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**

1. 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