

**WEST BRADFORD TOWNSHIP
PLANNING COMMISSION
FORMAL SESSION
MAY 5, 2020**

ATTENDING

PLANNING COMMISSION:

Chris Parker, Chairman *
John Merva, Vice Chairman
Steve Williams, Secretary
William Cook, Member
Scott Klein, Member
Bob Lyng, Member *
Mark Slouf, Member

TOWNSHIP PERSONNEL:

Justin Yaich, Township Manager *
James Lucas, Codes Director
Tom Comitta, Land Planner
Erin Gross, Land Planner
Kristin Camp, Solicitor
Stacey Fuller, Solicitor

*Attended in person at West Bradford Township building. The minutes of this meeting are more descriptive than normal due to the nature of the ordinance discussed.

Chairman Chris Parker called the meeting to order at 7:00 p.m. The meeting was conducted via Zoom and individuals attended remotely except for those noted above.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

No public comment.

MINUTES – FEBRUARY 4, 2019:

Mr. Parker motioned to approve the February 4, 2020 Planning Commission meeting minutes, second by Mr. Lyng. Mr. Parker called for a roll call vote. All ayes, motion carried 7-0.

BUSINESS:

Mr. Parker gave an outline for how the Commission would handle the virtual meeting. Mr. Merva commented that he was not aware of the new process or need for the format. Mr. Parker stated that, in each item, the Township's professionals would give an overview of the subject matter. Once completed, Mr. Parker would go through each of the Planning Commission members in alphabetical order and allow each 10 minutes to state their comments. Finally, the public would be given an opportunity to comment before moving on.

Municipal Cure Ordinance

Solicitor, Kristin Camp gave a legal review of the Embreeville litigation, Commonwealth Court Decision and settlement that created the necessity for the proposed Municipal Cure. Solicitor Camp explained Mr. Comitta's role as the Township Land Planner.

Mr. Comitta gave a background on his involvement in the Embreeville litigation and his expert testimony related to fair share housing. Mr. Comitta believes the Township presently has approximately 3.5% of its housing stock as multifamily. The proposed cure would allow an increase in that multifamily housing stock to 4.9%. Solicitor Camp stated that the Municipal Cure Ordinance is fairly simple. However, in an effort to make it consistent with other aspects of the Zoning Ordinance, it required the Township to update some language and definitions for consistency. This added to the length of the overall document.

Mr. Parker began with Mr. Cook's comments. Mr. Cook inquired if the Cure Ordinance was consistent with the Township's Comprehensive Plan of 2020. Solicitor Camp stated that the Cure Ordinance does align with the Comprehensive Plan. Ms. Gross stated that several parcels in the R3 and Industrial District were considered during the Comprehensive Plan Steering Committee process where growth could be accommodated.

Mr. Parker asked Mr. Klein for his comments. Mr. Klein inquired if the fair share had to encompass the entire Township or if it was specific to regions. Solicitor Camp stated that it applies to the entire Township. Mr. Klein asked which types of uses the Cure Ordinance has to address. Solicitor Camp stated that the fair share analysis and the cure deal with housing, not other uses such as industrial. Mr. Klein asked if the courts look at the percentage of land available or the percentage of land available that is buildable. Solicitor Camp stated that the courts will look at both. Mr. Comitta concurred. Mr. Klein asked how West Bradford compares to other townships in the region. Mr. Comitta stated that such a comparison would not be beneficial since many others have access to Route 30, public water and public sewer. Those variables will increase density and housing. Solicitor Camp stated that Embreeville's argument was that West Bradford should be compared to other municipalities in the Downingtown School District, which the Township's legal team strongly opposed for the reasons outlined by Mr. Comitta. Mr. Klein asked when the next time the Township could consider a cure amendment. Solicitor Camp stated that she believed that 18 months would have to pass.

Mr. Parker called on Mr. Merva for his comments. Mr. Merva inquired if this amendment needed to be passed tonight and what the timeline was for passage. He advised that it might have been helpful for the review to have this material discussed at a prior meeting. Solicitor Camp stated that the Township is under a 180-day rule to adopt the cure. In order to keep the process on track and to ensure adequate time for County review and Board adoption on June 9th, she was looking for a recommendation this evening. Mr. Merva asked where the additional 616 units would be located. Mr. Comitta stated that there could be both mobile homes and multifamily homes on parcels owned by Highland Orchards as well as some multifamily located in the Industrial District across from the United Sports Training Center. Mr. Merva asked how many mobile units could be on each lot. Mr. Comitta stated that Highland Orchards was one large parcel and the land was rented to owners. He further stated that four mobile homes could be placed on an acre with private on-lot sewer. Mr. Merva asked about the new R3 setbacks and if they were consistent with what other municipalities in Chester County have. Mr. Comitta stated that West Bradford is unique and different and applying setbacks that work in other communities would not be beneficial to West Bradford. He also stated that, at Mr. Slouf's request, they are adding language for a buffer around mobile home parks.

Mr. Merva asked what the process was to build multifamily in an Industrial District and if requiring conditional use approval for multifamily violates fair share. Solicitor Camp stated that fair share analysis does not require the Township to allow the uses by right and conditional use would be required. Mr. Merva asked if the cure had to account for other uses such as industrial or commercial such as auto dealers and gas stations. Solicitor Camp stated that the fair share doctrine deals with multifamily housing, not other uses. She stated further that there are other doctrines that govern those uses such as exclusionary zoning. Mr. Merva asked if the Township ordinances would provide for solar farms. Mr. Lucas stated that the current ordinances do allow for alternative forms of energy.

Hearing no additional comments, Mr. Parker moved on to his comments. Mr. Parker stated that several years' prior the Township Planning Commission has recommended the passage of Architectural Guidelines for multifamily housing units. Those guidelines were never enacted into law and he suggested the Township explore that in the future. Mr. Parker inquired if Appleville was applying their design standards completely at their own will. Mr. Comitta stated that Appleville was applying the design standards on their own and with no requirement from the Township.

Mr. Slouf commented that he met with Alan Hodge and walked the property. Mr. Slouf stated that the property was kept in very good order. Further, he stated that if the Hodge family developed the proposed site with mobile homes, they would keep the current regulations and restrictions in effect for the new. Mr. Slouf felt that the proposed sites for expansion were appropriate based on his walk.

Mr. Parker moved on to Mr. Williams. Mr. Williams thanked everyone for their hard work on the plan. He stated that he understands that the Cure is simply that, a cure and not a guarantee. Future land owners and attorneys would have the ability to challenge this again. Solicitor Camp stated that Mr. Williams was correct and that this is the Township's best effort to comply with fair share challenges and protect against future challenges.

Mr. Parker called for any public comment on the Municipal Cure.

Hearing no further comment, Mr. Parker made a motion to recommend approval of the Municipal Cure, second by Mr. Lyng. Mr. Parker called for a roll call vote. All ayes, motion carried 7-0.

2020 Comprehensive Plan

Mr. Parker turned the floor over to Ms. Gross for an overview of the 2020 Comprehensive Plan. Ms. Gross walked the Planning Commission through the 14-month process from the kick off discussion to the Steering Committee's work throughout 2019.

Mr. Parker stated that he would go through the Planning Commission members in alphabetical order and allow 10 minutes for each member to address their comments.

Mr. Parker asked Mr. Cook for his comments. Mr. Cook stated that he felt the plan was well done and a great guide for the next ten years.

Mr. Parker asked Mr. Klein for his comments. Mr. Klein stated that he was comfortable with the plan as presented.

Mr. Parker asked Mr. Lyng for his comments. Mr. Lyng stated that he was happy with the plan and we should move forward.

Mr. Parker asked Mr. Merva for his comments. Mr. Merva made some preliminary remarks including that there should be more discussion and that there was no legal time limit so the Commission should not rush it. He asked Mr. Comitta that isn't it a best practice to conduct a township-wide survey for a comprehensive plan like other townships. Mr. Comitta stated that in cases where an entirely new plan is being formulated, the survey is a tool that communities use. However, because West Bradford had a good 2009 Comprehensive Plan, both the Board of Supervisors and the Steering Committee felt that we should not throw that away, but simply

expand and update that into a 2020 Comprehensive Plan. Because the Township was not starting over, a survey was not initiated. Solicitor Camp stated that the 2009 Comprehensive Plan was a good start to the work done and based on the fact that the Township was not seeking a new direction, but rather expanding on good policy, they chose the Steering Committee to guide the process.

Mr. Lyng stated that he did not feel a survey was warranted given the process the Township used.

Mr. Parker stated that he was on the Lieds Park Task Force and they used a survey which resulted in very low turnout, offered little direction and many survey takers were individuals already involved in the Task Force. Mr. Comitta stated that the Township's process was very efficient. The Township chose a Steering Committee made up of representatives that serve on all of the different committees of the Township. Two of those members were on the Planning Commission, Mr. Cook and Mr. Slouf. Mr. Comitta also pointed Mr. Merva to the guiding principles page which had over 1,000 hits of edits and went through 9 revisions. Comments Mr. Merva made with regard to that were taken into account at the start of the process.

Mr. Comitta stated that the Township was prudent with finances and that redesigning an entirely new plan would be much costlier. Supervisor Chair, Laurie Abele, stated that the Township spent considerable time, over a year, and resources on this document and that the Township intended to move forward and not incur excessive costs and delay.

Mr. Merva noted changes he requested then questioned the incorporation of appendix documents, historic resources map and traffic sections. Mr. Comitta stated that the Comprehensive Plan is a high level view that gives way to other ordinances being formed that deal directly with matters such as traffic and historic resources. Mr. Comitta noted that Solicitor Camp's office is currently working on a separate historic resource ordinance as we speak. Mr. Parker noted that Mr. Merva was going on 20 minutes and that the discussion needed to move forward.

Mr. Parker moved on with his comments. Mr. Parker stated that page 25 should reference Embreeville and Lieds Park. Mr. Comitta stated that the update would be made. When this particular map was created the Township was still in settlement talks and the acquisition was not final. Mr. Parker pointed to page 34 with regard to a plan for the villages. He stated that the borders of all historic villages and particularly the Village of Romansville should be delineated and defined with the use of signage and landscaping features to give a sense of place. He also noted that the Recommendations and Implementations Strategies chart should reflect efforts on the TND2 and the Historic Ordinance, and any other efforts of the Township that have already been completed.

Mr. Slouf stated that planning documents are a guide for the future and not documents written in stone as they change over time. He noted his service on the steering committee and that he felt certain comments are going too extreme.

Mr. Parker opened the floor to public comment on the 2020 Comprehensive Plan.

Ms. Cheryl Wanko – 994 Stargazers Road – stated that she appreciated the staff and professionals' efforts on this document and that it is well put together. She referenced written comments she submitted and noted that there is a lack of reference to global warming. The

United Nations has set a 2030 climate change goal and she would like to see more reference to this matter. Mr. Comitta noted that he received her comments and they are well written. He noted that this is a policy decision that the Board of Supervisors would have to make and that her comments would be shared with them. Ms. Gross suggested that some high-level language could be added referencing climate change that might give way to future documents regarding the matter.

Mr. Merva asked Mr. Comitta when he would like his additional corrections and comments to be submitted on the Comprehensive Plan.

Mr. Yaich stated that all comments should be stated in a public meeting so that all members and visitors can hear the comments and the Commission as a group could weigh if they wanted them included. No individual member should be sending changes to professional staff without the consensus of the entire recommending body. Mr. Yaich stated that professional staff should not respond to individual suggested changes. Solicitor Camp stated that any correspondence should go to the Township Manager and/or the Commission Chair.

Mr. Parker stated that he would like to take a straw poll to gauge the Commission members' comfort level with the 2020 Comprehensive Plan and moving forward as discussed. Mr. Merva stated that he does not understand why Mr. Parker is doing this since the document is not being approved at this meeting. Mr. Parker stated that he wants to gauge the Commission's comfort level with the document presented.

Mr. Cook – Yes

Mr. Klein – No opinion

Mr. Lyng – Yes

Mr. Slouf – Yes

Mr. Williams – Yes

Mr. Parker – Yes

Mr. Yaich stated that the comments of the Planning Commission made this evening would be incorporated by Mr. Comitta into the Comprehensive Plan. If there are any other comments, they should be submitted to Mr. Yaich and will forward them to the Board of Supervisors for consideration on June 9th.

Mr. Parker explained that the Commission will make its formal recommendation at the June 1, 2020 meeting.

SUBDIVISIONS

Mr. Parker announced that there were no subdivisions at this time.

SKETCH PLANS

None.

NOTES

- The May 19th Planning Commission meeting is cancelled.

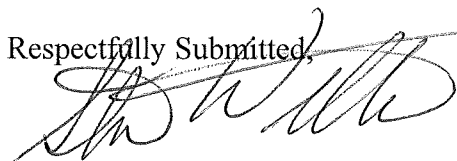
- The next Planning Commission meeting is scheduled for **Monday, June 1, 2020 at 7:00 p.m.**

There being no other business, Mr. Parker made a motion to adjourn, seconded by Mr. Lyng. Mr. Merva interjected and asked why there would not be any discussion on other matters before adjournment. Mr. Merva also commented on a list of possible items to be on the agenda for discussion.

Mr. Yaich stated that Mr. Merva's request for additional comment was reasonable. However, with regard to agenda items, the only items that are placed on the agenda are matters that the Board of Supervisors authorize or request to be added for review. The Commission does not have the ability to add items at their discretion, but are a recommending body that reviews matters referred to it from the Board of Supervisors.

Mr. Parker stated that there was a motion on the floor and a second and he would call for a roll call vote to adjourn the meeting at 9:11 p.m. All ayes, motion passed 7-0.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Steve Williams', written over a horizontal line.

Steve Williams
Secretary

SW/kw