

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
May 21, 2014 – 7:30PM

Call to Order

Mr. Pomerantz called the meeting to order at 7:30 and led those present in the Pledge of Allegiance.

Present

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Criddle. Also present were Township Planning Director Chris Patriarca and those mentioned below.

Adoption of Agenda

The Agenda was adopted and approved as amended unanimously (JL/EA).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of May 7, 2014, were approved unanimously (RH/BW).

As she was absent at the previous meeting, Ms. Adler spoke at this time that student housing has been controlled through the existing definition of “family.” She also spoke to the proposed change to the by-laws excluding staff members from being on the PC as being not an issue based on her experience.

Reports

Mr. Hatton presented the May 19 Board of Supervisors (BOS) meeting. Items discussed at the regular meeting were reports from the police chief, township solicitor, parks and recreation commission and planning commission. They discussed the pension plan and website committee during new business, there was no public comment and they paid the bills.

Mr. Patriarca presented the May 19 Bozzuto conditional use hearing. He indicated the applicant closed their case after final questions were asked of their witnesses and all of their exhibits were officially entered into the record. He indicated the Township will be presenting their witnesses at the June 30 meeting. Mr. Patriarca then stated the procedure for the PC to follow during the conclusion of the hearings was to ask questions as part of the hearings and report back the PC at their regular meeting moving forward towards making a formal recommendation.

Announcements

Mr. Patriarca first spoke about the status of the Thomas small subdivision. He next spoke about the issue of drones and if/how the PC should proceed in looking into it in terms of regulating their use from a code standpoint. Mr. Pomerantz stated he believes the issue of drones is more than a privacy issue in that they are currently being used in limited capacities commercially and asked if the PC should take the issue on and report back to the BOS in an effort to be proactive on the issue. Mr. Patriarca responded that if the PC wishes to proceed with this issue a memo should be drafted to the BOS seeking their approval to proceed before any further action is taken. Mr. Pomerantz then stated the next dates for the Bozzuto conditional use as being June 30, July 8, 21 and 22.

Non-agenda Public Comment

Old Business

Bozzuto and the Planning Commission

Mr. Pomerantz started the May 19 hearing Mr. Jaros announced his team was going back to the PC at their June 4 meeting. Mr. Pomerantz indicated the intent of the PC was to have an open dialogue with the applicant in a less formal setting to discuss and address issues associated with the project. He indicated further the BOS had stated there were monies available for the PC to have consultants at their meetings. However at the hearing the BOS indicated there were not monies available for consultants to assist the PC at their meeting and that the PC can ask their questions at the hearing relative to the Bozzuto project. He further elaborated on a conversation with Mr. Pingar on having consultants come before the PC and explain how TIA's and community impact studies are carried out and interpreted. The decision made was to not have Bozzuto come before the PC at the June 4 meeting and instead have an educational meeting with consultants.

New Business

Planning Commission By-laws

Mr. Pomerantz introduced the conversation as a continuation of the previous meetings discussion on conflict of interest and Township staff/consultants serving on the PC. Mr. Hatton noted the simplicity of the existing by-laws and that they reflect how the PC currently operates. He further reiterated his belief the proposed change is being considered to reduce the perception of conflict. Mr. Whitig stated there is the potential for the appearance of conflict, but that where do you draw the line with who should and should not be considered for appointment. Ms. Adler next stated she does not see this as an issue as if there is an appearance of conflict, that person can simply recuse themselves from voting. Mr. Rodia stated that if an employee/consultant is on the PC they should only be there in a non-voting capacity. Mr. Lees indicated he did not have an issue with an employee/consultant appointed to the PC if that person was qualified. Mr. Criddle stated he believes there is a perception issue that can be avoided by not having an employee/consultant on the PC. There was a general consensus that there is a potential perception of a conflict of interest with an employee/consultant serving on the PC.

Ms. Adler further stated that this conflict is not limited to the PC and should be considered for other Township commissions. Mr. Pomerantz then presented several hypothetical situations of consultants serving on the PC as points of discussion. Mike Di Domenico added to the discussion his struggles with his wife not being allowed to serve on Township committees in an official capacity due to the perceived conflict of interest.

Bob Dilullo, of 1004 Supplee Way – Noted of his experiences of dealing with conflicts of interest and trust professionally. Expressed the most important aspect is independence and avoidance of a perception of a conflict of interest. He further stated that affiliations should be made clear to the public before decisions are made to avoid these perceptions of conflict. Mr. Dilullo concluded with the importance of independent consultants.

Mr. Pomerantz next discussed the interview process he was part of prior to his appointment to the PC. He spoke of how he was asked if he worked for as a consultant for the Township or for a firm who works for a Township to avoid a potential conflict. Mr. Rodia reiterated the PC should work to eliminate any of these perceived conflicts. Mr. Whitig again reiterated his belief that there cannot be a blanket rule, but that it should be on a case-by-case basis. Mr. Patriarca then spoke of his belief that all perceptions of conflict cannot be avoided, but that where appropriate the PC can work to reduce these perceptions through things such as amending the by-laws.

Ms. Adler noted the changing times and technologies have resulted in much more public scrutiny and potential for more perceived conflicts of interest. She also expressed her concern with how to craft language that is not a blanket statement as to not preclude qualified candidates based on issues that may/may not be perceived as a conflict of interest. Mr. Pomerantz responded with his belief that this issue of perceived conflict does need to be addressed as to avoid it as much as possible in the future. Mr. Di Domenico again spoke of his experience and this issue of conflict of interest.

Mr. Hatton stated the PC should focus on amending their by-laws to only exclude Township employees from consideration for appointment to the PC. Mr. Lees asked if the PC could assist in the appointment of potential PC members by making recommendations to the BOS. Ms. Adler noted this was how appointments had been made previously to the PC in the past. There was a consensus of the PC to forward a memo to the BOS making this request.

Ms. Adler noted the proposed change should also include current, Township consultants. Mr. Rodia noted the order of business listed in the by-laws and if it should be amended to allow for the chair to alter the order. Mr. Pomerantz followed by discussing changing the order to move non-agenda public comment to later in the meeting in order to more efficiently handle the new/old business of the PC.

Public comment

Ken Lawson, of 904 Shetland Court (Pennsbury Township) – He discussed the Historic Commission and their role in the Bozzuto conditional use. Mr. Pomerantz responded by speaking of the process and indicated there will be opportunity for the Historic Commission to speak on the record. Mr. Lawson recommended the PC should review the plan document as part of their review of the Bozzuto application. He concluded his comments by commenting on PennDOT and how they will address issues relevant to the Brandywine Battlefield with their project.

Bob Dilullo, of 1004 Supplee Way – He spoke of his like of limiting public comment to 2-3 minutes. He respectfully asked the PC to only consider the critical questions when asking questions of Bozzuto in the future. Further asked the PC to ask what the Township would lose if they turned down the application as a hypothetical.

The meeting concluded with a discussion of future meetings and topics of Bozzuto, Thomas small subdivision, potential zoning ordinance amendments, the comprehensive plan, mini-cell towers and the bi-amplification ordinance.

Adjournment
9:15 pm (DP/RH)