

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING
Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
July 20, 2011 - 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, Whittig, Adler, Lees, Walter, and Pomerantz. Also present was Township Manager Robert Layman. There were 9 guests.

Adoption of Agenda

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

Approval of Minutes

The minutes of the Planning Commission meeting of May 18, 2011, were approved as submitted. (DW/BW)

Reports

Elaine Adler reported on the Board of Supervisors meeting of June 6th. At the Work Session the Board discussed having a dumpster where residents could dump yard waste. As part of the PC report at the regular meeting, the Board briefly discussed the draft Fencing and Accessory Dwelling Amendments submitted by the PC. The Rossiter's Engineer was present to ask for Board guidance on the issue of a waiver from the stream setback requirements. The Board did not give any direction. Eva Foster reported that the Cars of England show was a great success and would be returning next year. Park and Recreation has revised the summer programs. The Board announced the 2011 road program.

At the July 5th Work Shop, the Board discussed a Township Safety Committee. At the regular meeting, Mrs. Platt, 1069 Edgewood Chase Drive, was present to comment on her Zoning Hearing Board appeal of the issuance of a building permit for a 30' by 60' accessory building. Several residents were present to comment on traffic conditions on Route 352 and Route 926. Residents also asked for an update on the public sewer project. The Board voted to approve Robert Miller of Thornbury, Chester County, as the Police Commissioner at Large for the Westtown-East Goshen Regional Police Commission. The Oakbourne Road bridge repair was completed ahead of schedule and below expected cost.

Jim Lees reported on the short Board meeting of June 20th. At the Work Session the Board discussed the Sewer Consent Order and the repair of the South New Street bridge. At the regular meeting, the Board adopted the Zoning Amendment to create the new C-2 Commercial District. Under Public Comment there was further discussion of the yard waste collection.

Brent Whiting report on the Board meeting of July 18th. This was also a short meeting. The Board tabled the issue of the New Street bridge until August 1st. The 2011 Road Work project was approved.

Announcements

No announcements.

Non-agenda Public Comment

None at this time.

Scheduling of Planning Commission Meetings

Since the Planning Commission has not had many agenda items for discussion this year and

consequently canceled a number of meetings, it has been proposed that the Commission revert to having only one meeting per month, with the second advertised date available if there is business to be discussed. The members present agreed. The Planning Commission will hold the first scheduled meeting each month. The second meeting will only be held if there is timely business to be discussed. A memo will be sent to the Township Manager and the Board.

Dick Pomerantz asked what happens when the PC makes a recommendation to the Board, what follow-up procedure is in place. PC reviewed the procedures for Subdivisions and Land Developments and requests for comment from the Zoning Hearing Board. Mr. Pomerantz also asked about issues generated by the PC. He also suggested that Westtown might post the building permit applications on the website. The Commission agreed and suggested to the Township Manager that a simple listing of building permits be posted on the Township website.

Zoning Hearing Board Application – Challenge to Decision of the Zoning Officer to Issue a Permit for an Accessory Building on the D’Antonio property, 1074 Edgewood Chase Drive.

Elaine Adler explained that the Zoning Hearing Board had suggested this application be sent to the PC and the Board as a courtesy, no comment is required. The building permit is for an accessory building, 30’ by 60’, which complies with the Ordinance requirements as to setbacks and impervious cover. The building was to be used a garage by the property owner. It was noted that “pole barn” refers to a type of construction, while “garage” is a use. The Zoning Hearing Board has scheduled a Hearing on August 9th. Bob Layman gave a history of this appeal application. A stop work order was issued after an inquiry from Mrs. Platt, the applicant, and consultation with the Township Solicitor.

Mr. Pomerantz asked for an explanation of the issuance of the permit in view of the contents of the material submitted by Mr. and Mrs. Platt with the application to the Zoning Hearing Board. Mr. Layman said that since the building permit application was in compliance with the zoning requirements, the permit was issued. Mrs. Platt’s appeal included some information from internet sources that suggested the building might be used for other purposes which would be in violation of the Zoning Ordinance.

Patricia Platt (1069 Edgewood Chase Drive) stated that she filed this Appeal only after meeting with Township personnel on several occasions and concluding that the Township had not thoroughly reviewed the issue before issuing the permit. She further stated that she was distressed that the Stop Work Order was not issued immediately when she filed her Appeal. Mrs. Platt said that the basis of her Appeal was the Zoning Ordinance R-1 Statement of Intent (170-600) which includes, in part, the words “preserve and enhance the open space, natural, and scenic landscape character of existing residential and agricultural areas.” She stated an 1,800 square foot garage does not belong in the R-1 district. She also expressed concern about the plumbing proposed for the new building and its effect on the on-site septic system, and its potential use for commercial purposes.

Dennis Platt (1069 Edgewood Chase Drive) indicated his concern with property values and spoke of effect of what he called a commercial warehouse on the D’Antonio’s immediate neighbor as well as the rest of the neighborhood. He said the proposed building was larger than the house. He supported the posting of building permit applications on the website as a means of giving neighbors an opportunity to comment before construction begins.

Jim Kane (1044 Edgewood Chase Drive) asked if could see the plans for the building. Chair Lees told him it was available in the Township Office. He was also told the Township Ordinances are accessible on the website. The Building Inspector can answer questions relating to the construction details.

Larry Wills (1055 Powderhorn Drive) said that he was present as a concerned neighbor. He has a pole barn on his property and described the other pole barns in the neighborhood. Mr. Wills is concerned that this complaint would set a precedent creating a situation where neighbors could interfere with the issuance of building permits that complied with Township regulations. He also suggested that the reaction to a proposed change is strongest before the change is completed.

Dick Pomerantz asked if the Township should consider the “moral” implications of granting a permit as well as the technical issues. Dave Walter suggested the PC might consider a zoning amendment limiting the size of accessory structures. Jim Lees emphasized that use of this structure for commercial purposes was not permitted and that the Township had procedures for dealing with that situation.

Valerie Rufo (1045 Powderhorn Drive), said she was D’Antonio’s sister, but was present at this meeting as neighbor. She is very concerned about the neighborhood and the dissention caused by the Platt’s appeal.

Lisa Stuart (1090 Edgewood Chase Drive). Ms. Stuart supported Dave Walter’s suggestion to consider a zoning amendment relating to the size of accessory structures.

Luther Rife (1075 Edgewood Chase Drive). Mr. Rife also agrees with Dave Walter’s suggestion. The existing situation is as it is, but if changes are needed, they should be made.

Chairman Lees thanked the residents for their comments

Public Comment.

No further comment

Adjournment (EA/BW) 9:15pm.

Elaine L. Adler
Planning Commission Secretary