

**WEST WHITELAND TOWNSHIP
PLANNING COMMISSION
MINUTES**

Minutes of the first February meeting

February 2, 2021

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

Members Virtually Present

Mark Gordon, Chairman
Joe Altimari
Dan Cote
Brian Dunn
Jeff Glisson
MaryFrances McGarrity
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

Chairman 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.

Mr. Gordon led in the Pledge of Allegiance and asked for a moment of silence in honor of the members of the military who protect our nation and of first responders who protect us daily at home.

II. REVIEW OF MEETING MINUTES

MOTION: To approve the minutes for the meeting of January 19, 2021
(Dunn/Glisson)

ACTION: Passed, 7-0

III. PUBLIC COMMENT

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

IV. PLANS

1. **Raj Real Estate, LLC**
Address: 4 Tabas Ln.
Second Review: Land Development
Request: Construction of a 13,300 sq.ft. storage building

Applicant Kulraj Singh was accompanied by attorney John Jaros and project engineer Nick Vastardis to present the project. Mr. Jaros provided an overview of the plan, which proposes a storage building along the east side of Tabas Ln. on the same property as the Apna Bazar, which will remain. The use is permitted in the Town Center (TC) Zoning district. Mr. Jaros said the Applicant is agreeable to the 17 conditions, including five waivers, listed in John Weller's memorandum of January 29, 2021.

Mr. Weller noted that the Planning Commission last reviewed this project on August 4, 2020. Four small retail shops shown on the prior plan have been removed. Outstanding issues included:

- Clarification of the use: will it be an accessory to the existing market, a warehouse unrelated to the market, or a commercial self-storage facility.
- Confirmation of whether the groundwater analysis described in the SSM review has been done.
- Verification that the proposed stormwater management facilities are consistent with DEP's requirements for the managed release concept.
- Confirmation regarding prior guidance on the provision of sidewalks and whether the Applicant should make a donation to the sidewalk fund in lieu of providing sidewalks.
- Discussion on whether the design of the building will be modified to comply with the Town Center design standards or if a waiver from those standards is warranted.
- Clarification of how the garage entrance on the south side of the building will be used.
- Confirmation that the remaining consultant comments and concerns are "will comply" items.

Mr. Singh said the proposed storage facility will not be open to the public but will be an accessory use to the existing Apna Bazar Market. Since more people are shopping online and requesting home delivery due to the COVID pandemic, the facility will provide the space needed for products to be stored and organized for delivery.

Mr. Vastardis said the Applicant will engage a geotechnical company to perform a groundwater and soil analysis. If the analysis determines that the groundwater will affect the foundation, the building design will be adjusted accordingly. He added that the design of the stormwater management facilities will comply with all DEP regulations.

Given the location of the site, the Commission agreed to waive the sidewalk requirement but thought that a donation to the sidewalk fund in lieu of construction was appropriate.

Joe Altimari expressed concern about increased traffic at the Chester Valley Trail crossing of Tabas Ln. Mr. Weller pointed out that this was not the Applicant's responsibility as he does not own the property at that location; however, the Township and the County will be having conversations to see what can be done to make the area safer for Trail users.

MaryFrances McGarrity asked about the ability of large fire trucks to be able to navigate the site. Mr. Gordon pointed out that the plan includes a sheet showing that the site can accommodate emergency vehicles.

Architectural renderings of the proposed facility were shown. The Commission deemed the design appropriate for the location and the use and agreed to waive the Town Center design standards to the extent necessary to allow the design shown. It was noted that significant landscaped buffers will screen the view from the residences proposed for the adjacent Ship Run community.

Mr. Singh explained that the garage door on the south side of the building will allow trucks to enter the building and be loaded inside: it is not a conventional loading dock.

Mr. Jaros said that the remaining consultant comments were all "will comply" items.

Attorney Michael Gill was in virtual attendance on behalf of Baker Properties, the owner of the properties at 1 and 2 Tabas Ln. Mr. Gill said his client and the Applicant are in discussion regarding the placement of stormwater infrastructure in Tabas Ln. Mr. Jaros replied that the Applicant questions Baker Properties' ownership of Tabas Ln., but discussions will continue, and both parties expect the matter to be resolved. Mr. Weller advised that the Applicant secure any necessary permissions or easements prior to advancing to the Board of Supervisors for final approval. This can be added as a condition to any recommendation by the Planning Commission and does not preclude the Commission from making a recommendation tonight as this is a legal question that does not involve the Township.

MOTION: To recommend that the Board of Supervisors approve the land development plan entitled "RAJ Real Estate, LLC / 4 Tabas Lane" as depicted on the 12-sheet plan set prepared by Vastardis Consulting Engineers, LLC dated July 2, 2020 and most recently revised November 19, 2020 ("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 §270-20.A, -20.C, and -20.D of the Stormwater Management Ordinance from various infiltration requirements, pursuant to comment #1 of the Spotts, Stevens and McCoy ("SSM") review dated December 18, 2020.
3. Waiver of §281-31 of the S/LDO such that sidewalks need not be provided; however, the Applicant shall make a donation to the Township sidewalk fund equivalent to the construction cost of the sidewalks that could be required pursuant to this section. Said donation shall be paid in full at or before such time that application is made for the first Building Permit pursuant to this project.
4. Waiver of §281-34.B(4) of the S/LDO to allow the parking lot landscaping as currently shown, pursuant to comment #7 of the Theurkauf Design and Planning ("Theurkauf") review dated December 22, 2020.
5. Waiver of §281-35.B(6) of the S/LDO to allow the placement of the loading area as currently shown without the enclosure and screening required by this section.
6. Waiver of §281-67.B(1)(c) of the S/LDO to allow building façade design as proposed.
7. The "Zoning Requirement" chart on Sheet 1 of the Plan shall be corrected.
8. Prior to the issuance of any building permit, the Applicant shall provide documentation that the stormwater management facilities comply with the managed release concept requirements of the Pennsylvania Department of Environmental Protection, pursuant to comments #14 and #15 of the SSM review dated December 18, 2020.
9. The Plan shall be revised to show all storm sewer piping with a minimum diameter of fifteen inches, pursuant to comment #18 of the SSM review dated December 18, 2020.
10. The Applicant shall resolve the groundwater concerns described in comment #6 of the SSM review dated December 18, 2020 to the satisfaction of the Township as advised by SSM.
11. Payment of a fee in lieu of dedication of permanent open space, pursuant to §281-47.C of the S/LDO. Said fee shall be paid in full at or before such time that application is made for the first Building Permit pursuant to this project. The fee amount is calculated at the time of final approval of the land development plan by the Board of Supervisors and is based upon the Consumer Price Index. Assuming that the Applicant timely receives such approval, Staff estimates the fee to be approximately \$12,300.
12. Payment of a traffic impact fee in the amount of \$3,658.95, pursuant to Township Ordinance No. 427 and comment #2 of the Traffic Planning and Design review dated September 24, 2020. Said fee shall be paid in full at or before such time that application is made for the first Building Permit pursuant to this project.
13. The Applicant shall secure any and all necessary permissions from adjoining property owners to allow the construction of the stormwater management system prior to meeting with the Board of Supervisors.
14. All remaining consultant and Staff concerns shall be resolved to the satisfaction of the Township.
15. Execution and recording of the Township's Stormwater Facilities Maintenance Agreement and Landscaping Restrictive Covenant, pursuant to Township practice. If the

Applicant makes no material revisions or additions to the standard form of the said documents, then the Board should authorize the Township Manager to sign these forms on behalf of the Township.

16. Execution of a Developer Agreement and a Financial Security Agreement pursuant to Township practice. The amount of such security shall be based upon construction cost estimates for the site improvements, including landscaping, to be provided by the Applicant, which shall be reviewed and deemed sufficient by SSM and Theurkauf. If the Applicant makes no material revisions or additions to the standard form of the said agreements, then the Board should authorize the Township Manager to sign these forms on behalf of the Township.
17. Payment of all outstanding Township invoices within thirty days of the date of final plan approval or at time of application for a building permit, whichever comes first.

(McKeeman/Glisson)

ACTION: Passed 6-0

V. NEW BUSINESS

1. Clean Energy Plan

Township Manager Mimi Gleason explained that the Township is one of seven municipalities that make up the West Chester Area Council of Governments (“COG”). One of the COG’s goals is to have 100% renewable electricity for the entire West Chester area by 2035 and 100% renewable energy by 2050. She reviewed portions of the COG’s website where residents can learn more about the Plan and review options for future purchases like vehicles and HVAC systems that support the Clean Energy goal.

Commission members were asked to consider ways that they could encourage developers to begin implementing clean energy practices into their projects. Jeff Glisson suggested the installation of conduits for future electric vehicle charging stations be done during the construction process when it will be much cheaper than doing so after the project is completed. Other ways to encourage developers to focus on renewable energy and energy efficiency were discussed.

Ms. Gleason explained that by law the Township cannot offer a tax incentive, but in the long run renewable energy proves to be cheaper and is therefore its own incentive.

VI. ANNOUNCEMENTS:

The February 16 meeting will feature discussion on amending the plan submission and review procedure as set forth in our Subdivision and Land Development Ordinance.

VII. ADJOURNMENT

The meeting adjourned at approximately 8:20 p.m.

Recording Secretary,



John R. Weller, AICP
Director of Planning & Zoning