



BOARD OF SUPERVISORS

Special Meeting Minutes – VB and VT Zoning Amendments

February 23, 2021

The Special Meeting took place via an Authorized Telecommunication Device (GoToWebinar). Supervisors present included Marc Heppe (Chair), Betsy Fadem (Vice Chair), Michael Wacey, Beth D'Antonio and Jim Oram. Eugene Briggs, AICP, CZO, (Township Manager), Sharon Norris (Administrative Assistant to the Township Manager), Mary Hashemi (Planning Commission Chair), Ann Rothmann (Planning Commission Vice Chair), and Andrew Rau (Township Solicitor) were also in attendance.

1. **Call to Order** – Chairman Heppe called the meeting to order at 7:00 PM. He announced that this meeting is being recorded and made brief remarks regarding meeting protocol.
2. **Pledge of Allegiance** – Michael DeFlavia, Berwyn resident, led the Pledge of Allegiance.
3. **Consideration to Proceed with the Multifamily Dwelling Unit Per Acre Density and First Floor Zoning Amendments for the Village Business and Village Transition Zoning Districts** – Mr. Heppe summarized the process and presented the timeline for this project as follows: At the October 16, 2020 Board of Supervisors meeting, Planning Commissioner Rothmann presented the Planning Commission's (PC's) draft amendment to require nonresidential uses on the ground floor of multifamily dwellings along Lancaster Avenue within the Village Business Zoning District. At that meeting, the Board of Supervisors decided to send the proposed amendment to the Chester County Planning Commission for an informal review and comment, so that the PC could continue to refine the draft before bringing it back to the Board of Supervisors for consideration. At its December 07, 2020 meeting, the Board of Supervisors directed the PC to consider a unit per acre density for multifamily dwellings for the Village of Berwyn and asked that its recommendation be made by February 2021.

At its February 02, 2021 meeting, the Planning Commission recommended that multifamily buildings containing apartments along Lancaster Avenue in the Village Business District include nonresidential uses (except parking) for residents or other nonresidential uses permitted in the Village Business Zoning District within the first thirty-five feet of the first or ground floor of the building facing Lancaster Avenue. It also recommended densities for multifamily dwellings in the Village Business Zoning District at 28 dwelling units per acre of net lot area and multifamily dwellings in the Village Transition Zoning District at 16 dwelling units per acre of net lot area. Mr.

Heppe reviewed the next steps that would be taken if the Board of Supervisors voted in favor of this zoning amendment.

Mr. Heppe called for a motion. Mr. Wacey made a motion to proceed with the multifamily dwelling unit per acre density and first floor zoning amendments for the Village Business and Village Transition Zoning Districts. The motion was seconded by Mrs. Fadem.

Mr. Heppe noted that the Board would discuss the first floor zoning amendment and then the density.

First Floor Zoning Amendment: Planning Commission Vice Chair, Ann Rothmann, reviewed the first floor zoning amendment, the goal of which is to encourage more vitality with pedestrians along Lancaster Avenue in the Berwyn Village District which extends from Casey's Pub to Berwyn Pizza. Currently, there are no code requirements for commercial and amenities on the ground floor and the PC believes this recommendation is in line with the 2013 zoning objectives. Ms. Rothmann noted that public comment seemed in support of this and the PC's hope is that the Board and public will consider this an improvement to the current zoning.

Mr. Heppe called for public comment on the First Floor Zoning Amendment. Cheryl Harper, 214 Pheasant Run Drive, commented on using West Chester as a comparison and the need for additional retail and businesses. Debbie Kuch, 626 Llewelyn Road, commented on the comparison with West Chester. Francine Danenhower, 552 Woodside Avenue, commented on developers needing to consider the needs of the area. Mark Stanish, 400 Conestoga Road, member of the Planning Commission, clarified the PC's thoughts regarding commercial on the first floor. Dottie Law, 56 Eastwood Road, commented on parking, apartments and the need for more retail. Cheryl Harper commented on first floor gyms.

Density: Planning Commission Chair, Mary Hashemi, summarized how the PC landed on the density number, noting that they felt the current zoning is working. In 2013, the Berwyn Village zoning was updated to attract development. They looked for ways to continue development opportunities on a smaller scale and by setting a density limit, they could accomplish this. Currently, the density is set by height, parking and impervious coverage.

During the discussion on the density issue, the Planning Commission was asked how they landed on the 28 unit per acre number. They looked at other municipalities, the Fritztown project and considered what do we want Easttown to be. They landed on 28 as it was an agreeable midpoint to the different ideas PC members had. The density number of 16 in the Village Transition Zone was the number each PC member had in mind.

Mr. Heppe called for public comment on Density. Mark Ward, 208 Dorset, commented on the lack of vitality around certain West Chester properties, density and the Planning Commission. Avis Yuni, 231 Waterloo Avenue, commented on including townhouses in the draft and noted Berwyn is not different from Devon. Francine Danenhower commented on the residential area, opportunities and density.

Joe Kohn, 240 Sugartown Road, commented on density. Stacy Anderson, 1127 Sheffield Drive, commented on the density number. Michael DeFlavia, 125 Bartholomew Road, commented on density, business owners and parking. Dale Weigand, 564 Watford, commented on density and the impact on emergency services. Cheryl Harper commented on the architectural heritage and history in this area and walkability. Mike DiAndrea, 131 Bartholomew Road, commented on density and emergency services. Debbie Kuch, commented on density, traffic, pedestrians, historical preservation, maintaining the existing look and feel and sustainability. The Board thanked the public for their comments.

Mr. Briggs confirmed the updates to the draft noted by the Supervisors. They are as follows:

In Section 2:

9a: Add "sidewalk level" after "first or ground floor."

9b: Add "a vehicle" after "entrance/exit"

9c: Add "along Lancaster avenue" after "inside the street wall" and replace the "or" with "and/or"

9c: Add "sidewalk level" after "first or ground floor"

In Section 3:

K2: Add "including townhouses" after "Dwelling, multifamily"

Since these were not substantive changes, the ordinance can move to the next step which is to submit it to the Chester County Planning Commission for their 30-day review.

Mr. Wacey made a motion to amend the original motion to change the 28 unit density number in the VB to 16. Mrs. Dantonio seconded the motion. The Board discussed this proposed change. The majority of the Board felt that they tasked the PC with designing this amendment and they would accept their recommendation. Mr. Heppe called for the vote. The motion failed on a 2-3 vote with Mr. Heppe, Mrs. Fadem and Mr. Oram voting nay.

Mr. Rau reviewed the process and timeline for adopting this zoning amendment. February 24, 2021 – Submit the draft Ordinance to the Township Planning Commission and Chester County Planning Commission to begin the mandatory 30-day public review period.

- March 02, 2021 – Receive a formal recommendation of approval from the Township Planning Commission.
- April 05, 2021 – Run the April 19, 2021 Public Hearing Notice in the Daily Local Newspaper in accordance with the Municipalities Planning Code, email the Public Hearing Notice to the Township email distribution list, and post the Public Hearing Notice on the Township website.
- April 19, 2021 – Board of Supervisors holds the Public Hearing on the draft Ordinance and then considers adopting the Ordinance.

Mr. Heppe called for a vote on the original motion to consider that multifamily buildings containing apartments along Lancaster Avenue in the Village Business District include nonresidential uses (except parking) for residents or other

nonresidential uses permitted in the Village Business Zoning District within the first thirty-five feet of the first or ground floor of the building facing Lancaster Avenue and a unit density for multifamily dwellings in the Village Business Zoning District at 28 dwelling units per acre of net lot area and multifamily dwellings in the Village Transition Zoning District at 16 dwelling units per acre of net lot area. The motion passed 4-1 with Mrs. D'Antonio voting nay.

4. Public Comment – There was no public comment.

5. Adjournment

The meeting adjourned by unanimous consent at 09:35 PM.

Respectfully submitted,

Sharon Norris
Administrative Assistant to the Township Manager