

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
September 21, 2016 – 7:30PM

## **Present**

Commissioners – Rodia, Pomerantz, Hatton, Lees and Yaw. Absent were Whitig and Adler. Also present was Township Planning Director Chris Patriarca 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 (SR/JL).

## **Approval of Minutes**

The minutes of the Planning Commission (PC) meeting of September 7, 2016, were unanimously approved (SY/SR).

## **Reports**

Mr. Yaw presented the September 19 Board of Supervisors (BOS) meeting. At their workshop the BOS discussed the proposed residential chicken keeping ordinance and the fee schedule. Specific to the chicken ordinance, Mr. Patriarca stated the BOS decided to forward the ordinance back to the CCPC for their comment before taking any potential action on it. The only substantive change from what the PC forwarded on was additional language to make it clear the ordinance only applies to residential and not agricultural properties. At their regular meeting the BOS had several departmental reports presented and a lengthy discussion on Westtown Day.

Specific to the PC report, Mr. Yaw stated Mr. Pingar indicated in his view PennDOT will place significant conditions on any utilization of a 202 construction access thus making the issue moot. Mr. Yaw further stated he believes the applicant has been very open and forthcoming and does look forward to when they return to the PC in the future. He was also asked by the BOS what the response of the neighborhood have been, and he indicated the response before the PC has been with some residents getting involved in more of the details of what is being presented. Overall the PC feels the overall sentiment for the reasons there have been few neighbors attending these meetings is as a result of the project being infill single-family homes and not apartments as well as a sense the development may positively impact overall property values in the neighborhood.

The BOS then concluded their meeting with an escrow release for the Hawthorne project, an acknowledgement of their contribution on the pension plan and paid the bills.

## **Announcements**

Mr. Patriarca stated Toll Brothers is still looking to a late September submittal of their conditional use application to construct a large residential development at the Crebilly Farm. He indicated Toll Brothers was waiting for some additional sewer information from the Township that was recently provided to them. Mr. Patriarca stated that the PC will see three plans, one without any waiver requests, one with 307 units with minimum waiver requests and a third illustrating 354

units utilizing bonus densities by the applicant. Mr. Patriarca stated he did not believe it is the intention for Toll Brothers to construct the maximum of 407 units, but rather the 354 number. For the value assigned to the bonus density unity, an analysis will need to be made by a planning consultant with an expertise in this area.

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

There were no non-agenda public comments.

### **New Business**

#### **Accessory structures on residential lots**

Mr. Pomerantz started the discussion on current standards for the size allowed for accessory structures on residential lots within the Township. Mr. Patriarca stated he was not looking for the PC to make any sort of formal recommendation on this, only to provide him with guidance as to whether or not this is an issue worth proceeding further with at this time. He stated one of the things that surprised him with Township zoning was that there was nothing in the ordinances that limited the size of an accessory building other than the district lot and bulk standards, resulting in situations where an accessory structure can be larger than the principal one. He emphasized that this does not include accessory dwelling units as they do have limiting criteria and need to be approved by special exception from the Zoning Hearing Board (ZHB) or any structure accessory to an agricultural use.

Mr. Patriarca then noted his gradual evolution on the issue of larger accessory structures in his time since he arrived at Westtown. He spoke of the limitation placed on them from his previous employer being based on a percentage of the overall lot coverage. He further indicated in his recent experience at Westtown, most of these larger structures have been constructed with materials and in a manner that match the existing homes in context with the rest of the neighborhoods.

Mr. Patriarca then proceeded to show the PC several images of larger garages from throughout the Township. He provided images illustrating structures matching the principal uses, ones that are steel buildings, ones that are three bay garages and ones that contain accessory dwelling units. Mr. Patriarca stated larger accessory structures in Westtown have not been too problematic in his experience as they generally mirror the appearance of their respective principal structure, but did want to hear what the PC has to say on them. Mr. Rodia asked if Westtown can regulate building materials to ensure an accessory structure is similar in appearance to the principle one. Mr. Patriarca stated aesthetic cannot be regulated outside of a historic district by the Township or by private HOA by-laws.

Mr. Yaw commented he had a mixed first impression on this issue. He was not sure if this is an actual problem or an issue searching for a problem. He does recognize a possible need in keeping a large accessory building on the property line. Mr. Yaw stated that East Goshen does have some regulation on accessory structures that may be worth looking into. Mr. Lees stated consideration should be given to the size and location of accessory structures relative to both the existing septic locations as well as that of a replacement field. Mr. Pomerantz asked if the concern is with the overall size or appearance, he further suggested if this is not an issue should the PC be considering this type of potential limitation.

Mr. Patriarca stated that all accessory structures are required to have a permit that is reviewed

by the Zoning Officer. He indicated all permits are reviewed for lot and bulk requirements, but unless something like a stove is proposed, the use is always assumed to be just that of an accessory building. Mr. Lees expressed his concern with neighboring properties and how the larger structures may impact their property. Mr. Yaw then stated that many of the newer subdivisions have HOA guidelines that would limit the size/type of structure built on site. He further stated the concern is primarily for lots between one-half to one acre and the impacts associated with larger accessory structures on them. Mr. Pomerantz then gave an example of a home he is familiar with a large garage that does not necessarily "fit" with the neighborhood, but is not objectionable to the neighbors. Mr. Pomerantz then asked if you can have regulatory control over appearance, and Mr. Patriarca stated he believes the Township does not have the authority but would confirm with the Solicitor.

Mr. Yaw reiterated his view that if anything is considered, it should not apply to lots of greater than one acre. Mr. Patriarca stated, as he understood the conversation, if the PC were to consider anything further on this issue it would likely be related to aesthetics and for lots of less than one acre only.

### **Zoning Hearing Board – Special exception application**

Mr. Pomerantz started the discussion of a special exception application to allow for a takeout restaurant associated with the Amish Market scheduled to be heard by the Zoning Hearing Board. Mr. Patriarca stated this application is in response to the initial "pig roast" held by the Market in May 2016. At that time, he told the Amish Market they could cook the product at the rear of the building and sell it inside, and if they wanted to cook it and sell it at the front of the structure they would need to apply for a special exception for a take-out restaurant. He then provided for a brief description of how he came to this determination and further stated they have met with the Fire Company and have approval through the Health Department.

Mr. Patriarca stated the cookers are proposed to be located at the far, southwestern corner of the parking lot and will utilize ten spaces. No food is proposed to be sold at this location, only at the entrance of the Market. He further stated this location was selected by the Amish market owners as it provides for the greatest amount of visibility for their event. Mr. Pomerantz noted at their initial event, they were unable to get into contact with anybody from the Township and suggested there should be an after-hours contact for emergency purposes. Mr. Pomerantz further stated initially the Amish Market indicated to him this event was proposed for only four times a year and expressed a concern that it is now being proposed to be held up to twelve times a year.

Mr. Pomerantz further acknowledged the owner did sign off on the application, but asked if the Township should consider the overall impacts of the other tenants in the center. Mr. Patriarca stated that he generally feels this is an owner-tenant issue as the owner signed-off on the application. Mr. Pomerantz then acknowledged parking is an issue with the Amish Market, and in particular with this event, and did express his concern with this. Mr. Rodia agreed with this sentiment. Mr. Lees then stated if there is a parking issue caused by this, it will be the responsibility of the owner to solve. Specific to where people may eat, most persons take it home, and no formal eating area is proposed as part of this application.

Mr. Yaw stated a concern with the frequency proposed for the event as being once a month. He noted this frequency may result in significant concerns from the other tenants of the center

during the event. Mr. Yaw then asked if there have been previous complaints on the event, and Mr. Patriarca the only complaints he has received to date are from tenants of the center. Mr. Hatton expressed concerns was well for its impacts on the parking area.

Mr. Pomerantz then asked the PC for any final thoughts they may have on the application. Mr. Yaw stated he is supportive of what the Amish Market has brought to the Township, but does have slight concerns with the proposed frequency of the event and the resulting intensified use at the site. Mr. Lees asked if there are any limitations proposed to prevent further expansion of the event if successful. Mr. Patriarca stated they would be held to the application approved by the ZHB and if they wish to expand they would need to go back before the ZHB. Mr. Rodia stated his concerns with the frequency, use of parking spaces and a general concern for safety at the center as a result of increased traffic. Mr. Hatton also expressed a concern with the frequency proposed for the event, if temporary lighting will be used in the fall/winter months, the navigation of motorists and pedestrians through the parking lot and to limit the use of temporary signage for the event. He also stated there should be an acknowledgement to the concerns of existing tenants at the center.

Mr. Pomerantz then gave an example of a similar experience with a market BBQ in Florida. He did express concern for the impact on the event to other tenants, traffic circulation in the parking area and the double parking and parking in the fire lane, and potential for lighting in the fall/winter months. He did acknowledge the Market has been an overall positive and success in the Township since their opening. Mr. Pomerantz asked how the Township would manage the event if it is not carried out in the manner approved by the ZHB. Mr. Patriarca stated if approved by the ZHB, the order will provide for guidance as to what its overall scope can entail and will be something that is monitored moving forward.

At the end of the discussion, the consensus of the PC was supportive of the application with several comments. These comments include concerns over the frequency of the event, parking and traffic circulation, the potential for lighting and signage associated with the event.

#### **Public comment**

There were no public comments.

#### **Adjournment**

9:00 pm (SR/JL)

Respectfully submitted,

Chris Patriarca  
Planning Commission Secretary