

DRAFT MEETING MINUTES

SMART GROWTH COMMITTEE OF BOROUGH COUNCIL

Date: Wednesday, May 13, 2026 @ 6:00 PM

Committee Members: Jerry Szczepaniak, Chair
Stephen Marvin
Bryan Travis

Staff: Aaron Flook, Director of Building, Housing & Code Enforcement
Sean Metrick, Borough Manager

- I. Call to order-6:00pm
- II. Announcements
 - A. WCU master plan conditional use hearing to be continued Thursday, May 28th at 6pm in Borough Council chambers.
- III. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.
(Please be advised that all public comments have a 5-minute time limit.)-None
- IV. Reports
 - A. Director's report – (attachment) Director Aaron Flook provides statical information for April 2026. The rental license renewal process has begun a month early for the 2026-2027 rental cycle giving property owners and landlords 30 additional days to renew their rental licenses. 244 E. Evans St., Zoning Hearing Board application has requested a continuance to May. This will be announced at the Zoning Hearing Board meeting. With a Notice of Violation being issued for this property, the Solicitor will automatically attend the meeting. Mr. Travis asks about trash enforcement. The current enforcement for trash and trash enclosure is having an impact because the neighborhood looks so much better and lauds Mr. Flook for his efforts.
 - B. Smart Growth Committee - Chair Report, workplan and issues raised at prior meetings (attachment)- Chair Szczepaniak provides updates on initiatives the Committee has requested. Land Development information on the website continues with Building and Housing gathering information and collaborating with IT. Mr. Marvin discusses renewable energy opportunities in the Borough by making it more accessible for all in the community. Mr. Travis asked if there are examples of this process, it would be great to have examples for the community to use a resource. Robert Sutton, N. Church St, has installed solar panels on his garage with considerable savings of is energy bill and money refunded from PECO for the solar use, noting there may be tax incentives as well.
- V. Old Business
 - A. Motion to approve Smart Growth Committee minutes – April 8, 2026 (attachment) -Tabled until to next month
 - B. Discuss appeal of Zoning Hearing Board Decision - 516 N Church St-Mr. Flook notes that the Decision was issued today and he hasn't had the opportunity to review. Chair Szczepaniak summarizes that this application was approved in March 2026 by the Zoning Hearing Board in a 2:1 vote, and notes there has been a large turnout by neighbors. Mr. Travis asks about the square footage of the variance request, to him it seems for the square footage of a large bedroom. Sarah and David Rogers and Anne Boland, Scott Alley, after attending all meetings regarding this application, she has been directed to attend this meeting acting as a representative to all that opposed granting of the Zoning Hearin Board approval. She represents ten neighboring households, some that have lived in their homes for over four decades, collectively the total neighborhood tenure of those opposed is 250 years. As neighbors, they have addressed environmental safety, nuisance concerns and respectfully request the Borough file an appeal for the 800 square foot two story ADU (accessory dwelling unit) and parking spot approval. The

variance granted is not the minimum necessary and no evidence has been provided to least modification possible. This approval has sent a precedent for similar requests. Courts historically reject hardship based on economic gain, personal preference and expanded lifestyle needs. The hearing did not illuminate any unnecessary hardship and the approval undermines the ordinance. Ms. Rogers concludes, in summary, that the variance approval fails to meet the requirements set forth in its code. Brian Nagle, Solicitor for the applicant addresses Committee next. He believes the applicants have a right to build a two car garage to their single detached home in the Borough. The Borough uses a sliding scale to determine allowable building coverage; his clients are at the top of the sliding scale with building coverage. If his clients had a small amount of additional property, they would be able to build a garage double the size of what is proposed. A de minimis variance was requested on the basis of the percentage difference in the ordinance and approved. He continues, variance cannot set precedent in Pennsylvania, only in very limited circumstances. Plainly, he believes the neighbors simply do not want this garage built in the neighborhood. It is not the Borough's place to appeal, using taxpayer dollars. It would be to the cost of the neighbors as parties to the Zoning Hearing application to pay for this appeal. His clients will still need to go through the cost and time of the building permit process, assuring the project is well in compliance with the variance and ordinances in place. Mr. Metric informs the Committee that Borough Council may decide whether to appeal against the decision or not, there is a publicly announced meeting next week at Work Session, then Voting Session. The Committee may choose to make public statements today, then decide at Executive Session with access to legal counsel on the matter and discuss next steps with the rest of Council. Chair Szczepaniak feels with the neighbor turnout, next steps should be made with legal council at the Executive Session.

C. Motion to approve draft Data Center Ordinance and schedule a public hearing (attachment)

Issue: Creating new regulations for data centers in the industrial district- Recommend to approve 3:0

Mr. Flook presents the ordinance as drafted. Currently there is no provision allowing data centers in the Borough. This ordinance would decide where data centers would be allowable, the minimum size of property data centers can be built. Regulations on noise, vibrations, traffic will ensure that data centers will be only available in the most appropriate place for the residents of the Borough. Currently, there are no regulations on where data centers may be placed in the Borough, so technically data centers can be placed anywhere in the Borough. Mr. Marvin asks why data centers cannot be allowed in the Borough. Mr. Flook reminds Committee that it would be illegal not to allow the use in the municipality. The object of this ordinance is to make it the best location for the use and set criteria to make it feasible. Mr. Travis asks if the Borough is working with the state with possible litigation that would work for the Borough. Mr. Flook stated that each municipality would need their own set of regulations for land use. Mr. Travis asks where data centers could go in the Borough. Mr. Flook stated that the only lots that are large enough would be the lots at 611 E. Niels Street or if the golf course sells the property. Chair Szczepaniak agrees there needs to be an ordinance in place before something arises. A unidentified member of the public speaks from the podium that not only is it noise, but also water supply data centers impact and asks the Committee to act accordingly on behalf of the residents of the Borough. Mayor Debaptiste is not in favor of data centers coming to the Borough because of the quantity of natural resources being used. Ward 2 has been the "dumping ground" for big business come then abandoned their properties. Any regulation while legislation is being formed should be put in place. Mr. Travis feels waiting for state legislation to take effect might be the better way to go. Chair Szczepaniak states that there is some urgency, although no eminent threat at this time, and the Borough should act before it is too late. Mr. Travis acknowledges that the ordinance can always be amended in the future. Matt Clapp, Planning Commission, states the Planning Commission has drafted a letter to Borough Council recommending this ordinance be enacted as owners of these discussed properties are looking for business to occupy these spaces, the sooner put into place, the better. Mr. Marvin asks if there are any stringent regulations that can be put into place, he would be in favor.

D. Discuss draft Food Truck Ordinance-Tabled until next month

VI. New Business

A. Discuss America 250 Mural project – Jimmer Breen, Public Arts Commission, this project, with help of the Mayor has been in the works for the last year to commemorate the 250th anniversary of America. Fund raising continues for this project. Prep work is starting the end of the month with installation occurring in June 2026. Mr. Marvin comments on the lovely quality of the work of the artist with Mr. Breen agreeing. Mr. Breen shows the Committee a rendering of mostly layout and coloring for concept only, with the artist completing the mural concept as they go along. \$3,800 is still needed to complete the funding for this project, with other members of PAC working on fundraising. Inaudible questions from the audience. Mr. Breen describes the figures in the mural, Mr. John Hannum, a soldier who was integral in the Revolutionary War and with establishing Borough of West Chester, Hannah Freeman representing the Native American story, and Horace Pippen, a World War I veteran who turned to art for therapy after the war, and today his works are in museums all over the world. Mr. Breen clarified the location has changed from originally planned, only being blocks from Horace Pippen's house on W. Gay St. Mr. Metrick acknowledged the project as whole and wanted Council to recognize as so with canvas change and artist payment. Council will still need to approve payment to move forward. Recommend moving onto Borough Council approval-3:0

B. Motion to approve standard 44 West Plaza license agreement (attachment)

Issue: Motion to approve the Public Arts Commission lease public space for rotating art installations

Jim Breen requests this be tabled until next month because the lease in front of Committee is not most current.

C. Discuss Large Party Permits on Private Property

Issue: Discuss permitting requirements and parameters for large parties on private property

Mr. Travis clarified that this issue came from last months' Public Safety meeting from events that took place in the southeast of the Borough on St. Patrick's Day. There have been previous discussions of requiring permits for large gatherings. This is not to restrict large gatherings but rather set parameters to prevent unruly, nuisance events with large gatherings using non-budgeted resources. A number of municipalities have large party policies in place that the Borough would model their policy or permits. Mr. Flook added that the Borough has been researching other municipalities with state schools in the community to see how they manage large gatherings and see that this would be more of a property maintenance issue rather than zoning issue. Chair Szczepaniak asks what would happen if a 20-person party turned out to be a 200-person party. Mr. Travis noted that is the unruly aspect referred to in this discussion, and there should be regulations in place to handle. Another municipality uses 150 people as a cut off for unruly situations. Another aspect if the Police respond to a big gathering, it could be asked if they have a permit and possible shut the party down without a permit. First would be to see what the Borough qualifies as a large gathering and would this large gathering be more of a Special Event that already has regulating procedures in place, i.e., providing restrooms, food, etc. Chair Szczepaniak would like this process to be really easy for those having a legitimate large gathering and not inhibit the gathering planning process. Mr. Metrick asks if Greek life on campus would be subject these large party permits. Mr. Travis agreed they may be. This issue is not just for student parties, but all unruly social gatherings. Example would be Short-term rental bachelor parties, out of control student parties, etc. Mr. Flook added the permitting process can be very simple, with information that would be helpful for Police Department, Fire Department, Emergency Services and Public Works. Mr. Marvin asks if this would be for residential and not campus parties. Mr. Travis states that the university is asking for large gathering parameters as well. Discussion will continue within Committee

D. Discuss Planning Commission goals – Jim Cherry

i. Improvements to the HO-60 Height Overlay District

Issues: Ensure that the scale and character of the historic and retail commercial environment is maintained, Protect the character or adjoining residential (NC) zoning districts, protect historic streetscapes in downtown and encourage the provision of pedestrian amenities and enhance the pedestrian experience

These improvements have been driven by concerns set forth by residents of the Borough. This would pull the height restriction from the Neighborhood Conservation (NC) districts, mostly NC-2 District to prevent residential homes from living in the shadow of taller buildings. This is in keeping with the Comprehensive Plan; to ensure the scale and character of the historic district and retail commercial environment are maintained. To protect the character of the residential NC Zoning district and to protect historic streetscapes in downtown West Chester and to encourage and enhance pedestrian amenities and pedestrian experience. Whenever a building height increases from 45' to 60' a 15' setback from the street shall be required. Setbacks shall occur 35' and 50' for points that maintain a streetscape. Example would be the placement of the Indigo Hotel streetscape. Mr. Cherry refers to a map provided on the monitors for area clarification. There are no changes proposed for the Commercial Service District. Discussions will continue with Planning Commission and Committee. Chair Szczepaniak asks if this would impact property values. Mr. Cherry answers that it would, as the yield of the potential of the property is what property values are based and went on to mention a maximum lot size may be introduced in the future. Mr. Clapp, Planning Commission, added the property values for adjoining neighborhood districts would be positively impacted as no large scale building would be allowable in those districts, i.e. apartment buildings and the like. Mr. Marvin asks if there would be any damage with this change. Mr. Cherry responded that the Borough is in a unique position as the bulk of the homes are over 100 years old, the university, the County and the Borough. The bulk of responsibility of the Planning Commission is to protect values for the property owners and owner-occupied properties in the Borough. Mr. Clapp noted these changes would bring more alignment of zoning with the Comprehensive Plan, while the same time meeting the needs of growth.

F. Motion to approve HARB applications (attachment) **Recommend to approve 3:0**
Issue: Consider a Motion to approve the April HARB Certificate of Appropriateness

1. 2026-04: 225 High St-Cannon Exhibition Space
2. 2026-08: 123 E. Gay St-Rear addition

VII. Other business

VII. Adjournment-7:27pm

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