

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
July 20, 2016 – 7:30PM

## **Present**

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

## **Call to Order**

Mr. Pomerantz called the meeting to order at 7:40 and led those present in the Pledge of Allegiance.

## **Adoption of Agenda**

The Agenda was approved unanimously as amended (BW/JL).

## **Approval of Minutes**

The minutes of the Planning Commission (PC) meeting of June 22, 2016, were unanimously approved as amended (JL/EA).

## **Reports**

Mr. Lees presented the July 5 Board of Supervisors (BOS) meeting. At their workshop, the BOS discussed the Giant expansion land development application and specifically commented on the bus stop issue and beekeeping by Carman Battavio on Township property. At their regular meeting, Fame Fire Company made a presentation, Giant made a presentation and final documents were signed for the Hawthorne subdivision. Mr. Yaw presented the July 18 BOS meeting. At their workshop the BOS discussed Jacqueline Drive traffic calming, Giant expansion land development application, Township Auditor vacancy and the WEGO solicitor. At their regular meeting, several departmental reports were made, a full update of the Jacqueline Drive traffic calming was given by the Traffic Engineer and they approved the Giant expansion land development application.

## **Announcements**

Mr. Patriarca stated the PC will offer comments to the West Wynn Special Study at an upcoming meeting, and will have more information on this after he receives additional information. Relevant to Dunkin Donuts, after the 247 review is complete, they will present their formal application before the PC for recommendation prior to the start of the conditional use hearing. For the Westtown Woods project, Mr. Patriarca stated it will be before the PC for consideration in the next month.

Finally, Mr. Patriarca provided for a brief update on the Toll Brothers project. He stated Toll is looking for a late summer submission and that the Solicitor will be working with the applicant to establish timelines for the project as a whole. Mr. Patriarca stated the concept plan they presented proposed between 300-347 units that generally follow the natural topography of the site as a whole. The higher number of units is based on a calculation of bonus densities for things such as additional open space, preservation, etc.

Mr. Pomerantz concluded announcements discussing the need for a “panic” button for the meeting room in the event of emergency and further discussed potential safety improvements

that may be considered for both the assembly hall and dais.

### **Non-Agenda Public Comment**

There were no non-agenda

### **New Business**

#### **Malt production draft ordinance**

Mr. Pomerantz introduced the topic and Mr. Patriarca followed with a brief history of the amendment. He stated the draft was constructed through a collaboration of Township staff, the Township Solicitor, the Malthouse operator and his attorney, and that the draft before the PC represents the results of this collaboration. The owner of the Malthouse Mark Brault echoed the sentiment of the positive development of the ordinance amendment. He stated the amendment will allow for his business to grow into a more economically viable company. Further he stated it is his intent to grown within the existing barn with the only major physical additions coming in the form of additional grain bins.

Through the gradual expansion of the Malthouse, Mr. Brault hopes to provide for greater visibility for and public access to his business. Mr. Rodia asked first about the facilitation of traffic along the existing driveway to the barn. Mr. Brault stated there are no current plans to expand the driveway, but that the existing driveway does function properly during the fall market and associated activities. Mr. Pomerantz next asked about the proposed hours of operation and if the PC is comfortable with what is proposed in the ordinance. Mr. Brault noted the hours of operation were consistent with what is permissible through PALCB regulations. Mr. Patriarca stated his concern with hours of operation are related to noise, and that the proposed ordinance does reference compliance with the existing Township noise ordinance. Mr. Brault further indicated the outdoor area proposed for use as a courtyard is the former barnyard surrounded by a seven foot tall stone wall.

Mr. Pomerantz asked next about the playing of live music, and Mr. Brault indicated he will only have live music on a limited basis when permitted by ordinance. Mr. Lees asked if the maximum of 25 seats will be adequate and Mr. Brault indicated it was a compromised number with the Township he is comfortable with. Mr. Rodia asked if the limitation of 2,000 tons of malt was sufficient for Deer Creek's purposes and Mr. Brault indicated that any additional production than the 2,000 tons would necessitate an off-site expansion. Mr. Patriarca stated this limitation will allow for Deer Creek to expand to meet their needs while giving the Township comfort the amendment will not open it up to a more intense agri-industry.

Mr. Pomerantz asked Mr. Patriarca what, if any, type of precedent will it open on the Township. Mr. Patriarca stated there was no precedent for malt production as a use anywhere in the Commonwealth. He further stated this amendment is a testament for what can happen when an applicant works collaboratively with the Township in the development of an amendment that both protects the Township while providing for the needs of a local businessman. Mr. Brault echoed this sentiment while acknowledging there are some unknowns moving forward.

Mr. Patriarca next asked the PC for their thoughts on the comment made by John Snook on limiting the malt production use to only properties zoned A/C or properties where agriculture is allowed with a minimum acreage of 20. He stated this limitation will not impact Mr. Brault, but is something with consideration by the PC. Mr. Lees asked how many 20 acre parcels in the

Township would be eligible for the use if implemented. Ms. Adler stated that she feels there should be an acreage limit to allow for the use if it is proposed for a non-A/C property. Mr. Brault stated this amendment will only impact a potential user wishing to process more malt than what is protected as a right-to-farm activity. Mr. Yaw stated if a limitation is proposed, it should be to only allow in the A/C district and not have an acreage minimum.

Mr. Pomerantz asked the PC if they prefer to leave the ordinance as proposed, or either to amend to allow only on properties greater than 20 acres where agriculture is a permitted use or to only the A/C district. Mr. Whitig suggested that the malt production use should be limited to only the A/C district and all other PC members concurred with this sentiment.

Ms. Adler next asked if the proposed parking requirement is consistent with the ratio for a restaurant already in the ordinance. Mr. Patriarca stated it was consistent, but Ms. Adler also noted her concern without providing for employee parking. Joe Stratton, owner of the Wynnorr Farm, stated he does not believe additional employee parking defined as part of the ordinance is necessary as the farm itself naturally lends itself for adequate areas for employees to park. Mr. Patriarca stated all of the current parking space standards will have to be complied with and that the ratio as a whole does seem reasonable as it has been reviewed from both a legal and planning standpoint multiple times. The PC as a whole were fine with the proposed parking ratio.

After some final thoughts from Mr. Patriarca, Mr. Whitig made a motion for a favorable recommendation of the draft malt production ordinance. He further recommended the consideration of its allowance in only the A/C district as opposed to all districts where agriculture is a permitted use. The motion was seconded by Mr. Yaw and was unanimously approved.

## **Old Business**

### **Residential chicken keeping draft ordinance**

Mr. Pomerantz introduced the topic and Mr. Patriarca followed by going through the CCPC comment letter for consideration in the draft ordinance as well as any final public comment on the draft. The first comment discussed was on where or not to require larger setbacks for residential chicken keeping than what is proposed in the current draft.

Eva Foster of 734 Westbourne Road – Ms. Foster expressed her concern with the impact the proposed ordinance will have on the rights of residents. She further expressed her concern with how the proposed ordinance complies with Act 43 of the Agricultural Security Law. In section 905 it states that “each parcel shall be ten acres or have an anticipated yearly gross income of at least \$2,000 from crops, livestock or livestock products.” She stated that if a resident desires to raise chickens at their residence for profit, the Township should not limit their ability to do so as long as there is compliance with this statute. Ms. Foster further indicated many residents move to this area for the agricultural heritage and vistas it affords and that what is proposed may detract from this. She stated that she understands some parameters should be in place, but not so much as to prevent residents from being able to utilize their property as they see fit.

Doug Anderson of 606 Jacqueline Drive – Mr. Anderson asked first what the proposed setback will be for coops/runs, and Mr. Patriarca they will generally be fifteen feet as most will not exceed 250 square feet in size.

Mr. Yaw asked Ms. Foster if hens are generally noisy. She stated hens do make noise when laying an egg and that rooster's crow at sunrise and when around other males. Mr. Yaw then stated the proposed ordinance does not preclude a property owner from applying to be included as an Agricultural Security Area. Ms. Foster reiterated her concern with the proposed ordinance and how it may limit the ability of a resident to meet the \$2,000 threshold as defined under section 905. Mr. Patriarca then stated some concerns with the existing Township ordinance with the keeping of chickens as an agricultural use and his overall thoughts on the ordinance process as a whole.

Mr. Anderson next asked how the ordinance accommodates the smaller birds such as bantams and modern game hens. Specifically, his concern is with prescribing standards for the traditional chicken that may be too much for the smaller birds. He stated that four square feet are necessary for a chicken, but only 1-2 square feet is necessary for the smaller birds such as bantams. Mr. Whitig asked Mr. Anderson if what is proposed in the draft ordinance would negatively impact him directly, and he stated it does not at this time. Next followed a discussion on a variety of bird types and their needs being different from a standard chicken.

Ms. Adler asked where a coop could be placed on a corner lot and if the current ordinance language will allow for the placement of a coop in the front yard in this scenario. Mr. Patriarca indicated the existing language is broad enough to allow for their placement in the front yard of a corner lot when no other suitable location can be found. Mr. Pomerantz next asked about the CCPC comment on predator resistant coops, and Mr. Patriarca stated the language will be tweaked accordingly. Relevant to manure management, the PC was comfortable with what is proposed as the overall scale of residential chicken keeping is relatively small as opposed to a large-scale operation where a more robust policy may be necessary. Mr. Pomerantz asked Mr. Patriarca to get some clarity and/or objective criteria for the issue of smaller chickens.

### **Comprehensive Plan Update**

Mr. Pomerantz provided an overview of the visioning workshop associated with the comprehensive plan. He also discussed the sustainable communities assessment associated with the planning process. He noted it is very detailed and its purpose is to provide a roadmap for where the Township can improve and is doing a good job with sustainability practices in the Township. Mr. Pomerantz also stated the PC will have to assist the public in the overall education of the conditional use process if the Toll Brothers application is made. He further suggested ways by which the PC will get better informed as the Township moves through the process. Mr. Whitig suggested an article be made for the Gazette that discusses the differences between a use by-right and a use by conditional use.

### **Public comment**

There were no public comments.

### **Adjournment**

9:10 pm (JL/SY)

Respectfully submitted,

Chris Patriarca  
Planning Commission Secretary