

Reviews are pending from the EAC, Historical Commission, Parks and Recreation Board, Trails Committee, and the Traffic Committee. The applicant will be scheduling meetings with the engineer to discuss the review comments.

2. Farm @ 415 Birmingham – The applicants, John Marshall and Dara Gans-Marshall, were in attendance. The Commission was in receipt of the following reviews:

Engineering – March 25, 2019

Zoning – March 25, 2019, revised April 23, 2019

Landscaping – March 5, 2019

Chester County Planning Commission – March 22, 2019

Historical Commission – February 19, 2019 and March 19, 2019

Neither the Parks and Recreation Board nor the Trails Committee had comment.

The Commission commented about a recent finding. The Township recently discovered that all adaptive reuses must abut “an arterial street, major or minor” (Section 115-131.3(A)). As defined by the Code, this limits adaptive reuses to Rt. 322, Boot Road, and Lenape Road (Rt 52). After the Township conveyed this to the applicants, the applicant submitted a letter to amend their application to remove reference from this section from their application. The Commission expressed disappointment that this deficiency was not identified sooner. Mr. Marshall said that their attorney’s opinion is that this section does not apply.

During discussion, the Commission recognized that there are three appeals (one currently inactive) and that the review letters include comments that need to be satisfied or resolved. Given the open items, the PC contemplated taking no action on the application. Ms. Cantlin reminded the Commission that the hearing is scheduled to open on April 30 and that it would be feasible for the hearing to conclude in one evening. If this would occur, the PC would lose its opportunity to provide guidance to the Supervisors.

The following public comments were received:

Craig Gear encouraged the Commission to recommend denial based on the applicant’s inability to meet the arterial roadway requirement.

Julie Gear agreed with Craig and noted that many people (the applicant and neighbors) have spent considerable time and money on this endeavor. With regards to the road classification, she added that this arterial road requirement is evidence that the Township never intended to have this type of use on a local road. Ms. Gear also talked about hours of operation and the concept of requiring that events end early. This was irrelevant in her opinion because she believes that the use would have a negative impact, regardless of the hour.

Linda Ives, Dan Soland, Craig Baxter, and Mike Iannetta agreed with the Grears’ comments.

John McGrath agreed with the Grears’ comments and asked the Commission what they saw as beneficial about this application. Dr. Biacchi replied that he sees the adaptive reuse of an historic structure as a positive for the Township.

John Barrett agreed with the Grears’ comments and urged the PC to support ordinance compliance. He sees ambiguities in this application and is concerned about how the proposed use could impact neighborhood safety – particularly for children.

Emily McGrath agreed with the Grears’ comments and echoed the PC’s sentiment that she wishes this deficiency had been identified sooner.

Monique Bertrando noted the arterial road requirement and asked the PC to consider the impact of making an exception for this application.

Dottie Soland shared the chart from the Comprehensive Plan that lists the functional roadway classifications (Birmingham Road is listed as a local distributor). She also referenced Mr. Lucas' review and noted that there are still questions that need to be resolved. Finally, she emphasized that the Marshalls do not live at the property full time.

Carol Blair believes that this segment of Birmingham Road is already hazardous and believes its functional classification is logical.

John Childers shared his experience working with a catering company when he was younger. He recalled catering a similar event venue that had similar regulations (e.g. hours of operation, noise). He recalled routine calls to the police and visits from the police because the venue failed to abide by the hours and noise regulations. He is afraid of how the proposed use could impact the neighborhood.

With regards to procedure, the hearing will open on April 30 (7 pm). Ms. Cantlin emphasized that the hearing process and timeline are driven by state law. While there may be outstanding issues, the PC does not have the authority to require that these issues be resolved prior to commencing the hearing process.

After discussion, Ms. Deaville made a motion to recommend denial of the application in light of the newly discovered arterial roadway requirement and the outstanding and unresolved issues listed in the professional review letters. Mr. Korbonits seconded the motion. There was no further discussion and no additional public comment. The motion passed unanimously.

3. West Chester Towns (Daily Local) / Residential Overlay Ordinance – The applicant, Toll Brothers, was represented by Lou Colegreco, Esquire, and Andrew Semon and Tench Tilghman from Toll Brothers.

The first hearing took place on April 9, 2019. The second hearing is scheduled for May 14, 2019 at 7:00 pm. The Commission was in receipt of the following reviews:

Engineering – April 23, 2019
Landscaping – April 17, 2019
Traffic Engineering – April 19, 2019
Chester County Planning Commission – April 22, 2019 (two reviews)
EAC – March 25, 2019

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The applicant outlined changes made to the plan since they were last before the Commission. These include:

- Parking on the outside of Road A to accommodate vehicles coming from Strasburg Road.
- Revisions to the stormwater basins to make them usable for passive activities during dry conditions.
- Alignment of open space areas.
- More detailed planning to provide pedestrian connectivity through the Bradford Square community.

The applicant also responded that they are amenable to the HOA documentation allowing for roof-mounted solar systems on some units to address suggestions from the EAC. They also shared that