

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
August 23, 2017 – 7:30PM

## **Present**

Commissioners – Embick, Rodia, Adler, Pomerantz, Hatton, Lees, and Yaw. Also present was Township Planning Director William Ethridge, and those mentioned below.

## **Call to Order**

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

## **Adoption of Agenda**

The Agenda was approved unanimously (JL/SY).

## **Approval of Minutes**

Mr. Embick commented that he believed that neither of the variance applications before the board at the last meeting met the strict legal standards for approval and asked why the Planning Commission (PC) had voted to approve them with comments. Mr. Hatton replied that for the first variance request (Masiko), the hearing had already been held and the Zoning Hearing Board had decided to approve the request. For the second request (Bergner) Mr. Hatton commented that the PC did not have the benefit of clear pictures of the property, nor a letter from the applicant's doctor as to their medical hardship. Rather than ignore those claims, the PC offered no objection based on the information that was available.

The minutes of the August 9, 2017 Planning Commission (PC) meeting were approved with three abstentions. Mr. Embick, Ms. Adler, and Mr. Yaw abstained. (SR/RH)

## **Announcements**

Mr. Ethridge forwarded a request from the Township Manager that the PC forward any announcements that they would like to have included in the next quarterly newsletter. Mr. Pomerantz suggested that the Comprehensive Plan Task Force October 11th meeting results would be appropriate if the newsletter is published after 10/11.

Mr. Pomerantz then asked Mr. Ethridge about his conversation with the Zoning Hearing Board (ZHB) concerning their proposal of a joint meeting with the PC. Mr. Ethridge explained that after the Masiko variance hearing concluded, the ZHB had suggested the idea of a joint meeting with the PC to discuss re-writing or updating some of the Zoning Ordinance language, specifically as it applies to storage shed setbacks and accessory dwelling units, however he noted that there may be additional issues they may want to discuss. Mr. Pomerantz noted that the two dates being discussed for these proposed meetings were 9/6 and 9/20, however he noted that 9/20 falls on one of the holiest of Jewish holidays and that he and perhaps others would be unable to attend that meeting. Mr. Ethridge noted that two members of the ZHB had already indicated that they would be available on 10/4.

## **Public Comment – Non-agenda items**

None.

## **New Business**

The Planning Commission (PC) discussed the Vernon Brewer 2-lot subdivision application. Chris Daily, the engineer, Tom Brewer (332 W. Miner St, West Chester, PA), and Sharon Dickey (2007 Arrowhead Trail, Coatesville, PA), Vernon Brewer's eldest daughter were in attendance on behalf of the application. Kevin Matson of McCormick Taylor was also in attendance as the Township's engineer to comment on his review of the application. Mr. Ethridge briefly summarized the application. Mr. Matson discussed his review of the application which included some technical comments but noted that he did not believe there was anything that would prevent the application from being approved provided some information was added to the plans based on his comments. Mr. Pomerantz asked if it would be possible to get a "clean sheet" once Mr. Matson's comments have been addressed.

Mr. Daily asked to see Mr. Matson's comment letter. He indicated that he would be able to address Mr. Matson's comments and submit a "clean sheet" to the Township for the PC's approval. The applicant added that they would be waiting to submit a landscaping plan until the building permit stage. Mr. Daily indicated that the applicants are seeking approval from the health department to have a septic system approved on the lot as well as approval from Aqua for public water. Mr. Embick commented that he was concerned about the storm water management of the new lot, and particularly the infiltration bed proposed on the new lot. He inquired as to what measures were in place or would be taken if the proposed infiltration bed were to fail at some point in the future.

Mr. Rodia inquired as to the approval of the septic system. Mr. Daily indicated that it was tested, results were good, and it was under review at the health department. Ms. Adler asked Mr. Matson about the required right-of-way from S. New Street, which he explained the applicant's engineer has shown to be credible. Mr. Rodia asked where the existing drain field was shown on the existing lot. Mr. Matson indicated that it should be shown; Mr. Daily indicated it would be. Mr. Lees asked if the existing home was on public water; Mr. Daily indicated that it was. Mr. Lees asked if there was any objection or comment from the neighbors regarding the nonconforming shed on the existing lot. Ms. Dickey indicated that it had been there for 45 years, that no one had complained about it, that there were no plans to move it, but that she wasn't sure how much longer it would be there.

Mr. Hatton asked again about why there wasn't a landscaping plan yet. Mr. Matson replied that the code doesn't require a landscaping plan for a subdivision request of this size (3 lots or fewer). Mr. Hatton noted that a number of trees were being removed and thought that a landscaping plan would be helpful to show if and how they would be replaced. Mr. Matson reiterated that the code doesn't require a landscaping plan and that the PC couldn't technically compel the applicant to produce one but that he would defer to the Township solicitor for a final opinion on that.

Mr. Hatton then asked if this application is proposed anywhere near to where Toll was proposing to create an entrance on Dunvegan. Mr. Rodia indicated that it was not. Mr. Hatton also asked if there were notes on the two variances that were granted to the applicants. Mr. Daily indicated that there were notes on the plans indicating the awarding of the variances. Mr. Hatton then asked if the concrete pad around the pool was within the 25' required setback. Mr. Matson replied that it was, and the setback only applied to the water in the pool according to the code. Mr. Embick asked Mr. Daily for an explanation of the storm water management (SWM) as well as the erosion & sediment (E&S) control plan. Mr. Daily then did so, explaining stormwater

coming off the house and some of the neighboring lot would go into the infiltration bed on the new lot, and stormwater from other areas of the new lot would flow to (lawn and driveway) south of the property toward the street. Mr. Daily stated that the amount of water flowing off of the site would be reduced based on his plan. Mr. Embick asked Mr. Matson if he was satisfied with the SWM plan, he replied that he was.

Mr. Embick asked if there would be an ongoing maintenance agreement to ensure that the infiltration bed continues to work. Mr. Matson stated there would be, and that the Township could compel the homeowner to remediate it, or repair the bed and bill the homeowner for the work. Mr. Embick asked Mr. Daily what the contingency plan would be if the infiltration bed were to fail. Mr. Daily indicated that while the beds are not supposed to fail, that there would be an attempt to expand the infiltration bed to the south if that were to occur. Mr. Matson concurred that the size of the lot should allow for remediation if the infiltration bed were to fail.

Mr. Daily indicated his intention to comply with the comments in Mr. Matson's letter. The applicants indicated they were seeking only approvals at this time, and were not planning to immediately construct the proposed home. Mr. Matson asked the applicants if it would be acceptable to bring this application back to the PC once all of the comments have been addressed. They indicated that would be acceptable. They were informed that the PC would meet again on 9/6 and 9/20.

The Commission took no action on the application.

### **Public Comments**

Mr. Embick informed the PC that the Board of Supervisors (BOS) opted to continue the certificate of nonconformance for the Kirkwood Fitness Center. He noted that since this was the second year the certificate had been continued that it would be appropriate to forward this request back to the Planning Commission for comment, however the BOS declined. Mr. Pomerantz asked if the BOS indicated why they declined this request. Mr. Embick indicated that he believed the BOS wanted to encourage commercial use of the property. Mr. Lees indicated that he was privy to the future use of the property and that it would not be as a fitness center.

### **Reports**

The August 21 Board of Supervisors meeting. Mr. Rodia did not participate in the workshop prior to the regular meeting and discussed the following:

Mr. Rodia indicated that he wasn't able to participate in the workshop. He mentioned that three topics were discussed; the Kirkwood Fitness Center, Public Schools, and the Floodplain Ordinance. Ultimately he stated the Floodplain Ordinance was tabled due to inadequate advertising.

Westtown Day will be October 1, per the Parks and Rec department.

The police report noted that there have been two burglaries in the Township in the past 30 days; one on Concord Rd and the other on Hidden Pond Dr. He indicated these were due to doors left unlocked and that residents were home in one case which was alarming.

Citizens Police Academy will have 6 more Township residents this year.

Several comments were heard regarding the speed humps on Jacquelyn Drive, and the Township indicated that a survey would be given to gather feedback, and that the locations of the humps would be shown on the street via spray paint for the residents to see where they would be located.

One resident asked the BOS for a letter of support to stop gerrymandering in the Township and Chester Co.

Westtown Woods is proceeding.

The Road program invoice was paid in the amount of \$400,000.00

Mr. Embick commented regarding the Westtown Woods application, that there was still the unresolved issue regarding the entrance road to the development and its configuration; specifically the placement of a sidewalk, fence, and wall. The BOS could not resolve those issues at their workshop but allowed the application to move forward provided those issues are resolved later.

Mr. Pomerantz noted the next CU hearing for Crebilly/Toll would be at 6pm next Tuesday at Rustin High School. He asked Mr. Ethridge to provide the PC with the list of the 37 restrictions they agreed to.

Mr. Pomerantz discussed with the PC, the potential for having a workshop during their next meeting to discuss possible Zoning Ordinance improvements, or should the PC cancel the 9/6 meeting. Ms. Adler mentioned that she was aware of a list of some 50 items that included storage shed setbacks, accessory dwelling units, and Flexible Development language. Mr. Hatton agreed noting that sidewalks and Open Space were two issues he was interested in examining, specifically whether or not the new Flood Plain Ordinance addresses whether SWM could be included in an Open Space calculation.

Mr. Pomerantz asked Mr. Ethridge about the status of both the Chicken Ordinance and the Sign Ordinance. Mr. Ethridge replied that the Chicken Ordinance was still under review at the state attorney general's office but that he had sent an email to ask about its status, and that the BOS had indicated they were looking to examine the sign ordinance language for possible adoption.

Mr. Pomerantz then discussed with the PC whether or not there was a consensus on having legal representation at the ordinance language meetings. Mr. Embick indicated he felt it was essential, Mr. Pomerantz agreed. Mr. Pomerantz asked Mr. Ethridge to pass that request to the BOS, the other members agreed.

Mr. Hatton indicated he would attend the 9/5 BOS meeting.

### **Adjournment**

Mr. Pomerantz adjourned at 8:38pm.

Respectfully submitted,

William Ethridge  
Planning Commission Secretary