

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
August 3, 2016 – 7:30PM

## **Present**

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

## **Call to Order**

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

## **Adoption of Agenda**

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

## **Approval of Minutes**

The minutes of the Planning Commission (PC) meeting of July 20, 2016, were unanimously approved (EA/BW).

## **Reports**

Mr. Pomerantz presented the August 1 Board of Supervisors (BOS) meeting. At their workshop the BOS discussed the malt production ordinance as well as the pending Toll Brothers development. Concerns discussed relevant to the malt ordinance were the potential for future expansion and noise. Specific to the Toll development, Mr. Pomerantz provided numerous details. Toll indicated they plan to submit a conditional use application in late summer with two separate plans, one with bonus densities and one without. Toll stated some of the items the Township would likely receive through the utilization of bonus densities were: the connector road, reuse of some historic structures on-site, and a trail network. Mr. Pomerantz also noted Toll did not state the proposed price points for the homes, that the single-family lots will be up to 15,000 square feet in size, and possible access to New Street. At their regular meeting, the BOS had several reports presented, authorized advertising for the malt ordinance, made several announcements and paid the bills.

## **Announcements**

Mr. Patriarca stated that the Dunkin Donuts application will likely be before the PC at their August 17 meeting for consideration of both the POC amendment and conditional use application. He further stated the Westtown Woods application will be before the PC at a September meeting.

## **Non-Agenda Public Comment**

There were no non-agenda

## **New Business**

### **Act 537 Special Study – West Wynn I Area**

Mr. Pomerantz introduced the discussion and possible comments on the updated Act 537 Special Study for the West Wynn I area of the Township. Mr. Patriarca stated the review of the study is a MPC requirement, but that the PC does not have to offer any comments on the study.

Mr. Pingar further stated the only expectation from the PC on this is to afford the PC the opportunity to offer comments on the study.

Mr. Lees asked if the updated study is dramatically different from the one initially evaluated by the PC in 2013. Mr. Pingar stated the updated study incorporates data gathered as part of the on-lot management program. Further, the update recommends continuing the on-lot management program through 2023 to determine if additional sewer planning is needed at that time. Mr. Lees then asked if other measures have been taken in the event the DEP requires some sewerage. Mr. Pingar indicated the area of initial concern for failed systems has been greatly diminished as a result of the field data collected through the on-lot program. He further stated the sewer interceptor does have adequate capacity to handle additional sewer flows from the West Wynn area if required by the DEP.

Mr. Rodia stated the updated report provides for a much different picture of the situation within the West Wynn area than previously shown. Ms. Adler asked if the information illustrates all properties where issues were previously present. Mr. Pingar stated the study covered all 60 properties previously identified in the West Wynn area and illustrates the findings based on the data collected. Mr. Pomerantz asked what is being done to ensure compliance with the DEP order as to avoid future issues with the Department. Mr. Pingar stated the position for the Township is to fully cooperate with the DEP and provide for them all of the information being requested by them. Overall the PC was not surprised with the overall results of the study based on field data collected as part of the on-lot management program. Mr. Pomerantz also noted that the study had a greater than 99 percent compliance for all on-lot systems in the Township.

Ms. Adler noted the study also indicated there is adequate capacity in the existing infrastructure to accommodate the West Wynn properties if required by the DEP. Mr. Pingar stated this was indeed the case and that there is more than enough capacity in the primary sewer interceptor. At the end of the conversation, the PC elected to not offer formal comments on the study.

### **Zoning Hearing Board – Variance Application**

Mr. Patriarca provided a background for the variance application for a 1056 East Niels Lane seeking relief of fifteen feet into the required twenty-five foot side setback in order to construct a detached garage. Mr. Patriarca noted no garage presently existing on-site and that the location was selected due to the narrowness of the lot as well as the location of the septic drain field. Mr. Rodia asked what is adjacent to the proposed garage, and Mr. Patriarca stated it will be adjacent to the back yards of a home on West Pleasant Grove Road. Mr. Lees expressed his concern with the potential for the need of a replacement area for septic if the garage is built. Mr. Patriarca stated an alternate field could be placed further to the rear or even in the front yard if the need arose for a replacement facility. Ms. Adler noted there have been previous complaints for stormwater runoff at this property, and Mr. Patriarca noted the property owner had taken steps to resolve this situation. After further discussion, the PC made a comment in favor of the variance application.

### **Old Business**

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

Although approved by the PC at their July 20 meeting, Mr. Patriarca stated this item was added to the agenda at the request of the Township Solicitor. Specifically, the PC was asked to make a

formal recommendation on the malt production draft ordinance inclusive of language to limit the use to only Agricultural/Cluster Residential District (A/C). Mr. Whitig made a favorable motion inclusive of this limitation for the malt production ordinance that was seconded by Mr. Lees and approved unanimously.

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

Mr. Pomerantz introduced the continued discussion of a proposed ordinance amendment to allow for the keeping of a limited number of female chickens as an accessory use for single-family detached dwellings. Mr. Patriarca stated he spoke with Phillip Clauer who is a poultry expert through the Penn State Extension Office. He indicated that Mr. Clauer reviewed the draft ordinance in full and provided for comments on both the ordinance in general as well as how to handle the issue of smaller birds brought up by Mr. Anderson at previous meetings.

Relevant to the issue of smaller birds, Mr. Clauer suggested refining the definition of “chicken” to define “large” and “miniature” fowl. Once this is done, then sizing requirements for coops and runs can be halved for the “miniature” fowl instead of requiring what is allowed for “large” fowl. Mr. Clauer further stated the standards provided for “large” fowl are more than adequate for the keeping of chickens. He further suggested the ordinance could further revised to allow for additional “miniature” fowl based on this criteria.

Doug & Susan Anderson of 606 Jacqueline Drive – Mrs. Anderson stated the standards now being considered for both “large” and “miniature” fowl are consistent with what she has researched.

Mr. Patriarca next discussed several other issues brought forth by Mr. Clauer relevant to the proposed ordinance. He first stated that Mr. Clauer supports the prohibition on the keeping of roosters as part of the ordinance citing both the noise they create as well as the fact they are unnecessary for egg production. He also had a concern with the keeping of “free range” chickens on smaller lots. Specifically he stated to keep chickens in this manner minimum fencing of five feet will be required and that one of the most frequent complaints he receives is with chickens getting out in residential areas. Mr. Clauer further stated the smallest setback for a coop should be fifteen feet, and not ten feet as proposed for flex developments, and that language should be added for the removal of coops altogether in the event it is no longer being utilized.

Eva Foster of 734 Westbourne Road – Ms. Foster stated that she spoke with an attorney with the Department of Agriculture about the issue of the Acre Law. This attorney stated she should follow up with the Attorney General’s office to see if what is proposed violates this statute. Mrs. Foster next asked about noise restrictions in the Township, and Mr. Patriarca indicated there is a restriction in effect between the hours of 10:00 pm and 6:00 am.

Mr. Pomerantz asked if Mr. Clauer suggested that a resident be allowed to keep the maximum number of “large” and “miniature” fowl as permitted by the ordinance or if their keeping will be proportional to one another. Mr. Patriarca stated it is intended to be proportional and additional language can be added to make this clear. The PC then all agreed on a limitation for the keeping of “free range” birds to lots of one acre or greater. Mrs. Anderson asked if the setback applies to the fence, and Mr. Patriarca stated it only applies to the coop. The PC also agreed with the changes relevant to the definition of chicken, number allowed as well as the requirement to remove unused coops.

Mr. Anderson stated his concern with requiring the coop to be removed after only one year of inactivity. He suggested that a year and a half would be more appropriate to which the PC did not object to. Mrs. Anderson further stated consideration should be given to require coops be kept in a sanitary condition regardless of if they are being utilized for active keeping or not. Additional language was then added to the draft to address this issue.

Mr. Pomerantz made the following motion, seconded by Mr. Lees and passed unanimously: The Planning Commission has reviewed and discussed the proposed zoning amendment relevant to the keeping of residential chickens and after the consideration of comments made by the Chester County Planning Commission and by Phillip Clauer of the Penn State Extension Office, recommends consideration of approval of the ordinance by the Board of Supervisors.

**Public comment**

There were no public comments.

**Adjournment**

8:45 pm (JL/BW)

Respectfully submitted,

Chris Patriarca  
Planning Commission Secretary