



## West Chester Borough Planning Commission

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### Meeting Minutes

Regular Meeting– April 24, 2018

6:30 pm

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**Call to Order:** 6:30 PM by Chair John Theilacker

**Present:** J. Theilacker, A. Burke, Z. Barner, C. Patriarca, S. Adams, M. Mixner, S. Moran

1) **Approval of Minutes**

**MOTION** to approve minutes from PC Work Session on April 17, 2018 as revised (JT/ZB).  
Unanimously **APPROVED**.

2) **Old Business**

JT motioned to adjust agenda for the meeting and discuss PC meeting's SALDO draft amendments review recommendation with WC Borough Planner Tom Comitta later at 7:30 PM. PC was in agreement.

3) **New Business**

JT announced that representatives from Barclay Friends (700 North Franklin Street) were in attendance to present to the PC. Barclay Fiends is seeking approval of an amendment to their existing Conditional Use approval on the property. Construction of a new building to replace the one destroyed by fire in late 2017 includes changes to the previous building footprint, parking configuration, and minor changes to another existing building.

In attendance representing Barclay Friends: Andrew D.H. Rau, Esq. (Attorney for the applicant), Linda Sterthous (Barkley Executive Director), Christopher Williams, P.E. (McMahon Associates, Inc.), David Jones (Kendal), Stephen Sauselein, P.E. (E.B. Walsh & Associates), Tim Barnard, Project Architect.

Andrew D.H. Rau, Esq. introduced himself as the attorney of record for Barclay Friends concerning the amendment to the existing Conditional Use. The Zoning Code sections relating to the application as listed in the application documents are §112-12.D(2); §112-113. Mr. Rau stated that Barclay wishes to continue under the Skilled Nursing use as permitted under the aforementioned code sections. He stated that the new building would have a slightly larger footprint and more parking. The new building will increase from the previous 48 to 60 residential units and parking would increase from the previous 126 to 163. The 163 is to include 138 regular parking with an additional 25 in reserve parking.

Linda Sterthous stated the expansion would include the 12 new Personal Care Units (PCU) for a total of 60 in addition to the existing 96 Skilled Nursing Units (SNU). She added that the building expansion would also include a small expansion of interior "group space". She indicated that the Barclay Friends staff reside almost entirely local to WC Borough or Chester County. She also indicated that the demand for PCU was growing with 20 out of the 60 units allotted to senior "memory" care.

Stephen Sauselein indicated that E.B. Walsh & Associates were involved in the previous Barclay expansion and that represented a 20,000 sq.ft. increase on the 10.7 acre property. He followed that the 163 parking number was an increase of 37 from the previous 126.

JT asked if the increase of 37 parking spaces was due to the increase in building floor area. JT inquired if the 40 ft front yard was a required inclusion. AB asked for clarification regarding “Reserved Parking” denotation on the applicant’s conditional use plan.

Stephen Sauselein (SS) indicated that Borough ordinance requires 1 parking space for each 750 sq. ft. although Barclay doesn’t “generate that much need”. He stated that Reserve Parking would not be constructed, but the site design has reserved an area that could accommodate the reserve parking spaces within the design. He stated that all parking was included in the calculations for impervious surface quotients, and that WC Borough could request, or Barclay could volunteer, to build the Reserved Parking spaces in the future. Tim Barnard indicated that the impervious surface in the plan was also factored in the stormwater calculations.

AB noted that the current parking configuration has spaces wider than conventional parking and inquired why this was the case.

SS indicated that this was due to spacing requirements from a prior Borough ordinance and that the new spaces are smaller at minimum standard (163 required spaces). SS indicated that the new Preston building mimics the design of the previous Woolman building that was destroyed in the fire, although Preston includes a basement with an increase of 27,750 sq. ft. SS stated that the overall impervious coverage on-site would increase from 17.88% to 22% and that this was within the code’s requirement. SS also indicated that the existing stormwater management on the site would be extended.

Andrew Rau (AR) prompted SS to discuss landscaping. SS indicated that there would be a walking path and a garden area along the tree line at Penny Lane with mature landscaping in compliance with screening ordinances.

AB sought to confirm that the presentation at this PC meeting was in the context of seeking approval of the Conditional Use amendment and did not include a preliminary land development plan application. AR indicated that this presentation to the PC was only for the purpose of amendment to the Conditional Use; in terms of the parking and impervious increases. AR indicated there would be a separate application that would include any SALDO details. K. Gore (KG) indicated that the presentation was simply to submit for approval to deviate from prior Conditional Use approval.

AR prompted Tim Barnard (TB) to speak about the building materials.

(TB) indicated that the new structure was designed to look like the scale of individual homes from all directional vantage points. KG inquired how that related to the previous structure. (TB) stated that the previous Woolman building was 2 stories in its entirety. JT inquired if the far southern wall was a retaining wall. SM inquired if the new structure would be going into the embankment along both streets.

(TB) indicated that the embankment was not altered around the reserve parking expansion. AB stated that it appeared that the bottom of all the rooflines matched and inquired if that was the case. (TB) affirmed that the rooflines matched, and that the single-story portion of the new building is for memory and dementia care providing unique outdoor access to garden space. (TB) indicated that the building materials were steel, brick, and stone; characterizing the siding as cementitious materials that were durable, non-combustible, and fire retardant. KG asked if the materials were 2A or 2B. (TB) indicated they were fire retardant 2A. MM asked if they were real stone. (TB) stated that they were simulated stone but that the details of the final design are still being worked out.

SM inquired about the different types of residential facilities in the new building; SNU, PCU, recuperative, etc.- and would it be the same breakdown as in the previous building. AR indicated that all the uses in the new building were the same residential uses that were in the previous building.

Chris Williams (CW), presented regarding traffic and access assessments, and stated that there was no change in access as only 12 additional units were being added. CW stated that they spoke to Borough engineers who indicated that the property's use is one of the lowest possible impacts on local neighborhood traffic. CW indicated that a trip generation study was produced to include the 12 new PCUs and determined 2-4 new peak hour trips.

SA inquired as to how many new employees would be hired with this new development. Linda Sterthous (LS) stated the addition of 5-10 more staff. SA how that related to trip generation. CW indicated that it was shift work and employees had little effect, adding that very few residents owned cars or drove at all. CW also noted that staff tended to drive during off-peak hours. SM asked if the traffic numbers are estimates. CW stated yes and that the Traffic Engineers Handbook provided the appropriate projections for this type of land use. SM inquired if the actual count for Barclay had ever been done. CW, SS stated that it had not. CW added that the data projections hold up well in SE Pennsylvania.

(TB) dated that Barclay anticipates administrative and physical therapy facilities growth in the future, and that's the purpose of performing stormwater analysis and similar modeling in advance. AR indicated that Barclay was trying to plan for future building expansion requirements. KG indicated that there was a five-year window for zoning on what gets approved. AB asked Kevin what would happen if that zoning gets "locked in"? SM asked what happens if the Borough's fire code changes. KG indicated that was a separate governing apparatus. CP inquired if it was necessary to consider emergency (fire truck) access on the SW side of the proposed building? SS indicated that it was looked at but found to be not necessary given the sprinkler system. ZB inquired regarding fire code compliance and the curb radius in the parking lot. KG indicated that was part of the SALDO review process. JT inquired if the footprint was being locked in given the slopes on the property. (TB) indicated that safety is their primary concern.

MM asked what the total increase in square footage was. SS stated that the net increase of gross floor area was 27,750 sq. ft. (TB) indicated that parking was based on square footage, not beds or the number of residents. CP asked if there were any new dumpsters or dumpster pads. (TB) stated that there were not expected to be, explaining that the loading dock area was where that would be, and it is out of visual range.

SA inquired as to HVAC for the new building. (TB) indicated that all mechanical systems for the entire facility were in the damaged building. (TB) stated that new mechanical and HVAC systems were recently built in the existing main building.

SM inquired as to noise from the generators or HVAC on Penny Lane. AB noted that public notice has been scheduled for May 16, 2018. KG indicated yes, that it was sent to the newspaper. JT inquired if there was new parking for visitors or employees and noted the existence of temporary storage containers within existing parking spaces at the year of the building. LS indicated that the temporary storage currently in place was going to be removed. (TB) indicated that it was to be put in the new basement at Preston. JT noted that the new building footprint represents a shift NW towards Franklin St. JT inquired about the vegetation on the slopes by the reserve parking areas and whether the pine trees would be disturbed either with the construction of the site or the reserve spaces in the future. SS indicated that some of the trees would likely be removed with the retaining wall construction. KG asked if they would be restored. SS indicated they would be restored and that

such would be beyond ordinance requirement.

JT recalled the Hickman expansion and the displacement of on-street parking spaces during its construction. JT inquired if there was a plan for on- or off-site parking during construction of this building and site improvements? (SS) stated that there was no plan yet but that it had been considered.

JT asked if there was any comment from attendees in the public audience.  
(No Comments)

JT asked what the PC's prerogative was in terms of recommendation, noting the Borough Council meeting scheduled for May 16th. KG indicated his preference for a recommendation tonight from the PC to Borough Council. JT asked if there were any further questions from the PC. CP/ZB stated they were comfortable with a favorable recommendation concerning the plan in terms of:

- Impervious increasing from 37% to 42%
- Coverage increasing from 18% to 22%
- Residential unit increase from 48 to 60
- Parking increase from 127 to 163 (25 in reserve)

JT asked if there were any conditions. SA noted that fire doesn't seem a concern. AB noted that much can also be discussed in SALDO. JT recommended adding a condition that construction vehicles as well as those of visitors or employees be accommodated on-site during construction, or if needed, off-site with a contractor shuttle. SM asked if there would be a specific construction vehicle entrance. JT inquired if only one entrance accommodates construction vehicles? SM asked about truck traffic. JT indicated it could/would be addressed in SALDO.

(Audience) A Borough resident identified herself as Christina Wilkins (RES) (Ashbridge Street) and noted that current employees of this assisted living use have often been observed smoking at the edge of neighboring residents' yards. SM noted that the Hickman facility had set up a smoking area. AB inquired if the applicant would welcome the idea of a smoking area somewhere on-site for the employees. RES added that the smoking was frequent and that there was alcohol consumption by employees as well.

AB indicated that this was a management issue. LS stated that Barclay management wanted to know about this and indicated that she wanted to give the resident her business card.

JT called the PC to a vote on the Amended Conditional Use Application.

**UNANIMOUSLY APPROVED** by the PC.

*(5 Minute Break)*

**4) Old Business (continued)**

JT motioned to postpone the Landscapes 3 (L3) discussion until members of the PC can go online and examine the L3 updated maps and goals. CP noted that the map of WC Borough was not changing in L3, stating that the changes were associated with East Bradford and the Gay/Market corridors adjacent to the borough. SM noted that this still impacts WC borough. SA inquired if the updated classifications were about density. CP indicated that it was about form. ZB noted that different recommendations apply to suburban and urban land use, and that flexibility is the intent. JT indicated that the PC would revisit this issue at its May meeting.

JT began the next item on the agenda – continued review of SALDO draft amendments with attending WC Borough Planner Tom Comitta. The PC review at the April work session left off at Article IV on page 48.

JT inquired as to the best way to proceed with PC comments, indicating there were two options. The PC could continue the discussion next week or form a subcommittee to attend to the remaining details.

Tom Comitta (TC) noted the history of the SALDO draft process, the beefing up of the parking section, and improvements to the landscape and screening sections in terms of HVAC, buffers, and public spaces. TC stated that he was in clear understanding of 90% of the PCs comments so far. TC also noted that many of the PC comments on individual line items or design standards are contingent on a case by case basis; waivers happen. TC noted he could be available for either upcoming PC meeting on 5/22 or 5/29.

KG stated Borough staff's preference of "sooner rather than later" as WC Borough Council wants the document finished as quickly as possible, also indicating that zoning changes are being held up until the SALDO is updated.

CP suggested the possibility of a supplemental meeting aside from the PC's regular schedule in order to expedite the process, also suggesting that much of the remaining questions are for either Borough solicitor or engineer. CP suggested that the PC get their remaining inquiries done tonight, so that the big pending projects fall under the prevue of the revisions.

TC stated that he would incorporate line by line items. SA suggested that tonight's scope be the large issues. TC stated that he can referee the comments and that he would forward questions to individual PC members on specific items if necessary.

JT - Big issues: recreation, fee in lieu, and national recreation standards. SA re: fee in lieu, asked what the applicant's recourse or option is. In terms of monetary option, the amount becomes a key issue, as it settles the money issue but not design or form. TC cited language of "mutually agree" in section §503.11 of MPC as somewhat elastic. TC indicated that it depends on the governing philosophy of the municipality and often a case by case basis. TC indicated that a fair amount of negotiation occurs, noting that sometimes nonprofits may get complete waivers.

SA indicated the concern was more about large proposals where intent is not met. CP noted that antiquated codes can be a problem, but it's the PC function to be the arbitrator. KG indicated that the "just cut us a check" situation was the issue the language should endeavor to avoid.

KG noted the current SALDO requires a certain amount of recreational space be set-aside for a development. To correct an earlier loophole, TC stated that the new ordinance was based on number of dwelling units, not number of lots. KG proposed that it comes down to administrative diligence. ZB noted that the issue is how do we clarify. KG stated that a "per dwelling" metric as opposed to "by lot" provides considerable solution. JT indicated that it was a question of Single Family vs. Multifamily, as defined by the Borough's zoning code, and that PC should wait to see what TC comes back with.

KG questioned when the Borough wanted to see the draft. TC indicated next Monday 5/7/18. JT noted that Borough Council's expectation for a quick turn-around by the P.C. is a bit unrealistic given the extent of changes being proposed to the subdivision code. JT asked if the PC had any other questions or comments on Article IV?

TC indicated that the new draft includes cross references on curbs, Dark Sky lighting verbiage concerning street lights, as well as brick versus concrete distinctions for sidewalks. JT noted that other borough codes on sidewalks exist and they need to correspond to specs. TC re: sidewalk width §97-4; will be put at the beginning and any subsequent provision conflict will/should assume the higher level. KG noted that “100-year flood” language was stricken from flood section and replaced with “base flood” as TC had changed it. SA indicated that it would be ideal to have common definitions between SALDO and Zoning. TC indicated that he would have to check this. SA stated she would email JT her line item comments for Article IV.

TC noted that the Solicitor directed that §97-40.2 not be altered. JT stated that this was typically not in design standards but usually in submittal or plan requests. CP agreed that it should be there. TC questioned if 66-69 should stay in this section exclusively. KG indicated that this may be a question for Solicitor Camp and inquired as to why definitions were in the middle.

JT asked TC if the Shade Tree Commission had Authority over vegetation in rights-of-way or entire properties? TC indicated that their authority only concerned right-of-way, otherwise it was a private matter. JT inquired if it would be in a plan review. TC indicated that it probably would. TC stated that he was waiting on the Shade Tree Commission's feedback on tree and plant varieties for the approved plant list.

JT asked if the PC had any more questions on Article IV?

TC indicated that he was trying to have the next draft completed by Monday 5/1.

KG asked if Borough Council had this draft? TC indicated that some members did have the draft while other Council members want to wait until the PC completed its review and made its recommendation to Council.

JT motioned to continue discussion of the 2nd Draft to a supplemental session of the Planning Commission to be held on Monday 5/14/18 at 6:30 PM.

JT inquired if there were other items not on the agenda for discussion.

MM presented the HARB report as follows:

- 38 Eat Gay Street (TECA) - Install Metal fence on sidewalk parallel to roadway to protect outside dining area. HARB recommended approval with the condition that the fence be gloss black steel.
- 37 S. High St. (Chester County Democratic Committee) - Install awning over first floor façade picture window. HARB recommended approval with no conditions.
- 135 East Gay St. (Luxey Little Ones) - Install all morning with name of business (Luxey Little Ones) over first floor window and door. HARB recommended approval with the condition that the awning be off-white (color 4604).
- 18 North High St. (The Liquid Eatery) - Install pin-mounted letters with business name (The Liquid Eatery) to front façade frieze. HARB recommended approval with the condition that there would be no backer board.

**MOTION** to continue the regular meeting to Monday, May 14<sup>th</sup>, made at 8:30 PM (ZB/AB) Unanimous.

**Meeting Minutes**  
**April 24, 2018 Continued Planning Commission Meeting (SALDO Draft)**  
**May 14, 2018**  
**6:30 pm**

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**Call to Order:** - 6:30 PM by Chair John Theilacker

**Present:** J. Theilacker, A. Burke, Z. Barner, M. Mixner, S. Moran, K. Gore, T. Comitta

**1) Old Business**

SALDO Draft Amendments

The PC scheduled this supplementary work session to expedite their review of the SALDO draft amendments.

TC noted that comments on SALDO draft from KG and PC member CP were posted in Dropbox and that submitted suggestions included cross-references for Tree and Official Map. TC inquired as to the scheduling of the next meeting.

KG expressed a need to get the PC's recommendation on the draft amendments submitted to Borough Council as soon as possible.

TC indicated that he would have all the revisions included in the draft by the PC meeting on May 29, 2018.

KG indicated that CHESCO would also require a copy of the finished draft, noting that the county office would likely concur with the PC recommendations.

JT inquired if any other submissions would be coming to PC this month. KG indicated that the Kahn plan for the Mosteller property would be submitted and that the Barclay Friends submission would be soon as well.

TC indicated he was 90% clear on the SALDO comments he'd received so far.

TC noted his concern with sidewalk types and questioned whether the PC preferred brick everywhere or specific "brick to replace brick" language. JT stated brick to replace brick unless brick was not already there, then concrete could be used. SM questioned if there was an existing Historic District or TC exception? KG indicated that he thought there was. ZB suggested that when brick exists on both sides of the particular street, brick should be mandated. KG cautioned against anything too restrictive. AB indicated that the PC preferred something airtight and unambiguous.

TC indicated another area of concern was Recreation Fee in Lieu (RFIL). TC noted that CP indicated a desire for more clarity as uncertainty and weak language regarding multi-family may not ensure legislative intent. TC indicated that using outside standards as reference was problematic as they were often different across sources in terms of design, definition or size. TC noted that the only WC guideline is the Borough's 1993 Recreation Plan.

SM questioned if the borough prefers the monetary option as several parks already exist.

KG indicated that the change of the language from "lot" to "dwelling unit" was an improvement.

JT stated that a policy perspective preferred the fees in order to maintain existing parks. KG indicated that it was likely a question for the solicitor.

MM indicated that existing language states a viable reason for RFIL must be provided. MM was concerned that RFIL defaults to the applicant's choice and that when paid it functions almost like a tax ultimately spent far away from the property purchased. ZB noted that several parks are in close proximity to any borough property. SM noted that a borough is a very different environment and framework than that of a township. KG indicated that the solicitor should possibly reexamine and questioned whether providing a simple mechanism for developers to evade providing the actual space was a good idea.

TC indicated that some townships have been known to use such language as a revenue generation tactic. KG stated that it would be prudent to ensure the language and criteria were in line with what the MPC indicates regarding RFIL.

JT noted that FIL contributions can often be higher value than what might be built, asserting a preference for equal values. MM questioned if a fee might be standardized.

TC indicated the intended spirit of RFIL was consensus and agreement. TC indicated that he would contact the solicitor about the language and Parks Department about a wish list.

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### **New Line Item Comments**

§97-13.A.(1) - JT - Change "suggested" to "strongly recommended"

§97-13.A.(4) - JT - Add Sustainability Committee

§97-13.B.(1) - JT - Add "Conservation of natural features" as defined in §97-36.

§??-??(?) JT - Should have Preliminary and Final Plan language

JT inquired as to illustrations in Design Standards for Parking Lots. TC indicated that none were included yet, but there would likely be a page on Parking Structures.

AB noted as an example, parking at the Justice Center as excessively bright at night.

### **Article II – Definitions**

CLEAR SIGHT DISTANCE - MM indicated an illustration would be useful. TC stated there could be a diagram included.

PARKING ON-STREET - MM indicated that it was unclear why this was here, including the parallel language. TC inquired if the borough would ever allow angle parking. KG noted that current zoning ordinances cover angle parking for parking lots only, not for on-street.

CUL-DE-SAC STREET - MM indicated this needs revision

DOWNTOWN - AB inquired if this was to be deleted.

MANUFACTURED HOME OR SUBDIVISION / MOBILE HOME PARK(s) - AB inquired if they were the same. TC indicated that they were separate due to floodplain ordinances. KG also indicated that they were distinct.

PERMEABLE - AB indicated it should include permeable, pervious, and/or porous. KG suggested that the definition from the stormwater ordinance should be used.

RESUBDIVISION - AB indicated that this should be REVERSE SUBDIVISION. (JT/TC) agreed. KG suggested that there be two separate definitions as they can be different in some cases.

MIXED USE - ZB indicated a concern with the adequacy of this definition stating that it is somewhat weak and could/should be stricter.

§97-13.B.(2) MM asked why the text was stricken. TC indicated that it was too unclear, specifically in the context of “directly adjacent” denoting a distance. KG indicated it was 500 ft and 150 ft in the zoning code. SM questioned if it might be more consistent. MM indicated that it might also be included in procedural language on page 39.

§97-29.G.(2).b. - Street System - MM indicated a typo for seventy-five (25). TC indicated it should be (75).

§97.A.22.5 - MM inquired about fail safe-compliant language regarding bollards. TC indicated that the language would be changed to just say “fail-safe” as per PennDOT guidelines. ZB inquired as to why the borough would want bollards that don’t break. TC stated that the legislative intent of state code on Pennsylvania roads was to protect the driver. ZB noted the increasing trend of increasing pedestrians seating and restaurant activity on sidewalks.

§97-30.(2).(a) - On-Street Parking - SM indicated that this represents a major change and questioned whether it was legitimate to count these spaces. TC stated that (a) &(b) on pages (58-59) could be omitted. AB - 2nd the motion to omit. KG indicated that it's likely in line with the new zoning ordinance.

§97-30.(4) - Shared Parking - SM noted that this does not always function properly. KG noted that it has been incorporated in existing projects. TC stated that he would add an item for Shared Parking in Definitions section. TC indicated the ULI (2nd Ed.) as the guideline for the definition and that the publication would be cited.

§97-30.(5).(c) - Stacked Parking - SM question the functionality of this ticket early in terms of multi-family. KG indicated that stacked in multi-family works as it is specific to each unit; that the “dwelling unit” language manages/negates potential conflicts.

Geologist in gallery (?Unknown name?) - Noted that there was no definition for sustainable and that there was a difference between the definitions for “sustainable” and “sustainable development”.

TC inquired as to the PC opinion on primary addresses on alleys. AB noted an affordable housing corollary.

§??-??.(?) AB - inquired as to what happens when extended vacancy occurs, if there are time limits, and how such situations are to be managed. KG noted that the Use technically expires after a year.

§97.A.23 - Street Lights - AB noted that a specific standard should be provided for street lights. KG agreed and stated he would ascertain an example of what the current standard is currently existing on borough streets, noting that there should be a consistent color standard as well. JT asked if the PC preferred to have Green in residential areas and black in downtown.

§97.A.27 - Stormwater Management - AB inquired as to correlation with “green infrastructure” definition.

§97-30.(4).(b) - AB noted that only reduction is in the language and questioned whether an increase be included. JT noted that an increase could come as a result of a Conditional Use application. KG stated that he didn’t see a workaround.

Article III - Applications - AB noted that he didn't see the actual procedure outlined and commented that the document should reflect how the process occurs in reality.

§97-14.B.(2).(c) - JT noted that this states that the PC is prescribed as the first body to review a submission.

Gallery Citizen (GCZ) - Citizen commented the RFIL language felt like pay to play.

§97-2.B - Time Limitations for Plans - GCZ commented that the five-year window is unfair to buyers as they don't know about antiquated approvals, suggesting that there only be one possible renewal. GCZ also cited potential liability as safety/traffic studies are outdated in these cases. KG stated that this was likely a question for the solicitor.

Commenting on Tree Surrounds - AB indicated that there may be an opportunity in design standards in terms of language on the SALDO introductory page: "Please use the SALDO to grow our town more *gracefully*."

KG commented that metal grates can be problematic. SM indicated that she thought the borough was going to replace grates. KG stated that the borough has considered a product called Flexi-Pave, describing it as a plastic product, resembling asphalt, that is 100% pervious.

**Flexi-Pave links:**

<https://blogs.djc.com/blogs/BuildingGreen/2015/07/02/seattle-fills-a-few-tree-pits-with-flexi-pave>

<http://kbius.com/kbi-products/kbi-flexi-pave>

TC indicated that he would have the updated draft ready on May 29, 2018.

**MOTION** to adjourn at 8:30 (JT/ZB) Unanimous.