

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

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

## **Present**

Commissioners – All Planning Commission (PC) members were present except for Mr. Embick. Also present were Township Planning Director William Ethridge, Planning Consultant John Snook, and Township Engineer Kevin Matson.

## **Call to Order and Pledge of Allegiance**

Mr. Pomerantz called the meeting to order at 7:30pm, Tori Jueds led those present in the Pledge of Allegiance. Mr. Pomerantz then lead a moment of silence for the victims of the Tree of Life Synagogue shooting in Pittsburgh.

## **Adoption of Agenda (JL/SR) 5-0**

No changes made

## **Approval of Minutes (EA/RH) 5-0**

Planning Commission Meeting – October 17, 2018

## **Announcements**

- Sign Code & Bi-directional antennas update – Tony Verwey, Esq. is scheduled for the regular meeting on 12/5/2018.
- The Planning Commission will hold a special meeting to vote on the Westtown School Conditional Use Application & Lighting Ordinance Amendment, on Wednesday November 28, 2018 at 7:30pm in the Stokes Assembly Hall.
- 2018 property additions for the Westtown Township Agricultural Security Area.

## **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, John Mezzanotte**

Township Solicitor Patrick McKenna, briefly summarized the Conditional Use application process, the relevance of the Ordinance Amendment, the proposed lights, the Planning Commission's role as an advisory body, the Board of Supervisor's role, and the Land Development review phase if the application is approved.

Tom Foster, 734 Westbourne Rd, asked the PC and Mr. McKenna if a "commercial entertainment" use was a permitted use in the AC zoning. Mr. McKenna suggested that Westtown School's proposed leasing of athletic fields at night could be permitted if it were considered "customarily accessory and incidental to the principal educational use of the fields by Westtown School" to which Mr. Ethridge had agreed to do when the application was first submitted.

Mr. Mezzanotte, counsel to Westtown School, agreed with Mr. McKenna's comments.

Jeanette Zarelli, 1151 Westtown Rd, asked for more details regarding the application (number of nights, types of sports, etc.) and raised concerns about the traffic impact to Westtown Rd.

Ms. Jueds explained the application was for illuminated evening sports practices for lacrosse, soccer, and field hockey, from 6:00pm to 9:30pm.

Janice York, 1149 Westtown Rd, emphasized the concern Mr. Foster had raised about the appropriateness of the proposed use, as well the point that non-Westtown School children would be using the fields at night.

Mr. Mezzanotte again emphasized that inviting children from other schools or private groups to utilize their facilities, even at cost, is typical of schools in the area.

Mrs. York took issue with the characterization of the use of the fields by outside groups as a “part of Westtown School’s curriculum”, as well as the request to hold 240 events, and the closure of Oak Lane to through traffic, meaning the traffic for this proposal would significantly impact the property owners along Westtown Rd near the intersection with Rte 926 as well as the property owners on Station Way.

Al Frederico (traffic analysis) – Having reviewed the report and traffic observation data from Traffic Planning and Design (TPD), as well as accident data from WEGO PD, Mr. Frederico concluded that Westtown School’s proposal would significantly increase traffic between 6pm and 10pm during the periods practices would be held, however it would not contribute to congestion nor create a traffic hazard along the relevant section of Westtown Rd. He did suggest the PC recommend that improvements be made to the Westtown Rd – Oak Lane intersection as a condition of approval if they look favorably upon this application.

PC members discussed a variety of potential traffic improvements with Mr. Frederico. Mr. Frederico commented on those improvements but explained to the PC that the applicant typically decides upon specific traffic improvements when they’re required.

Mr. Mezzanotte expressed to the PC that the report shows that the traffic situation near the proposal is neither a hazard nor a danger, but that Westtown School would be open to considering certain improvements where there is consensus that health and safety are a concern.

Alex Meitsel of Traffic Planning & Design commented briefly about the traffic count that was conducted near Westtown Rd for 4 weeks.

Charles Baselice, 1101 Station Way, mentioned his observations of the traffic on 926 between 3:30pm and 6:30pm on weekdays. He suggested that there was considerable speeding taking place on Westtown Rd. He suggested either making Oak Lane a one-way street or creating a second exit onto 926.

Mr. Meitsel then provided the audience with an in-depth analysis of the traffic counts he observed at both a Westtown School evening practice as well as a West Chester evening soccer practice at another location. Westtown School officials reiterated their commitment to ensuring the health and safety of their students and guests.

Bryan Collins, 911 Shady Grove Way, asked if Shady Grove Way was considered as part of the traffic analysis. Mr. Meitsel and Mr. Frederico replied that it was not. Mr. Collins expressed his

belief that visitors coming from the north and east of the school use the East School Lane entrance as a drop off and that the Johnny's Way / Shady Grove intersection would see an uptick in traffic.

Ms. Jueds noted that this would involve only practices and 4 games.

Bob York, 1149 Westtown Rd, mentioned his attendance at the field trip to La Salle College High School with the PC. He expressed his negative feelings about the proposal, specifically mentioning the light, traffic impact, and noise. He concluded by stating that 240 nights was too many.

Jeanette Zarelli, 1151 Westtown Rd, discussed her personal experience with traffic from both Rte 926 and from Westtown School and how difficult it can be to get out of her driveway. She was against allowing the sports practices in the evenings.

Denise Kraut, 903 Shady Grove Way, discussed the difficulty she has getting out of her driveway when there are games or tournaments at Westtown School. She indicated she was against the evening practices.

Mr. Pomerantz made a distinction between tournaments and practices, suggesting practices would be less intensive traffic wise. Mrs. Kraut offered her objection to the noise as well.

Mr. Matson read a summary of the light report from Mr. Stan Stubbe, the Township lighting consultant. Mr. Stubbe recommended superior shielding for the luminaires, considered the reflection of the light from the playing field as significant, and recommended 20 to 30 foot candles of light intensity for practices and 50 foot candles for games. Lastly, Mr. Stubbe asked for clarification from the applicant as to why their light poles are desired at 80' instead of 70'.

Mr. Rufo expressed to the PC that the applicant would be utilizing superior shielding for their lights. He disagreed with Mr. Stubbe's suggestion that 30 foot candles would be appropriate for Lacrosse, suggesting from a "common sense" and safety view that Lacrosse is more akin to baseball, thereby necessitating a brighter light intensity. He did not object to 30 foot candles for soccer. Mr. Rufo also suggested that lowering the poles 10' would necessitate the angling of the lights, which could permit adjacent properties to see the light source.

Mr. Hatton asked if the light system would allow for one field to be illuminated at one time. Mr. Rufo replied that it would be.

Mr. Pomerantz commented that he observed the demonstration light at Westtown School two nights in a row and commented that he was surprised at how bright it was. He asked how the light reflection off the playing fields could be mitigated.

Mr. Rufo replied that other lights such as parking lot lights, building lights, would be brighter than the sports field lights.

Mr. Pomerantz asked about parking and street lighting as you leave the fields. Mr. Rufo replied that the parking lot would have standard parking lot lighting as required by code. Oak Lane would not be illuminated but he believed that the parking lot lighting would be sufficient for driving.

Mr. Rodia asked how WS could mitigate light reflection off of the sports fields. Mr. Rufo suggested that a low level hedge or other screening could be explored.

Mr. Pomerantz asked if there were any comments or questions regarding Mr. Malin's letter addressing sewer capacity for the proposed field house.

Mr. Ethridge asked for clarification regarding one comment in Mr. Malin's letter where he noted the applicants suggested that the bathroom facilities within the club house would not be made available to renters, and that they would have to use portable facilities. Mr. Rufo clarified that one bathroom would be available during evening practices for use by renters, but not for concessions.

Mr. Matson then summarized his site analysis letter dated 10/26/2018. He noted his satisfaction with the stormwater management planning concept plan. He noted a letter was received earlier in the day from Gerry DiNunzio addressing the Goshen Fire Co.'s satisfaction with the parking lot plans for the Oak Lane proposal. He noted that the PC was still waiting for a letter from WEGO PD with their comments and that the PC was still waiting for truck turning templates to address the parking lot comments. Lastly he noted that all pertinent details related to the should be illustrated on the cover sheet of the application.

Mr. Rufo commented that no sound amplification would be utilized at the practice fields. Ms. Jueds noted that rental contracts would include all of the conditions that lessees would need to abide by and that the school would police the behavior of groups invited to the school.

Mr. Snook began an overall discussion of the proposed ordinance. Mr. McKenna lead the discussion regarding all of the specific changes that have been made for Westtown School. Overall, the existing ordinance would remain the same except that it is now for schools of less than 300 acres and no 3<sup>rd</sup> parties would be allowed.

For Westtown School and others like it with 300 or more acres, a new subsection (6) was created with specific standards and conditions. The first change that was made was to ensure that the application process be made mandatory annually for illuminated sports events. Specific language was added regarding the type of lights that will be used. A change was recommended in paragraph [4] to exclude "hazard to pedestrians". Football and marching band were also removed as possible events. A later section was modified to allow for private 3<sup>rd</sup> parties to use the field(s) with the approval of the school. The number of illuminated events, currently at 240, is highlighted to allow the PC to make a change. Lights would start to dim at 9:30pm and go out at 9:45pm. Events would be permitted 6 days a week, Monday - Saturday, excluding the period between 6/15 and 8/15 annually, and on federal holidays. The number of playing fields was changed from "one" to "two" to reflect the application. It was recommended that subparagraph [15] which discusses sound amplification, be removed to reflect the applicant's statement that none would be used, or to prohibit it after a certain hour.

Mr. Hatton asked about the potential impact of other schools building and lighting additional fields. Mr. McKenna explained that this ordinance would not grant smaller schools like Rustin High School the ability to do anything different than they are doing now. He added the wording of the draft was done specifically to avoid the appearance of spot zoning.

Mr. Pomerantz asked if the draft ordinance would be considered "tough". Mr. McKenna offered that the draft cannot be perfect, but is written well. He also noted that the CU process allows the PC and the Board to add as many conditions as they believe are reasonable.

Mr. Snook argued that the Township should maintain its right to require an annual permit from Westtown School as this allows the Township to perform an important oversight role wherein mitigating activities can be required of Westtown School based upon feedback from the surrounding community. Without the annual permit requirement, Westtown Township would have little leverage to compel the school to take certain actions. Mr. McKenna agreed, noting that certain

conditions can be written flexibly to allow for future changes without amending the entire ordinance.

Mr. Mezzanotte agreed that the school would observe “Federal Holidays”. He objected to the requirement of an annual permit and fee because the existing language stated the permit would be “subject to the discretion” of the Board of Supervisors. This would allow a future Board to reject the School’s application for any reason. Mr. McKenna offered that the permit requirement may not be needed by the School if they opt to contract 3<sup>rd</sup> parties for security and trash cleanup instead of the Township. Nevertheless, Mr. Mezzanotte maintained his objection to the language.

Mr. Pomerantz asked Mr. McKenna if Mr. Mezzanotte’s scenario was likely. Mr. McKenna acknowledged that a future Board could act arbitrarily but would only be able to lawfully revoke a CU if they could demonstrate a pattern of violations by the applicant.

Mr. Snook offered to include language that would say “annual permit not to be unreasonably withheld”. The reference to 170D5B was changed to 170D6B under section G. Mr. Snook and Mr. McKenna acknowledged there may be other references that need to be updated. Mr. Pomerantz asked Mr. Snook and Mr. McKenna to revise the draft ordinance and bring it to the PC on the 28<sup>th</sup>.

Mr. McKenna informed the PC that they would have a 99% completed draft ordinance at the next meeting. They would only need to decide on the appropriate number of nights to allow if they were in favor of adopting the amendment. Then they would move on to voting to approve the Conditional Use application, as well as any conditions they would like to attach to the decision if approved.

Mr. Mezzanotte asked if the PC needed anything from the applicant. PC members indicated they did not need anything else.

Mr. Hatton asked if the PC would debate both the number of nights that would be permitted, as well as the days of the week that the practices would be held. He commented that he would prefer not to see any practices held on Saturdays.

PC members could not offer a consensus on either topic with only Mr. Lees indicating he was comfortable with 240 nights and 6 days per week.

The PC opted to address this issue at the next meeting.

### **New Business**

None

### **Public Comments**

None

### **Reports**

Board of Supervisors public meeting 11/5 – Jack Embick

### **Adjournment**

Meeting was adjourned at 10:40 pm

Next PC meeting – November 28, 2018, 7:30 pm – Township Building

PC Representative at next Board meeting: November 19, 2018 – Dick Pomerantz

Respectfully submitted,  
William Ethridge, Planning Commission Secretary