

## AGENDA

### Smart Growth Committee

September 14<sup>th</sup>, 2016 – 7:30 pm

Committee Members: Diane LeBold (Chair)  
Bill Scott  
Michael Galey

#### Department Head: Mike Perrone

1. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.
2. Discuss 200 N. Church Street HARB – Window Replacement
3. Conditional Use Application for 29 S. Church Street – Historic Carriage House Use – Council to set date for Public Hearing
4. Discuss WCU – Land Development Application  
The Commons Building & Parking Structure
5. Discuss Vision Partnership (Comp Plan) Grant Time Extension
6. Discuss 510 E. Barnard St., Sketch Plan for 57 residential units
7. Discuss Certificates of Appropriateness:
  - a. 122 E. Gay Street – Opa Opa Restaurant  
Install hanging sign  
**Approve with conditions: Sign shall be installed above the entrance door on either the existing square tube bracket or a new black bracket similar to the existing bracket with no sign at the center of the building.**
  - b. 158 W. Gay Street – STP Investments  
Install hanging sign on front façade and construct an elevated steel platform to hold a new generator above an existing trash dumpster enclosure  
**Approve as presented**
  - c. 120 N. Church Street – WC Shambhala Medication Center  
Install hanging sign  
**Approve with conditions: Shall be installed on a black bracket similar to existing brackets and field of the sign should be off-white.**
  - d. 16 E. Market Street – The Brooks Group  
Replace entry steps and handrails  
**Approve with conditions: Steps shall be constructed of brick sides and risers and bluestone treads. Bluestone treads and uppermost landing are to be monolithic treads (1 piece, not 2 or many). Railings to replicate designs of existing deteriorated railings.**

- e. 141-43 W. Gay Street – WC United Methodist Church  
Install historic marker at 141 E. Gay Street  
**Approve as presented**
  
  - f. 40 E. Market Street – Rams Head Bar & Grill  
Remove existing awning and install sign board covering all the transom windows along Market Street, paint all red trim and pent roof on the building black and repaint existing cream trim cream.  
**Approve with conditions: Signage component of application was tabled and applicant will return with other signage options. Metal pent roof will not be painted black, but if repainted, will be red.**
  
  - g. 117 E. Gay Street – The Social  
Install building mounted sign, remove exterior and interior muntin grids from existing picture windows.  
**Approve with conditions: Sign will read “The Social”.**
  
  - h. 11 N. Walnut Street – Parisian Cleaners  
Install HVAC unit below existing 2<sup>nd</sup> floor rear window  
**Approve as presented**
8. Discuss July and August minutes
9. Zoning Appeals: none

## MEMORANDUM

TO: Smart Growth Committee  
Borough of West Chester

Cc: Michael Cotter, Michael Perrone & Kristin Camp, Esquire

FROM: Kimberly P. Venzie, Esquire

RE: 200 North Church Street – HARB – Window Replacement

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**FACTS:** On February 5, 2013, a letter was sent by WC Borough Codes Enforcement office advising the previous owner of the above property that HARB approval & a Certificate of Appropriateness are required to replace windows. This letter was prompted by a site visit whereby the tenant commented that the property owner was planning on replacing the windows. Around that same time, the previous owner of property did indeed replace five (5) windows within the building upon the property without seeking or receiving a Certificate of Appropriateness. The property was subsequently sold. The current owner of the above property has now replaced the remaining 13 windows without obtaining any required approvals. On July 7, 2016, a violation letter was sent to the current property owner by the WC Borough Codes Enforcement office. The current property owner has now filed a HARB application for the 13 windows he has already replaced.

### QUESTIONS & LEGAL RESPONSE:

- 1) Can Borough Council require all 18 windows to be removed and replaced with windows that are consistent with the HARB guidelines?

**YES.** Both Section 122-53-E of the Borough Code and Section 617 of the MPC give the Borough the authority to issue a notice of violation and take the necessary action to correct the violation – which would include requiring the current property owner to replace the windows with windows consistent with HARB guidelines.<sup>1</sup> There are no code or statutory provisions specifically releasing property owners of such responsibilities simply because the prior property owners performed the illegal work. The Pennsylvania Courts have held that current property owners may be required to bring their properties into compliance despite the prior owner of the property utilizing or maintaining the property in a manner that violates the zoning ordinance.<sup>2</sup> However, in actions in equity, the Courts have also carefully reviewed all the facts, including whether or not the property owner willfully violated the zoning ordinance, and have determined to not require extreme remedies such as requiring a tear down of entire walls of a building.<sup>3</sup>

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<sup>1</sup> See *Hull v. Allentown City Council* (2004 WL 5209135)(2004)(Lehigh Common Pleas Court upheld requirement to replace windows with HARB approved windows) (appeal denied)

<sup>2</sup> *Borough of Dormont v. ZHB of Dormont*, 850 A.2d 826 (Pa.Cmwlth.2004)

<sup>3</sup> *Woodward Township v. Zerbe*, 6 A.3d.651 (Pa. Cmwlth. 2010)

The reasonableness of requiring the current owner of 200 North Church Street to replace all 18 windows might be questioned by a Court if it ever rose to that level.

- 2) Can Borough Council require that only the 13 windows that were installed by the current owner be removed and replaced consistent with the HARB guidelines?

**YES.** As stated above, Borough Council could require all 18 windows to be replaced; however, Borough Council could also only require that those 13 windows installed by the current owner be removed and replaced. The Borough Code, the MPC and case law would certainly support the decision to mandate replacement of only those 13 windows consistent with HARB guidelines.

- 3) Can Borough Council allow extended timelines for either Option 1 or 2 above?

**YES.** Borough Council can extend timelines for compliance as part of their final determination in this matter. It would simply be an additional modification or condition of their determination.

APPLICANT'S EMAIL ADDRESS REQUIRED: NRDEVELOPMENT @ GMAIL . com

Date application received: 7-18-16 (Office use only.)

Application number: 2016 - 36

PROPERTY ADDRESS: 200 N. Church St.

NOTE: All projects must have the appropriate Section(s) of the Application filled out and attached to this form when it is returned and filed with the Building and Housing Office. You need not attach any Sections that do not relate to your project. Please request as many of the Section forms as you may need. Your application number will be assigned when you return these forms. Remember, your completed application, including any pictures and plans, must be filed by the deadline date on the appended schedule in order to be reviewed at the next HARB meeting.

1) *This application is for:* (check the appropriate boxes)

- Section #1: Sign
- Section #2: Canopy or Awning
- Section #3: Repair, replacement, or alteration from original (please supply photos or elevations of original) \*
- Section #4: Addition (supply architectural elevations and site drawings, as well as photos of the existing structure) \*
- Section #5: New Construction (supply architectural elevations and site drawings, as well as photos of buildings next to and around the site) \*
- Section #6: Demolition \*

*Note: Fill out and attach only those Sections appropriate to your project.*

2) *Please indicate which items you are submitting with your application form. Do not submit originals, since these will be kept by the HARB for its official archives.*

- Color or B/W sketches
- Plot or site plans
- Old or historic photographs
- Architectural elevations
- Photographs of the current existing site showing where changes are to be made, location of buildings, and streetscape.

*All sketches, elevations, and plans must be signed by the preparer(s).*

The owner of this property and the applicant agree to conform to all applicable findings of the Borough of West Chester Historical and Architectural Review Board.

Applicant's name (print): NEILL REIDY

Applicant's Signature:  Date: 7/18/16

Owner's name (print): WC HOUSING, LLC

Owner's Signature:  Date: 7/18/16

\*Note: Check with the Building and Housing Office of the Borough of West Chester to see if you need a building permit as well as a Certificate of Appropriateness *before* you begin your project.

Date application received: \_\_\_\_\_

Application number: \_\_\_\_\_

SECTION #3 / REPAIR, REPLACEMENT, OR ALTERATION

(Attach a separate Section #3 for each of the repairs, replacements, or alterations you want to make.)

Location of project (address): 200 N. Church St.

Name of business (if applicable): N/A

Applicant's name (please print): NEILL REIDY

Applicant's address (address city, state, & zip): 256 Eagleview Blvd. Exton, PA 19341

Applicant's phone number (Day): 484-486-4590 (Evening): 484-486-4590

Owner's name (if different from applicant's): see above

Owner's address (address, city, state, & zip): see above

Owner's phone number (Day): see above (Evening): \_\_\_\_\_

**Instructions:** Provide clear photographs showing the location of each proposed improvement, including photos of streetscape and the adjacent buildings. Provide architectural elevations and/or photographs clearly showing the location of the proposed work. Provide material specifications and manufacturer's pamphlets on the replacement materials proposed.

- 1) Which element(s) do you wish to change?  Doors  Windows  Roofing  Gutters  
 Walls  Steps  Sidewalk  Fence  Trim  Railing  Porch or balcony  
 Other (Specify) \_\_\_\_\_

2) On how many facades? 2  Front  Side  Back

3) What was the old material? Wood

4) What is the proposed new material? Vinyl

5) How will it be installed? Replacement

6) Are you reusing any historic materials? No

7) If so, what and how? \_\_\_\_\_

8) What were the old dimensions? Height: 70 x Width: 34 x Depth: \_\_\_\_\_

9) What are the new dimensions? Height: 70 x Width: 34 x Depth: \_\_\_\_\_

10) What were the old colors? White

11) What do you propose for the new colors? White

12) Why do you want to make these changes? Changes were made Early 2013 due to ROTTEN windows.

Neill Reidy  
256 Eagleview Blvd  
Suite 265  
Exton, PA 19341  
484-486-4590  
nrdevelopment@gmail.com

July 18, 2016

To Whom It May Concern,

Please accept this letter as part of my "Section #3 - Repair" application for the property located at 200 N. Church St., West Chester PA 19380.

In a recent letter from the WC Codes Department (attached) on July 7, 2016 it was advised that an application be submitted to West Chester HARB in regards to replacement windows installed at 200 N. Church Street, West Chester PA. Unfortunately, I was unaware of the required HARB recommendation when replacing the windows. The project was completed several years ago due to severe window sash rot.

I would like to humbly and respectfully share several facts to support my request to keep the existing windows in place at the property.

1. Vinyl and aluminum windows already existed in a portion of the property prior to new ownership in 2012.
2. Property was purchased as-is, in disrepair in 2012 with **incorrect** information related to the building being in a historical district. For your reference I have included a copy of the real estate disclosure, see line #250.
3. The adjoining historic building at 202 N. Church St. has similar vinyl replacement windows. (photo attached)
4. Building across the street at 136 N. Church St. has similar vinyl windows installed. (photo attached)
5. A letter was received from WC Codes office on Jan. 6th, 2016 requesting replacement of a broken window. No mention was made of HARB appropriateness.

6. I would like to minimize further disruption to the building and instead focus on the recent recommendations made by the code office to remedy peeling exterior paint on over 20 windows and doors.

I greatly appreciate your consideration and am looking forward to meeting you in person at the next HARB meeting at the end of July.

Sincerely,

A handwritten signature in blue ink, appearing to be "Neill Reidy", with the date "7/18/16" written to the right of the signature.

Neill Reidy

Manager



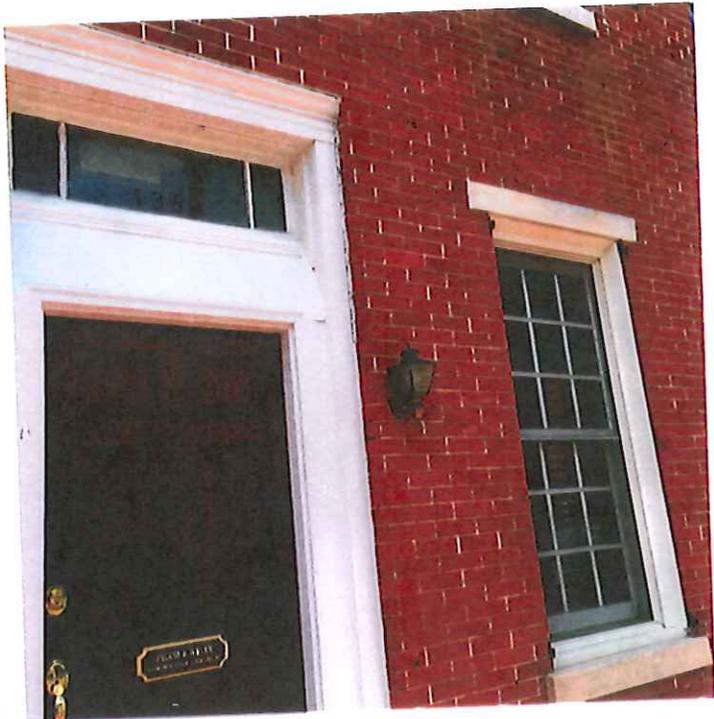
202  
N. Church



200 N.  
Church



136 N.  
Church





## Department of Building, Housing & Codes Enforcement

*Regulations for the Protection of Public Health, Safety and Welfare*

401 East Gay Street ▪ West Chester, Pennsylvania 19380  
610-696-1773 ▪ Fax: 610-692-7958 ▪ web: [www.west-chester.com](http://www.west-chester.com)

July 7, 2016

WC Housing LLC  
256 Eagleview Blvd., Ste. 265  
Exton, PA 19341

**Re: 200 North Church Street; West Chester, Pennsylvania**

Dear WC Housing LLC,

An inspection was conducted at your property, 200 North Church Street, West Chester, Pennsylvania on July 6, 2016. At that time, it appears new windows were installed without the recommendation of HARB and a Certificate of Appropriateness issued by Borough Council.

Please be advised this is a violation of the Borough of West Chester Code, Chapter 112, Section 112-53 E. Upon receipt of this Notice, you have thirty (30) days (**or no later than Monday, August 8, 2016**) to make application to the HARB for the new windows.

The recipient of this Notice has the right to Appeal to the Zoning Hearing Board within thirty (30) days, in accordance with the Pennsylvania Municipalities Planning Code and the Rules and Regulations of the Borough of West Chester Zoning Hearing Board.

Failure by you to comply with this Notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation and may force the Borough to institute appropriate action or proceedings to prevent, restrain, correct or abate stated violation. In addition, any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any Zoning Ordinance enacted by law, shall, upon being found liable therefore in a Civil Enforcement Proceeding commended by a Municipality, pay Judgment of not more than five hundred dollars (\$500.00) a day, plus all court costs, including reasonable Attorney's Fees incurred by the Borough as results thereof.

Respectfully,

Kathy Brooks  
Codes Enforcement Officer  
Borough of West Chester  
610.436.1350

Certified Mail# 9590 9403 0758 5196 4295 57

\*Letter sent via Certified Mail on July 7, 2016



## MEMORANDUM

**TO:** Michael A. Cotter, Borough Manager  
**FROM:** Michael A. Perrone, C.B.O.  
**DATE:** September 1, 2016  
**RE:** 29 South Church Street – Historic Carriage House Use

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### Recommendation

Borough Council set a date for the Conditional Use Hearing for the use of the Historic Carriage House at 29 South Church Street.

### Motion

N/A

### Background

N/A

PAID

AUG 31 2016

BOROUGH OF WEST CHESTER  
CONDITIONAL USE APPLICATION

BOROUGH OF WEST CHESTER

Property Address: 29 South Church Street, West Chester, PA

Name of Applicant: Nicholas Halladay, Sr.

Mailing Address: 118 Windridge Drive, West Chester, PA 19380

Telephone Number: 610-696-0999 / Fax Number: \_\_\_\_\_

Email Address: flowerpowernancy@yahoo.com

Attorney: Timothy Knauer

Mailing Address: 218 W. Miner Street, West Chester, PA 19382

Telephone Number: 610-431-6801 / Fax Number: \_\_\_\_\_  
email: timothyknauer@gmail.com

Zoning District: TC - Town Center / Proposed Use: Single Family Residential

Zoning Code Sections Relating to Application: Historic Carriage House (112-100.2)

*\*\*\* Attach report in accordance with Section 112-113 and any specific section governing the proposed conditional use with the appropriate fee.*

Note: All conditional use applications will be forwarded to the Borough's Planning Commission for comment. Applicant attendance is recommended. Historic carriage house applications will be forwarded to the Borough's Historical and Architectural Review Board for review and comment.

\*\*\* Applicant attendance is recommended.

Nicholas Halladay  
Signature of Applicant

8/30/2016  
Date

*For Borough Official Use Only*

Fee Paid \$ 1200.00

Date Application Submitted 8-31-2016

Borough Official

Name

Signature

Application #



## MEMORANDUM

**TO:** Michael A. Cotter, Borough Manager  
**FROM:** Michael A. Perrone, C.B.O.  
**DATE:** September 1, 2016  
**RE:** **West Chester University: Land Development Application:  
The Commons Building & Parking Structure**

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### Recommendation

N/A

### Motion

N/A

### Background

The West Chester University has submitted a Land Development application to the Borough Planning Commission for a proposed 165,000 gross sf Commons Building and 30,800 sf parking facility containing 461 parking spaces, along with stormwater and landscaping improvements, on the site of the West Chester University super block.



Office of the Associate Vice President for Facilities | 201 Carter Drive  
West Chester, Pennsylvania 19383 | 610-436-3200 | fax: 610-436-3275 | [www.wcupa.edu](http://www.wcupa.edu)

August 25, 2016

Michael A. Perrone  
Director of Building, Housing and Code Enforcement  
Borough of West Chester  
401 East Gay Street  
West Chester, PA 19380

Dear Mr. Perrone:

Attached hereto please find the application of West Chester University for Land Development Plan Approval for The Commons and North Campus Drive Parking Facility. We are submitting herewith the application and required documentation as noted in the attached Land Development Submittal Documents list.

Please note that the Storm water Facilities and Maintenance Agreement will be included with the final plan submission. Likewise, a fee in lieu of recreation facilities will be submitted at the time of final plan submission, if applicable.

Please advise when this application will be placed on the Planning Commission agenda.

Sincerely,

A handwritten signature in black ink, appearing to read 'James K. Lewis', written over a white background.

James K. Lewis  
Associate Vice President for Facilities

*attached (land development document list, as submitted)*

cc: WCU  
Mark Mixner, Vice President of Administration and Finance  
Patrick Brunner, Executive Director of Facilities Design and Construction  
Kathleen DiJoseph, Assistant Executive Director of Facilities Design and Construction  
Brian L. Nagle, Esq. and Mary Ann Rossi, Esq., MacElree Harvey, Ltd.



West Chester University  
The Commons and North Campus Drive Parking Facility  
Land Development Documents

August 25, 2016

- Land Development Application Submission Document Checklist
- Borough of West Chester Land Development Application
- Notification Letter to adjoining property owners – Draft
- Professional Services Agreement
- Green Building Questionnaire
- Act 247 Country Referral
- Chester County Subdivision/Land Development Record Form
- Seven Copies of Preliminary Land Development Plans, dated August 25, 2016, as follow:
  - G-001 Overall Site Plan;
  - G-100 Zoning Height Analysis;
  - C-101 Existing Conditions & Demolition Plan;
  - C-102 Existing Conditions & Utility Demolition Plan;
  - C-121 Site Plan;
  - C-131 Grading Plan;
  - C-141 Erosion & Sediment Control Plan;
  - C-142 Erosion & Sediment Control Details;
  - C-143 Erosion & Sediment Control Notes;
  - C-161 Utility Plan;
  - C-201 Storm Sewer Plans;
  - C-202 Sanitary Sewer Profiles;
  - C-501 Construction Details;
  - C-502 Construction Details;
  - C-503 Construction Details;
  - L-101 Landscape Plan;
  - E-101 Site Lighting Plan;
  - C-901 Post Construction Stormwater Management Plan;
  - C-902 Post Construction Stormwater Management Details;
- Seven copies of the Traffic Study prepared by McCormick Taylor dated August 2016
- Seven copies of the Stormwater Management Report dated August 25, 2016
- Seven copies of the Erosion and Sedimentation Control Report dated August 25, 2016
- Seven copies of the Impact Assessment Report dated August 25, 2016
- A CD containing PDF's of all applications and plans listed above
- Checks as follow:
  - Application Fee - Check No. 1000267604 for \$400 made payable to West Chester Borough;
  - Escrow Fee – Check No. 1000267605 for \$5,000 made payable to West Chester Borough;
  - Act 247 Application Fee – Check No. 1000267575 for \$9,075 made payable to the County of Chester;
  - Chester County Subdivision/Land Development Record Form – Check No. 1000267576 for \$950 made payable to County of Chester.

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# APPLICATION

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APPLICATION FEE - \$400.00

BOROUGH OF WEST CHESTER  
Department of Building, Housing & Codes Enforcement

## Sub-Division & Land Development

*To the Commissioners of the Borough of West Chester:*

The undersigned hereby makes application for approval of a Subdivision/Land Development Plan submitted under the provisions of the Subdivision Ordinance of the Borough of West Chester. Please submit eight (8) copies of the plan with this application:

Property Location: N. Campus Dr. & S. New Street Ward: 5th

Nature of Development:

Approximate Size of Property: .34.856

Number of Lots: 1

Plan:

Title: WCU - The Commons & Parking Facility

Date of Plan: August 25, 2016

Revision Dates: \_\_\_\_\_  
\_\_\_\_\_

PREPARED BY: Stantec Consulting Services Inc.  
*Registered Engineer or Surveyor*

(Over)



Property Owner:

Name: West Chester University c/o Kathleen DiJoseph

Address: 201 Carter Drive, Suite 300; West Chester, PA 19383

Telephone #: 610-436-2714 / Fax #: \_\_\_\_\_

Email Address: kdijoseph@wcupa.edu

Applicant:

West Chester University c/o Kathleen DiJoseph

Signature: *(Please indicate whether Owner or Responsible Agent)*

Address: 201 Carter Drive, Suite 300; West Chester, PA 19383

Telephone #: 610-436-2714 / Fax #: \_\_\_\_\_

Email Address: kdijoseph@wcupa.edu

**NOTICE TO APPLICANT:**

No application will be accepted unless the plans have been prepared by a Registered Engineer or Surveyor. Plans must be 15" x 18", 18" x 30" or 24" x 36" in size.



# THE COUNTY OF CHESTER



## COMMISSIONERS

Terence Farrell  
Kathi Cozzone  
Michelle Kichline

Brian N. O'Leary, AICP  
Executive Director

## PLANNING COMMISSION

Government Services Center, Suite 270  
601 Westtown Road  
P. O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax (610) 344-6515

August 11, 2016

Michael A. Cotter  
Borough Manager  
West Chester Borough  
401 East Gay Street  
West Chester, PA 19380

Re: *West Chester Borough Comprehensive Plan Update*  
VPP Contract 15444 – Extension #2

Dear Michael:

We are in receipt of your letter of August 3, 2016 in which you requested a time extension to the Vision Partnership Program (VPP) grant agreement between the County and West Chester Borough.

An addendum to the Vision Partnership Program Grant Agreement has been approved, extending the contract timeline six months to December 31, 2016. This time has been added to accommodate final plan revisions, county VPP and Act 247 reviews, and the adoption process. With the exception of the time extension, the Scope of Work attached as Appendix B to the original contract continues to apply to the project.

Five copies of the **Vision Partnership Grant Agreement Addendum** are enclosed for review and signature by the Borough Council. Once signed by the Council, please return all five copies to this office to the attention of Susan Elks for processing. A fully executed copy of the agreement will be returned for your files.

The Chester County Planning Commission is pleased to assist the Borough with this important planning effort.

Sincerely,

Brian N. O'Leary, AICP  
Executive Director

BNO/SSE/ncs

Enclosure

cc: Justin Smiley, Chester County Planning Commission

**CHESTER COUNTY**  
**VISION PARTNERSHIP PROGRAM GRANT AGREEMENT**  
**Contract Addendum #2**

Between the  
**BOROUGH OF WEST CHESTER**  
**URBAN RESEARCH & DEVELOPMENT CORPORATION**  
and the  
**COUNTY OF CHESTER**  
Contract No. 15444

\_\_\_\_\_ (Date)  
(to be completed by County)

In connection with the approved Vision Partnership Program Grant Agreement between the Borough of West Chester, Urban Research & Development Corporation (URDC), and the County of Chester, dated December 11, 2013, all parties accept the following change as a contract addendum. This Contract Addendum specifically applies to the **Borough of West Chester Comprehensive Plan Update**. Except as specified below, the general conditions, standard articles of agreement, grant amounts, and scope of work elements prescribed in the original agreement shall continue to apply.

**I. Contract Amendments:**

The contract is being amended as follows subject to conditions set forth herein:

- A. The Contract Term is extended by six months to December 31, 2016.

**II. Contract Addendum Conditions:**

The following conditions shall be adhered to by the endorsement of this Contract Addendum:

- A. The aforementioned adjustment of the contract term is subject to all Contract stipulations and covenants;
- B. The rights of the County of Chester are not prejudiced; and
- C. All claims against the County of Chester which are incidental to or as a consequence of the aforementioned delay are satisfied.

**CHESTER COUNTY VISION PARTNERSHIP PROGRAM GRANT  
CONTRACT ADDENDUM #2**

**ENDORSEMENTS**

DATE: \_\_\_\_\_

**BOROUGH OF WEST CHESTER**

ATTEST:

By: \_\_\_\_\_  
President, Borough Council

\_\_\_\_\_  
Municipal Secretary

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

DATE: \_\_\_\_\_

**CONSULTANT: URDC**

Authorized Officer: \_\_\_\_\_

Print Name: \_\_\_\_\_

DATE: \_\_\_\_\_

**COUNTY OF CHESTER**

By: \_\_\_\_\_  
Executive Director  
Chester County Planning Commission



## MEMORANDUM

**TO:** Michael A. Cotter, Borough Manager  
**FROM:** Michael A. Perrone, C.B.O.  
**DATE:** September 12, 2016  
**RE:** **Drury Subdivision and Land Development Plan**

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### Recommendation

N/A

### Motion

N/A

### Background

Sketch plan of proposed 57 units, single family townhouse development. Plans have not been reviewed. Developer will be at the committee meeting to introduce the plan.



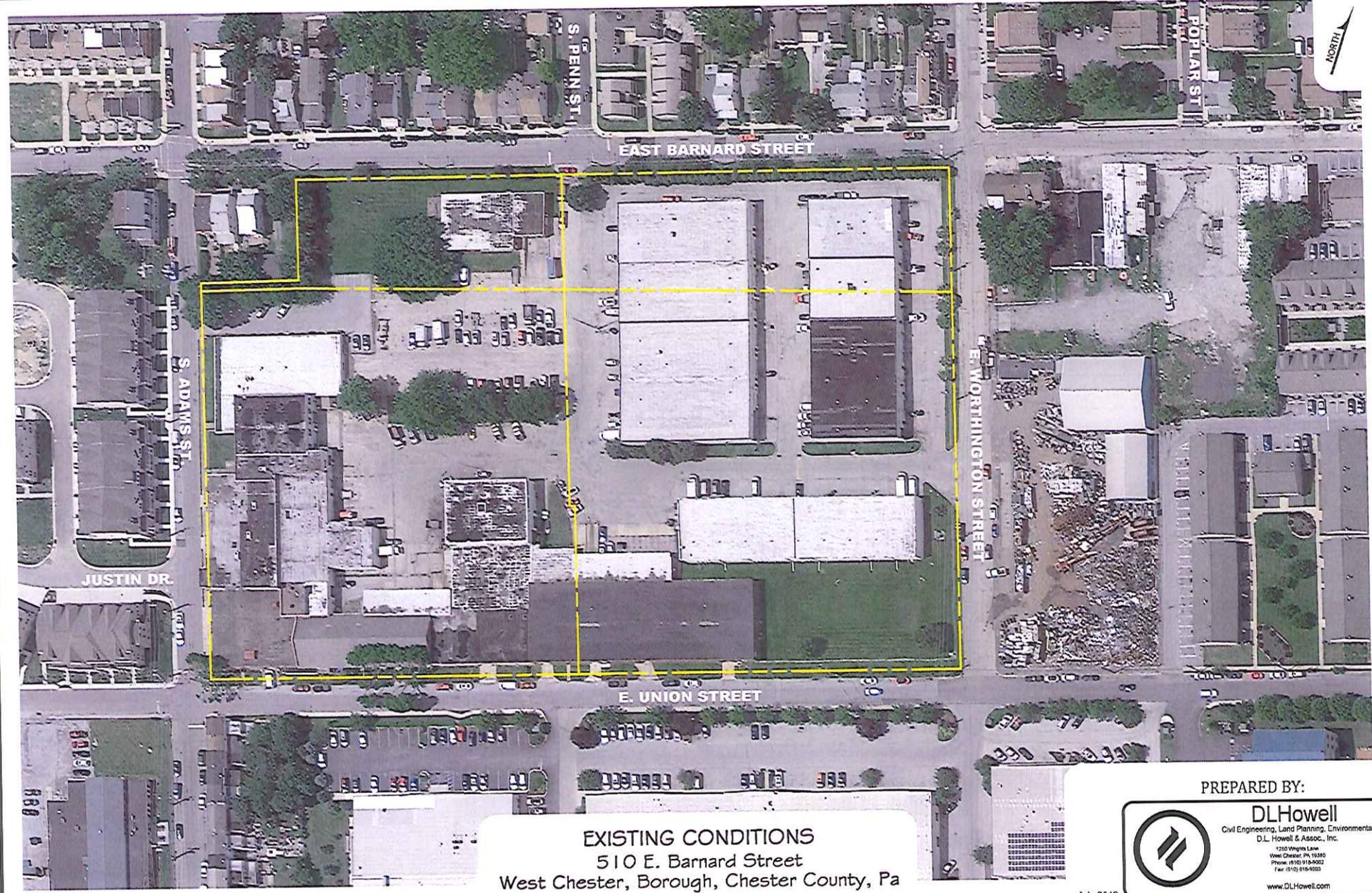
PROPOSED 57 UNIT  
 SINGLE FAMILY TOWNHOMES  
 510 E. Barnard Street  
 West Chester, Borough, Chester County, Pa

PREPARED BY:



**DLHowell**  
 Civil Engineering, Land Planning, Environmental  
 D.L. Howell & Assoc., Inc.  
 1205 Virginia Lane  
 West Chester, PA 19380  
 Phone: (610) 918-8822  
 Fax: (610) 918-8822  
 www.DLHowell.com

Job: 2048



**EXISTING CONDITIONS**  
510 E. Barnard Street  
West Chester, Borough, Chester County, Pa

PREPARED BY:



**DLHowell**  
Civil Engineering, Land Planning, Environmental  
D.L. Howell & Assoc., Inc.  
1250 Virginia Lane  
West Chester, PA 19380  
Phone: (610) 918-9002  
Fax: (610) 918-4000  
[www.DLHowell.com](http://www.DLHowell.com)

Job: 2049



# MINUTES

## Smart Growth Committee

July 13, 2016

Committee Members: Diane LeBold (Chair)  
Jim Jones

Department Head: Mike Perrone

1. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.

**No comments from the public.**

2. Discuss role of proposed Historical Commission:

**Tom Walsh presented written recommendation, dated July 8, 2016. Jim Jones requested a mission statement be created and find additional volunteers.**

3. Discuss Certificates of Appropriateness:

- a. 29 S. High Street – Phineas Gage  
Replace existing awning on front façade. Awning will be 48” high and same width as existing awning. Mounted 8’ off the ground and dark navy in color.  
**Approve as presented.**
- b. 122 E. Gay Street – Opa Opa Restaurant  
Replace existing door  
**Approve as presented**
- c. 131 W. Gay Street – The Brow Bar  
Replace building mounted sign  
**Approve with following conditions: Entire frieze be sheathed with horizontal boards and letters be applied and new perimeter be changed to be thicker than the backdrop.**
- d. 200 N. High Street – Univest Bank  
Replace a total of “7” signs  
**Approve with conditions: Wall mounted sign on North and South facades, Chestnut Street and Patton Alley facing respectively, would not be illuminated; sign facing High Street will remain illuminated as presented; ATM sign approved as submitted with the exception that it not be backlit and illumination come from existing canopy light above; ground signs will not have the Univest sign and logo; sign C1 is approved as submitted; signs B1 and B2 are approved without the sign logo but Univest name can be worked into the text to distinguish the Univest drive up and ATM location.**

- c. 145 E. Gay Street – Country Bagel  
Replace existing fence on East façade; create a walk-up window in place of existing window and replace all first floor siding on East façade  
Approve with conditions; Applicant come back to the Board with final design of the pass through window, rear fence facing the alley and the final cut sheet for the three permanent benches that are replacing existing landscaping; exiting handrail be modified to accommodate new handicap ramp.

**The Committee recommended 2-0 for Borough Council to approve all HARB applications.**

- 4. Discuss Education Overlay District Proposal:

**MAC presented a concept to create an Education Overlay District with the West Chester University and West Goshen Township. The Committee approve 2-0 to proceed with the overlay concept and retain Bernardon Haber Holloway as a planning consultant.**

- 5. Discuss June minutes

**The Committee approved the June minutes 2-0.**

- 6. Zoning appeals: None

# MINUTES

## Smart Growth Committee

August 10<sup>th</sup>, 2016 – 7:30 pm

Committee Members: Diane LeBold (Chair)  
Bill Scott  
Michael Galey

Department Head: Mike Perrone

1. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.

**Tom Walsh reported to the Commission that he had 14 individuals who would be interested in working on a newly created Historical Commission, some as members and others as behind the scene workers.**

2. Discuss Certificates of Appropriateness:
  - a. 233 N. Church Street – Michael Wallacavage  
Replace dormer windows on front façade  
**Approved as presented**
  - b. 142 W. Market Street – Brad Markowitz  
Install building mounted sign on front façade  
**Approve with conditions: Sign will be approx. 1-1/2 brick courses below existing sign and fastened into the mortar joints**
  - c. 200 N. Church Street – WC Housing LLC  
Install vinyl replacement windows on both Church Street façade and Chestnut Street (this application is retroactive – the vinyl windows have already been installed).  
**Denied**
  - d. 7 W. Gay St. – Calios King  
Install new awning cover on existing awning frame  
**Approve with conditions: Text on apron of awning will say “The Calzone King”**
  - e. 122 E. Gay Street – Opa Opa Restaurant  
Remove section of kitchen exhaust ductwork at rear of façade and install two new sections  
**Approve with conditions: Ductwork be installed in either location presented, but shall be painted to match building façade**
  - f. 31 S. High Street – Rosana Chiple Law Office  
Install 2 hanging signs on existing sign bracket  
**Approved with conditions: Fields of the signs will be off-white or ivory**

**Recommend 3-0 to approve, except “C – 200 North Church Street.”**

**Neil Reidy, property owner, asked to appeal the HARB recommendation. The Committee suggested he ask to extend the timeline to replace the windows. He asked to check with the Solicitor as to the legal aspects of the existing conditions, i.e., is the new property owner responsible for the five windows that were replaced prior to his purchasing the property. Before leaving the meeting, applicant submitted an extension of time request until the September Council Meeting.**

3. Discuss July minutes

**Approve at August work session**

4. Zoning Appeals: none
5. Amend Industrial Zoning District

**Mike Perrone proposed an amendment to Chapter 112, Section 40;C(4) “Use Regulations” to exclude residential occupancies from the Industrial District.**