

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING
Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
May 20, 2009 - 7:30PM

Call to Order

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

Present

Commissioners – Whitig, Walter, Adler, Purcell, Lees, Pomerantz, and Rohrbach. Also present were Township Manager Robert Layman, Township Engineer Rob Pingar, one guest and those mentioned below.

Adoption of Agenda

The Agenda was adopted as submitted (MP/JL).

Approval of Minutes

The minutes of the Planning Commission meeting of April 8, 2009 were approved as submitted. (MP/JL) Approved - Whitig, Walter, Adler, Purcell, Lees. Abstain – Pomerantz, Rohrbach.

Reports.

Brent Whitig reported on the Board of Supervisors meeting of May 18th. He reported to the Board that the Commission recommended accepting the architectural changes. The Board agreed, however, there was some discussion of the exact terms of the fee in lieu of landscaping. The Lighting Amendment is scheduled for a hearing at the June 15th Board Meeting following review by Chester County Planning Commission.

Announcements

Chester County Planning Commission will hold a Landscape 2 update meeting on June 10th, 7:30pm, at the Government Services Building.

Dick Pomerantz asked about the Township/s regulations relating to door to door solicitors. Non-profits are not required to get a permit, but the Township does get the names and advise the Police Department. Those persons actually selling services or products are required to get a permit.

Non-agenda Public Comment. None at this time.

Tract 2008-10, J & A Construction, 1015 Shiloh Road.

Present were developer Fred Tordone and Engineer Steve Sauselein of E. B. Walsh Associates. PC received revised plan dated April 30, 2009, McCormick Taylor letter dated May 20, 2009, and Chester County Conservation District (CCCD) letter dated May 18, 2009.

Mr. Sauselein said that the PaDEP has approved exemption from Planning Modules. He further stated that the applicant has complied with URS comments. Referring to the McCormick Taylor letter, he argued that there is nothing further to be done relating to approval of septic systems at this point as DEP has granted the planning module exception. Septic permit applications will be submitted to Chester County Health Department for review and approval at the proper time. Mr. Pingar indicated that other than the sewer/septic issues, all other comments in the May 20th letter were technicalities. URS has not yet confirmed that all requested revisions in the March 3rd letter have been made. PC will make confirmation of this a condition of approval. The PC suggested designating a backup area for replacement of a septic system on the plan although this not currently required by Chester County Health Department or by

Township Ordinance for lots of the size proposed by this subdivision. Mr. Tordone indicated areas on the lots where perc tests had been performed and where replacement septic systems could be located. Mr. Sauselein confirmed that there were areas available. The Commission will make URS confirmation of the engineer's testimony a condition of approval.

The plan shows a proposed public sewer connection for Lot 1 since there is a sewer main (non-functional) in Shiloh Road in front of this lot. The sewer main does not extend to Lot 2. PC suggests that a plan note be added stating that the Board of Supervisors may require Lot 2 to be connected at such time as connection is possible.

Motion, (MPJL)) the Planning Commission recommends that the Board approve the Preliminary/Final Plan for Tract 2008-10 with the following conditions:

1. All items in the McComick Taylor letter of 5/20/2009 are addressed.
2. URS confirms that the items in their letter of 3/3/2009 have been addressed and that URS confirms the testimony of the applicant's engineer that there is suitable area available for replacement septic systems if required.
3. A note is added stating that the Board of Supervisors may require that Lot 2 be connected to the public sewer when available.

Unanimously approved.

Zoning Hearing Board – Variance Application, 67-3-147, 1638 East Street Road

The Township has received an application for a Building Permit for a new house on this property. Present were Steve Lady, property owner, and his Engineer Rob Lambert. During review of the application for the required Storm Water Management permit, the Township Engineer observed that the house did not have the proper setback from the Ultimate Right-of-way of East Street Road (Route 926). A new plan, with the proper setback, was submitted, however, this shows the building footprint intruding into the 75 foot stream buffer.

Engineer Rob Lambert stated that, while the applicant does not necessarily agree that the setback should be measured from the ultimate right-of-way as Route 926 is a state highway and the ultimate right-of-way is not required by PennDOT, they have agreed to move the building envelope. There is a problem because the 75 foot riparian buffer required for a perennial stream covers approximately 60 percent of the property. The new building footprint intrudes slightly into this area. Mr. Lambert explained that it is not possible to locate the desired house on the property and comply with both the ultimate right-of-way and the riparian buffer requirements. Steve Love, property owner, states that this is not a perennial stream as there is no water flowing during dry periods. Mr. Lambert notes that the intrusion is minor and the contours are such that the actual runoff flows further than 75 feet before reaching the stream bed.

As this property is located in an area where right-of-way on this property would be necessary to realign Route 926 to mitigate a bad curve, the Township Staff and Engineer suggest it would be preferable to have the setback measured from the ultimate right-of-way.

Motion (MP/RP), As the applicant has maintained the setback from the ultimate right-of-way which the Planning Commission considers the preferable arrangement for safety reason, the Commission suggests that the Zoning Hearing Board grant the requested variance to permit the encroachment into the riparian as shown on the applicant's plan. The Commission also recommends that the applicant not be permitted to remove any viable landscaping features existing within the riparian buffer in order to mitigate the impact of this intrusion.

Public Comment.

Walter Pavelchek, South New Street, commented that the 75 buffer was incorporated as a result of Chester County Landscapes. He also noted that in most cases the riparian buffer consists of lawn which does not function to preserve the stream as intended.

Unanimously approved.

Public Comment None at this time.

Adjournment. – (MP/JL) 8:19PM

Elaine L. Adler
Planning Commission Secretary