



West Chester Borough Planning Commission

Meeting Minutes

Regular Meeting - July 31, 2018

6:30 pm

CALL TO ORDER - 6:30 PM by Chair John Theilacker

Present: J. Theilacker, Z. Barner, C. Patriarca, M. Mixner, S. Moran, S. Adams, K. Gore

Citizen comments of items not on the agenda – None

Approval of Minutes

JT - Prompted PC members for comments on the July 2018 minutes.

CP - Noted a small correction from AB

JT - (Page 2) “revisions to the plan would not change” change to “would require” changes for recommendation by the Sustainability Advisory Committee (SAC).

JT - Arts Commission in comment by KG should be corrected to Public Arts Commission (PAC).

JT - “Erin Holliday (EH) and three representatives from Bernardon (BERN)” should be changed to “Erin Holliday and three other representatives from the applicant presenting on the Mosteller plans”.

JT - Noted indicated a correction to “JT inquired if there were lights in the steps or the fountain” as he did not make that specific inquiry. ZB indicated that it was likely an inquiry about lighting in general or a different context.

JT - (Page 3) Re: AB question about item #502 in terms of height. KG indicated this had been addressed as it was a question in terms of the definition of parapet being included in building height.

JT - Indicated a correction to “impervious day not be possible” to “pervious may not be possible”.

MOTION TO APPROVE - June 2018 PC minutes - (CP/SM)

APPROVED

JT - Noted for the record that AB was not in attendance

Old Business

A) Mosteller Preliminary Land Development Application - 17 North Church Street - Eli Kahn (EK) in attendance representing the applicant.

EK - Indicated the updated or “new” design and renderings were submitted to Council. EK noted some design features including windows and brick cornice details have been changed. EK indicated Council had granted the Certificate of Appropriateness from, subject to the applicant going back to HARB and receiving a full report. “In terms of that, we're going to make a few tweaks; and they're good”. EK noted that he felt “we were past the issue of what the building would look like”.

EK - Indicated they had submitted to KG responses for all of the comments to the various review letters, including KG, Tom Comitta, TPD, SAC, Shade Tree, etc. The current revisions include all the changes

that were agreed to make. Each of the letters, particularly SAC, included requests, which code does not require and may not be done according to EK.

EK stated he hoped to have a demolition permit in the next two weeks, noting recent removal of asbestos from the building. He indicated he just recently received an email for the demolition plan; noting the schedule and demolition site plan. EK he would answer any other questions from the PC and was also hoping for a Preliminary recommendation.

KG - Commented Council did approve the COA, breaking it into two different parts, as they need to be separate; one for the demolition, another for the building, as certain criteria will have to be met. He indicated the approval of the COA for the demolition was being prepared for approval, but the building COA had to be delayed until other criteria were met. A formal submission for the COA building permit would have to be submitted and then reviewed by HARB. KG also noted the applicant had to be through the land development process prior.

EK - Indicated that the design changes would be incorporated in the "full architectural set" of plans.

JT - Inquired how the demolition plan works with the current construction and PECO work on Gay Street.

EK - Stated that there would be fencing off of two sidewalks for a short period, noting that on Church Street this was to get the heavy equipment in. He stated he did not know how long the demo would take.

KG - Inquired as to who was doing the demolition. EK - Stated Terra was doing the demolition.

MM - Inquired if the applicant's team had received any details of the design issues expressed by HARB and if the applicant would be returning to HARB with the updated architectural plan details.

EK - Stated they were not going back to HARB at this level and he believed the details had been addressed.

JT - Noted AB conveyed some concerns from last week's PC Work Session. He indicated the general procedure is for a revision window of at least two full weeks for the PC to review the most recent changes to the Preliminary submission. JT indicated the PC requires time to review the plan's revisions in terms of the issues raised as well as a complete review of the consultant and borough staff sign-off letters when completed. This provides the necessary time to review issues raised and subsequent conditions imposed. JT noted that this was necessary before a PC recommendation can be determined, and the PC would like another month to review the changes.

EK - Noted the PC's concern and indicated that there were a lot of comments but not necessarily "substantive" issues, and that the applicant would not like to lose another month. KG stated borough staff and consultants needed adequate time to assess the changes as the borough only just received the new revisions.

JT - Indicated that the PC only received the comment letters last week at the work session and would be reviewing the comments later in the meeting.

KG - Indicated that some Q&A with the applicant tonight would be beneficial but conceded everything cannot be answered tonight. As such, he asked the applicant for a 60-day extension in order to accommodate the timing of borough's meetings calendar. He stated it may not take the full 60 days, but the calendar of meeting times would have to be accommodated, and he noted not providing adequate time for review of revisions provided only a few hours earlier would be a disservice to borough residents. He further noted the submission has yet to go to Smart Growth (SG).

The next PC meeting is August 28, SG follows on September 12th and borough counsel on September 19, totaling about 50 days. KG concluded that he wanted every appropriate body to have a thorough review of the resubmission.

EK - Conceded that the applicant did not have a choice and agreed an extension should be granted.

CP - Asked KG if he had specific issues of substance for the PC to review now, and the PC could start there, trying not to get bogged down in summary comments. JT - Agreed.

KG - Re: Comments from borough consultant letters. KG noted some items are to be addressed later, and some of the letters only contain standard observational comments. KG stated the borough engineer and stormwater consultant still needed to review the resubmission. KG indicated that TPD's letter indicate a request to show the ROW area on Church Street near the alley indicating a new survey may be required.

EK - Stated he would look into the ROW issue.

KG - TPD also asked about trucks circulation & turning radius.

EK - He indicated his transportation engineer can address this. EK indicated trucks routinely function (barely) in the alley at present, and he that he did not see the purpose of the new study on turning radius since it is to be widened by 5 feet. He did ultimately agree to ask his team to address this issue.

KG - Although the design is still in process, the appropriate borough agencies and consultants needed to see a rendition of the plaza in order to determine if it meets the intent of borough code. He followed with an inquiry about the final fountain design.

JT - Asked if, aside from the fountain, the courtyard was the same.

EK - Indicated that it was the same.

KG - KG Stated he would like to see the lighting plan in land development as opposed to the building permitting stage. EK stated that he did not want the details of the plaza designed to slow the project schedule.

KG - Stated a photometric plan was requested but it may have been "lost in translation." KG also noted in terms of #13 of the letter from the Commonwealth under SALDO used the verbiage "assumed" in terms of the locations of the ROW, and that he did not want to assume where the adjacent right of way lines are located. It was also noted the Commonwealth letter came today and was now up on the share point site. EK - Indicated that he would ask.

KG - Re: Mike Taggart - Old Gilmour Letter. The pipes for the roof drainage have a minimum requirement of 15" in diameter and the existing pipes are 8" and 12" diameter. It was also noted that any new tie and pipes will have to be upgraded to 15". It was questioned why this might no longer applicable. KG indicated that if any new storm water pipes were to be tied and they would have to be upgraded to the 15".

EK - Indicated that he would ask noting that the existing structure is 100% impervious and that the development will add stormwater management and four original waivers as part of the original approval, and he thought prior waivers included that they would not have to replace the pipe.

KG - Noted a new waiver for recreation fee in lieu (RFIL) has been requested as the plaza is not a dedicated space as per the ordinance.

CP - Noted comments and inquired if the applicant has looked into any commemorations. EK indicated they were looking into that. KG noted that the new height overlay requires placard. SM inquired if the historical commission could help. ZB noted that PA state votes on official plaques but a letter of support can be very helpful. EK indicated they are committed to some sort of plaque.

ZB - Re: Waivers. Noted RFIL and that some of the other waivers were technical and some were not. ZB indicated that it was private public space and he felt maybe the PC should weigh in on waivers, specifically RFIL. JT indicated the applicant would not be able to use the plaza to offset the RFIL requirement. ZB indicated that private control makes more sense from the perspective of intent.

CP - Agreed with a generally assumed public private space. EK noted that the plan was providing legitimate recreational space.

SM - Questioned if more green space might be provided. EK indicated grass was not an option and they did not want raised planters. He noted Paley Park in New York as an example of the design inspiration from a tree perspective for the plaza. (LINK: <https://www.pps.org/places/paley-park>)

SM - Commented it seemed very flat; just an open area of flat pavers. EK indicated that people walking may cut the corner and that the design was intended to keep it flexible for seating. SA commented on the very basic geometric spacing and arrangement of trees. SM noted that the SAC indicated the same thing. EK stated many plazas were studied and this design is a nod to “timeless;” a plaza that has some staying power in terms of style. He stated the goal was simplicity and something that would look good in 100 years. He also indicated this was why rigid fixed seating was removed from the design, and also noted its multi-use and flexibility bring in the higher rents.

SA - Inquired if the tree layout was necessary for flexibility.

EK - Indicated that trees reduce flexibility but add an amenity, citing Paley Park again. He also stated that the configuration seemed logical for the entrance of the tenants.

SM - Questioned the broader purpose of RFIL. KG indicated when development cannot provide such space the RFIL offsets recreational space “at the site.” SM noted the recreational space is for the tenants, as the applicant described, not for the borough as a whole. EK indicated that anyone can use the chairs and plaza amenities.

JT - Asked why the applicant was opposed to a public easement. EK indicated that he wanted to assert private control and not have the public issues associated with the space at the front of the courthouse. JT inquired what was to prevent temporary closures.

EK - “Nothing ...maintenance is a significant cost ...it can be used privately”

SA - Noted that the PC recommendation sets a distinct precedent in this particular case.

KG - He asked if the new rendering portrayed a green roof. EK stated it is shown that way, but he was not sure yet, indicating that it may be just plantings.

KG - He stated Bernardon’s impact assessment occupant load numbers for retail was updated but was not likely accurate in accounting for retail patrons. EK indicated they were guessing as they did not know the retail tenant mix yet.

KG expressed his concern that 150-200 was low. EK indicated that it was fairly accurate.

KG - Inquired if the applicant had 2 liquor licenses. EK - Stated yes.

KG - He indicated some numbers state restaurants can add 200 people to the occupant load. SA inquired if that affected SALDO. EK stated that it was much less than the prior occupant load of the building. KG indicated it was necessary to see the proper occupant load numbers.

SA - Expressed a concern about parking and the subsequent traffic increase in the borough.

SM - Inquired as to what gets resolved at building permit stage, in terms of the comments in the letters. JT indicated they will be back for final land development and the PC may (might) impose conditions.

KG - He noted that the photometric and light plans are in land development stage. EK stated the lighting design process is subtle; we may not have it for the preliminary plan. He stated these are details which “candidly, were not a good use of time right now.”

JT - He asked as to why the project cannot incorporate an innovative stormwater display, as this seems like an opportunity to demonstrate infiltration, recharge, etc. as the borough has stormwater issues. EK stated it was difficult to get recharge and perkability in an urban setting.

JT inquired if soil was being imported and EK indicated some will be. EK further stated graywater and green roofs were evaluated. JT noted that the applicant will get credit as opposed to having to pay an annual fee. EK indicated that he would take another look at this issue.

KG - No solar or wind?

EK - He indicated it was not cost feasible as the roof was too small and that rooftop infrastructure was needed for HVAC, etc.

JT - Questioned whether parking at Lot 10 was an issue for the PC. KG indicated that it was not and that the ordinance's numbers for amount of project's parking had to be revised. The current number of 25 spaces was to be increased.

JT - Prompted the PC commissioners for remaining comments or concerns.

KG - Confirmed to EK that he would like the borough to receive the demolition plan, updated renderings, and the 60-day extension letter from the applicant. EK indicated he will submit the requested extension and materials.

SM - Asked if all the current documents were now available on SharePoint. KG indicated they were.

SA - Noted the importance of the RFIL language in terms of precedent for future development as the Mosteller submission plaza is unique as private public space.

JT - Asked KG if it would be possible to have Tom Comitta and/or Nate attend the next PC meeting. KG indicated he would see if that was possible with a preference for Nate's comments by letter.

SM - Inquired about applying conditions for the Mosteller demo plan as there will be corollaries like road closures, etc.

KG - He noted the applicant would email the demo plan to him, inclusive of sidewalk and street closures. The borough will need to coordinate with the police department, court, and sheriffs as well. KG also noted that the borough still uses the alley behind the site to bring prisoners in or out for legal proceedings at the courthouse, and he was unclear as to how that was going to work in terms of the closures.

JT - Noted to commissioners, that if the PC were to recommend on Mosteller at the August PC meeting, in terms of conditions or recommendations to borough council, PC should draft their ideas up so that they might be added to any motion.

SA - Questioned if there were any innovative stormwater suggestions that the PC might consider for their recommendation to borough council. KG noted that the site was 100% impervious currently and that soil and percolation testing could not be done.

PC - Noted that since the testing couldn't be done until after demolition, imposing a condition for testing after demo has begun could be a remedy.

New Business– None

HARB Report

MM - Presented notes from both June & July HARB meetings. (Full notes at bottom)

MM - Noted 8 comments from HARB in his report concerning architectural detail regarding the preliminary submission for the Mosteller submission as well as the Zukin Hotel. MM noted the 2015 COA agreement between the developer and the borough in terms of the Zukin development. He thinks the

agreement includes a stipulation the developer does not need HARB recommendation, adding borough council asked the developer to take the plan to HARB for input. KG noted the settlement agreement serves as the COA, also indicating that the COA would be revised slightly.

MM - Inquired if the PC would rather receive printed or digital copies of his report each month. MM indicated he would provide the digital copy each month to Tiffany Parry and the PC.

JT - MOTION TO ADJOURN - (SA/SM) Second

ADJOURNED

MM - Full Report to Planning Commission from HARB meetings

June 28, 2018

Mosteller Property:

The applicant presented updates to the design, including modifications to the vertical element. These updates were the same that the developer presented to the Planning Commission earlier in the same week. All HARB members expressed concern about the scale of the façade. Other concerns included the industrial style, brown color of the brick (which didn't blend with adjacent structures), the grouping of the trees in the plaza, and the numerous window fenestrations. Councilman Bill Scott, who was in attendance, expressed this concern about the demolition of the existing historic buildings. In his opinion, the wording in the existing ordinance related to historic buildings indicates that a Certificate of Appropriateness for demolition should not be given.

By a vote of 4 to 2, HARB approved a motion recommending denial of a Certificate of Appropriateness for the project.

HARB reviewed three other applications, one which previously had been tabled at the request of the applicant:

- 142 East Market St. (Appalachian Brewing Co. Inc.) – Applicant proposed to replace hanging sign utilizing existing brackets, to install new illumination on front façade, and to install graphics to the picture window. Since the window graphics will be installed on the inside, HARB approval is not required. HARB recommended approval for the other proposals (hanging sign and illumination) with the condition that there would be no exposed conduit.
- 30 North Church St. (Fifty-One Group LLC) – Applicant proposed to install pin-mounted sign to front building façade. HARB members expressed concern over the number of façade penetrations. Applicant requested to table the application and will return at a later date with a different installation option.
- 40-44 East Gay St. (OPA Tavern) – Applicant proposed to install building-mounted signs on front and side facades with gooseneck lighting and to redesign door and window configuration on

front and side of first floor. HARB recommended approval with the conditions that there would be no window muntins and that updated drawings would be provided to match plans.

July 26, 2018

Zukin Hotel:

The applicant's team provided background on the hotel project, referencing a 2015 settlement agreement between the developer and the Borough. The project does not require formal HARB approval, but Borough Council asked the applicant to take the project to HARB for HARB's input and recommendations.

The hotel will have 110 rooms, be 81.5 feet and seven stories high. The Spence building will be retained in its entirety and rehabilitated under a federal historic preservation tax incentive. The Spence building is not part of the hotel but will include retail downstairs and 11 residential units upstairs.

After the applicant showed renderings of the hotel, HARB expressed the following concerns and recommendations, which will be forwarded to Borough Council:

1. The cornice brackets are too large and/or simple
2. Exterior muntins need to be on every window
3. There should be a uniform vertical association of materials and design on the Walnut St facade (should be unified two bay designs)
4. The Board objects to the marbled brick and brick color
5. The double windows should be changed with respect to fenestration, proportion and details- the new design should relate to other buildings on the streetscape
6. The continuous cornice line should be at different details and heights
7. The Board objects to the shallow arches along Walnut St
8. The applied brick on the towers is unnecessary; a uniform tower would be preferable

The Applicant was generally receptive to making changes to address the eight concerns discussed by the Board.

Mosteller Project:

The applicant discussed the proposed project and presented elevations and renderings. As mentioned at the Planning Commission work session, Borough Council preferred option 1 of the two options provided. The major difference between options 1 and 2 is the high glass window design on the Church St. and Gay St. facades in option 2. The applicant's design team concentrated on this option 1 in their presentation. Major architectural changes from the last presentation to HARB are: 1) small muntins in the windows have been eliminated; 2) a brick cornice has been included between the third and fourth floors; 3) the window spacing has been changed; 4) the mullions are larger (aluminum, 8" mullions) and they are not flush with the facade; 5) brick detailing on the columns has been made.

Additionally, the applicant provided a brick and mortar sample, which appeared more reddish than shown in some previous renderings. The brick and mortar will be the same as on the Chestnut Square building. The brick sample is Glengarry Westbrook. Board members were in favor of the brick and mortar sample and generally thought the design changes were improvements.

Items for additional consideration, which HARB will convey to Council, are:

1. The size and detail of the cornice between the 3rd and 4th floors need to be larger and deeper to create a more pronounced effect.
2. The size and detail of the cornice at the roofline needs to be less significant.
3. The size and detail of the spandrel panels on the Gay and Church St. facades between the 2nd and 3rd floors need to be more pronounced and the spandrel panels need more interest, possibly through a different articulation of the brick.
4. Spandrels on the remainder of the building need more interest.
5. Concerns remained regarding the expansiveness of the glazed glass entry design.
6. On the lowest levels, the width of the piers should be increased to match the width on the piers on the upper floors.
7. Concerns about the width of the central bay on Gay St. remain.
8. The Board supports the vertical bays on the Church St. façade in option 2.

HARB also reviewed four other applications:

- 33 South High St. (Point to Point Ent. LLC) – The applicant proposed to construct a wood deck and stair on the rear of the building and a new building access door in place of the existing window. HARB recommended approval with the condition that the railings, fascia, trim, and risers would be painted or pre-finished, but not vinyl or pressure-treated wood.
- 111 West Gay St. (Zukin Realty) – The applicant proposed to replace the front door, exchange existing first floor wood panels with window, and replace wood trim surrounding window to match existing trim. HARB recommended approval with the conditions that the door, sidelights, and transom be wood; full light glass; and bottom and top rails of sidelights match rails of door.
- 113 West Market St. (Sterling Pig) – Applicant proposed to replace first floor windows, door, and trim. HARB recommended approval with the conditions that the west door to apartments looks like the main entrance door to the building; the new aluminum door, transom, and frame be opaque; the exterior muntins be simulated divided lights.
- 30 North Church St. (Restaurant 51) – The applicant proposed to replace the door on the first floor and window above it. HARB recommended approval with the conditions that the door be the same height (6' 8") as adjacent doors, and instead of a window above the door an arched panel be used.
- 30 North Church St. (Fifty-One Group LLC) – The application to install pin-mounted sign on front building façade was tabled at request of applicant.