

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
Wednesday October 3, 2018 – 7:30PM

Present

Commissioners – All Planning Commission (PC) members were present. Also present were Township Planning Director William Ethridge and Planning Consultant John Snook.

Call to Order and Pledge of Allegiance

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

Adoption of Agenda (JL/SR) 6-0 in favor

No changes made

Approval of Minutes

Planning Commission Meeting – September 5, 2018 (EA/RH) 5-0
Planning Commission Meeting – September 19, 2018 (EA/RH) 4-0

Announcements

Sign Code & Bi-directional antennas update – Tony Verwey, Esq. is being moved to 12/5/2018

Public Comment – Non-agenda items

None

Old Business

2018-09 Westtown School Conditional Use Application & Lighting Ordinance Amendment (Oak Lane Project) – Mike Ruffo, Tori Jueds, Paul Lehmann

Mr. Lees noted that his home on Chateau Drive is over 300 years old and pre-dates Westtown School (WS). He recalled driving through the WS campus in his youth, as well as the ice skating, hiking, and canoeing he and his friends used to do on the campus. He referred to WS as the “Cribilly of this side of Westtown” and hopes it continues. He asked for details on the lights that are to be installed and mentioned that he hopes the Planning Commission will have an opportunity to see an example of the lights somewhere. He also asked about the traffic issues and lighting near a specific intersection with a large wall and stones.

Ms. Adler seconded Mr. Lee’s comments and shared many of his memories about the school. She noted that his concerns about traffic, lighting, and the number of lights concern her as well.

Mr. Embick reiterated some of the comments he made at the last PC meeting but asked the PC to focus their comments on the relevant issues and to avoid any inherent biases against WS.

Mr. Hatton offered no comment.

Mr. Pomerantz commented that in his discussions with the Twp Solicitor he confirmed that there are no topics considered “out of bounds” so PC members may discuss anything they would like during their review of this application. He also addressed Mr. Embick’s statement from the 9/19

meeting and, in defense of himself, noted that during the hearing no insult was intended, nor perceived as to the use of the phrase “moving the goalposts.” He also offered that the tone used by some members at the 9/5 meeting does not necessarily imply bias, but characterized their line of questions as “strongly held views.” He then summarized his conversations with Mr. Embick regarding his participation in this application and his decision to abstain from voting. He then discussed his conversations with Ms. Jueds and the transparency involved in those discussions and thanked her for her openness.

He then introduced Mr. Snook and his role in this process, noting that the PC would not be voting on this application. He also informed WS officials that in his discussions with PC members, except for Mr. Embick, that there is still no consensus on the number of nights WS should receive and stressed to WS officials that the onus is on them to convince the PC why 240 nights is needed.

Mr. Pomerantz then listed some of the issues that were left unresolved from the last meeting, including the design of the clubhouse / concession stand building and seeing the lights in action.

He then asked Mr. Snook to lead everyone through the proposed Ordinance Amendment that was developed in partnership with WS officials.

Mr. Snook explained that the amendment only modifies a few key sections of 170-1514 Outdoor Lighting. The key aspects are the number of lights, number of days, and number of fields. One of the requested modifications was to include language that would give the Board of Supervisors (BOS) the ability to waive or modify the requirement of an annual permit for the lighted events for properties of 400 acres or more. The next modification was to allow for lighted events that were not directly related to WS. This would allow outside organizations to rent the fields from WS at night. The next change deals with the number of lighted events per calendar year. Currently the ordinance limits this number to no more than 20. The proposed amendment would again allow for properties of 400 or more contiguous acres to hold no more than 258 lighted events no more than 6 consecutive days at a time. As additional approval, the language gives the Board the ability to require additional landscape screening in appropriate places. The final modification to the language would permit a property of 400 or more contiguous acres to light two fields. Mr. Snook expressed to the PC that they must determine if 240 nights is appropriate and if any other types of mitigation are called for.

Mr. Embick asked Mr. Snook about his comment regarding visible light from the playing fields and why instead he hadn't referred to measurable light in foot-candles visible at the property line. Mr. Snook noted that because of the humid air in and around the playing fields at various times of year, the reflection of the illuminated fields will make humid air brighter, casting a glow where visible light from the poles may not be visible. He also stressed that of all the potential nuisances that could develop from this proposal, the one he views most seriously is that of lighting.

Ms. Adler asked about the proposed permit fee noting the language is somewhat confusing. Mr. Snook admitted that in his discussions with the Twp Solicitor, rather than insert various exemptions for WS throughout the existing ordinance language, the amendment would be re-written so that the restrictions against WS were in one section, and the restrictions for all other schools were in another section, for ease of administering and calculating fees.

Mr. Pomerantz asked Mr. Snook about the language in 5(c)1 and 2 which discusses police detail for traffic management, parking, on-site security augmentation, and trash cleanup after events, costs for which are to be set by the BOS. Mr. Snook replied that the BOS would establish an appropriate fee each year or for multiple years as appropriate and apply it to the fee schedule. Ms.

Adler agreed that having two separate sections, one for WS and one for all others would make easier to understand.

Mr. Pomerantz asked Mr. Ethridge if he could remember what the Twp Solicitor had opined regarding the question of whether or not a private school could lease its fields for use by a third party in exchange for payment. Mr. Ethridge indicated that the Solicitor's opinion was that the leasing of athletic fields by schools, public or private, was commonplace throughout the region and could be allowed as an accessory use.

Mr. Rodia asked Mr. Snook about factoring the cumulative wear and tear on the township's roads from visiting sports teams and attendees into the permit cost. Mr. Snook replied that the PC could require WS to explore that question and come up with a reasonable amount.

Mr. Pomerantz asked Mr. Snook if he could educate the PC on the unintended consequences of adopting the proposed ordinance. Mr. Snook replied that it was his recommendation that the PC incorporate as many of their concerns into the ordinance amendment so that as a part of the Conditional Use, conditions may be attached to mitigate for those nuisances. He urged PC members not to grant any kind of blanket 3-5 year permits that take away their ability to conduct annual evaluations of the school's use of the fields and mitigate any nuisance issues that arise.

Mr. Pomerantz asked Mr. Snook about the ramifications of granting WS any nights and how that would impact Rustin HS if they then asked for more night games or practices. Mr. Snook replied that there would not be ramifications because this amendment is worded to grant allowances to schools with over 400 contiguous acres.

Mr. Pomerantz then opened the discussion for public comment.

Michael Deleo, 1410 Johnny's Way – Voiced his appreciation for the open space of WS and the views of the campus, but was in favor of the additional recreation opportunities this proposal would bring to the community.

Kim Deleo 1410 Johnny's Way – Praised WS for being great neighbors and believes that the amenities at WS are an asset to Westtown Twp. She does not see the lighting or traffic as a detriment to the community. She also noted that she and her husband are teachers and agreed there is a need for physical activity among our youth.

Mr. Embick asked Mr. Snook if the proposed amendment should discuss the use of best available technology in regards to the lighting. Mr. Snook replied that it would be a good idea.

Mr. Rodia asked if the amendment would allow the use of the new fields for games and/or tournaments. Mr. Snook noted that the amendment does not limit the use of the fields to practices and noted that WS's presentation requests 4 games, two in the fall and 2 in the spring. He recommended that the BOS consider as a part of a future conditional use decision, associating any permitted games or tournaments with a specific number, time of year, and/or time of day.

Mr. Hatton suggested that these details should be written into the ordinance instead of the Conditional Use decision. He also asked about how to enforce whether the school hosts a practice versus a game.

Mr. Pomerantz then asked if the ordinance should include definitions of what are considered practices versus what are considered games. Mr. Snook suggested this was a good idea.

Mr. Pomerantz asked how long it would take Mr. Snook to update and revise the ordinance amendment for WS. Mr. Snook replied that due to his schedule 4 weeks would be the most likely time required for a finished re-write.

Mr. Ethridge noted that in a previous meeting between Mr. Snook, the Twp Solicitor, and himself, significant progress was made on the amendment and suggested that a similar meeting would likely be as successful. Mr. Snook agreed.

Ms. Jueds thanked PC members for their patience and understanding throughout this process and stressed that WS was committed to transparency with the PC. She encouraged PC members to ask whatever questions they wanted to make themselves comfortable with the application. She then noted several of the ways the WS application coincides with the PC's mission statement, underscoring public recreation and water quality in particular. She stressed that the use of the fields would be for practices and that the school has no interest in using the fields for games. She cited the high percentage of kids who participate in local sports. She also noted that the changing nature of our climate has resulted in natural grass fields being almost completely unplayable due to rainfall.

Ms. Jueds then explained the process by which WS determines and provides financial aid to its students, and the economic status of the school. She then noted that the school doesn't take any public money and that its financial model for the sports fields is based on a minimum of 240 nights. She also noted that the roads that lead to the campus are state roads. She concluded by asking the PC for the same fairness in reviewing the application as they would for any other property owner, or business owner in Westtown Twp.

Mr. Pomerantz strongly recommended that the PC and WS coordinate a fact finding trip to La Salle College HS to see the lighting technology first hand. Mr. Hatton asked for a sketch or photo of what a light cluster that would sit atop one of the proposed light poles looks like. Mr. Ruffo indicated he would try to do both.

Ms. Jueds asked if Township officials would confer with property owners adjacent to WS prior to installing landscaping because some have indicated a desire not to have landscaping block their view of the campus.

Alex Meitzler then discussed the concerns along the state roads that approach WS and the desire for lighting.

Mr. Pomerantz asked WS officials for a sign or two near the fields reminding drivers not to text while driving.

Mr. Ruffo then began to describe the clubhouse building, aesthetics, design, and features. Ms. Jueds added that the footprint of the building has gotten smaller from when it was first discussed.

Mr. Pomerantz asked about additional security measures in and around the structure. Ms. Jueds replied that in addition to security personnel, WS would make sure that teachers or adults would be placed in and around the structure to ensure safety.

Mr. Lehman discussed how WS has communicated with the community to address and minimize impact from the traffic, lighting, parking, and the structure. He believes that 240 nights is a viable request. He added that the weather over the past several years has resulted in the loss of over half of outdoor games due to safety concerns.

Mr. Pomerantz asked if the parking lot, stands, and clubhouse would be completed prior to the completion of the fields and lights. Mr. Ruffo replied that the parking and clubhouse would be, but that funding hasn't been allocated for the stands at this time so it won't be built in the first phase.

Mr. Pomerantz then asked WS officials if 240 nights was the absolute minimum number needed.

Ms. Jueds expressed that their financial model for funding is based on revenue generated via rental rates achieved over 240 nights per year.

Mr. Embick commented that if the PC concludes that the impact from this proposal is minimal, then the number of nights the activity would occur becomes irrelevant.

Mr. Pomerantz and Ms. Jueds discussed the perceived impacts of the 240 proposed nights of practices on the surrounding community. Mr. Pomerantz expressed that the PC would ultimately make up its own mind about the extent of the impact and recommend accordingly.

Mr. Pomerantz and Mr. Snook then discussed the timeline for getting the ordinance amendment revised. Mr. Pomerantz expressed that 11/7 would be the next available meeting, and that it might be possible to meet on 11/28 if it's advertised.

New Business

None

Public Comments

None

Reports

Board of Supervisors public meeting 10/1 – Elaine Adler

Adjournment

Meeting was adjourned at 10:02 pm

Next PC meeting – October 17, 2018, 7:30 pm – Township Building

PC Representative at next Board meeting: October 15, 2018 – n/a

Respectfully submitted,
William Ethridge
Planning Commission Secretary