

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township

January 9, 2013 - 7:30PM

Call to Order

Chairman Lees led those present in the Pledge of Allegiance to the Flag and called the meeting to order.

Present

Commissioners – Hatton, Whitig, Adler, Lees, and Walter. Also present were Township Supervisor Tom Haws, Township Manager Robert Layman, two guests and those mentioned below.

Adoption of Agenda

The Agenda was adopted as presented (DW/BW).

Election of Officers for 2013

Chairman – nominated - James S. Lees, Jr., (DW/BW). Unanimously elected.
Vice Chairman – nominated – David K. Walter (JL/BW). Unanimously elected.
Secretary – nominated – Elaine L. Adler (JL/BW). Unanimously elected.

Approval of Minutes

The minutes of the Planning Commission meeting of December 19, 2012, were approved as submitted. (RH/JL)

Reports

Dick Pomerantz who attended the January 7th Board meeting was not present but emailed a written report to the PC members. At the Reorganization Meeting, Tom Haws was elected Chairman, Carol DeWolf, Vice Chair, Charles Barber, Police Commissioner.

Tom Haws told the PC that the Rite Aid/PNC group intends to appeal the Zoning Hearing Board decision concerning lighting. The Board will meet with the Zoning Hearing Board and the applicant to determine how to proceed. Mr. Haws said that the Board has interviewed all but two of the applicants for the Planning Commission vacancy. They expect to complete the interviews and make an appointment at the January 22nd meeting. He also reported that the Acting Police Chief has recommended eliminating the K-9 Unit when the present K-9 vehicle is no longer usable.

During the Public Comment period of the regular meeting the Board stated that DEP has not further commented on the Act 537 submission, answered questions on the one mill tax increase, and explained the bidding process. The Board approved sending the draft Special Use Overlay Amendment which will permit apartments in the SUO to the Chester County Planning Commission for review. Robert Miller was approved as the Thornbury Township representative on the Police Commission. The following resolutions were approved: Liquid Fuels Allocation, Emergency Services Designation, Employee Wages, Planning Module for On Site Package Plant for Barry, 1018 Robin Drive.

Announcements

None at this time.

Non-agenda Public Comment

Bob Layman requested the Planning Commission assign a Commission member to attend the Open Space Task Force meetings since Eric Rohrbach has retired. Jim Lees will attend. Dick Pomerantz will be asked to serve as an alternate.

Zoning Amendment – Alternative Energy

PC received a revised draft amendment dated 12/26/2012. Mr. Snook described the revisions made to

provide consistency between the several sections, and to reflect the changes requested by the Commission. He also reformatted to place the permitting requirements at the beginning of each section.

Concerning Solar Energy, Mr. Snook noted that the PC had not determined where a solar energy system might be installed as a "Principal Use". It appears that most local communities have limited this to an industrial district. Since Westtown does not have a nuisance ordinance which would apply to the glare issue, the section on glare has been retained in revised form to give the Township the ability to deal with problems. Also discussed was the topic of solar access easements.

Mr. Haws asked for clarification of the requirements for repair or removal of facilities, inspection and reporting, standards for minimizing glare, and certification for meeting glare regulations. He feels that the Ordinance should include more specific standards and provide for faster action in case of a glare problem which causes a safety issue. Mr. Snook will revise this section.

Mr. Haws also suggested the wording of the section relating to color of wind turbines was subject to interpretation and suggested it be more specific. He also asked about the specifications for signs. The size proposed is consistent with other information signs in the Township Ordinance.

John Webster, Dunvegan Road, questioned the requirement to pump out an abandoned geothermal system saying that it might not be possible and asking if it had been determined that there were contractors able to do this. Mr. Snook and the PC believe that there are. Mr. Webster also argued in favor of protecting the solar access rights of someone who has invested in a solar energy system by restricting plantings on adjacent properties which would block sunlight. Mr. Snook, Mr. Haws and the PC explained that the Township does not have the power to do this. While the Township can adopt regulations to control the height of a building, it cannot enact legislation to prevent a property owner from planting trees which might block sunlight from a neighboring property.

Mr. Lees suggested revision of the section relating to the height of solar arrays above a roof to clarify the placement on flat roofs.

The draft proposes allowing wind turbines up to 70 feet in height as a Conditional Use. Since "wind energy conversion systems" are mentioned in 170-1504 dealing with exceptions to height limitations that section will need to be amended and additional definitions added.

The section on Manure Digesters will be retained although their use appears unlikely.

John Snook will revised the amendment draft in accordance with tonight's discussion and prepare a new draft for the Commission's February 6th meeting.

Public Comment

Walter Pavelchek, 1050 S. New Street, commented that while there were requirements specified in the Ordinance and on approved plans, he was not confident that all of these became a reality or were maintained as anticipated. He cited the landscaping proposed for the high school as an example.

Note – As there is nothing for the PC Agenda on January 23rd, that meeting will be canceled unless something occurs to necessitate the meeting.

Adjournment (DW/BW) 10:05pm.

Elaine L. Adler
Planning Commission Secretary