. Waiver of §281-31 of the S/LDO such that sidewalks need not be required.
4. A note shall be provided on the plan stating that Lot 1 is guaranteed the use of and access to the existing well on Lot 2.
5. Payment of all outstanding Township invoices within thirty days of the date of final plan approval.

(McKeeman/Altimari)

ACTION: Passed, 6-0

V. NEW BUSINESS

There was no new business. Mr. Altimari asked about sewer capacity for the project at the Valley Creek Corporate Center. Mr. Otteni confirmed that there was sufficient sewer capacity.

VI. ANNOUNCEMENTS:

Mr. Smiley announced that the February 2 meeting agenda will include the Raj Real Estate plan for 4 Tabas La. and a presentation on clean energy by Mimi Gleason.

The Urban Land Institute presentation on the Exton Crossroads will be held on February 2 at 2:00 p.m. Members of Township Boards and Commissions will receive a link to the virtual event.

VII. ADJOURNMENT

The meeting adjourned at approximately 9:50 p.m.

Recording Secretary,



John Weller, AICP
Director of Planning & Zoning