

**CHARLESTOWN TOWNSHIP  
PLANNING COMMISSION MINUTES  
GREAT VALLEY MIDDLE SCHOOL  
255 N. PHOENIXVILLE PIKE, MALVERN, PA, 7:30 P.M.  
TUESDAY, APRIL 14, 2009**

**Present:** Andy Motel, Chairman, Mike Allen, Vice Chairman, Rick Reis, June Gorman, Sarah Peck (arrived later), Wendy Leland (arrived later), Michael Churchill (arrived later), Surender Kohli, P.E., Tom Comitta, Linda Csete and those on the attached list.

**Call to Order:** 7:30 P.M.

### **Announcements**

Mr. Motel stated that there is a lengthy agenda this evening and asked for everyone's cooperation in moving it along.

Mr. Motel said this Saturday the Township has two Earth Day activities planned, including a roadside litter cleanup plus his group that will be planting trees in the PA Turnpike right of way off Morehall Road across from Whitehorse Road.

### **Citizens Forum**

No matters were brought forward at this time.

### **Approval of Minutes**

#### March 10, 2009 Minutes

Mr. Allen indicated that page 2, 6<sup>th</sup> paragraph, 3<sup>rd</sup> sentence should read "Areas 1 and 5,..." instead of "Areas 1,2 and 5,..." and a sentence inserted afterward stating "Area 2 is primarily retail." With these changes, Mrs. Gorman moved to approve the March 10, 2009 minutes and Mr. Reis seconded. Mr. Motel called for discussion, and there being none, called the vote. All were in favor.

### **Presentation**

#### Phoenixville Regional Planning Committee

Jim McMaster, Esq. and Elizabeth Lankenau of Kise, Straw & Kolodner presented the plan consistency review for Charlestown Township as one of the six members of the Phoenixville Regional Planning Committee. Mr. McMaster said the group developed a regional comprehensive plan, and in accordance with the MPC, are now in the consistency review phase to determine if each member's zoning and SLDO ordinances, as well as any natural resource protection mechanisms, are consistent with the goals and objectives of the Regional Comprehensive Plan. Mr. McMaster said prior to forming the PRPC, each municipality had to provide for all uses, but after a joint plan is put into place, some uses can be in one municipality and not in another and still satisfy the MPC requirements by ensuring that the regional future land use map is consistent with the individual zoning maps.

Ms. Lankenau said Charlestown Township's zoning was generally found to be consistent

with the future land use vision presented in the Regional Comprehensive Plan.

(Mr. Churchill and Ms. Leland arrived at this time.)

Ms. Lanckenau had only one recommendation to further enhance consistency, and that would be to change the undeveloped areas of PRD-2 to a zone consistent with medium density development with 1-4 units per acre clustered in a grid-like plan with an open space area and neighborhood retail area. Mrs. Csete pointed out that those areas have already been developed as neighborhoods Oak Hill and Wyndham.

(Ms. Peck arrived at this time.)

Mr. McMaster said that since the regional comprehensive plan has evolved from a multi-year planning process, most of the members have been modeling their ordinances after it for some time. He said one area that Charlestown should look at with regard to natural resources protection is that the regional plan calls for 200 foot buffers from wetland areas. Charlestown provides for a 50 foot buffer. Mr. Churchill asked if there is a basis for the 200 foot buffer, and Mr. McMaster said they relied on an environmental consultant. Mr. Allen asked about an intermediate change to a 100 foot buffer. Mr. McMaster said the regional plan is a good measure of what might be challenged and doesn't think it likely that ordinance of less or the same restrictions would be challenged.

Mr. Motel asked if there was anywhere the Township exceeded the regional plan, and Mr. McMaster indicated there wasn't, though in some cases Township requirements were less than those in the regional plan. He also noted that in general, density figures in Charlestown are slightly higher than what is standard for the region. Density could be reduced and remain in compliance with the regional comprehensive plan.

Mr. Allen said the Devault Area was in the process of being rezoned to include a TND overlay during the PRPC regional plan process, and he asked if they want to look at it now. Ms. Peck said that even before the TND overlay, the area was mostly consistent with the regional plan. Mr. Motel said the Planning Commission would welcome any new comments on the TND zone.

## **Plan Review**

### Tyler Griffin Sketch Plan – Charlestown Road & Phoenixville Pike

Tim Townes was present from J. Loew & Associates to discuss sketch alternative #4 for the Tyler Griffin Tract.

Mr. Townes said the tract is part of the TND and represents the entire Area 5 district. Sketch #4 includes minor modifications suggested by Mr. Comitta, and includes some clarifications requested from earlier plans. He noted that inclusion of monuments and staggering of buildings, as previously suggested, has been noted but is not yet shown. He'd like to move forward to the review process with the Design Review Committee.

Mr. Townes indicated that they softened the area adjacent to the school and allowed for a 75 foot buffer that will include a berm and trees. The setbacks against both road frontages and the asphalt plant are 100 feet. 12 duplex buildings (24 units) were added to the housing mix, and represents about 1/3 of the total units. The remainder includes two types of townhouses.

Mr. Motel asked about the kidney-shaped planted area near the Charlestown Road access. Mr. Townes said this road access allows for queuing onto Charlestown Road but they'll need further input from PennDOT on the design. Mr. Reis asked if they will have adequate setbacks if PennDOT widens Charlestown Road in the future. Mr. Townes said PennDOT hasn't provided details but the Tyler Griffin roads will not be in the way of widening. Mr. Churchill asked how far they would be, and Andy Eberwein of E.B. Walsh responded 55 feet, which still allows for nice berming and buffering. Mr. Churchill asked if PennDOT widens Charlestown Road, won't they have to grade back from that widening. Mr. Eberwein said they'll need a temporary grading buffer that they'll later have to repair. He added that PennDOT wants underground stormwater management basins on the Tyler Griffin site, and showed where they provide a sidewalk link to the proposed traffic light that will include pedestrian access across Route 29.

Mr. Reis asked about the Horseshoe Trail, and Mr. Townes pointed it out in the eastern buffer. Mrs. Leland asked if the middle green was flat, and Mr. Eberwein said it's reasonably flat, adding that the adjacent green will be re-graded so it's flat as well.

Ms. Peck asked if the ordinance would have to be amended to make the five TND ordinance changes that would be needed to enable the Alternate 4 plan, including:

1. Adding duplex units to add diversity to the plan;
2. Reducing the building separation distance from 50 to 15 feet so the duplex units would fit;
3. Reducing the garage to garage separation distance from 70 to 65 feet to add flexibility to the layout;
4. Creating a "not-lot" concept so minimum lot areas wouldn't be required;
5. Reducing the perimeter buffer setback from 100 to 75 feet along the boundary with the Elementary School, and increasing requirements for berms within the 75 foot area.

Mr. Comitta indicated that the ordinance would have to be amended. Mr. Allen said there are other amendments to be made so they could be addressed at that time. Mr. Motel said there is a punch list of amendment items now that two of the five TND areas have been examined. He said he had no strenuous objection to any of the five items on Mr. Comitta's list.

Mr. Townes said they proposed condominium ownership and Mr. Comitta suggested a variation of this concept in his review memorandum listed as 10.d. Ms. Peck referred to the Uniform Planned Communities Act which allows for fee simple ownership without lot lines. Mr. Townes said he's aware of it, but the Township's present ordinance requires lot lines.

Ms. Peck pointed out two sets of townhouse buildings that she thinks should front the road instead of the greens. She said the sides of the units could include design elements to add interest. Mr. Eberwein said the intention was to frame the greens and Mr. Comitta added it was the result of previous DRC meeting discussions. Mr. Churchill and Mrs. Leland indicated they preferred the units face the greens as depicted on the sketch. Mr. Eberwein suggested they could add a wrap around porch for the side facing the road to help them blend in.

Mr. Townes displayed a sketch with a non-rendered base in order to show the green areas more prominently. Mr. Motel asked if the northern green area was flat, and Mr. Eberwein said mostly. Mrs. Leland asked what the hatch marks depict above the retail building, and Mr. Eberwein said steep slopes. Mr. Motel asked what uses they anticipate for the retail building,

and Mr. Townes named small businesses such as insurance agency, or a small deli or pizza shop.

Mr. Churchill said that given the elevations of the site, the roof lines of the lower buildings will be seen from the upper ones, so roofs will be an essential piece of the design.

Mr. Motel suggested the Planning Commission members walk the site and gained permission from Mr. Townes to do so. Mr. Eberwein said the site will be terraced down the hill, and trees will be added to buffer the view.

Sue Staas asked if green roofs are a possibility, and Mr. Weinberg said they aren't economical or efficient for residential housing yet. Mr. Motel said the Township can't require them.

#### Laurabrooke Sketch Plan – Phoenixville Pike

Ted Mondzelewski and Walter Kaupp, P.E. was present to provide details on the SierraScape retaining wall system and the GreenGrid modular green roof system. Mr. Mondzelewski showed the orientation of the site north of Phoenixville Pike and pointed out three residences to the south and one to the west of his 9-acre site. He said he proposes 3 buildings with most of the parking underneath. The square footages of the buildings are as follows: Bldg. A – 16,000 sq. ft., Bldg. B – 31,500 sq. ft., and Bldg. C – 28,500 sq. ft.

Mr. Mondzelewski said the plan hasn't changed much since the one presented last fall except that the three buildings in area B were combined into one building. A parking stall area was eliminated and is now shown as a turnaround. He provided handouts on the SierraScape retaining wall system and GreenGrid modular green roofing system from Weston Solutions. He said the retaining wall system is an engineered retaining wall. Mr. Motel asked how it differs from Gabion walls, which are wire mesh-enclosed stones. Mr. Mondzelewski said this system has fabric going back into the grade and the walls are made of earth, not rock, which is held by the mesh. He said there's a good example of it at the Oaklands Corporate Center. Ms. Peck said it doesn't look natural. Mr. Mondzelewski said the product shown is much steeper and higher than what he proposes. Mr. Motel asked how it holds up long term. Mr. Mondzelewski said the manufacturer provides a 50 year guarantee.

Mr. Allen asked about Building C, and Mr. Mondzelewski described it as a two story office building with one level of parking underneath. He said Building A is a three story building, with two levels of parking and one office level. Mr. Churchill asked if they meet the 35 foot height limit, and Mr. Mondzelewski said it meets the ordinance by providing an additional 14 feet of setback for building C.

Mr. Churchill asked if the applicant has sufficient land for the amount of proposed impervious surface. Mr. Kohli said that calculation isn't shown, but it was estimated by Mr. Comitta's office. He added that it doesn't appear to him that it will comply. Mr. Mondzelewski said they'll provide the calculation.

Mr. Kaupp said the definition of "net lot area" in the definition section of the zoning ordinance differs from the way the term is used in the body of the ordinance. Mr. Allen said the definition is an item that needs to be addressed. Mr. Motel said it should be calculated according to the Township's interpretation and can be discussed further next time.

Mr. Motel asked if there were any questions on the consultants' review letters. Mr. Eberwein asked about the height limitation as described in Mr. Kohli's item #3 in his letter dated 4/8/09. Mr. Kohli explained how the height of the building should be measured according to the zoning ordinance.

Mr. Eberwein said he did a parking analysis with ten foot spaces and nine foot spaces and asked if the Planning Commission would prefer the 9 foot spaces in order to reduce the total impervious surface coverage. He said they wouldn't add spaces if the size was reduced to nine feet. Mr. Kohli said he has no objection if they can demonstrate the parking otherwise complies with the ordinance. Mr. Mondzelewski said it appears there's very little they can't comply with in regard to Mr. Kohli's review comments.

Mr. Motel said the Planning Commission would like to see another sketch plan next month with the requested calculations included. He noted it's a challenging site.

Mr. Allen said he applauds the interest in green roof design, and asked if that will help in the stormwater management calculations. Mr. Eberwein said it only helps a little. Mr. Motel asked why they propose it then, and Mr. Mondzelewski said for reasons of marketing and energy efficiency. For flat roofs, these modular systems are not as expensive as other green roof systems.

Mr. Motel asked what uses they expect for the buildings. Mr. Mondzelewski said professional offices. He expects the medical profession to be a logical market considering the proximity of Paoli and Phoenixville hospitals and the scarcity of this space elsewhere. All the buildings will have handicap access.

#### Alleva Preliminary Subdivision Plan – Rees Road

Neal Camens, P.E., of Chester Valley Engineers was present to discuss a revised preliminary/final plan dated 3/23/09 proposing to change the lot line between the Allevas' parcel #35-4-122.3 and Tom Fillippo's parcel #35-4-122 and to combine parcel 35-4-136.A with 35-4-122.3 to create a residential lot that meets the 80,000 sq. ft. net lot size minimum.

Mr. Camens indicated that the existing garage use would still be located on two of Mr. Alleva's parcels but Mr. Alleva intends to remove that building at some point in the future. He said that in talking with Mr. Kohli, who suggested reconfiguring the lot lines to place the garage on one lot only, he felt this created other problems. They would need variances for the setbacks of the combined lot in order to accommodate a building that is expected to be removed.

Mr. Churchill asked if the applicant can provide assurances that the use will be discontinued and the building removed before the property is transferred to separate owners. Mr. Reis suggested placing a deed restriction on the lots indicating that they can't be conveyed to separate owners until the building is removed. Mr. Alleva said he'd be willing to do so. Mr. Kohli said a restriction would also be needed for the shed. Mr. Allen said the lots are nonconforming now, and he doesn't see a problem with the subdivision. Mrs. Leland agreed.

Mr. Motel moved to recommend approval of the preliminary/final plan dated 3/23/09 for Thomas Alleva subject to the placement of a deed restriction on the two Alleva lots to prevent conveyance of the lots to separate owners until such time as the garage is removed. Mr. Allen seconded. Mr. Motel called for discussion, and there was additional discussion on how to address the garage issue and it was determined it should be taken up by the Solicitor. Mr.

Motel amended his motion to recommend approval of the plan subject to the inclusion of a mechanism deemed suitable by the Township Solicitor to insure that the nonconforming garage is removed prior to conveyance of the lots to separate owners. Mr. Allen seconded. Mr. Motel called the vote, and all were in favor.

#### Zantzinger Minor Subdivision Plan – Pikeland Road

Andrew Defonzo, P.E. of D.L. Howell and Megan King, Esq. were present to discuss a proposed lot line change to the Zantzinger property on Pikeland Road.

Ms. King said the site walk took place last month and explained that the subdivision takes a small amount of acreage from one lot and adds to another so it can become a conforming building lot yet be small enough to avoid triggering Act 319 rollback taxes.

Mr. Defonzo referred to Mr. Kohli's review letter dated 4/8/09 and said it indicates agreement with the applicant's survey showing there are no wetlands or steep slopes on the site and states no objection to the seven requested waivers.

Mr. Motel said with the exception of the one small lot, the remainder of the Zantzinger property has been placed under easement with the North American Land Trust, for which the Township is very appreciative. Mr. Motel said they've discussed reopening the Horse-Shoe Trail along the Turnpike right of way, and he understands that family members have not ruled out opening the Trail, but they continue to have concerns. Mr. Motel said he spoke to the family attorney George Asimos about the possibility of a revocable license. Ms. King indicated the family will be willing to discuss it further after the property is distributed among the heirs.

Mr. Motel moved to recommend approval of the Zantzinger Minor Subdivision plan last revised 3/31/09 subject to the comments on Mr. Theurkauf's review letter dated 4/9/09 and Mr. Kohli's review letter dated 4/8/09. Mr. Churchill seconded the motion. Mr. Motel called for discussion. Mr. Allen said if the family would consider the revocable license to open the trail, it would be a great community asset. Mr. Motel said the Township, and not just the Horse-Shoe Trail Club, has to show its willingness to address the family's concerns and needs in this regard. Mr. Motel called the vote and all were in favor.

#### Holy Ascension Antiochian Orthodox Church Revised Preliminary Land Development Plan & Conditional Use Application– Phoenixville Pike

Wendy McLean, Esq., Brian Engle, P.E. and David Porter, EIT of Rettew Associates presented the preliminary land development plan last revised 3/17/09 for the construction of a church on Phoenixville Pike. Mr. Motel recused himself from the discussion.

Ms. McLean distributed copies of a narrative she prepared 4/13/09 summarizing the steps taken toward the development thus far. She said they're getting close to clean review letters from the consultants, with a few small engineering and landscaping details remain that can be resolved at the final plan stage. She said they're scheduled for a conditional use hearing before the Board of Supervisors on May 4<sup>th</sup> and are asking for a recommendation this evening on both the preliminary plan and the conditional use application.

Ms. McLean said she spoke to HARB co-chair Rosemary Philips about the ruins on the site, and Mrs. Philips acknowledged they are not listed on any historical inventories or maps. The HARB asked for permission to take pictures of the ruins, which the Church agreed to allow.

Ms. McLean said Dave Porter has met with the County Conservation District, PennDOT and Mr. Kohli on the stormwater management details. They are waiting for DEP approval. The sewage facilities planning module has been approved by the DEP, and the highway occupancy permit from PennDOT has been submitted. She said Mr. Porter had a preliminary meeting with PennDOT on the highway permit and they don't expect any major changes.

Ms. McLean said they met with Mr. Kohli to go over the items on his review letter dated 3/6/09 and revised the preliminary plan afterward.

Ms. Peck asked about the issue with the stormwater detention basin distance from the right of way. Ms. McLean said they reduced the size of the basin but will still need a waiver on the distance. Ms. Peck asked about the retaining wall shown for the basin. Mr. Porter said they're small grading walls 3 to 4 feet in height to avoid having to move the basin into steep slopes. Ms. Peck asked why not create a deeper wall and deeper hole for the basin. Mr. Porter said it would create testing problems and they believe they have a working solution now. He said there'll be landscaping and street trees on the southern side of the basins. Mr. Allen noted the two basins are now designed as rain gardens and will look better aesthetically than deeper basins.

Ms. Peck asked why set a precedent by waiving the 50 foot setback requirement from the ROW. Ms. McLean said they started the land development process and received other zoning relief for the stormwater basins before the stormwater management ordinance (SMO) was amended in 2006 to require this setback. Ms. Peck asked what the setback was prior to the amendment, noting that the plan deviates significantly from the requirement and other applicants will want the same relief. She wanted to know the rationale for the newer 50 foot setback requirement. Mr. Kohli responded that the ordinance was drafted by a prior solicitor from Lamb McErlane and he wasn't aware of the rationale. Ms. McLean said they sought and obtained the zoning relief they needed at the time of that application. The process has been so lengthy that other ordinances have changed in the interim.

Mr. Churchill asked how deep the water is expected to be. Mr. Porter said all the infiltration facilities are less than 1 foot for a 2 year storm and less than 2 feet for a 100 year storm. There will be no permanent pool and there's also an underground infiltration basin. Mr. Churchill said he's willing to consider this design grandfathered but is concerned with safety. If there's no permanent ponding, that helps his concerns. Mr. Kohli added that fencing will be required. Ms. Peck asked if the basins can be made smaller. Ms. McLean said that's Mr. Kohli's call, but she noted they're also trying to deal with runoff from the Turnpike. She said a steeper basin causes other problems, including standing water, soil compaction, and the need to amend the NPDES permit.

Mr. Allen asked about tree removal and replacement as outlined in item #1 of Mr. Theurkauf's review letter dated 4/8/09, which suggests 130 reforestation tree saplings be provided as part of the consideration of the applicant's waiver request for 206 required replacement trees. He asked if they would be scattered around the site. Mr. Porter said they could be planted in the disturbed steep slope area. Ms. McLean said there are some good mature trees on the site that will be removed, but many are ash, which are disease-prone. They want to provide a more diverse forest.

Mr. Allen asked about markings on the plan in the truck turn around area. Mr. Porter indicated that it just represents striping. Mrs. Leland asked if there will be any cemetery on the site, or if a pavilion or other outdoor structure will be constructed. Ms. McLean said no to both,

but said they may create a meditation grotto from one of the existing ruins.

Mr. Allen asked about the overflow parking area, which consists of grass pavers. He said he's concerned that this parking will be regularly used since it's close to the building. Mr. Porter said the main entrance is at the upper level of the building and doesn't think it will be overused. Mrs. Leland said it would only occur once a week and shouldn't be a problem.

Mr. Allen asked how the infiltration under the parking lot will hold up over time. Mr. Porter said there is a geotech fabric that should prevent problems. Mr. Reis asked what the expected lifespan is, and Mr. Kohli said he knows of one that's been working for 25 years.

Ms. Peck returned to the discussion on the setback from the stormwater basin to the road right of way. The narrowest distance is shown as 17.93 from the boulder wall to the ROW. Mr. Porter said he measures 34.254 feet from the detention basin berm, but Ms. Peck said the boulder wall is part of the basin. Mr. Porter said the ordinance says to measure from the berm. Ms. Peck said then it's 34 feet on one side but 17.4 on the other, to which Mr. Porter agreed. Ms. Peck asked what the setback requirement was prior to the amended SMO, and Mr. Comitta said 20 feet. Ms. McLean indicated that their zoning hearing application showed the distance at 5 feet and the only approval to be sought now for the system is for locating pipes in a high ground water area. This is being pursued with the current conditional use application.

Ms. Peck asked what the distance is from the boulder wall to the ROW, and Mr. Porter said 5 feet. Ms. Peck asked for feedback from the others present. Mr. Kohli said the stormwater basin location was approved by the zoning hearing board as indicated in the zoning order. The township must follow the order if the applicant is not increasing its request for relief. He said he reviewed the plan's consistency with the zoning order and determined it is acceptable. The location is substantially the same as that represented during the hearing. Ms. Peck said she needs a more substantive interpretation. Mr. Kohli said the solicitor can interpret it. Mr. Allen said this is a difficult site, and although certain waivers have been granted, there is a concern about the plan moving beyond the confines of the zoning order. He said the Planning Commission needs to determine if they're setting a precedent or whether this situation is covered by the zoning order. Mr. Kohli said the zoning order showed the basin in substantially the same location and that testimony during the zoning hearing indicated there may be minor changes to the design. Mr. Allen suggested they move on and allow the Solicitor to interpret this question.

Ms. Peck said the zoning order doesn't reference a specific plan. Ms. McLean voiced consternation over working with the Township and Mr. Kohli for so long on this project, acting in good faith, and now being frustrated at having the issue raised at this juncture. Ms. Peck said this is the first time the Planning Commission has seen this level of engineering detail in the plan. Mr. Churchill said he's satisfied with the design as shown on the plan and that the township understood there would be a detention basin in the front of the property. The building size was reduced and the other impacts were minimized as much as possible. There is no safety problem to disallow it so it only raises a conformity issue. Since they received zoning relief for this issue, he's comfortable with the plan.

Ms. Peck asked the applicant if they can reduce the size of the basin. Ms. McLean said they could reduce it by ignoring the Turnpike water runoff. Ms. Peck asked if they could add a third basin, and Mr. Porter said not without re-engineering the entire plan. Ms. McLean said it would be unreasonable as they would lose all the work they went through with the County Conservation District. Mr. Allen asked if there is any way to satisfy the issue of the basin



placement, and Ms. McLean said no. Mr. Porter said they've already employed grass pavers and underground infiltration as well as reduced the building size. They can't comply further with the NPDES requirements and Township Ordinance. Ms. McLean added they also reduced the total impervious surface coverage. The basin has already been engineered for its size, shape and location.

Brian Engle of Rettew Associates said in his opinion there is nothing more they can do to reduce the stormwater facility size without further impacting steep slopes. Their plan has already evolved to incorporate new NPDES regulations, which led them to the design of the rain gardens. Mr. Allen asked if Mr. Kohli was in agreement with this assessment and he said yes.

Mr. Allen asked what the applicant was seeking this evening, and Ms. McLean responded they request a recommendation for the preliminary plan and the conditional use application. Mr. Porter then listed the conditional use approvals being sought. Mr. Allen asked Mr. Kohli if he found the requests acceptable, and Mr. Kohli said yes. Mrs. Leland said Mr. Kohli is the subject matter expert and she feels comfortable with his recommendations.

Mrs. Leland moved to recommend approval of the Holy Ascension Church land development plan last revised 3/31/09 and conditional use plan of the same date, subject to the comments on Mr. Theurkauf's review letter dated 4/8/09 and Mr. Kohli's review letter dated 4/7/09. Mr. Churchill seconded the motion. Mr. Motel called for discussion, and there being none, called the vote. Six were in favor. Ms. Peck was opposed.

Mr. Allen said he looked at the grading plan thoroughly and recognizes what a difficult site this is. He asks that the environmental issues be treated with respect. Ms. McLean said the congregation regards the property as a sacred, special place and assures him they will do so.

## **Ordinance Review**

### Ordinance to Require Underground Stormwater Management Basins

Mr. Motel referred to the draft ordinance prepared by township solicitor Mark Thompson to require underground stormwater management for all land development. Mr. Kohli provided some background on stormwater management in existing developments, including Deerfield and Ashford. He said underground stormwater management can become very expensive due to the piping, stones and retention walls that are needed. Ms. Peck said stormwater management is enforced by the Chester County Conservation District using Best Management Practices (BMPs). If underground storage is unfeasible, perhaps due to percolation problems, they have BMP alternatives such as rain gardens. She said there are ways to make above ground systems more attractive.

Mr. Motel said Mr. Reis and Mr. Allen raised good questions in their email exchanges, noting that sometimes underground storage is simply not feasible. Mr. Allen said in addition, environmental agencies also raise concerns about them and indicate they're not always the best alternative. Mr. Kohli suggested there be an alternative provided in the ordinance for when underground systems are not advisable, perhaps noting that the requirement is subject to review by the Board of Supervisors. Mr. Comitta also asked how to address a plan designed under BMPs that is not an underground system.

Mr. Churchill suggested adding language that "the Board of Supervisors shall have discretion to accept an alternative system of comparable water quality and quantity." Ms. Peck

noted that some geology makes underground systems undesirable, such as that with sinkholes or other limestone formations. Mr. Kohli said in those cases, a liner can be used.

Mr. Kohli indicated that the Supervisors would have the option of waiving the requirement for underground stormwater systems even if it wasn't specifically stated in the ordinance because it's a part of the SLDO and not a zoning ordinance which would prompt the applicant to seek a variance. Mr. Motel asked if it should then be passed as written and Mr. Comitta said yes.

Mr. Churchill moved to recommend adoption of the ordinance subject to the addition of language he provided earlier. There was no second. Mr. Allen said recharge systems are better for the environment, but a problem of the ordinance is that it doesn't address other technical parts of the existing SMO. Ms. Peck said the proposed ordinance is inadequate and the Planning Commission needs more time. Mr. Churchill said it's not consistent with the current SMO and the Township should allow time to amend it in a more thorough manner. Mrs. Leland agreed. Ms. Peck said most developers are required to provide underground stormwater management anyway.

Mr. Motel moved to not recommend the proposed ordinance amendment because the Planning Commission believes it requires further review as it is inconsistent with the existing stormwater management ordinance. There was no second.

Mr. Motel asked Mr. Kohli to discuss the ordinance with the Solicitor. The matter will be discussed further at the May 12<sup>th</sup> Planning Commission meeting.

#### Ordinance regulating the number of horses per acre

Mr. Motel said that the Planning Commission heard a presentation by Cheryl Fairbairn in November 2006 about pasture management. At that time, it was expected that state legislation was imminent that would preempt any Township's regulation on the subject. The Planning Commission therefore postponed discussions on the issue. Since that time, however, no such law has been adopted and meanwhile the issue needs to be addressed, Charlestown's current ordinance provides no regulations for the number of horses on tracts larger than 25 acres. Mr. Motel proposed that as an interim measure, the ordinance be changed to hold tracts larger than 25 acres to the same requirement of 1 horse per acre that acres 5-24 of a tract are now under. There was some discussion over whether to consider gross acreage, net acreage or pasture land only. Mr. Motel said this will require some thought, but again suggested the simple change be made as soon as possible. Again there was further discussion.

Mr. Motel moved to amend the ordinance to allow one horse per acre of pasture for every acre after the initial four acres for the first horse. There was no second. He then suggested they discuss the matter again at the May meeting and research it in the meantime, with the understanding that if they move no further along, they'll recommend the simple language change of an additional horse for each acre after the first four acres for the first horse is met.

#### Ordinance Work for 2009

Mr. Motel referred to a list of ordinances prepared by the Administrator, which the Supervisors and Planning Commission members were asked to provide feedback on so priorities can be established. Mr. Allen said he has more items to add, including home office,

net lot area, recycling, open space and lighting issues. Mr. Motel asked Mrs. Csete to redistribute the list.

**Other Review**

Chester County Planning Commission – Landscapes II

This item was not reviewed. No comments were brought forward.

**Adjournment:**

The meeting was adjourned at 10:50 P.M.

Respectfully submitted,



Linda M. Csete  
Planning Commission Secretary

CHARLESTOWN TOWNSHIP

MEETING OF Planning Commission

DATE April 14, 2009

ATTENDANCE: Please sign in legibly

Name:

Address or Company Name:

James Mc Master

Regional Committee Solicitor

Bill LaPointe

2131 Pikeland Rd.

ANDREW DETANZO

D.L. HOWELL

Megan King

Paul Ewing

LIZ LANKENAV

KISE STRAW & KOPFNER

Neal C Gmons

Chatter Valley Engineers

Andy Eberwein

E.B. Walsh

Tim Townes

J. Loco & Assoc.

Wendy McLean

Leuk Center & Massey

DAVID PORTER

RETTEW

BRIAN ENGLE

RETTEW

Rev. Joseph Butts

Holy Ascension Church

ALAN PCSOBYAR

Holy Ascension Orthodox Church

JOHN GIULIANI

100' BLACKBERRY LANE

BUTCH KAUPP

CAIRONE & KAUPP, INC.

TEO MARCZELEWSKI

Architectural Concepts

CHARLESTOWN TOWNSHIP

MEETING OF PLANNING COMMISSION

DATE 4-14-09

ATTENDANCE: Please sign in legibly

Name:

Address or Company Name:

S B STAAS

Hollow Rd -

INGRID Cantarella-Fox

HOESE-SHOE TRAIL CLUB

CAROL ALTEMOSE

LANCE ALTEMOSE