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Planning Commission (PC) Meeting
Wednesday, September 7, 2022, 7:30 p.m.

In-person attendance: Commissioners Gary Summers, John Hess, Sean Rafferty, Rob Miller; Consultants - Kristin Camp, Solicitor; Craig Kologie, Zoning Official. Paul Cardell participated via GoToMeeting Platform. Commissioners Mickey Bailey and Matt Murphy did not attend.

Public in-person attendance: 2


1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment Non-agenda Items:** no public comment.
3. **AMENDED Application for Residential Variance/Appeal from Decision of Zoning Officer; Applicant: Saurabh Sarker, 552 Clearview Road, West Chester, PA 19382; Tax Parcel 63-3-65:** Mr. Sarker appeared before the PC along with Neil Land, Attorney for the Applicant and Mark Padula, P.E., Engineer for the Applicant. Land presented that the PC is in receipt of the engineered site plan as was previously discussed during the June PC meeting. He noted amendment of the original Application to comply with the engineered site plan. Applicant seeks 2 variances from Section 250-19.C(5) to permit a private residential garage addition to an existing dwelling and Section 250-80 to extend the expiration date for the approvals of any special exceptions granted by the Zoning Hearing Board to a period of 1 year from the date of approval. The Applicant seeks extension of any approvals because he will not be able to construct the proposed improvement due to the onset of winter weather and due to supply chain issues. Applicant seeks 2 special exceptions from Section 250.19.C(4) to permit building coverage of 11.2% and 16% of impervious coverage after the construction of the residential garage and realigned driveway. Camp inquired as to whether the Applicant has had an opportunity to discuss the project with neighbors. Land presented that 4 neighbors have offered letters of support for the project. Padula walked the PC through the particulars of the engineered site plan noting that the proposed new garage addition will be 22.5 feet from the edge of the road right-of-way for Lenni Drive and 34.6 feet from the edge of the existing pavement of Lenni Drive. Rafferty asked for clarification of the current distances between the dwelling and the road right-of-way. Miller inquired as to the standard for granting a variance and to what extent do the distances for the proposed project constitute a hardship, by example compliance with setbacks, or a front yard considered a side yard? He also asked if the hardship is defined with regard to construction of a 1 or 2 car garage? Rafferty commented that if an applicant sought a variance for a 6-car garage such ask might be unreasonable juxtaposed with the character of the neighborhood. Hess commented that based on the exhibits provided by the Applicant, the front yard on Clearview is the side yard. Camp noted the physical characteristics of the property pose a challenge for construction given the frontage and the location of the side yard. Padula provided clarification of the definition of rear and side yards in relation to the front yard. He clarified that the garage doors will be facing Lenni Drive. Rafferty asked if there is sufficient turnaround space in the proposed driveway. Sarker indicated that the driveway will be maneuverable as a portion of the driveway will be added back in along with a concrete pad in front of the garage. Rafferty, Hess, and Miller agreed that the property presents an unusually sited dwelling. The property poses a peculiar arrangement of

frontage, front yard, and driveway. Kologie noted that the setbacks for the property have been pushed to extremes. Summers commented that based on the exhibits presented by the Applicant and the engineered site plan, there are no other options for location of a 2-car garage. PUBLIC COMMENT: Terry Gumpfer commented that during heavy rains there's significant stormwater flowing down Lenni Drive that overwhelms the inlet. He asked if stormwater measures are proposed that will not exasperate this existing condition. Padula noted that the proposed area of disturbance for the project meets the general exemption thresholds within the Stormwater Management Chapter of the Township Code for proposed impervious surfaces and for earth disturbance. MOTION: Rafferty moved, Hess seconded, to recommend that the Zoning Hearing Board approve the Application and all relief requested including a variance from Section 250-80 to allow the approval granted by the Zoning Hearing Board to be valid for a period of 2 years from the date of approval; motion carried.

4. **Application of Jason Antonelli for a Residential Variance, 456 West Creek Road, West Chester, PA 19382; Tax Parcel 63-2-9:** Mr. Antonelli appeared before the PC along with James Haigney, P.E., Engineer for the Applicant. Applicant received a Decision and Order in December 2021 on the presented engineered plan. However, work did not begin within the 6-month time period in accordance with Code Section 250-80. The Applicant seeks to reinstate that Decision and Order for the relief necessary to construct an addition, a storage barn, and an in-ground pool. Haigney pointed out that the particulars have not changed since the 2021 submission/decision. He noted that the site plan has been revised to expand the resource protection area table as noted in the September 6, 2022 Township Engineer Comment and Review Letter. MOTION: Summers moved, Miller seconded, to recommend that the zoning relief previously requested be reinstated; motion carried.

There was a brief discussion on the timeframe provided in Section 250-80 for an Applicant to pull a permit. Camp noted that the Municipalities Planning Code references approval timeframes for zoning as well as subdivision and land development. The PC may want to consider amending the Pocopson Code to extend the timeframe for pulling a permit. Given that some projects require issuance of an NPDES permit, an amendment might include calling out the timeframe for the start of construction. For the interim, a list of zoning hearing board approvals should be maintained. As a courtesy, the Township could routinely reach out to the applicants with regard to the approval time frame.

5. **Approval of July 6, 2022 Meeting Minutes:** Hess moved, Miller seconded, to approve the Minutes as distributed; motion carried.
6. **Adjournment:** at 8:00 p.m. Miller moved, Hess seconded, to adjourn the meeting.


Susan Simone, Secretary


Gary Summers, Chairman