

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
August 9, 2017 – 7:30PM

Present

Commissioners – Rodia, Pomerantz, Hatton, and Lees. Also present was Township Planning Director William Ethridge, 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 (JL/RH).

Approval of Minutes

The minutes of the July 19, 2017 Planning Commission (PC) meeting were approved without comments (JL/RH).

Announcements

None.

Public Comment – Non-agenda items

None.

New Business

Mr. Pomerantz entered Ms. Adler's comments on both variance application cases and the Floodplain Ordinance into the record.

The Planning Commission (PC) discussed the Zoning Hearing Board (ZHB) Masiko Shed Variance application. Mr. Hatton emphasized the need for maps, photos, and other images to be provided to the PC in color so that they are easier to see and understand. Mr. Ethridge made a note to pass along that request going forward. Mr. Hatton expressed his opinion that insofar as the shape of both lots are concerned, he did not believe that the shape of the lot in either case constituted a hardship that would warrant a variance. Mr. Lees agreed. Commissioners expressed their difficulty in determining the slope on the property due to the poor images provided. Mr. Rodia expressed his belief that the 15' setback requirement may be an outdated regulation and might need to be reduced in the future. He also noted that the neighbors to either side did not object and that the aesthetic of placing the shed according to requirements would disrupt the openness of the rear yard. Mr. Hatton noted that the Bergner request indicated a medical hardship in having to place the shed on the property according to regulations, which is a stronger case for a variance. Mr. Pomerantz noted that regarding the Masiko request, two of the adjacent property owners had commented in agreement with the variance request, whereas the Township had not received any comments regarding the Bergner request. Mr. Hatton objected to the request. Mr. Rodia offered no objection. Mr. Lees offered no objection. Mr. Pomerantz offered no objection. The Commission voted to offer no objection by vote of 3-1.

The Planning Commission (PC) then discussed the Zoning Hearing Board (ZHB) Bergner Shed Variance application. Commission members commented they would have liked to have received comments from the neighbors. Mr. Rodia noted that while the applicants had made mention of the slope of their rear yard as a factor, they provided no photos or topographic maps indicating what the degree of that slope is. Mr. Lees commented his concern about the degree of the variance in that 2' was not much room to maintain the ground between the proposed shed and the existing fence. He recommended it be moved. The Commissioners expressed frustration in not having enough information to make an informed opinion on the case. Mr. Ethridge commented that while a medical hardship is a valid reason to seek a variance, that in his previous experience, a Doctor's note would be required as evidence. The Commissioners agreed that a Doctor's note should be attached to the request. The Commission offered no objection with the following comments:

- Commissioners would like to see any comments from neighboring property owners,
- A doctor's note from the applicant regarding their hardship should be submitted,
- They recommend moving the shed further away from the fence than 2'.

The Commission voted unanimously (JL/SR).

The PC then discussed the Floodplain Ordinance (FPO). Mr. Pomerantz reminded the PC that the language needed to be adopted by the Township by 9/29/17 otherwise the Township risks losing flood insurance.

Mr. Hatton inquired as to the meaning behind the subscript notations throughout the document that each began with the letter "a" followed by a number. It was the consensus that this subscript notation simply identified where new language had been added by Beth Uhler of Cedarville Engineering.

Mr. Pomerantz then discussed Section 3(f)(3)(c) language that discussed the duties of the Floodplain Administrator (FPA) to determine the pre-improvement market value of a structure when improvements are proposed by a property owner to a structure in the floodplain. Commissioners asked if a referenced book "Substantial Improvements, Substantial Damage Desk Reference" existed, as suggested in the language. Mr. Ethridge indicated he was not sure. Mr. Rodia suggested that FEMA was seeking to have local government officials keep track of the value of structures and improvements in the floodplain in the event of damage. Mr. Pomerantz then discussed the vagueness of a section of the language that indicates that the FPA would have the authority to enter any building in the floodplain area upon presentation of his/her credentials, "at any reasonable hour" to enforce the provisions of the ordinance and that this language concerned him. Mr. Pomerantz next discussed the language in the Appeals section which indicates that anyone seeking an appeal from the Zoning Administrator has thirty (30) days to do so. Commissioners agreed that this and other areas of the language should be re-examined after passage of the Ordinance.

The PC voted unanimously to approve the language with the following comments (RP/RH): Upon approval by the Board of Supervisors (BOS), in order to best protect the residents of the Township, the PC intends to undertake a comprehensive review of the ordinance for possible revision(s).

Public Comments

Marty O'Malley 1126 Colby Lane commented that she believed the PC hasn't received the information it requested regarding what changes are being proposed with the new FPO language. She also commented that she believed that the PC may not be able to amend the

ordinance once adopted. Mr. Pomerantz replied that the PC had been told several times that they would have this option and were acting on the Ordinance with that understanding and intention. Mr. Pomerantz asked Mr. Ethridge to add to the motion to adopt the Ordinance that the PC is acting to ensure that the residents of the Township are protected.

Reports

The August 7 Board of Supervisors meeting. Mr. Lees participated in the workshop prior to the regular meeting and discussed the following:

Agenda item "Public School Public Safety Radio Signals". He noted this was an alarming issue. The Township's schools were inspected to determine which have power to receive radio communications. Twelve out of the thirteen schools in the Township failed "substantially". The schools apparently cannot receive the radio signals being transmitted to them in the event of an emergency. The Board recommended this issue be addressed quickly.

The Board discussed the marking of 4 to 6 locations on Jacquelyn Dr. where speed tables may be installed, as well as a public survey given to the residents on the placement of the speed tables, and the need for 70% agreement in order to proceed. The lines will be drawn on the ground prior to issuance of the survey.

The Board discussed Westtown Woods. The Board approved the development with 40 restrictions. The developers have agreed to 37 of the 40 recommended restrictions and the Board is going to meet with the Developers to discuss the last three conditions.

According to the reports during the regular meeting, Mr. Lees mentioned that road work is going to be completed throughout the Township and the work should be done by the end of next week. The design drawings for the new public works garage are 60% complete and should be done by fall.

Mr. Ethridge was appointed to the position of Zoning Officer by the Board.

The Board then passed a resolution for the 2017-9 Greenlight GO Grant for \$180,000 for the Route 3 and 352 intersection traffic signals so improvements can be made.

Mr. Lees discussed the Board's Announcements:
Summer Movie night at Oakborne will be 8pm August 18th, the movie Sing will be shown.

The Conditional Use hearings for Crebilly/Tollbrothers are scheduled for Tuesday 8/29 & Tuesday 9/19 at 6pm at Rustin High School.

The Board has asked residents to respond to the Comprehensive Update survey on the Township website by 9/5. The Comprehensive Plan Open house is scheduled for 10/11 from 6pm-8pm.

Westtown day will be Sunday 10/1.

There were no public comments.

Bills were paid in the amount of \$433,465.00

A motion to adjourn was made at 8:05pm

Mr. Pomerantz mentioned the list for when PC representatives need to attend BOS meetings and asked Commissioners if they had any issue with the scheduling. Mr. Pomerantz mentioned that Mr. Hatton would be attending the 9/5 meeting in his place. Mr. Rodia will attend the 8/21 meeting for Mr. Yaw.

Mr. Ethridge asked the PC members to sign the 2016 Annual Report before leaving.

Adjournment

8:18 pm (JL/RH)

Respectfully submitted,

William Ethridge
Planning Commission Secretary