

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
Wednesday February 21, 2018 – 7:30PM

Present

Commissioners – All Planning Commission members were present (7). Also present were the Township Planning Director William Ethridge and those mentioned below.

Call to Order

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

Adoption of Agenda (JL/SR) 7-0

There were no comments.

Approval of Minutes of January 3, 2018 Meeting (EA/JL) 6-0

The minutes were approved unanimously.

Announcements

- A) The Comprehensive Plan Update Task Force (CPUTF) Meeting scheduled for Thursday February 22nd at 7:00 pm at the Township Building was cancelled and will be rescheduled for either 3/1 or 3/8/18.
- B) The CPUTF will be meeting with the PC at the regularly scheduled 3/21/18 PC meeting to discuss the first draft of the Comprehensive Plan. This will be the only item on the agenda for this meeting.
- C) The BOS-PC meeting will be on 3/26/18.
- D) The PC discussed its policy on when to accept items submitted less than a week before the next meeting date. PC members agreed that exceptions would only be made for emergencies, otherwise the Chairman, Vice Chair, and PC Secretary would discuss other scenarios.
- E) The PC discussed their policy of voting on Subdivision and Land Development (SALDO) applications, only when there are no remaining issues with the presented plan (i.e., a “clean sheet”). PC members agreed to reaffirm the “clean sheet” policy.
- F) 2018 Spring CCATO Conference 3/8/18. (Jack Embick opted to attend.)

Public Comment – Non-agenda items

There was none.

Old Business

There was none.

New Business

2018-02 Qualls Special Exception / Variance – Mr. Ethridge provided some background information on the site and the nature of the request, which is to allow a youth hockey club at the site of the former Kirkwood Fitness Club, 1646 West Chester Pike. The use of the property as a fitness center is currently a permitted, nonconforming use. Mr. Ethridge explained that to change a nonconforming use to another nonconforming use, requires a special exception. In

lieu of a special exception the applicant has also requested a variance to allow the proposed use in the R3 zoning district (a use variance).

Mr. Qualls informed the PC that he purchased the property from the Westtown Ice Hockey league in 1984. The rink was converted to a fitness club with a small addition. The offices and medical uses were added later. Mr. Qualls indicated that the Township allowed the change of use then and it was a permitted use. The club closed a few years ago and the interior improvements were demolished and the property was reassessed by the county. The proposed hockey club will fit within the existing building; there will be one main entrance at the front. The youth hockey club will be a league intended for members use only. A snack bar would be installed in the building. There are 60 parking spaces on the plan and 152 allocated for the fitness center. Mr. Qualls suggested there is sufficient parking. Ages of the kids would be 5 -18 years.

Ms. Adler explained that before the 1972 Zoning, Commercial zoning was a 500' strip along both sides of West Chester Pike. Later the area was rezoned R3 allowing office uses. Mr. Qualls offered no change to the existing lighting save except for upgrading the lighting. Mr. Qualls indicated that he had not given notice to the other tenants as to the proposal for a hockey club. He suggested that the hockey club would be less impactful than the previous fitness club.

Mr. Lees offered that public skating was allowed when the previous hockey league owned the site. Mr. Pomerantz asked if public skating would be allowed. Mr. Qualls could not commit to allowing public skating.

Mr. Lees commented on the difficulty of leasing the property as office space and suggested that the proposed hockey club would be a compatible use of the property. PC members discussed the zoning of other properties nearby and across the highway. It was noted that the Gulf station next door is zoned C1.

Mr. Ethridge provided PC members with a printout of 170-1901 of the Twp Code which discusses how to change a nonconforming use to another nonconforming use. He expressed his doubt that the requirements could be met by the applicant, which is why the application is also requesting a variance to allow a use that is not permitted in the R3 zone.

There was some discussion as to whether or not the lack of success finding a lessee constituted a significant hardship that should allow the change of use.

Mr. Pomerantz then discussed the Township's desire to see more public recreational space and how this proposal might be able to enable that but reminded members of their experience with West Chester Area School District and the construction of Rustin HS. He asked about the possibility of allowing public skating. PC members agreed recreational opportunities should be encouraged but acknowledged this proposal doesn't appear to allow public use of the hockey rink and that the PC wasn't in a position to require that as a condition of approval.

Mr. Embick then asked about a note on the plans indicating the presence of a specially protected high quality or exceptional value watershed. He asked if this was Chester Creek or another watershed. Mr. Qualls offered that he did not know. Mr. Embick suggested that Mr. Qualls would need to demonstrate the ability to preserve or maintain the water quality running off of this property. Mr. Qualls offered that it would be

Members discussed what impact if any, this application might have on the residential neighborhood adjacent to the property.

PC members agreed 6-0 to recommend the change of use with the following comments: The applicants must demonstrate the ability to preserve or maintain the stormwater quality leaving the property to protect the watershed, and that non-club members (the general public) be given some consideration in utilizing the facility during non-club use. (Mr. Lees abstained).

2018-01 Thompson Special Exception / Variance / Appeal of the Zoning Officer's Decision

– Robert Ewing, Esq. and Walter Thompson both introduced themselves. Mr. Ewing explained that the Thompson's purchased 1091 Edgewood Chase Dr in the mid 1990's, the home has existed since the mid 1970's, and it's a two story colonial. He added that on the back of the house is a "four seasons room addition that's been there for about 40 years." He suggested it was built in the mid 1970's and a couple of years ago a tree fell on it. Mr. Thompson hired an Amish contractor to repair it. The contractor was there about a day. He repaired the roof, reconfigured the windows, and put some siding on one side. He asked the contractor if he needed a permit and the contractor said no because it was a minor repair. Last year however he received a call from Mr. Ethridge who informed Mr. Thompson that he needed a permit. Mr. Thompson submitted as-built plans for the permit to the Township. Mr. Ethridge then informed Mr. Thompson that he could not issue his building permit because the room addition encroaches into the 25' side yard setback. The Thompsons are asking for relief from the Township because it's a pre-existing nonconforming structure. In the alternative, if the Twp disagrees they believe they are entitled to a Special Exception, and if all else fails the Thompsons are asking for a variance to the side yard setback. Mr. Ewing explained that in the summer months there were floor to ceiling screens and in the winter, they would put glass windows in.

Mr. Ethridge informed PC members that the Township's position is that the sunroom is not a nonconforming structure, rather, the original building permit for the home does not show a sunroom on the back, therefore the sunroom is an illegal addition. The original building permit shows the home 27' from the side lot line and was apparently based on a faulty survey. The original home was later determined by a survey done by the neighbors, to be 14' from the side lot line.

Dennis Platt of 1069 Edgewood Chase introduced himself as a property owner several houses down from the Thompsons. Mr. Platt has lived in the community since 1988 and it was his belief that the addition has been on the back of the home since at least 1988. He explained that the previous owners, the Ellis's had it, and the original owner George Knowle, Esq. may have built it sometime in the 1970's. Mr. Platt believes the Thompson's own the "spec" house for the community.

PC members asked if the property had been assessed. Mr. Ewing believes that property has been assessed. PC members asked if the immediate neighbors have been notified of the application. Mr. Ewing explained that they have and that is why he's here, because they complained and explained some of the history of the animosity between the neighbors and situation with the property line.

Mr. Yost expressed his approval of the Thompson's request. Mr. Embick expressed his approval of the request but suggested that the shed be included as well. Mr. Ethridge suggested that if the shed is to be included that the deck and patio be included as well since they also do not have permits and have never been inspected. Mr. Embick was somewhat dismayed that the

deck has never been inspected. Mr. Pomerantz asked Mr. Thompson if anyone has ever fallen, slipped, been hurt by, or been snagged by the deck. Mr. Thompson replied no, admitted that it is old but suggested it's in good shape. Mr. Embick indicated that he's still willing to approve the request but added that he was not happy. Ms. Adler offered her support for the request. Mr. Rodia offered his support for the request. Mr. Lees offered his support for the request. Mr. Hatton offered his support for the request provided the deck, patio, and shed are included and inspected. The other members agreed to add the deck, patio, and shed to the recommendation and that they be inspected.

PC/BOS Meeting Strategy Discussion – Mr. Pomerantz informed PC members that he didn't know what the Board's priorities were or what the format of the meeting would be. Instead he was told that the Board would like the PC to inform them of what their priorities and thoughts were. He then opened the floor to members.

Mr. Embick suggested that the PC/BOS meeting would be better served if it was to take place in the fall, right before the budget is prepared, and that he would like the PC to examine further improvements to the Township's ordinances. Mr. Yost stressed the importance of the Comp Plan update and that a focus should be put on implementing its goals and recommendations. Ms. Adler expressed a desire to improve the Township's ordinances, complete and implement the Comp Plan update, build on the Township's experience with the Crebilly Farm application, and place an emphasis on promoting active recreation. Mr. Rodia expressed a desire to focus on fixing many of the problems in the Township's ordinances and update the Sign Ordinance in particular. Mr. Lees expressed a desire to learn what the Board members ideas and priorities are. Mr. Hatton expressed a desire to fix and update the Township's ordinances, put more time and resources into improving the parks and recreation opportunities, completing and implementing the Comp Plan update, updating the Sign Code, and whatever else the Board tells the PC to work on. Mr. Pomerantz expressed an interest in how other Townships adopt ordinances, completing and implementing the Comp Plan update, and especially in improving communication between the PC and the BOS. He suggested several options such as a quarterly meeting or having a liaison from the Board attend a PC meeting periodically. He concluded by agreeing with Mr. Embick that the joint meeting with the Board should occur in the fall closer to when the budget is formulated.

Mr. DiDomenico expressed to the PC that all of their priorities and thoughts have at one time or another been discussed by the Board members and that there are a variety of opinions on these topics, ordinance in particular. He expressed a desire to delay discussion of the Comp Plan for another date due to its size and complexity and because BOS members haven't seen any language from it. PC members agreed to leave discussion of the Comp Plan off of the PC/Board meeting agenda. Mr. DiDomenico agreed that the joint meeting would be better served if it took place in the fall, but unfortunately the Toll/Crebilly hearings took up so much time that the joint meeting had to be delayed. Mr. Pomerantz asked Mr. DiDomenico if he would ask the Township Manager to allow the PC to collaborate with the Board on the creation of the joint meeting agenda. Mr. DiDomenico agreed.

Public Comments

There were none.

Reports

Board of Supervisors workshop 2/20/18 – The presentation that had been scheduled was postponed because the presenter got lost. Mr. Embick attended the workshop in Ms. Adler's

place. There was discussion of the possible closing and repair of a bridge on 926 (South New St.). It was unclear if the road will close during the repairs. There was discussion of the speed sign on Jacqueline Dr. The cost of sending messages from that device was cost prohibitive so it will not send messages. There was discussion of Rep. Comitta establishing a satellite office in a vacant office in the Township building at least once a month. The Board asked for more information regarding this. There was a letter sent to the Board by Mr. Stefferud requesting support for an open space acquisition. There was discussion of repurposing the Adelphia pipeline. The pipeline would be converted to transport natural gas. The BOS felt it was premature to have Mr. Stefferud to come to speak to the PC. There was discussion of the cancellation and rescheduling of the most recent CPUTF meeting and when the Board would have a chance to examine the draft.

Board of Supervisors public meeting 2/20/18 – Ms. Adler: The WEGO PD encouraged everyone to visit their new website. Mr. McKenna expressed he was still reviewing the Sign Ordinance. There was discussion of the Kirkwood Fitness club request. Parks and Rec went over their schedule for the year and the date of the yard sale. They are experiencing some staffing issues. The film nights will be 6/15, 7/20, 8/17, and 9/21. There will be a children's program on 6/27, 7/22, and 8/8. Westtown Day will be on 10/7. There were two boy scouts present working on their citizenship badges. The owners at 1081 S. New St. complained about the development of 1085 S. New St. (SW runoff and not displaying permit placard). Westtown Woods escrow payment was processed incorrectly and additional money is being requested from the developer. The primary election will be on 5/15. Giant is circulating a petition for the sale of wine in the grocery store in Westtown and potentially other retailers.

PC members asked Mr. Ethridge to provide them with a copy of the Zoning Hearing Board decision on the 1085 S. New St variance.

Mr. Hatton discussed the situation that recently happened in Parkland, FL. He informed members that WCASD has pre-arranged meeting spaces for parents in the event of an active shooter situation and emphasized that they should not rush to the school. He also mentioned that cell service in Rustin HS is poor, particularly on the 1st floor and asked is there something the Township should do about that. Mr. Embick asked members if there is a role for the PC in exploring or addressing this issue. Mr. Yost emphasized that public health and safety are within the realm of the PC's responsibilities so it should be something the PC looks into.

Adjournment (EA/JL) 7-0

Mr. Pomerantz adjourned at 9:35pm.

Respectfully submitted,
William Ethridge
Planning Commission Secretary