

# WESTTOWN TOWNSHIP

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## AGENDA

### Westtown Township Board of Supervisors Regular Meeting Monday, May 6, 2019 - 7:30 PM

Westtown Township Municipal Building  
1039 Wilmington Pike, Westtown

- I. Call to Order
- II. Approval of Meeting Minutes – March 18 & April 1, 2019
- III. Summary of Board of Supervisors Workshop – May 6, 2019
- IV. Departmental Reports
  - A. Police Chief – Brenda Bernot
  - B. Public Works – Mark Gross
  - C. Historical Commission – Erica Reilly
  - D. Planning Commission – Jim Lees
  - E. Township Solicitor’s Report – Stacey Fuller
  - F. Manager’s Report – Rob Pingar
- V. Public Comment (Non-Agenda Items)
- VI. Old Business
  - A. Ordinance 2019-01, Accessory Structures Setbacks - authorize advertisement
  - B. Ordinance 2019-02, Accessory Dwelling Units – adoption
- VII. New Business
  - A. Oakbourne Road Bridge Replacement Project, Sewer & Water Utility Relocations – contract award to Doli Construction Corporation
- VIII. Announcements
  1. Parks & Recreation Commission Vacancy - accepting applications
- IX. Public Comment (All Topics)
- X. Payment of Bills
- XI. Adjournment

## **How to Engage in the Public Comment Sections of a Township Meeting**

Public Comment is heard at three (3) different points during the meeting:

1. BEFORE OLD BUSINESS - The public is permitted to make public comment on any matter not on the agenda. This comment period is subject to the time constraint in (d) below
2. PRIOR TO any action on a motion on an Agenda item. Public Comment at this stage is limited to the item under discussion (e.g. it is not appropriate to initiate a discussion on police services if the body is acting upon a sewer issue).
3. AFTER NEW BUSINESS. - Public Comment is open to any legitimate item of business which can be considered by that Township Board/Commission (e.g. Planning Commission can discuss issues having to do with plan reviews, but cannot discuss why the Township does not plow your street sooner. Supervisors can discuss nearly every issue).

How to make a comment to any Township Board/Commission:

- a. The Chair will announce that the Board/Commission will now hear public comment, either on a specific issue or generally.
- b. You must then obtain recognition from the Chair prior to speaking.
- c. Once you have the floor, state your name and address for the record.
- d. You may then make your comment or ask your question. You will have three (3) minutes to make your statement, unless the Chair has announced otherwise, so please come prepared!

# WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, March 18, 2019 at 7:30 PM

Present were: Chair Scott Yaw, Vice Chair Michael Di Domenico, Police Commissioner Carol De Wolf, Township Manager Robert Pingar, WEGO Police Chief Brenda Bernot, Planning Commissioner Jack Embick, and Parks & Recreation Commissioner Allison Corcoran. There were 14 guests.

## **I. Pledge of Allegiance & Call to Order**

Mr. Yaw called the meeting to order at 7:34 PM, and led the Pledge of Allegiance. He asked if anyone was recording the meeting. No one responded.

## **II. Approval of Minutes (March 4, 2019)**

Ms. De Wolf then made a motion to approve the March 4, 2019 Board of Supervisors meeting minutes with changes. Mr. Di Domenico seconded the motion. There were no questions or comments, and the minutes were unanimously approved.

## **III. Workshop Meeting Summary (March 18, 2019)**

Mr. Yaw stated that the Board conducted a two-part workshop, beginning with an Executive Session to discuss personnel, litigation, police, real estate, and emergency preparedness matters. In the public workshop, the Board considered an ordinance for liquor license transfers, and discussed the Malvern School preliminary/final land development application and the Comprehensive Plan update hearing which are both on tonight's agenda.

There were no questions or comments.

## **IV. Departmental Reports**

### **A. Westtown East Goshen Regional Police (WEGO) – Chief Brenda Bernot**

Chief Bernot reported that the department started their ReadyChesco promotion over the weekend, and over the next six weeks every officer will provide information and encourage residents to sign up for this service. The Chief stressed that in the event of an emergency, this is the best way to receive important information.

The Chief also stated that warmer weather brings an increase in thefts and reminded residents to lock their cars, sheds, and garages.

There were no comments or questions.

### **B. Parks & Recreation Commission (P&R) – Allison Corcoran**

Mrs. Corcoran reported that members of the Historical Commission and P&R have started planning Westtown Day which is scheduled for Sunday, September 29, 2019. They are currently soliciting sponsors and community involvement. Mrs. Corcoran asked anyone interested in participating to contact the township [ or visit [www.westtownday.com](http://www.westtownday.com) ].

The commission also worked on the Egg Hike which is scheduled for 10:00 AM on Saturday, April 13 at Oakbourne Park. Participants will pick up a map at the pavilion and visit ten egg stations along the park trails. Mrs. Corcoran noted that Mr. Di Domenico and his wife will be staffing one of the egg stations and thanked them for their involvement. This event will be cancelled in the event of rain.

Dates for the Summer Children's Series have been set for Wednesday mornings:

- June 26 (Science Tellers)
- July 24 (musical entertainment)
- August 21 (magician)

P&R is also planning the three Summer Movie Nights. Vote for the movies on the township's Facebook page.

The commission also discussed ideas for an event geared to adults in September.

There were no comments or questions.

#### **C. Planning Commission (PC) – Jack Embick**

Mr. Embick reported that at their March 6 meeting, the PC discussed the Malvern School application and reviewed the requested waivers. The PC also discussed revisions to the township's sign ordinance. A variance request involving a fence in the right-of way was postponed because the applicant (Italiano) could not attend the meeting.

During their meeting, Mr. Flynn raised the topic of a township warning system for pipeline emergencies, noting that several neighboring townships may be considering warning systems. This may be a topic of future PC discussions.

At their next meeting, the PC will hear from Mr. Italiano regarding his fence variance request, and they will also work on the ordinance for bi-directional amplifiers for emergency communications.

Ms. De Wolf asked why the PC was passing the sign ordinance back to the Township's solicitor. Mr. Embick explained that the solicitor is going to review setback requirements in the Commercial District. The PC is not in favor of allowing additional billboards in the township.

There were no other comments or questions.

#### **D. Manager's Report – Rob Pingar**

Mr. Pingar stated that there are six ordinance amendments that will be before the Board in the coming months:

1. Harmful Waste (Grease Traps)
2. On-Lot Sewage Management (OLM)
3. Signs
4. Bi-Directional Amplifiers
5. Accessory Dwelling Units
6. Accessory Structures

Mr. Pingar reported that he attended the Rustin Walk Homeowner's Association (RW HOA) meeting on March 11. They discussed project completion items such as road paving and permanent detention basins.

Mr. Pingar gave an update on the Sunoco pipeline project. He spoke with a representative of Energy Transfer Partners (the Sunoco parent company) who said drill rigs will be delivered soon.

Finally, Mr. Pingar reported that Westtown will be hosting a severe weather emergency response tabletop exercise next week for Westtown, East Goshen, and Thornbury Townships. This meeting is not open to the public.

Ms. De Wolf asked Mr. Pingar what amendments are being made to the OLM ordinance. Mr. Pingar explained that the proposed changes are to clarify inspection language. He added that the township hosted a meeting for area pumping companies in order to get their feedback and address their questions.

There were no other comments or questions.

## **V. Public Comment (Non Agenda Items)**

Matt Kelly, 107 Piper Lane, stated he has not heard anything from the Township about the following items that he has brought up at previous meetings:

1. An ordinance prohibiting exhaust brakes (Jake brakes) on Rte 202,
2. Pursuing a grant from PennDOT for the traffic signal at Rte 202 and Skiles Blvd.,
3. The engineering fees he paid for his new driveway on Piper Lane.

Mr. Kelly also complained that utility companies have been doing a lot of work in the Township, and he does not feel they are doing an adequate job restoring roads and property.

Mr. Yaw stated that the municipal boundary between Westtown and West Goshen presents a challenge to enforcing any ordinance regarding Jake brakes. Mr. Yaw stated that the Township has discussed the issue with West Goshen and WEGO, but it is not a simple matter. Regarding the engineering fees, Ms. De Wolf stated that she reviewed the bills, and given the scope of his driveway project, she did not think they were out of line. Regarding the signal at Skiles Blvd./Stetson Drive and Rte 202, Mr. Pingar stated that he asked WEGO to manually operate the signal during the school drop off and dismissal times to see if they could improve traffic flow. The manual operation exercise resulted in a massive backup on Rte 202. He stated that the conclusion was to keep the signal timing as-is. Ms. De Wolf stated that the proposed frontage road between E. Pleasant Grove Road and Rte 202 will alleviate some of the congestion. Mr. Pingar stated that the connector road project will also include a separate right turn lane out of Stetson and is expected to be completed this year. He added that PennDOT is also working on adaptive signal technology for Rte 202, which will coordinate signals from Matlack Street to Rte 1. Together, these improvements should improve traffic flow.

Dan Martin, representing his father Norman Martin at 203 Jacqueline Drive, stated that his father's backyard has become a swamp as a result of stormwater runoff from the Westtown Woods development. Mr. Martin stated that he has spoken to Mr. Pingar about the problem on two occasions. Mr. Pingar stated that he asked Mr. Gallagher of McCormick Taylor to meet with Mr. Martin last week. Ms. De Wolf asked Mr. Pingar if he has visited the property. Mr. Pingar replied that he would schedule a meeting with Tim Townes (builder representative), Mr. Gallagher, Mr. Martin, and himself next week.

There were no other comments or questions.

## **VI. Old Business**

### **A. TMDL & Pollutant Reduction Plan – Presentation and Public Comment**

Beth Uhler of Cedarville Engineering made a presentation on the township's Total Maximum Daily Load (TMDL) and Pollutant Reduction Plan (PRP). She began with a brief overview of the Municipal Storm Sewer System (MS4) permit requirements mandated by the PA Dept. of Environmental Protection (PA DEP). The intent of the program is to recognize stormwater as a point source pollutant, raise awareness of water quality, and reduce pollution to streams. The current permit has TMDL and PRP requirements to reduce sediment by 10% and phosphorus pollution by 5% over the five year permit cycle. Pollution comes from uncontrolled stormwater runoff from urbanized areas entering the streams and eroding the stream banks. Every stream in the Township and neighboring townships is impaired. The Township can use various best management practices (BMPs) such as basin retrofits, rain gardens, infiltration trenches, riparian buffers, and stream restoration projects to reduce sediment and phosphorus pollutants.

Mrs. Uhler explained that the plan process begins by mapping the Township's stormwater infrastructure, overlaying storm sewer watershed information to determine what drains to an outfall, and then identifying potential BMPs. The Township receives credit for existing BMPs and basins in the planning area. The proposed BMPs include Tyson Park bioswale, and basin retrofits for Thorne Drive, Sage Road, and two in Wild Goose Farm. As part of the plan, the

Township also has to identify the operations and maintenance at the BMPS to make sure they are going to be installed and functioning for the long term.

Ms. Uhler noted that the cost of meeting this unfunded mandate is significant, and stated that the Township may want to consider potential funding sources such as grants, low interest loans through Pennvest, and stormwater fees to finance these projects.

Ms. Uhler noted that Westtown is meeting the permit's public participation requirement by making a copy of the plan available for review. It's posted on the township website and available by request. Public notice establishing a minimum of a 30-day comment period was published on March 14th. Written and verbal comments have to be accepted at a public meeting, which is tonight's meeting. After the public comment period closes and any public comments are addressed, the plan is submitted to DEP. The five-year implementation period starts after DEP approves the plan.

Mr. Di Domenico expressed concern over the cost, and problems with implementing a stormwater fee, such as what was done in West Chester Borough. Ms. De Wolf stated that in addition to grants, volunteers from Chester Ridley Crum Watersheds Association (CRC) and other organizations can assist the township to reduce costs.

Kathy Di Domenico, 1530 Woodland Road, asked if individual homeowners can apply for grants for stormwater projects on their property. Ms. Uhler said that grants are normally for the municipality, but a homeowner may be able to partner with a non-profit to apply for a grant on a large project. Mrs. Di Domenico asked if homeowner actions such as using a rain barrel or creating a riparian buffer could reduce his stormwater fee. Ms. Uhler responded that if the township institutes a stormwater fee, then the plan would define any credits. Ms. De Wolf stated that the township has not implemented a stormwater fee, but is looking at funding options. Mrs. Di Domenico stated that she thought it was important for the township to inform residents as the MS4 program evolves.

There were no additional comments.

## **B. The Malvern School – Preliminary/Final Land Development application**

Mr. Yaw introduced Mr. Lou Colagreco, who made a presentation on behalf of the applicant, The Malvern School. Mr. Colagreco stated that the applicant has met all the requirements set forth in McCormick Taylor's review letter and has received unanimous recommendation of approval from the Township Planning Commission. Mr. Colagreco introduced the civil engineer on the project, Adam Brower from EB Walsh & Associates, who stated that they are seeking a waiver for curbing on E. Pleasant Grove Road. Mr. Brower explained that there is no other curbing along E. Pleasant Grove Road.

Mr. Yaw stated that the PC recommended the inclusion of bollards. Mr. Colagreco stated that although the applicant does not believe the traffic circulation warrants bollards, he is agreeable to installing them. Mr. Yaw also stated that the PC raised the issue of overflow parking. Mr. Colagreco stated that The Malvern School does not hold special events, and that the parking plan is compliant with the township's ordinance, and in fact exceeds the parking requirements. He stated that the Malvern School would not seek any formal overflow parking arrangement with their neighbor, St. Maximilian Kolbe Church and School.

Ms. De Wolf asked how many employees and students the school will have. Deb Jackson from the Malvern School stated that they anticipate 34 teachers, some part time, and a maximum of 170 students.

Mr. Yaw made a motion to approve the preliminary/final land development application for The Malvern School at 1081 Wilmington Pike with two waivers of Westtown's Subdivision of Land Ordinance:

1. **§149-925.1.5** – Shrubs and trees shall not be placed closer than ten (10) feet from any side or rear property line or five (5) feet from the street line (right-of-way).

2. **§149-911.B** – Vertical curbs meeting the dimensional requirements for plain cement concrete curb contained in the PennDOT Standards for Roadway Construction (RC-64) shall be required on all streets.

Mr. Yaw also stipulated that approval is based on the inclusion of the four safety bollards to be located as depicted on the plan sheets and constructed of appropriate materials as approved by the township in consultation with the applicant.

Mr. Di Domenico seconded the motion. Ms. De Wolf stated her objection to the project due to the waiver of the curbing requirement, which precludes eventually installing a sidewalk. Mr. Yaw clarified that the motion does not include a requirement for sidewalks or a requirement to obtain a waiver for overflow parking.

Mr. Martin agreed with Ms. De Wolf in support of requiring sidewalks for the project. Mr. Colagreco explained that sidewalks are not required by ordinance. The waiver being requested is for curbing. He stated that the township's engineer explained that curbing would exacerbate stormwater problems. Mr. Colagreco also added that this is a preschool, serving working parents who drop their very young children off and pick them up on their way to and from work. They do not walk their children to preschool.

There was no additional comment and the motion passed 2-1, with Ms. De Wolf dissenting due to the curbing waiver.

## **VII. New Business**

### **A. Parks & Recreation Commission Appointment**

Mr. Di Domenico made a motion to appoint Meghan Hanney to the Westtown Parks & Recreation Commission for an unexpired term ending December 31, 2020. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

### **B. Resolution 2019-06 - Endorsing Landscapes<sup>3</sup>, Chester County's Comprehensive Plan**

Mr. Di Domenico made a motion to adopt Resolution 2019-06 whereby the Westtown Board of Supervisors endorses Landscapes<sup>3</sup>, Chester County's Comprehensive Plan. Ms. De Wolf seconded the motion.

Mr. Di Domenico then expressed his opposition to the plan, stating that he was not in favor of sidewalks, trails, or affordable housing, and did not think the county sought enough public input. Ms. De Wolf offered her support of the plan. Mr. Yaw stated that the plan is a guiding document, a visioning statement.

Mr. Kelly stated he had never heard of the County's Landscape Plan and agreed that the public should have been more involved in the process. Chris Patriarca from the Chester County Planning Commission explained that although the county can't reach everybody, they make efforts through social media, multiple public workshops, and their municipal partners. He stated that Westtown had a direct link to the plan on the Township website homepage. Mr. Patriarca described the plan as an aspirational document, building on two previous iterations of the plan.

Mr. Embick, Pheasant Run Road, stated that there were scores of public events, meetings, and stakeholder interviews; literally thousands of people were involved in the creation of Landscapes.

There was no other public comment and the motion was approved 2-1, with Mr. Di Domenico dissenting.

## **VIII. Resolution 2019-07 Amending the Comprehensive Plan of Westtown Township**

Mr. Yaw stated that the Board meeting was being suspended to hold a hearing to consider the amendment to the Comprehensive Plan of Westtown Township as well as Resolution 2019-07 to adopt the new plan, as required by Section 302 of the Municipalities Planning Code. Mr. Pingar

provided a brief overview of the genesis of the Comprehensive Plan. Mr. Yaw introduced Mr. John Theilacker, Associate Director of the Brandywine Conservancy and its municipal assistance program, Mr. John Snook, recently retired planner with the Brandywine Conservancy, and Mr. Will Ethridge, Westtown Township Director of Planning and Zoning. Mr. Yaw then opened up the hearing for public comment.

Mr. Embick stated that he felt the Board of Supervisors did not respect the efforts of the Comp Plan Task Force and the Planning Commission. He also objected to the removal of Article One, Section 27 of the Pennsylvania constitution.

The Board explained that they thought the tone of the draft provided by the Task Force needed to be more positive. The Board offered their thanks and appreciation to the many people involved in the update of the plan including the Comp Plan Task Force members, the Planning Commission, Will Ethridge, Mila Robinson, Chris Patriarca of the Chester County Planning Commission, Mr. Snook and Mr. Theilacker of the Brandywine Conservancy, Thomas Commita Associates, stakeholders, and all the other people who were involved.

Mr. Di Domenico made a motion to adopt Resolution 2019-07 whereby the Westtown Board of Supervisors adopts the Westtown Township Comprehensive Plan Update 2019. Ms. De Wolf seconded the motion. There was no additional public comment and the motion was unanimously approved.

#### **IX. Announcements**

Mr. Yaw made the following announcements:

- 1. County Household Hazardous Waste (HHW) Collection** – The first of six county sponsored HHW collection events will be held on Saturday April 6 from 9 AM to 3 PM at the CAT Pickering Campus, 1580 Charlestown Road, Phoenixville, PA. Electronics are NOT accepted at these events. For more information, visit the Trash & Recycling page on the township website.
- 2. Parks & Recreation Commission Egg Hike** - Hit the trails at Oakbourne Park to locate egg pickup stations from 10 AM to noon (or while eggs last), Saturday, April 13. Pick up the trail map at the Oakbourne pavilion.
- 3. CRC Streams Cleanup** – The annual Chester Ridley Crum Watershed Association Stream Clean Up will be held on Saturday, April 13 at 34 stream locations, including Goose Creek. For more information and to register visit the CRC website [www.crcwatersheds.org](http://www.crcwatersheds.org).

#### **X. Public Comment on All Topics**

There was none.

#### **XI. Payment of Bills**

Mr. Di Domenico motioned to approve General Fund bills in the amount of \$118,851.73, Wastewater Fund bills of \$2,678.72, and Capital Projects Fund bills in the amount of \$24,989.30, for a total of \$146,519.75. There were no other comments and the check registers were unanimously approved.

#### **XII. Adjournment**

Ms. De Wolf made a motion to adjourn the meeting, seconded by Mr. Yaw. The meeting adjourned at 9:58 PM.

Respectfully submitted,

Robert Pingar  
Township Manager



# WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, April 1, 2019 – 7:30 PM

In attendance were Chair Scott Yaw, Vice Chair Mike Di Domenico, Police Commissioner Carol De Wolf, Township Manager Rob Pingar, Public Works Director Mark Gross, Historical Commissioner Gail Guterl, Planning Commissioner Kevin Flynn, and Township Solicitor Pat McKenna. There were 11 guests.

## I. Call to Order

Mr. Yaw called the meeting to order at 7:37 PM. He asked if anyone was recording the meeting. Eva Foster stated that she was making an audio recording.

## II. Approval of Minutes (March 18, 2019)

Due to the length of the last meeting and issues with the transcription, approval of the March 18, 2019 Board of Supervisors meeting minutes was tabled until the next meeting of the Board on May 6, 2019.

## III. Workshop Meeting Summary (April 1, 2019)

Mr. Yaw reported that the Board held an Executive Session before the open workshop to deal with two legal matters. The Board then discussed the Oakbourne Road Bridge Replacement Project, the preparation of a plan to transition to 100% renewable energy, and a proposed Liquor License Transfer Ordinance. Mr. Yaw stated that the Board also had a discussion on a Battle of Brandywine roadside marker initiative sponsored by Sons of the Revolution to place markers in the fifteen municipalities in which the Battle of Brandywine was fought.

There were no comments or questions on the workshop.

Mr. Yaw then made a motion to add an item to the agenda. Under New Business, he added the resignation of Parks & Recreation (P&R) commissioner, Susan Alloway. Ms. De Wolf seconded the motion, and it was unanimously passed.

## IV. Departmental Reports

### A. Public Works (PW) – Mark Gross

Mr. Gross reported there were three salting/plowing events in March. The crew has started removing plows and salt spreaders from the fleet, but will keep a few trucks in standby in case of a spring storm.

The adaptive signal project on Route 3 has been in a detection mode, gathering data triggered by cameras, which will be used to program the signals to coordinate flow. There have been issues with the timing of the signal at Route 352. East Goshen has been experiencing similar problems at Manley Road and Route 3. Mr. Gross stated that dealing with errors in the programming software will be a challenge, and time will tell whether the adaptive signal technology improves traffic flow.

Mr. Gross stated that Aqua has been working on water main replacements in the township. Aqua completed work on General Howe Drive, and will make base repairs to the road. The township will receive funds in lieu of final restoration, and complete the final overlay on the full width of the road this summer. Aqua is currently working on Sage Road. The township's sewage force main was not mapped accurately on the plans when the development was built, so the project was delayed several times when the contractor hit the line.

Regarding the wastewater system, Mr. Gross stated that a power surge at the Wild Goose Pump Station blew out several electronic components, but the station is now back online. Work will begin this month on the rebuild of the Kirkwood Pump Station.

The addition of a fulltime Public Works employee has made it possible to bring the landscape bed maintenance in-house, saving the Township approximately \$6000. The crew will be pruning bushes and mulching beds this month.

Future projects include camera inspections of stormwater pipes in areas slated for road repair this year. Mr. Gross is also working with McCormick Taylor to finalize the list of roads for the 2019 paving project. Mr. Gross stated that he and Pam Coleman have been working with a restoration architect, John Bowie, on the bid specifications for the Oakbourne Mansion Exterior Restoration project, and hope to get that bid out in May.

There were no comments or questions.

**B. Historical Commission (HC) – Gail Guterl**

Mrs. Guterl stated that fair weather has finally made it possible for archaeology students from West Chester University (WCU) to begin research on the Huey ruins. They will be digging on site on Thursdays and Fridays, and hope to locate the cistern and midden.

Regarding the Shiloh Road abandoned AME cemetery, Mrs. Guterl reported that the WCU Student Veteran's Group is very interested in the project, and would like to meet with the Board to discuss the future of that property.

The HC also discussed the Brandywine Battlefield Roadside Marker program. The HC will be receiving the marker for free from the Sons of the Revolution. A location for the roadside marker needs to be determined.

Mrs. Guterl reported that the tombstone of Valentine Kergin, which was removed from the Taylor Burial Ground in what is now the Pleasant Grove development, will be installed in the Birmingham Lafayette Cemetery where his daughter and two granddaughters are also buried. Valentine Kirgin was the chief mason on the first Pennsylvania state capitol building.

The HC has been working on updating the 59-page History of Westtown book published by Arthur James in 1973. The commission is excited to publish their updates online by the end of May.

There were no comments or questions.

**C. Planning Commission (PC) – Kevin Flynn**

Mr. Flynn stated that the PC had a lengthy meeting on March 20. He reported that they reviewed the draft of the Bi-directional Amplifier Ordinance and found a number of inconsistencies. The PC hopes to have those corrected and provide a draft to the Board in May. The PC also discussed a Zoning Hearing Board (ZHB) application (Italiano) for a fence in the Right of Way. The PC is also working to improve the process for ordinance revisions.

At their next meeting the PC will be discussing a special exception for a Major Home Occupation (offering private swimming lessons). Nancy Harkins will also be making an informational presentation about the Sunoco pipeline project. The PC will also continue work on the Sign Ordinance and final changes to the Bi-Directional Amplifier Ordinance.

Mr. Di Domenico asked if the PC would be meeting this Wednesday, May 3. Mr. Flynn stated they are meeting.

There were no additional comments or questions.

**D. Township Solicitor – Pat McKenna**

Mr. McKenna reported that his office worked on the Bi-Directional Amplifier and Sign Ordinances and hopes to have them finalized this week. They also have been assisting with the Westtown School Conditional Use Application and Zoning Amendment and the Liquor License Transfer Ordinance. The Accessory Dwelling Unit Ordinance is on the agenda tonight for advertisement, and his office has also been assisting with license agreements related to the Oakbourne Road Bridge Replacement project.

Ms. De Wolf asked about the inconsistencies in the Bi-Directional Amplifier Ordinance. Mr. Pingar explained that there was a misunderstanding about a reference to the building code.

Mr. Yaw stated that the hearing for the Westtown School Application will be at 7:00pm on April 24 at the township building. A fourth meeting is tentatively scheduled for May 1.

There were no additional questions or comments.

**E. Manager’s Report – Rob Pingar**

Mr. Pingar reported that work on the Sunoco Pipeline project has begun on Cavanaugh Court at Saints Simon & Jude Church. He stated that there have been some complaints about noise and vibration, and the township is monitoring the situation to see if additional sound curtains are required. The noise should reduce significantly once the steel sleeves are driven into the ground. The project could take two years to complete.

Mr. Pingar stated that the township received a \$180,000 Green Light Go Grant to replace the signal span wire at Routes 352 and 3 with mast arms. Design work has begun on that project.

Mr. Di Domenico stated that he attended a meeting with Mr. Pingar regarding the Sunoco pipeline project. Construction will be taking place near Duffers on Rt. 352, working to the north to meet the line going south from Cavanaugh Court. Mr. Yaw asked about the noise level once the drilling begins. Mr. Pingar stated that the drilling noise will depend on the geological conditions. Mr. Di Domenico added that the Sunoco representative told him there is a lot of granite in the area. They expect to drill 13 to 30 feet per day.

There were no other comments or questions.

**V. Public Comment (Non Agenda Items)**

Nancy Harkins, 1521 Woodland Road, thanked Mr. Pingar and Mr. Di Domenico for monitoring the Sunoco project. She asked how to keep the public informed on the project. Mr. Pingar stated that information is posted on the website, and sent on the listserv as information becomes available. She stated that she is aware of people on West Lynn Drive on wells who did not have their wells tested. Mr. Yaw stated that Energy Transfer (Sunoco) will pay for the testing. Mr. Pingar stated that we will highlight it on the front page of the website and send it on listserv.

There were no other comments or questions.

**VI. Old Business**

**A. Ordinance 2019-02 Accessory Dwelling Units - Authorize Advertisement**

Mr. Yaw explained that this ordinance amendment addresses the conversion of an accessory dwelling unit into a rental unit by special exception, and provides definitions for “building footprint” and “members of the same family.”

Mr. Di Domenico made a motion to authorize advertisement of Ordinance 2019-02 amending §170-1619 and related sections of the Westtown Zoning Ordinance, relative to the conversion of

an Accessory Dwelling Unit (ADU) into a Rental Dwelling Unit (RDU) by Special Exception. Ms. De Wolf seconded the motion. Mr. Yaw thanked the Planning Commission for their work on this amendment. There was no public comment and the motion was unanimously approved.

## **VII. New Business**

### **A. Oakbourne Road Bridge Replacement Project – Construction Contract Award**

Mr. Di Domenico made a motion to award the construction contract for the Oakbourne Road Bridge Replacement Project to Road-Con, Inc. in the amount of \$738,329.03. Ms. De Wolf seconded the motion. There was no public comment and the motion was unanimously approved.

### **B. 100% Renewable Energy Transition Plan, Cadmus Proposal to WCACOG**

Mr. Pingar explained that the West Chester Area Council of Governments (WCACOG), which consists of seven West Chester area municipalities, agreed to solicit an RFP for a transition plan to 100% renewable energy in our community by 2050. The cost of the plan is to be shared by six of the seven municipalities (Thornbury Township, Chester County opted out). Consideration of participation to fund this plan is before the Board tonight.

Ms. De Wolf made a motion to participate in funding a \$75,000 energy consulting contract with Cadmus Group. Westtown's proportion would be \$8,126 which is 10.84% of the population of the six COG municipalities considering participation. Mr. Yaw seconded the motion.

Mr. Di Domenico stated that he had issue with the process. He stated that this item was not budgeted for, and he does not feel that residents have been informed about this plan. He visited ten homes to get a sense of whether or not residents supported a renewable energy plan. Two said they didn't care. Several asked what that meant. Mr. Di Domenico also stated that he contacted PECO to determine the cost to go renewable. PECO informed him that the cost would increase from 7.5 cents/kilowatt hour to 8.5 cents/kilowatt hour. Mr. Di Domenico stated that residents should be informed about any plan to move towards renewable energy before their taxpayer dollars are spent. He said the township is proposing to pay for a plan that would likely just sit on a shelf.

Ms. De Wolf stated that area municipalities should plan for the future. She said that Cadmus has been working with the Delaware Valley Regional Planning Commission and has a good reputation. She stated that she did not think residents need to be polled about a renewable energy plan, as she was elected to represent the residents. She felt that money spent on the plan would be well spent.

Mr. Yaw stated that he is fiscally conservative, and also acknowledged that he does not know enough about this topic to make an informed decision. He stated that the Board often relies on the expertise of consultants and approves expenditures for consulting services. He also stated that he would not be in favor of the township paying for 100% of this type of study, but felt it was reasonable to share the cost of this type of study.

Eva Foster, 734 Westbourne Road, stated that she has attended every meeting except one, this is the first time she has heard of this plan. She stated that the plan should be tabled until residents are better informed about renewable energy options.

Paula Kline, 1019 Ashley Road, encouraged the Board to join East Bradford, East Goshen, West Whiteland, and West Chester Borough in participating in this regional energy planning process. Nancy Harkins emphasized her support for the study, and stated that it would provide education and awareness for the community. She added that the request for renewable energy proposals has been on all the WCACOG member websites and well documented in meeting minutes over the past nine months.

Paul Spiegel, 902 Elk Lane, President of Practical Energy Solutions, a company offering services similar to what Cadmus does, stated that this plan is an important step towards becoming informed about renewable energy options. He stated that he would hate to see his township close the door on exploring clean energy options.

Kevin Flynn, 1000 Windy Knoll Road, stated that he didn't think the goal of the plan has been well vetted, and questioned the benefit of the plan. He also expressed concern that money budgeted for other purposes would be diverted to this study.

Jack Embick, 189 Pheasant Run Road, stated his support of the study.

Marc Dear (1222 Mallard Road) and Henry Alexander (1101 Fern Hill Road), both from West Goshen Township, urged the Board to take the opportunity to participate in this study.

There was no additional public comment. The motion passed 2-1, with Mr. Di Domenico dissenting.

### **C. Parks & Recreation Commission Resignation**

Mr. Yaw state made a motion to accept the resignation of Susan Alloway effective April 13, 2019. Mr. Di Domenico seconded the motion. There was no public comment and the motion was unanimously approved. Mr. Yaw thanked Mrs. Alloway for her service on the commission.

## **VIII. Announcements**

Mr. Yaw made the following announcements:

1. **County Household Hazardous Waste (HHW) Collection** – The first of six county sponsored HHW collection events will be held on Saturday April 6 from 9 AM to 3 PM at the CAT Pickering Campus, 1580 Charlestown Road, Phoenixville, PA. Electronics are NOT accepted at these events. For more information, visit the Trash & Recycling page on the township website.
2. **Parks & Recreation Commission Egg Hike** - Hit the trails at Oakbourne Park to locate egg pickup stations from 10 AM to noon (or while eggs last), Saturday, April 13. Pick up the trail map at the Oakbourne pavilion.
3. **CRC Streams Cleanup** – The annual Chester Ridley Crum Watershed Association Stream Clean Up will be held on Saturday, April 13 at various stream locations, including Goose Creek. For more information and to register visit the CRC website at [www.crcwatersheds.org](http://www.crcwatersheds.org).

## **IX. Public Comment on All Topics**

There was none.

## **X. Payment of Bills**

Mr. Yaw stated that there were two checks added to the register: Check #14882 dated 3/29/19 to the USPS Postmaster in the amount of \$1,600.07, and Check #14883 also dated 3/29/19 to the Westtown East Goshen Police Department in the amount of \$276,254.35.

Mr. Di Domenico made a motion to approve the General Fund bills in the amount of \$331,824.69, Wastewater Fund bills in the amount of \$23,514.46, Capital Projects Fund bills in the amount of \$34,382.00, for a grand total of \$389,721.15. Ms. De Wolf seconded the motion. There were no questions or comments, and the check registers were unanimously approved.

**XI. Adjournment**

Ms. De Wolf made a motion to adjourn the meeting. Mr. Yaw seconded the motion. The motion was unanimously approved and the meeting adjourned at 8:55 PM.

Respectfully submitted,

Robert Pingar  
Township Manager

DRAFT

**WESTTOWN TOWNSHIP  
PUBLIC WORKS DEPARTMENT  
MONTHLY REPORT FOR APRIL 2019**

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**ROADS**

- ◆ Removed, washed, lubricated, and stored salting and plowing equipment from dump trucks.
- ◆ Completed a stormwater pipe and inlet replacement on Springview Court.
- ◆ The coordinated traffic signal group was put into full operation. Attended an information meeting and currently monitoring and addressing related issues with the contractor.
- ◆ Weekend response with a generator to power the Rt.202/926 traffic signal due to a faulty UPS inverter. Awaiting repair and reinstallation.
- ◆ After-hour response to close Walnut Hill Road due to a tree down into wires.
- ◆ After-hour response to remove a downed tree across Farm Lane.
- ◆ Exposed and documented the location of the ME1 pipeline and other underground utilities on the NE corner of West Chester Pike and North Chester Road for final design of a mast arm foundation.
- ◆ Attended an MS4 outfall evaluation seminar and municipal housekeeping webinar.
- ◆ Performed a cleaning and camera inspection of stormwater pipes located within the selected roads for 2019 paving project.
- ◆ Inspected road restoration with Aqua for the General Howe water main replacement project.
- ◆ Cleared a large debris and tree blockage from Gooses Creek to maintain flow.
- ◆ Delivered a stored headstone to Birmingham cemetery.
- ◆ Cleared the perimeter vegetation of the Huey House rubble for a Historical Commission project.
- ◆ Filled potholes throughout the township as necessary.
- ◆ Straightened and replaced faded and damaged street signs.

**BUILDINGS, PARKS, AND OPEN SPACE**

- ◆ Began mulching of the landscape beds.
- ◆ Checked operation and fluid levels on all standby generators.

**OAKBOURNE PARK AND MANSION HOUSE**

1. Removed a tree across the walking trail near the pond.

2. Flattened ruts in grass and over-seed areas of lower Oakbourne parking area.
3. Replaced a defective thermocouple on the boiler and repaired the condensate tank float.
4. BSA Pack 66 and Troop 222 cleared sticks and winter debris on all mowable lawn areas of the main park.
5. Transported and assisted FOO members with the planting of two memorial trees.
6. Trash, recyclables, and restroom cleaning and maintenance.

## **PARKS AND OPEN SPACE**

1. Removed a downed tree at Tyson Park.
2. Inspected all playground structures for safety hazards.
3. Inspected stormwater retention basins for proper operation.

## **WASTEWATER**

- ◆ Serviced and repaired roof top ventilators on the WCC control building.
- ◆ Coordinate operations with the contractor performing the Kirkwood PS upgrades.

## **EQUIPMENT MAINTENANCE AND REPAIR**

- ◆ 67-10 – Repaired a faulty ground wire connection to the engine.
- ◆ 67-20 – Replaced the salt spinner motor and related hydraulic hoses.

## **FUTURE PROJECTS**

- ◆ Inspect Sage Road asphalt base repair as part of the Aqua water main replacement project.
- ◆ Complete mulching and pruning of landscape beds.
- ◆ Begin stormwater inlet repairs.
- ◆ Remove swings from Larchborne Park if ground conditions permit.

**MARK GROSS  
DIRECTOR OF PUBLIC WORKS**



**WESTTOWN TOWNSHIP HISTORICAL COMMISSION**  
**Westtown Municipal Building, 1039 Wilmington Pike, West Chester**  
**Thursday, March 21, 2019 6:00 P.M.**

In attendance: Commission members Gail Guterl, Paul Mullin, Ray Sarnacki, Dan Campbell, Pamela Boulos; Planning Technician Mila Robinson. Representative from West Chester University Student Veterans Group Alecc Costanzi.

**I. Call to Order**

Gail Guterl (GG) called the meeting to order at 6:07 PM.

**II. Approval of Minutes from February 21, 2019**

Ray Sarnacki (RS) motioned to approve the minutes. Paul Mullin (PM) seconded the motion. The minutes were unanimously approved.

**III. Public Comment (non-agenda items)**

None.

**IV. Old Business**

**A. Shiloh AME Update:** Ray Sarnacki (RS) reported that the Board of Supervisors (BOS) has not made a final decision on pursuing the ownership of the Shiloh AME property. Approximately one year ago, RS made contact with an organization that was willing to provide funding for purchase of the land, providing the Township was willing to take ownership and maintain the land. The Board has not actively discussed this for a few months. Alecc Costanzi (AC) noted that the West Chester University Student Veterans Group (WCUSVG) is willing and able to procure funding for the purchase and maintenance of the site. Their primary goal is for the remains to be honored and not disturbed; a memorial at the site would be a welcome addition, but not essential. Gail Guterl (GG) shall email Rob Pingar (RP) to request that the HC be added to the next BOS workshop agenda to inquire whether the BOS would be amenable to the WCUSVG pursuing the purchase of the Shiloh AME land. The HC shall keep AC/WCUSVG informed of any information from that meeting.

**B. Huey Property:** RS is meeting Professor Heather Wholey at the Huey Property next week; the tentative plan is to begin the dig on Thursday or Friday during the first week of April, depending on weather. Professor Wholey will lose her student volunteers at the end of April due to summer break. Through the summer, RS plans to continue the dig with the help of community volunteers. Pam Boulos (PB) noted that there is a signup website that is used for Westtown Day, which would be useful for signing up volunteers and will provide that site address to RS.

- C. History of Westtown Book – Status Updates:** GG’s computer hard drive, which had the most current version of the document, crashed. PM noted that he had version 11 (a recent version) in his email history if GG could not recover her version of the document. The deadline for the entry updates is May of this year.
- D. Update on Veteran’s Memorial Project:** Mila Robinson (MR) noted that Carter Van Dyke has presented a draft site plan for the Veteran’s Memorial at Oakbourne Park, with an estimated construction cost of \$249k. The BOS has not yet had a chance to review the submitted plan.
- E. Historic Resource Listing Updates for 2019:** MR transferred the Historic Resource Listing Excel document into a Word document for ease of editing. A column was added for brief descriptions of the resources. MR also separated from the main resource list additions to the list, deletions from the list due to demolition, and changes/edits to the entries. MR noted that the HC does not need to notify the public of small changes in the list, such as if a resource has a change of owner. It was suggested that separate sub-list be added for demolished resources that were once on the list. GG requested that the list be alphabetized by street name. All discussed the need for a single “gatekeeper” to maintain the list, so multiple people are not editing the list. It was decided that MR would serve in that role. All HC members should review the current list and send MR any requested edits, copying all the other HC members.
- F. Oakbourne Mansion Roadside Marker and Brandywine Battlefield Marker:** It was reported that Dave Walter (DW) had presented the draft of the Oakbourne Mansion Roadside Marker language to the BOS. The BOS had a number of questions about the sign, and specifically noted that they did not favor the placement of the marker on S. Concord Road.
- The HC shall be receiving the Brandywine Battlefield Roadside Marker for free. The HC needs to come up with a location for the roadside marker to present to the BOS for approval. One possible location is the Westtown Township property across from Dunvegan Road entrance on S. New Street.
- G. Kirgan Tombstone Resting Place:** The final resting place of the Valentine Kirgan tombstone shall be in Birmingham-Lafayette Cemetery, next to his grand-daughters’ graves.

**V. New Business**

**A. Upcoming Events:**

- There will be a CCHPN (Chester County Historic Preservation Network) Spring Workshop on March 23.
- Will Ethridge (Director of Planning and Zoning for Westtown Township) is hosting a free webinar in the assembly hall of the Township building presented by the American Planning Association on the Historic Preservation

of African American Cemeteries, beginning at 1 PM and running until about 2:30 pm on Friday, March 29<sup>th</sup>.

- There will be a Historic Resource Subcommittee Meeting on March 26 in Pennsbury Township. GG will attend; this meeting will discuss the Brandywine Battlefield Markers.

**VI. Public Comment (All topics)**

None.

**VII. Announcements**

None.

**VIII. Adjournment**

The meeting was adjourned at 7:12 P.M.

DRAFT

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
Wednesday April 17, 2019 – 7:30PM

## **Present**

Commissioners – Planning Commission (PC) member Jack Embick was absent, all others were present (6-1). Also present was Township Planning Director Will Ethridge.

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

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

## **Adoption of Agenda (RH/KF) 6-0**

No changes

## **Approval of Minutes**

Planning Commission Meeting minutes for 04/03/2019 were approved. **(JL/RH) 5-0**

## **Announcements**

1. Westtown School CU Hearing continued to 4/24/19.
2. Comprehensive Plan Implementation webinar rescheduled for 5/2 at 6:30pm.
3. Nancy Harkins will make an educational presentation on the Sunoco Pipeline at the 5/8 PC meeting. Mr. Pingar will attend to answer questions.
4. Oral argument for the Appeal of the February 12, 2018 Decision of the Westtown Township Board of Supervisors Denying Toll PA XVIII, L.P.'s Conditional Use Application for a Flexible Development of Crebilly Farm scheduled for 5/6 in Pittsburgh.
5. East Goshen Parks and Recreation named the best in the State.

## **Public Comment – Non Agenda Items**

None

## **New Business**

1. Mr. Ethridge recapped that the Township received a letter from the Chester County Planning Commission (CCPC) regarding the proposed ordinance amendments: reduced setbacks for residential accessory structures and converting an accessory dwelling unit into a rental dwelling unit. In addition to the proposed language for reduced setbacks for residential accessory structures, the CCPC recommended incorporating the maximum square footage figure for accessory structures permitted within side and rear yard areas. Mr. Ethridge further reiterated that in addition to saying, “*may not exceed 50% of the principal structure*”, to include “... *or a maximum of [specific] square footage whichever is less*” into the ordinance. Mr. Ethridge added that he had a discussion with the Township manager regarding that suggestion, and felt confident that the proposed ordinance was acceptable in its current form and no revisions were necessary. Mr.

Hatton asked if “footprint” implied square footage. Mr. Ethridge responded that it did, and elaborated that the regulations would be more beneficial to houses with a larger footprint rather than the houses with a greater height. Mr. Pomerantz raised a question about the predicate for the County’s suggestion. Mr. Ethridge explained that the Township already had similar type language stating that the minimum size of an accessory dwelling should be 500 square feet of gross habitable area and not comprised of more than 35% of the gross habitable area of the dwelling; however, in no case, should it exceed 1200 square feet. He believed that having that language in existing regulations pertaining to accessory dwelling units might have been the reason the County made the suggestion to include something similar for accessory structures. Elaine Adler raised a concern that the previous regulations had a limit of 200 square feet for accessory structures, but the proposed regulations would allow accessory structures be larger. She brought up an example of the garage in the neighborhood larger than the house. Mr. Ethridge pointed out that under the proposed regulations, an accessory structure could never be larger than the principal building, but now it could be located closer to the side or rear property line.

Mr. Ethridge presented to the PC that the Township manager recommended leaving the word “uninhabitable” in front of the word “accessory” in the proposed ordinance to eliminate any confusion about what type of accessory structures were permitted. He further explained that it would discourage applicants from building a garage and later adding bedrooms and then bathrooms, which would become a dwelling unit. Mr. Pomerantz raised a question if the word “uninhabitable” was defined in the Code. Mr. Ethridge responded that it was referenced, but not defined. After a brief discussion, the PC requested Will Ethridge to check if other municipalities defined “uninhabitable” and to follow up with the Township manager to make a decision if there was a need to add that definition to the Code.

**Motion to refer back to the Township Manager the proposed draft amendments to Ordinance No. 2019-01, amending Chapter 170, Zoning, regarding the size and setback requirements for accessory structures and uses accessory to residential use, dated October 11, 2019. (EA/RH) 6-0**

Mr. Ethridge recited the letter that the CCPC endorsed the proposed amendments to the zoning ordinance regarding conversion of an accessory dwelling unit into a rental, noting that those standards would provide additional housing opportunities in the Township. The CCPC suggested that the Township identify if short-term rentals were permitted in accordance with the proposed zoning standards. Mr. Ethridge clarified that the proposed ordinance as presented allowed for both short and long-term rentals. He recommended not incorporating the CCPC’s suggestion, because the Township had a well-defined process in place to allowing someone to create an accessory dwelling unit by special exception for a family member or caretakers of a family, and then potentially converting it into a rental, which could be short or long-term. Mr. Ethridge indicated that he did not see a good reason to create a one-step conversion process of permitting short-term rentals by right. Mr. Pomerantz raised a question about the modern definition of “the family” and if the Township looked into that. Mr. Ethridge confirmed that it was done in the past, and recapped that the current definition of the family in the Code specified a unit of no more than three unrelated individuals living together. Elaine Adler expressed her concerns about situations where three unrelated individuals were already residing together, and how it would affect the enforcement of new regulations. Mr. Ethridge responded that those situations were covered under a grandfathering provision. Mr. Pomerantz also noted that there were families who had long-term foster children, and those children were considered family members. Mr. Ethridge assured the PC that he would review cases one by one to ensure there would be no splitting of families. He

emphasized that as long as residents could provide some sort of written documentation, they would not be negatively impacted by new regulations.

**Motion to recommend adoption to the Board of the Ordinance No. 2019-02, amending Chapter 170, Zoning, regarding the conversion of an accessory dwelling unit into a rental by special exception. (EA/RH) 6-0**

2. Mr. Pomerantz shared with the PC his concerns regarding the growing use of consumer fireworks on quarter acre lots. He also noted that it was a safety issue, especially when the Chester County issues a drought conditions warning, and coupled with the fact that many residents had wooded lots and might use fireworks, it could create a serious fire hazard. Mr. Pomerantz recited the Act 43 of 2017, Fireworks Law, that consumer fireworks should not be used within 150 feet of an occupied structure. He provided examples of situations in Westtown, during the July 4 and other holidays, the fireworks going off between the houses. Mr. Hatton noted that the Township had nothing on its website regarding the use of fireworks, but instead directed residents to the WEGO website with information about what one could and could not do. He also added that some municipalities referenced a new law on their websites. Mr. Ethridge confirmed that the use of fireworks was a violation of the law and was enforced by the police department. Mr. Pomerantz expressed his belief that police did not have enough resources to check on every fireworks complaint during the holidays. He suggested that some things could be done to raise public awareness, such as writing an article in Westtown Gazette to educate the residents regarding fireworks safety. He believed that fewer people read the website than they did the Gazette. He also proposed to make it an educational column with interviews and comments from insurance brokers or underwriters about the liability of fireworks. Mr. Ethridge expanded on that to include an example of a real life event where someone was using fireworks nearby their house that hurt someone. The PC members agreed that the proposed initiatives could be easily accomplished.

**Old Business**

**Public Comment**

None

**Reports**

The BOS Meeting for 04/15/19 was cancelled. No reports.

**Adjournment (JL/EA) 6-0**

Meeting was adjourned at 8:35 pm.

Next PC Meeting – May 8, 2019, 7:30 pm – Township Building

PC Representative at next Board of Supervisors Meeting: May 6, 2019 – Jim Lees

Respectfully submitted,  
William Ethridge, Planning Commission Secretary

**ORDINANCE NO. 2019-01**

**WESTTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING CHAPTER 170, ZONING,  
OF THE CODE OF WESTTOWN TOWNSHIP  
REGARDING THE SIZE AND SETBACK  
REQUIREMENTS FOR ACCESSORY STRUCTURES AND  
USES ACCESSORY TO RESIDENTIAL USE.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of Westtown Township, as amended, be amended as follows:

**SECTION 1.** Article XV, General Regulations, §170-1502, Projections into setbacks and setback exceptions, Subparagraph F shall be amended to read as follows:

- F. Arbors, garden sheds, private garages, private greenhouses, trellises, workshops, and similar accessory structures shall be permitted within side and rear yard areas provided they do not exceed the height, nor 50% of the footprint, of the principal structure. The side and rear yard setbacks for such structures shall be no less than the height of the accessory structure, irrespective of the otherwise applicable yard requirement of the district. Any wheels attached to a mobile structure must be removed prior to the issuance of any permits. These standards do not apply to flexible developments.

**SECTION 2.** Article XVI, Supplemental Regulations, §170-1603, Accessory uses and structures, Subparagraph C, Uses accessory to residential use, Subsections (1), (2), and (3) shall be amended to read as follows:

- (1) Private parking space.
- (2) Barn, private stable or other shelter for animals (but not including a kennel), in accordance with the terms of §170-1516 of this chapter.
- (3) Private garage, workshop, greenhouse, garden shed, or similar structure.

**SECTION 3.** If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

**SECTION 4.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION 5.** This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

WESTTOWN TOWNSHIP

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Scott E. Yaw, Chair

\_\_\_\_\_  
Mike T. Di Domenico, Vice Chair

\_\_\_\_\_  
Carol R. De Wolf, Police Commissioner



**ORDINANCE NO. 2019-02**

**WESTTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING CHAPTER 170, ZONING,  
OF THE CODE OF WESTTOWN TOWNSHIP, CHESTER  
COUNTY, PENNSYLVANIA, REGARDING THE  
CONVERSION OF AN ACCESSORY DWELLING UNIT  
INTO A RENTAL BY SPECIAL EXCEPTION AND  
PROVIDING A DEFINITION FOR “BUILDING  
FOOTPRINT” AND “MEMBERS OF THE SAME FAMILY”.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of Westtown Township, as amended, be amended as follows:

**SECTION 1.** Article II, Definitions, §170-201, Definitions, shall be amended by adding the following new terms and definitions:

**BUILDING FOOTPRINT**

The area of any building measured along the perimeter of the exterior foundation walls.

**MEMBERS OF THE SAME FAMILY**

Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestor and lineal decedents of any of the foregoing, a spouse of any of the foregoing and the estate of any of the foregoing. Individuals related by the half blood or legal adoption shall be treated as if they were related by the whole blood.

**SECTION 2.** Article V, A/C Agricultural/Cluster Residential District, §170-501, Use regulations, Subsection B, Uses by special exception, shall be amended by the addition of the following subparagraph:

(8) Conversion of an accessory dwelling unit into a rental, in accordance with the provisions of §170-1619.

**SECTION 3.** Article VI, R-1 Residential District, §170-601, Use regulations, Subsection B, Uses by special exception, shall be amended by the addition of the following subparagraph:

(9) Conversion of an accessory dwelling unit into a rental, in accordance with the provisions of §170-1619.

**SECTION 4.** Article VII, R-2 Residential District, §170-701, Use regulations, Subsection B, Uses by special exception, shall be amended by the addition of the following subparagraph:

(8) Conversion of an accessory dwelling unit into a rental, in accordance with the provisions of §170-1619.

**SECTION 5.** Article XVI, Supplemental Regulations, new §170-1619, Conversion of an Accessory Dwelling Unit (ADU) into a rental, shall be added as follows:

§170-1619 Conversion of an Accessory Dwelling Unit (ADU) into a rental.

- A. Statement of intent. The intent of this section is to provide an alternative use for a structurally sound, approved, and permitted ADU whose occupancy was permitted only to **Related or Relative** persons as defined under §170-201. This section is also intended to increase the supply of smaller dwelling units and provide for a more efficient use of the existing housing stock, while protecting the character of sound, stable residential neighborhoods and preserving the basic character of dwellings that might otherwise become obsolete.
- B. Standards for conversion to residential rental use. An approved, permitted ADU, either existing on the effective date of this chapter or approved and permitted thereafter, may be converted into and used as a dwelling unit for rent, when approved as a special exception by the Zoning Hearing Board in accordance with the terms of Article XXI of this chapter and with the following stipulations:
- 1) The ADU may be located in the principal dwelling or in a structure which is accessory to the principal dwelling and is located on the same single-family residential lot.
  - 2) A detached ADU shall meet setbacks for an accessory structure for the zoning district in which it is located
  - 3) The minimum size of the ADU shall be 500 sqft, the maximum size shall be no greater than 50% of the footprint of the principal dwelling.
  - 4) The height of the ADU shall not exceed the height of the principal dwelling.
  - 5) There shall not be more than one accessory dwelling unit created on any single-family residential lot.
  - 6) One of the two dwelling units (either the principle or the accessory) shall be occupied by the owner of the property, or a family member of the owner of the lot on which both dwelling units are located.
  - 7) At least one paved off-street parking space shall be required for the accessory dwelling unit in addition to those required for the principal dwelling. The additional parking space(s) shall not be located within any required setback area.

- 8) Utility billing for the property shall remain under the name of the property owner.
- 9) No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons.
- 10) Except where public sewer is available, the applicant shall submit to the Township a permit for an on-site sewage disposal system issued by the Chester County Health Department, certifying that the sewage disposal facilities are adequate for the projected number of residents. Where the existing on-site system is found to be inadequate, by the Department, to serve the projected demand, no approval shall be given for the accessory dwelling unit until the system is improved to meet Health Department requirements and a permit is issued by the Department.
- 11) To ensure compliance with this chapter, a site plan shall be submitted, accurately drawn to scale, indicating the location and size of the existing and proposed dwelling units, parking areas and any proposed exterior alterations.
- 12) All accessory dwelling units in the Township shall be subject to the requirements of §170-2004, §170-2005 and §170-2006 relating to use and occupancy permits.
- 13) The Rental Dwelling Unit shall not be occupied by more than 1 family per dwelling unit, which shall consist entirely of individuals who are related to one another as defined under "Members of the same family".

**SECTION 6.** If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

**SECTION 7.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION 8.** This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

WESTTOWN TOWNSHIP

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Scott E. Yaw, Chair

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Mike T. Di Domenico , Vice Chair

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Carol R. De Wolf, Police Commissioner



**Carroll Engineering Corporation**

Reg M13  
RECEIVED  
APR 25 2019  
11  
57

April 22, 2019

Sent: UPS

Robert J. Pollio, President  
Doli Construction Corporation  
120 Independence Lane  
Chalfont, PA 18914

Dear Bob:

Subject: Contract 19-S1 – Relocation of Existing Force Main and Water Main Oakbourne Road Bridge Replacement

This letter is to advise you that the Westtown Township Board of Supervisors has agreed to award the above subject Contract for \$356,135 to Doli Construction Corporation based on Carroll Engineering Corporation's recommendation. The Board of Supervisors will ratify the contract award at their regular meeting on May 6, 2019. An official Notice of Award will be issued after the contract award is ratified.

In anticipation of the contract award, we are enclosing five (5) copies of the Contract Documents that need your signature, so the Contract Documents can be executed immediately after award of the Contract. The contract date should be left blank on all copies of Agreements and Bonds. The Owner will fill in the contract date upon final signature of the Agreements. Please return all five (5) copies of the documents to our office.

If you have any questions or require additional information, please feel free to contact me.

Very truly yours,

CARROLL ENGINEERING CORPORATION

William N. Malin, P.E.

WNM:lms  
Enclosures

cc: Robert R. Pingar, P.E., Manager, Westtown Township  
James Horwath, CEC

*Today's Commitment to Tomorrow's Challenges*

Corporate Office:  
949 Easton Road  
Warrington, PA 18976  
215.343.5700

630 Freedom Business Center  
Third Floor  
King of Prussia, PA 19406  
610.489.5100

101 Lindenwood Drive  
Suite 225  
Malvern, PA 19355  
484.875.3075

105 Raider Boulevard  
Suite 206  
Hillsborough, NJ 08844  
908.874.7500



*Carroll Engineering Corporation*

April 16, 2019

Robert R. Pingar, P.E., Manager  
Westtown Township  
PO Box 79  
1039 Wilmington Pike  
West Chester, PA 19382

Dear Rob:

Subject: Contract 19-S1 – Relocation of Existing Force Main and Water Main Oakbourne Road Bridge Replacement

This office has reviewed the Bids received by the Township via PennBid on April 16, 2019, for the above subject Contract. A Certified Tabulation of Bids is enclosed. Doli Construction Corporation is the apparent low bidder with a Bid in the amount of \$356,135.00. Doli Construction's Bid conformed to all conditions of the Advertisement for Bids. As such we recommend the Township award the Contract to Doli Construction Corporation in the amount of \$356,135.00.

Note that a portion of the work includes the cost of work to be reimbursed by AQUA Pennsylvania. The cost of this work is approximately \$96,000.00, yielding a net construction cost to the Township of \$260,135.00. The Solicitor is currently preparing an Agreement with AQUA for reimbursement of costs.

If you have any questions or require additional information, please feel free to contact me.

Very truly yours,

CARROLL ENGINEERING CORPORATION

William N. Malin, P.E.

WNM:lms  
Enclosure

*Today's Commitment to Tomorrow's Challenges*

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[www.carrollengineering.com](http://www.carrollengineering.com)



# Check Register

Westtown Township

03-May-19

From: 02-Apr-19 To: 06-May-19

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
<b>Bank Account: 1 GENERAL FUND</b>					
14884	4/2/2019	405775	LAB Westtown, L.P.	\$8,191.12	O
14885	4/8/2019	7261	Allison Corcoran	\$110.30	O
14886	4/8/2019	1009	Ann Marie Cassidy	\$520.00	O
14887	4/8/2019	405779	Birmingham Lafayette Cemete	\$300.00	O
14888	4/8/2019	7266	Chester County Engineers	\$100.00	O
14889	4/8/2019	5547	CJs Tire & Automotive Svcs	\$125.30	O
14890	4/8/2019	405780	CMC Productions (PA)	\$400.00	O
14891	4/8/2019	7191	Code Inspections Inc	\$10,583.82	O
14892	4/8/2019	1188	Conway Power Equipment, Inc	\$47.08	O
14893	4/8/2019	886	DTN, LLC	\$3,601.92	O
14894	4/8/2019	1082	ELEANOR J. SCHWANDT, R	\$1,218.00	O
14895	4/8/2019	48	H. A. Weigand Inc	\$360.30	O
14896	4/8/2019	1157	Nationwide Testing Associatio	\$40.00	O
14897	4/8/2019	1123	New Enterprise Stone & Lime	\$240.03	O
14898	4/8/2019	86	PRESTIGE MAILING SERVIC	\$415.00	O
14899	4/8/2019	7260	Ray Sarnacki	\$47.42	O
14900	4/12/2019	6958	Capital One Bank	\$105,122.63	O
14901	4/23/2019	5438	20/10 Solutions	\$870.00	O
14902	4/23/2019	405540	Albert Federico Consulting, LL	\$1,125.00	O
14903	4/23/2019	405807	Beth Behrens	\$29.65	O
14904	4/23/2019	6038	Cedarville Engineering Group	\$2,629.00	O
14905	4/23/2019	1082	ELEANOR J. SCHWANDT, R	\$481.00	O
14906	4/23/2019	214	Francis Hall Insurance & Risk	\$1,250.00	O
14907	4/23/2019	1206	Freedom Systems Corporation	\$1,008.00	O
14908	4/23/2019	31	Gawthrop Greenwood, Attorn	\$9,653.05	O
14909	4/23/2019	127	In-Fleet Truck Service	\$1,164.61	O
14910	4/23/2019	878	Intercon Truck Equipment	\$360.28	O
14911	4/23/2019	405808	Janet McSwiggan	\$135.09	O
14912	4/23/2019	6051	Julie Weidinger	\$143.39	O
14913	4/23/2019	405806	Kelly Maiorano	\$79.90	O
14914	4/23/2019	7262	Key Business Solutions Inc	\$65.38	O
14915	4/23/2019	5709	Portnoff Law Associates, Ltd	\$729.60	O
14916	4/23/2019	7241	Susan Alloway	\$123.69	O
14917	4/23/2019	860	TrueNet, Inc	\$120.00	O
14918	4/23/2019	7229	William Ethridge	\$58.33	O
14919	4/30/2019	5	Brandywine Conservancy - EM	\$450.00	O
14920	4/30/2019	7196	GreatAmerica Financial Svcs	\$306.50	O
14921	4/30/2019	7241	Susan Alloway	\$55.09	O



**Check Register****Westtown Township**

03-May-19

From: 02-Apr-19 To: 06-May-19

<b>Check No</b>	<b>Check Date</b>	<b>VendorNo</b>	<b>Vendor</b>	<b>Check Amount</b>	<b>Status</b>
14922	4/30/2019	980	USPS- Postmaster	\$1,380.02	O
14923	4/30/2019	7	Westtown-East Goshen PD	\$245,559.42	O
14925	5/2/2019	405814	All Event Party Rental	\$408.50	O
14926	5/2/2019	960	CONTRACTORS CHOICE	\$96.09	O
14927	5/2/2019	1082	ELEANOR J. SCHWANDT, R	\$1,278.50	O
14928	5/2/2019	624	Hanson Aggregates, Inc.	\$1,256.92	O
14929	5/2/2019	405813	James Burkardt	\$225.00	O
14930	5/2/2019	619	OROURKE & SONS, INC.	\$300.00	O
14931	5/2/2019	5709	Portnoff Law Associates, Ltd	\$999.24	O
14932	5/2/2019	5562	Robert E. Little, Inc.	\$818.62	O
14933	5/2/2019	5738	StrategicLink Consulting, LLC	\$1,656.25	O
14934	5/3/2019	5685	KC Sign Company	\$14,907.50	O
<b>Bank Total:</b>				<b>\$421,146.54</b>	
<b>Bank Account: 8 WASTEWATER FUND</b>					
3319	4/24/2019	405677	Aqua PA General Accounting	\$75.00	O
3320	4/24/2019	7220	Delaware River Basin Comm	\$626.00	O
3321	4/24/2019	5666	M&B Environmental, Inc.	\$2,626.10	O
3322	4/24/2019	1196	McGovern, Inc.	\$1,126.40	O
3323	4/24/2019	7133	PA Rural Water	\$427.00	O
3324	4/24/2019	1164	Univar USA, Inc.	\$2,952.08	O
<b>Bank Total:</b>				<b>\$7,832.58</b>	
<b>Bank Account: 18 CAPITAL PROJECTS FUND</b>					
1165	4/8/2019	6468	Carroll Engineering Corp	\$3,500.00	O
1166	4/26/2019	1074	LENNI ELECTRIC CORPORA	\$2,250.00	O
1167	4/26/2019	405769	Your Office Connection	\$730.50	O
1168	5/2/2019	405495	L.J. Paolella Construction, In	\$130,278.10	O
<b>Bank Total:</b>				<b>\$136,758.60</b>	
<b>Total Of Checks:</b>				<b>\$565,737.72</b>	