

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

VIRTUAL MEETING (via Zoom Platform)
Wednesday, October 21, 2020 – 7:30PM

Present

Commissioners – All Planning Commission (PC) members were present. Also, present was Township Planner and Interim Zoning Officer Mila Robinson, and Township Consultant John Snook.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:32 PM.

Adoption of Agenda (RH/SR) 7-0

No changes were made.

Approval of Minutes

9/23/20 meeting minutes were approved. (JE/JL) 7-0

Announcements

- Mila Robinson reminded the PC that the BOS Crebilly/Toll Bros. CU Hearing #5 was scheduled on 10/22/20 at 7pm via ZOOM.
- Mila Robinson noted that the community survey for Oakbourne Park Master Plan was live on the Township website, and encouraged everyone to participate.

Public Comment – Non Agenda Items

None

New Business

1. 2020 Maultz Accessory Dwelling Unit – 917 Hummingbird Lane

Holly Maultz, the owner of 917 Hummingbird Lane, summarized her reasons to submit an application to the Zoning Hearing Board (ZHB) to build a small living structure, “a tiny house,” adjacent to the existing house, to regain permanent and safe housing. Ms. Maultz explained that she had been displaced from her house due to a contamination caused by an oil tank leak in the crawlspace during the tank removal process in January 2018. She detailed that the oil spill affected indoor air quality and contaminated portions of the crawlspace concrete floor, the soil underneath it, the load bearing concrete structural blocks on one supporting wall, and that exposure to oil fumes made her increasingly ill, forcing her to leave the house. She noted that the tank removal company denied any wrongdoing, and the matter is now in litigation. Ms. Maultz detailed that an environmental scientist explained to her that if all oil contaminated materials and soil remained after the remediation process was complete and she was to move back into her home, those Volatile Organic Compounds (VOCs) would continue to off gas and pose both short and long-term health risks. She told the PC that in addition to the oil contamination, water pipes burst (in 2018 and 2019) while the house was unoccupied, resulting in water damage. Ms. Maultz acknowledged that the house was fixable, but it would be very costly and well beyond her present financial means. She presented a copy of the soil tests indicating soil contamination, and that she was advised additional soil testing was required to determine the extent of that contamination. She detailed her hardship of being displaced from her home and shared that she had a disability where she became seriously ill when exposed to various chemicals. Ms. Maultz asked the PC to provide recommendation to the ZHB to approve

the proposed ADU.

Elaine Adler asked Ms. Maultz to detail the specifications of the tiny house. Ms. Maultz described that the proposed 780 sq. ft. one-story ADU would include a kitchen, laundry room, a living and dining space, a bathroom with a shower, a bedroom, and a secondary bedroom to be used as an office space. Mrs. Adler raised a question about the driveway extension to access the proposed ADU. Ms. Maultz confirmed that there was no plan for expansion and she intended on walking across the grass from the existing driveway to the ADU. Mrs. Adler also asked whether the house would be used as a rental. Ms. Maultz explained that the house would be her permanent housing until she could afford to fix the main house, and she intends to use the tiny house for family guests.

Mr. Flynn asked how the ADU would be serviced by water and sewer. Ms. Maultz explained that it would be tied into existing septic system and public water. Mr. Flynn also asked what she would do to the main house if she could not move back in. Ms. Maultz hoped that the house could be fixed; however, she acknowledged that if that did not occur, she would make a decision based upon cost benefit analysis as to what to do with the house.

Mr. Flynn thought that it would be more cost-effective to demolish it now and build a more modest permanent home. Ms. Maultz responded that she got estimates for tearing down the home, but it would greatly deplete her resources to build a tiny home. She stressed that her priority is to protect her health as soon as possible, so that she has secure and safe housing while litigation is ongoing. She noted that because of COVID-19, the courts are experiencing significant backlogs, and she did not want to continue to wait on safe and secure housing.

Mr. Flynn asked if any of the neighbors were aware of the proposal. Ms. Maultz noted that she spoke with one of her neighbors, who was very enthusiastic about it. However, she acknowledged that she has not initiated any conversations with her adjacent neighbors. Mr. Flynn strongly recommended her to do so. Mr. Flynn also suggested that Ms. Maultz to look into a recovery fund for Pennsylvania residents who have been impacted by leaking oil tanks. Ms. Maultz responded that she was familiar with the fund of that sort in New Jersey.

Mr. Embick asked Ms. Maultz about the timeline of ongoing litigation. She said that they had not gone to trial yet, and were in the preliminary objection phase. She noted that she is representing herself. Mr. Embick agreed with Mr. Flynn that it might be a good idea to figure out what to do with the main house remediation. Mr. Embick also brought up the point that all houses are filled with chemicals, and questioned how the main house could be made habitable for Ms. Maultz considering her hypersensitivity. Ms. Maultz answered that she was used to taking extra precautions and provided several examples of house improvements she did to minimize exposure to those chemicals.

Mr. Snook suggested Ms. Maultz to design a tiny house in a way that it could be connected to a rebuild, partial rebuild, or rehab of the existing house, and thus eliminate the situation of having two dwellings. Ms. Maultz replied that due to oil contamination she would feel more comfortable having a distance between the ADU and the main residence.

Mr. Lees pointed out that it would take about a year to go through the process from application to the ZHB to the construction, which might not be a good solution for Ms. Maultz. He also noted that the topography of the site might be challenging in terms of stormwater management, and said it is crucial to have a driveway access to the ADU in case of emergency.

PC suggested for Ms. Maultz to look into other funding resources for an opportunity to demolish and rebuild the main house, and if that was not an option to come back with the application to the ZHB.

Old Business

1. Dog Ordinance

John Snook summarized the proposed draft ordinance modeled after West Goshen Township, to be included in to Chapter 49 of the Code. He pointed out that while the provisions only dealt with dogs, it has been worded to add subsections dealing with other animal issues in the future.

Mr. Embick suggested an alternative to the proposed proceeding under the civil action rules, where the summary citation procedure would occur under the Pennsylvania rules of criminal procedure, which was also undertaken before the district magistrates. He noted that the Township could do both if it had a legal authority to impose criminal prosecutions for violations of its ordinances. Mr. Snook pointed out that the Township would do that through the police. He summarized the enforcement proceedings presented in the draft.

Mr. Hatton stated that the proposed ordinance does not say whether it applies to the resident or not. Mr. Snook explained that it implies that you did not have to be a resident to comply though the definition of "owner."

PC discussed the use of several terms: "under the reasonable control" or "on the leash." PC suggested putting language in the ordinance requiring the dogs to be on a leash in public parks and open spaces unless allowed otherwise.

Mr. Embick suggested that Mr. Snook have a conversation with Chief Bernot, WEGO Police Department, to gather feedback on enforcement.

Public Comment

Chris Allen, 209 N. Deerwood Dr., raised a concern that there might be possibilities of unintended consequences in the proposed dog ordinance initiative, as it related to limitations on numbers of dogs and the references to dog training. She noted that she had reached out to the Pennsylvania Federation of Dog Clubs, and through them, to the American Kennel Club to provide thoughtful input and perspective, and perhaps even engage in some dialogue and to share experiences about best practices and what had proven problematic. Mr. Hatton pointed out that the proposed ordinance did not intend to place limitations on the number of dogs. Mrs. Allen noted that she had some printed material she wanted to share with the PC, but she lost power and was not able to refer to her notes.

Reports

Board of Supervisors Meeting 10/05/20 – Elaine Adler

Board of Supervisors Meeting 10/19/20 – Russ Hatton/Jack Embick

Adjournment (JE/JL) 7-0

Meeting was adjourned at 9:24 PM.

Respectfully submitted,
Mila Robinson,
Planner II/Interim Zoning Officer