

Minutes of the Meeting of January 8, 2013

The meeting of the Radnor Township Planning Commission was held at 7 PM in the Municipal Building, 301 Iven Ave., Wayne, Pa 19087.

Present

Julia Hurle, Chair

Skip Kunda, Vice-Chair

Steve Cooper

Doug McCone

Regina Majercak (arrived late)

Susan Stern

Absent

Kathy Bogosian

Also present: John Sartor, PE, Township Engineer; Roger Phillips, PE, Township Engineer; Amy Kaminski, PE, Township Traffic Engineer; Peter Nelson, Esq., Solicitor, Kevin Kochanski, Zoning Officer, and Suzan Jones, Administrative Assistant.

Mrs. Hurle called the meeting to order.

Susan Stern moved to nominate Julia Hurle as Chair and Skip Kunda as Vice-Chair. Seconded by Steve Cooper, the motion passed.

Julia Hurle announced the newest member of the Planning Commission, John Lord, Esq., would be attending the next meeting and welcomed him and his expertise.

Minutes of the Meetings of December 4 and December 6, 2012

Skip Kunda moved to approve both meeting minutes. Seconded by Steve Cooper, the motion passed.

SD # 2012-S-15 (Final) of 615 Newtown Road, LP to subdivide existing parcel 8 residential lots. Existing estate home will remain and proposed to construct 7 new single family dwellings with a private cul-de-sac road. A 9th lot created across Rte. 320 will be deed restricted against further residential development.

George Broseman and Dave Gibbons, P.E., appeared on behalf of the applicant. Preliminary approval has already been granted and they have appeared before the Board of Commissioners and the Zoning Hearing Board. Plans were displayed and described accordingly. The applicant would like to transfer the lot across Rte. 320 to either the township or the swim club. The subject of noting it as open space was not likely to be considered. The applicant would like to

keep an island in the center of the cul-de-sac. A note on the plan should be placed that no parking will be permitted in the cul-de-sac. He requested that the placement of the boulder retaining wall on lots 1 and 2 be shown on the building permit plans as the house plans shown on these plans are rubber stamped and not accurate depiction of the footprints of the proposed homes. In response to the request from Steve Norcini regarding the replacement of the terra cotta pipe under Rte. 320, the applicant requests it to be inspected to verify the need to replace it. The applicant wants to televise the pipe, unless the township has done so, to determine the structural integrity, of the pipe to discuss the replacement. The applicant will discuss this further with Mr. Norcini. He acknowledged that final approval can only be contingent on the required approvals from outside sources; PennDOT, DEP, etc. The issue of boulder walls on the site was discussed and permitted to review at the building permit stage.

John Sartor is concerned about PennDOT taking the right-of-way in the future and requested that the easement along Newtown Rd. be placed outside of the ultimate ROW. Peter Nelson stated the applicant is legally obligated to do this. The applicant agreed to comply.

Julia Hurlle requested that 'no parking signs' in the cul-de-sac for emergency vehicle access, be shown on the plans.

John Sartor is satisfied with the wetlands delineation comments. The Shade Tree Commission needs to approve the plans showing the existing features, which include, close proximity of stormwater management basins, as well as existing species and caliper of trees. This will be discussed at their January meeting.

Amy Kaminski agrees that the applicant's plan show sufficient turning radii for the proposed movements. The plans shall show and document that signs will be placed and there will be no parking in cul-de-sac.

Susan Stern is concerned with the conservation easement as well as comments about steep slopes that are arising now and the applicant has already received approval from the zoning hearing board. Mr. Broseman pointed out on the plan the location of the steep slopes. Residents who will be buying the lots will need to submit plans that comply with the township and zoning regulations. She feels the building footprint should be pulled closer to the new road. Peter Nelson requests that lot 9 not be listed as open space, verbiage of no residential development would be placed on the plan. They prefer to transfer the land possibly to the swim club.

Kevin Kochanski suggested that conditional notes can be placed on the plans that the resolution of the pipe issue be resolved to the satisfaction of Steve Norcini.

Peter Nelson asked the applicant if they would consider the imposition of a conservation easement on Lot 9 as part of the plan approval. The applicant did not want to do this because they are looking for whatever tax benefits can be achieved by offering the site to other parties.

No public comment.

Steve Cooper moved to approve the plan as submitted subject to the expansion of the conservation easement along Newtown Rd. to be on the outside of the ultimate Penn Dot Right-of-Way and to match the square footage of the area based on the zoning variance with the revised setbacks. Either replace the sewer line or satisfy the concerns of the Public Works Director that the sewer line does not need to be replaced. That the applicant reappear before shade tree commission and satisfy their concerns and address the open comments in Gilmore letter.

George Broseman is ok with lot 9 restriction and inclusion of the island in the cul-de-sac. Doug McCone seconded. The motion passed.

Recommendation for Ordinance # 2-012-11.1 – Amending Chapter 280 of the Radnor Township code, Zoning Ordinance, amending the heights of athletic field light standards in the PLU (Public Land Use) District.

Kevin Kochanski read the proposed ordinance which is slated to appear before the Board of Commissioners within the next 30 days.

Susan Stern questioned the existing heights throughout the township vs. the proposed height, and who on staff would have final say in approving the placement of lights. The public / private partners utilize township fields. She feels they should be no higher than that at the high school.

Skip Kunda questioned set back ordinances regarding lighting fields and the 85' compared to the existing high school lights of 80'.

Regina Majercak is concerned that the specifications of approvals aren't spelled out with more depth in the ordinance and why are the school district fields not included.

No public comment

Susan Stern moved to approve the ordinance with the amendment that E 1 be changed to not exceed 80' and that in the main body E, that it specifies Radnor Township Property. Steve Cooper seconded the motion. The motion passed.

Peter Nelson said he would like to speak with Kevin Kochanski about tweaking certain language in the ordinance before it is forwarded onto the Board of Commissioners. These changes would be minor and editorial in nature. The motion passed.

Recommendation # 2012-09 – amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations for outdoor dining in the C-1, C-2, C-3, PB, GH-CR, and PLO Zoning Districts.

Kevin Kochanski described the proposed changes from the last time this was before them.

Susan Stern is still concerned with the boundary lot line between outdoor dining and residential districts and is concerned that it doesn't state anywhere that the outdoor dining has to be adjacent to the building.

Public comment

Sara Pilling – Garrett Hill – There is no reference to temporary dining. Mr. Nelson and Mr. Kochanski informed her that if an applicant wants to do this, there is a specific process that needs to be addressed and applied for. She feels smaller neighborhoods should be excluded from this as some residences are as close as 20' to a restaurant when separated by a street.

Baron Gemmer – S. Wayne Ave. – There are a few housekeeping items he is concerned about. Staff will attend to these. Driveway crossings could have safety issues—these should be addressed. He suggested not deleting verbiage and leave wording in but set specific criteria for footage limitations from outdoor dining areas. He is concerned with non-conforming residential and commercial.

Nick Caniglia – Italian American Club – Language should be changed as the new verbiage would create the club to not comply with the ordinance. Their split zoning would be affected by the proposed change. Higher percentage should be considered for the smaller establishments.

Jim Schneller – St. Davids – 30% or 50% would benefit smaller establishments. Questioned the limit of November 30th—winter festivities could benefit. Outdoor dining for alcohol consumption only should be eliminated.

Toni Bailey – Questioned the additional parking as required by this ordinance. She feels there is no place for outdoor dining in Garrett Hill.

Susan Stern feels the ordinance should cover the entire township, not just certain areas. Safety issues of certain outdoor designations need to be considered.

Steve Cooper has no issues.

Regina Majercak questioned outdoor heating and does not agree with the recommendation of DCPD to have heating units in outdoor dining.

Julie Hurle is ok with heaters and requests that Section 10 be reworded and has no issues with crossing a driveway.

Doug McCone questioned application issues going to the Board of Commissioners.

Susan Stern questioned residences on commercial zoned sites.

Susan Stern moved to recommend approval subject to # 10 being revised as per Peter Nelson's suggestions to read as follows. (10) Setbacks. (10) (a) Outdoor dining shall be permitted in the front, side and rear yards. (10) (b) No outdoor dining area shall be established within 100 feet of the property line of a dwelling unit located completely or partially within a residential zoning district. (10) (c) No outdoor dining area shall be established within 100 feet of an unimproved lot located completely or partially within a residential zoning district. (10) (d) Outdoor Dining areas shall not be permitted at the rear or on either side of a principal restaurant building when said building is immediately adjacent to an existing single family or two-family detached or semidetached dwelling unit or residentially zoned district. For the purposes of this subsection, the term "immediately adjacent" shall not apply to the single family or two-family detached or semidetached dwelling units or residential districts separated from the restaurant use by a public road. Seconded by Skip Kunda, the motion passed.

Recommendation for Ordinance # 2012-___ - Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations to establish a new use, Mixed-Use Special Transportation Development within the PLO-Planned Laboratory-Office District.

Nick Caniglia, Esq. appeared on behalf of the applicant. A brief power point was displayed. The PLO District was displayed on a map of the sites that would be affected by this ordinance. It was determined that the SEPTA train station is about a 7-8 minute walk from the site. Crosswalks, landscaped center median strips and enhancements were displayed. The applicant intends to turn the 2nd class train station into a 1st class train station. Nick stated that they would be requesting a conditional use for this site.

There was discussion regarding parking and the amount of information missing from this ordinance. Board members are looking for revisions to the ordinance.

Susan Stern is looking for an ordinance that details how transit will be utilized for the purpose of this site and would like to see the Comprehensive Plan's comments. Their comments will be forwarded to the board.

Public Comment

Jim Schneller - PLO area between trolley tracks and Arch Bishop Carroll High School sits on a 10 acre site—there is a visual aspect – there is a creek keep run off to a minimum to avoid damage to this creek.

Skip Kunda does not have enough information to move forward. Requests more information on mixed-use aspect, is concerned if parking calculations of 3 per 1,000 is adequate. The use of the R4 / R5 line presently is down and requests to see more focus on mass transit.

Regina Majercak prefers mixed-use and is concerned about the traffic – go further with new station and enhance entrances to both stations.

Julia Hurlle is still concerned with density issues. The buildings are proposed to be higher than anywhere else.

Steve Cooper is okay with proposed 3 parking spots per 1,000. Traffic density with respect to the entire zone and restrict to just this project, not the entire zone

Doug McCone doesn't feel there is a full use of the site. 70% will be filled, if you're lucky, and afraid not enough people will take public transportation as the applicant feels they will achieve.

Susan Stern would like to see the applicant use a designated exit off the blue route. The ordinance as proposed is questionable. Significant public transportation should be suggested as part of the verbiage. Change up the use to include less dense occupancy that it might be more of a truly mixed-use to be workable. There should be a feasibility direct access from the highway.

This plan shows many additional cars and parking spaces. Submitting the new ordinance in an overlay over the existing ordinance would help show the differences. Conceptual plans showing building heights should be submitted.

Skip Kunda hopes the applicant is listening to these comments and moved to table the application for another month in hopes that they will take into consideration the comments made here tonight.

Regina Majercak wants to see something that works for everyone and the entire site should be considered.

Steve Cooper moved to deny the zoning petition and requests that if the petitioner desires to move forward that they return to the Planning Commission with the following: a plan showing the maximum potential build out as per the new requested zoning on the entire area that encompasses the new zone so the board can understand the true impact of the increase in parking density for the entire area under consideration for rezoning. They consider less intense uses, and more mixed-uses on the site. They exhibit the impact of the building height on adjacent property owners and explain in a more definitive fashion and in writing how the traffic impact mitigation can be achieved. Seconded by Susan Stern, the motion passed 5-1. Doug McCone opposed.

Ordinance Amending Chapter 255 of the Radnor Township Code. Subdivision and Land Development Ordinance to establish regulations to the mandatory dedication of recreation land as part of a subdivision or land development; and to establish a fee in-lieu-of the dedication of recreation land when it is determined that the dedication of the land required for recreation purposes is not feasible.

Kevin Kochanski announced the items that have been revised from the original submission.

Skip Kunda feels the area of four lots is too small.

Regina Majercak doesn't want to see anything redirect commercial building elsewhere. Commercial sites should be included.

Steve Cooper sees this as a taxing mechanism and doesn't see this pushing development away. He feels commercial sites are already paying higher taxes.

Kevin Kochanski explained that this type of ordinance shifts the burdens off of the existing residents onto the new residents using the facilities. He also explained that an applicant could possibly request a waiver since this is dealt with at the SALDO level.

Susan Stern is concerned of where the suitable park and rec land would be provided. She doesn't feel verbiage is clear and doesn't feel new residents are putting a greater burden on our park land than the existing residences.

Julia Hurlle would want to include commercial sites.

Public comment

Jim Schneller – The ordinance parameters should be widened.

Those agreeing with including commercial sites: Julia Hurle, Susan Stern and Doug McCone. Disagreeing with commercial sites are Regina Majercak and Skip Kunda. However, both agree with new development only, not redevelopment

Peter Nelson stated that the MPC only allows for the collection of park and rec fees.

Steve Cooper is ok with the document the way it is written.

Steve Cooper moved to recommend approval as written. Susan Stern seconded. The motion passed in favor 4-2. Regina Majercak and Skip Kunda opposed.

Introduction of Villanova Ordinance to be discussed at the February meeting.

Public comment

Kevin Geary – 4 Black Friar Rd. – Requests the board to look at several key items. The building setbacks, heights, construction of a bridge, location of book store, stormwater and impact on residences for 3 years of construction. He suggested that they consider the PI zoning comments made for the past several months.

There being no further business, the meeting adjourned.

Respectfully submitted,

Suzan Jones

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