

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
Wednesday November 28, 2018 – 7:30PM

Present

Commissioners – All Planning Commission (PC) members were present. 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, Bill Rettew of the Daily Local News led those present in the Pledge of Allegiance.

Adoption of Agenda (JL/SR) 6-0

No changes made

Approval of Minutes (JE/SE) 6-0

(Moved to the end of the meeting)

Announcements

- Sign Code & Bi-directional Antennas Update – Tony Verwey, Esq. is scheduled for the regular meeting on 12/5/2018.
- PC member Elaine Adler will not be in attendance at the 12/5 meeting.

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, Tim Barnard

Mr. Pomerantz began with a brief opening statement and laid down some ground rules for the public comment period.

Ms. Jueds then made an opening statement in which she explained why Westtown School (WS) was pursuing the Oak Lane Project.

*Mr. Embick noted for the audience that at the outset of the application, while there was no legal conflict preventing him from doing so, he would not vote on the application due to his role as a volunteer on several WS committees. He would however participate in the deliberations, at the PC's request.

Mr. Pomerantz then read into the record, the memo from Chief Bernot of the WEGO Police Department (PD), dated November 27, 2018, in which she discusses her expected additional public safety needs in the event the Oak Lane Project is approved.

Next, Mr. Pomerantz described for the audience the type of request Westtown School was making, and what kind of relief was required to grant that request, if at all. To that end, PC members presented three motions;

Motion 1, by Vice Chairman Russ Hatton, seconded by Steve Rodia, to recommend that the Board of Supervisors (BOS), DENY WS's request. After brief discussion, Mr. Pomerantz gave the applicants an opportunity to comment. Offering none, Mr. Pomerantz gave neighbors of the school, the opportunity to comment:

Megan Collins, 911 Shady Grove Way, spoke against the application;
Byan Collins, 911 Shady Grove Way, spoke against the application,
Willie Gonzalez, 1103 Station Way, spoke against the application,
Debra Gonzalez, 1103 Station Way, spoke against the application,
Matt Bettnor, 1151 Westtown Rd, spoke against the application,
Jeneatte Zarelli, 1151 Westtown Rd, spoke against the application,
Janice York, 1149 Westtown Rd, spoke against the application,
Robert York, 1149 Westtown Rd, spoke against the application.

Anne Burns, 919 Shady Grove Way, spoke in favor of the application, noting she was also a Westtown School employee.

At the conclusion of the comments, all PC members* voted in favor of the motion (5-0) and the motion passed.

Motion 2, by Chairman Richard Pomerantz, seconded by Jim Lees, to recommend to the BOS, that in the event they decide to approve the application, the Board consider adopting the draft ordinance amendment presented by the PC during the meeting, which calls for no more than 200 illuminate night events, along with many other restrictions. Mr. McKenna, the Twp Solicitor, spoke briefly about the changes that have been made to the most recent iteration of the ordinance amendment.

Mr. Embick commented that he had not yet heard a tangible explanation for why 240 nights would not be acceptable, and that while he is not voting, he would vote for this motion.

Megan Collins, 911 Shady Grove Way, again spoke against the application, noting she would prefer to keep the number at 20, but if more than 20 are going to be approved, she would prefer 80 nights to 200. Robert York, 1149 Westtown Rd, spoke against the motion again, noting he was not in favor of 200 nights either. Willie Gonzalez, 1103 Station Way, spoke against the proposal to allow 200 nights adding that the lighting study should have been done from his street. He also requested an environmental impact study be required due to what he believes are sensitive native animal species in the area.

Ms. Jueds reiterated for members of the audience that the proposal would be for practices only and four games which WS already plays, two in the fall and two in the spring. There would be no night tournaments, playoffs, or championship games played under the lights.

Mr. Pomerantz reminded everyone in the room that the Planning Commission is only an advisory body and that the Board can ultimately do whatever it wants regarding this application.

Janice York, 1149 Westtown Rd, spoke again, this time asking Ms. Jueds why she disagreed with the memo from the WEGO PD. Ms. Jueds replied that the memo discussed what could happen, based on inference, and that she disagreed with the inference made by the police chief.

After brief discussion, four members voted in favor (Steve Rodia, Jim Lees, Elaine Adler, and Dick Pomerantz). Russ Hatton voted against the motion (4-1) and the motion passed,

Motion 3 was then put forward by Chairman Richard Pomerantz, seconded by Jim Lees, that the Board of Supervisors amend 170-1514 of the Zoning Ordinance regarding permanent recreational and sports lighting and nighttime events, to consider the following conditions of conditional use approval: (a list of 33 conditions was initially proposed, which was later reduced to 32 conditions, the list of which is attached as an addendum).

PC members discussed the motion. Mr. Embick commented that he believed the conservation easement and dog park conditions were not appropriate, and that the requirement for 30 foot candles of light during practices was too low based on the testimony of Mr. Rufo. He also took issue with the annual permit requirement because the language was vague and might allow a future Board to deny WS a permit for arbitrary reasons.

Mr. Hatton agreed with a previous comment that an environmental impact study should be added as a condition.

Ms. Jueds commented that she did not appreciate all of the speculation surrounding the school's financial situation and reiterated that their financial model for this application is built on 240 nights of practices. She stated that she didn't believe it was appropriate and questioned the legality of conditioning approval of the application contingent upon the school promising to place a conservation easement over a portion of its land, next she stated that she did not and could not at this time, commit to the idea of a dog park on the school's campus. She also took issue with the condition that the athletic fields not be rented when WS is not in session, as there would be faculty and security personnel present to accommodate night practices. She then strongly emphasized her objection to the requirement of an annual permit for reasons which she has state previously regarding financing.

Mr. Rufo commented that he did not believe the widening of Oak Lane would be necessary. PC members asked Mr. Matson to weigh in. He offered no objection to removing that condition. PC members agreed to remove that condition.

Mr. Rufo and Mr. Barnard then took issue with condition #31 which calls for improvements to the intersection of State Route 926 and Westtown Rd. PC members voted to leave that condition in.

Mr. Barnard then spoke at length regarding his objection to condition one, which calls for a land conservation easement. The Township Solicitor informed the PC that the condition was acceptable and legal to have. If the applicant agreed to it, the condition would not be illegal. To clarify the conditions are a recommendation to the Board, the word "impose" in the last sentence of the motion was changed to "consider".

The PC opened the floor to comments from the public. Mr. York and Mr. Gonzalez again voiced their opposition to the proposed motion.

After discussion, Mr. McKenna summarized the changes to the 3rd Motion; "Changing the word composed in the opening paragraph to the word consider striking condition 10, which was dog park condition 21, removing the language, "nor shall they be utilized anytime when westbound school's not in session", striking condition 26, which was interior drive width, adding condition 34, which would require Westtown school to submit an environmental impact study."

All five voting members voted in favor of the motion.

Approval of Minutes (JE/SE) 6-0

Planning Commission Meeting – November 7, 2018

New Business

None

Public Comments

None

Reports

Board of Supervisors public meeting 11/19/18 – Jack Embick

Adjournment

Meeting was adjourned at 11:15 pm

Next PC meeting – December 5, 2018, 7:30 pm – Township Building

PC Representative at next Board meeting: December 3, 2018 – Steve Rodia

Respectfully submitted,
William Ethridge, Planning Commission Secretary