

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

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

## **Present**

Commissioners – Planning Commission (PC) members James Lees and Russ Hatton were absent, all others were present (5 attendees). Also present were the Zoning Hearing Board for Westtown Township – David Scaggs (Chairman), Jeff House (member) and Laura Scanlon (Vice Chair), Esq., and Planning Director Will Ethridge.

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

Mr. Pomerantz called the meeting to order at 7:40 PM, Laura Scanlon led those present in the Pledge of Allegiance.

## **Adoption of Agenda (EA/JE) 5-0**

No changes were made.

## **Approval of Minutes (EA/JE) 2-0**

One correction was made to the PC meeting minutes for 07/17/2019.

## **Announcements**

- Mr. Ethridge notified the PC that Mila Robinson, Planning Technician, would attend the next meeting in his place.
- Westtown School Public Comment meeting is scheduled for August 20 at 7pm.

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

None

## **New Business**

1. The Zoning Hearing Board (ZHB) for Westtown Township and PC had an open discussion related to the following items: regulations of home occupations, stream setbacks, review time, and general communication.

David Scaggs noted that in conjunction with the Township Code and Pennsylvania Municipalities Planning Code (MPC), the ZHB based its decisions on PC's recommendations. He noted that the ZHB was not bound by the PC's recommendation, but appreciated all input provided by the PC regarding applications under review.

Will Ethridge raised a question about a necessity of having a 30-day window between the PC meeting and the ZHB hearing. Mr. Scaggs responded that it was unnecessary to have that many days for review. For the benefit of PC and ZHB, Mr. Ethridge recapped the internal review process starting from receiving an application to the ZHB hearing. He pointed out that not having a 30-day window would be beneficial for an applicant and that the timeline was not necessary, as long as the PC meeting happened before the ZHB hearing to allow enough time for PC to review the application and provide its recommendations. Mr. Ethridge also noted that he typically provided the recommendations summary to the applicant a day after the PC

meeting. After a short discussion, Mr. Pomerantz requested Will Ethridge to pass this request to Ron Agulnick (Solicitor) and to Pat McKenna, Township solicitor, for feedback and comment.

Mr. Pomerantz raised a concern that the PC did not receive a formal notification of both decision and the reasoning behind it from the ZHB on previously submitted applications. Mr. Ethridge indicated he would forward all future ZHB decisions to C members.

Mr. Scaggs explained that the issues that arose during the application review process related to home occupation regulations were the percentage of the habitable space and any restrictions on volunteers working at those properties. The PC had a discussion on how to distinguish between minor and major home occupations and challenges to enforce those requirements. They agreed that the purpose of home occupation regulations was to prevent them from causing nuisances to the nearby residents; however, more research was needed to determine how to regulate the ones potentially causing the nuisance besides the way of limiting its use to a specific square footage of the house, number of vehicle trips, signage restrictions and number of employees. Both PC and ZHB members agreed that the ordinance already established that a home occupation was an accessory to the residential use where one could not run a business out of the house if the business was the primary use. They also agreed that the principle method of determining the appropriate business to allow was by determining what type of business it was. Mr. Ethridge summarized that the Township already had a list of what was considered minor and major home occupation and what was prohibited, and comparing the submitted application to that list was the first step in his review process.

Mr. Pomerantz raised a question about the definition of “a boarding home” in the Code. Mr. Ethridge determined that this definition was absent from the Code and noted that he would rely on the dictionary definition if that ever came up.

Mrs. Scanlon asked if there were any restrictions on what could be rented as an Airbnb. Mr. Ethridge recapped that one of the restrictions added to the Code specified that it could only be a family member within the definition of “a family member” as noted in the code.

Mr. Scaggs brought up the question of the purpose of perennial and intermittent stream setbacks if they were not in a floodplain, the circumstances for that specific regulation of 75 feet and standards for granting the variance. Mr. Ethridge confirmed that the Code specified a minimum setback of 75 feet from perennial creek, and the same 75-foot to either side of the top of the channel bank requirement for a riparian buffer. He explained that the purpose of those requirements were to protect the streams by not allowing any vegetation to be removed and by keeping those in their natural state. Mr. Scaggs suggested that the applicability of stream setbacks could be reconsidered based on circumstances. After a thorough discussion, PC questioned whether the 75-foot setback might have been required by the State as a part of stormwater ordinance amendment. Mr. Pomerantz suggested that the PC should review the subject matter in more detail not only on the size of stream setbacks but how correctly to apply those requirements.

### **Old Business**

None

### **Public Comment**

None

### **Reports**

Board of Supervisors Meeting on 08/05/2019 was cancelled. Kevin Flynn brought up to PC's attention the article in the paper related to Sunoco's continuing problems with pipeline easements, and asked PC whether there was another meeting with Nancy Harkins regarding the pipelines. Mr. Pomerantz responded he and Nancy Harkins already spoke, and they and possibly others are scheduled to meet in the next ten days

### **Adjournment (JE/SR) 5-0**

Meeting was adjourned at 9:16 pm.

Next PC Meeting – August 21, 2019, 7:30 pm – Township Building

PC Representative at next Board of Supervisors Meeting: August 19, 2019 – Jim Lees / Elaine Adler

Respectfully submitted,  
William Ethridge, Planning Commission Secretary