

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall  
1039 Wilmington Pike, Westtown Township  
Wednesday April 3, 2019 – 7:30PM

## **Present**

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

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

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

## **Adoption of Agenda (EA/JL) 6-0**

One amendment was made. The PC removed Old Business item #2 - Proposed Bi-directional Antenna Ordinance v.3.26.19.

## **Approval of Minutes**

Planning Commission Meeting minutes for 03/20/2019 were approved. **(JL/JE) 6-0**

## **Announcements**

1. Westtown School CU Hearing continued to 4/24/19.
2. Comprehensive Plan Implementation webinar rescheduled to late April or early May.
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. Open to the public.
4. Comments received from CCPC regarding two proposed ordinances, for discussion at 4/17 PC meeting.

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

Mr. Rodia alerted the PC to the condition of Route 926 on the west side of Route 202 by New Street. He noted that the road has multiple potholes. He recapped a discussion with PennDOT 3 years ago regarding the setbacks to get it all fixed considering the amount of curb cuts along the road. He suggested recommending to the Board of Supervisors to write a letter to PennDOT to making them aware of this public safety issue. Mr. Hatton noted that PennDOT has a website for reporting potholes.

Marshall Bingham (931 Sage Rd) stated that Aqua installed a new waterline through his development and it was his understanding that only half of the road was going to be paved. He expressed his concern as the other half of the road was damaged by heavy equipment and needed to be paved. Mr. Ethridge responded that Aqua was the one responsible for repaving the road. Mr. Hatton suggested that Mr. Bingham contact the Township manager to get a better idea of what the plan is and to express his concerns.

## **New Business**

1. Ms. Marita Hutchinson, an attorney, and her client, Carolyn Bingham at 931 Sage Rd, recapped that they submitted an application for the special exception along with the supporting documents to allow an existing major home occupation, which provides private swimming lessons for up to six students. Ms. Bingham provided an overview of her program that she ran from her home since 2004. In November 2017, she requested to install an enclosure which was completed in January 2018. Since then she has been teaching all children, including those with developmental, mental, and physical challenges as well as children with autism how to swim. Ms. Hutchinson emphasized that Ms. Bingham had been teaching children for the past 14 years and had a network of families and parents with autistic children travelling from as far as Horsham, Springfield, Exton, and Delaware County. Ms. Bingham explained that she was told that she needed a special home occupational permit, which was prompted by her neighbors' complaints, Jason and Julie Stolnis, of 923 Sage Rd. She noted that she had all the permits for the pool and the dome, and that no one could really see it from the street. She also confirmed that her property is 1.23 acres, where she lived for the past 20 years. Ms. Bingham provided more details about the dome and the reasoning behind installing the dome in the first place in response to light and sound sensitivity of children participating in the program. The dome serves as a shade and can be brought back and slide on one side to open and close, and it is not permanent structure, but an accessory to the pool. Ms. Bingham also noted that she locked the dome at night for safety considerations. The program does not run all year round, and halts from the end of October until April. Ms. Bingham explained that the amount of lessons varies day by day, but all lessons are completed by 7pm. She also responded that those participating in the program park in front of her house or in her driveway. Ms. Bingham demonstrated that seven cars could fit in her driveway, and emphasized that she usually has two cars parked there at the same time. She also noted that she taught the complainants' kids for four years. Ms. Bingham stated that Mr. and Ms. Stolnis' main complaint was that they wished to have their children play in the street with soccer netting and equipment of that sort, but with her clients coming and going one at a time every half hour, they had safety concerns for their children. She confirmed that the complainants' house was on the corner and they wished to use the cul-de-sac circle. Mr. Bingham did not mind children using the circle; however, she felt that they could use the green space across the street instead of cul-de-sac. Ms. Hutchinson presented the map to show the locations of the township-owned green space and both the applicant's and complainants' houses. Ms. Bingham requested two variances: one was to allow swimming lessons in her pool and not in the house as allowed by home occupation regulations, and the second was to allow having more than one student in the pool at the same time.

The PC asked Will Ethridge to explain the difference between major and minor home occupation. Mr. Ethridge explained that with minor home occupation, no one would know that there is a business operating there, as there is no car traffic, no signage, no delivery vehicles, and no truck traffic. Jason Stolnis, the complainant, denied any harassment charges. He recapped that he voiced his concerns asking the applicant to reduce the traffic in the cul-de-sac and utilize the green space to park there. Mr. Stolnis stressed that he had all intentions to resolve the traffic issue and suggested that Ms. Bingham apply for special exception for home occupation. He confirmed his concerns regarding the amount of traffic generated by Ms. Bingham's business, and noted that there was

evidence contrary to what was presented by Ms. Bingham. Mr. Ethridge confirmed that the major home occupation should not contribute more than 33% additional vehicle trips per day from the dwelling. Ms. Bingham voiced her opinion that there was so much traffic going through the street that was not related to her business. Ms. Bingham stressed the importance of her personalized program that focuses on teaching this life learning skill to children with disabilities. She mentioned that with her application she submitted copies of letters of endorsement from her students' parents. Ms. Hutchinson emphasized that Ms. Bingham was running the program for the past 14 years openly and even had a website. That in her opinion was almost an implicit approval for doing so as Ms. Bingham has had the pool and the dome permits approved in the past. Mr. Hatton pointed out that the issue was whether the amount of traffic increased due to Ms. Bingham's business. Ms. Bingham also added that she had two people that helped to run the program, but they were volunteers and not employees. Mr. Ethridge recapped that the applicant must meet the hardship standards as per §170-2107.5 to be able to obtain a variance.

**[INAUDIBLE]**

### **Old Business**

**Bi-Directional Antennas** – Tony Verwey requested to postpone the PC approval of bi-directional antennas ordinance draft to a later date. He confirmed that there were some concerns regarding the reference to the appropriate International Building Code (IBC) and the Uniform Construction Code (UCC) to resolve any potential conflict.

**Proposed Sign Ordinance update v.3.7.19** – Tony Verwey recapped that the only question that remained concerning the sign ordinance was the change of allowable setbacks from the proposed 750 feet to 500 feet from any other billboard sign to alleviate concerns that there might be a de facto exclusion. The change would create an opportunity for billboards within 500 feet of each other or two properties that fit within that area. Mr. Ethridge presented a visual to confirm that the change would open up an opportunity in C-2 district for a billboard.

**Motion to approve the proposed sign ordinance draft dated march 7, 2019 with no amendments and to forward the proposed ordinance to the Board of Supervisors for consideration. (KF/JL) 6-0**

### **Public Comment**

None

### **Reports**

Mr. Flynn summarized his observations of the BOS workshop and meeting.

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

Meeting was adjourned at 9:30 pm.

Next PC Meeting – April 17, 2019, 7:30 pm – Township Building

PC Representative at next Board of Supervisors Meeting: April 15, 2019 – NO MEETING

Respectfully submitted,  
William Ethridge, Planning Commission Secretary