

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

VIRTUAL MEETING (via Zoom Platform)
Wednesday, November 4, 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. Jack Embick led those present in the Pledge of Allegiance.

Adoption of Agenda (JE/SR) 6-0-1

No changes were made.

Approval of Minutes

10/21/20 meeting minutes were approved. (JE/KF) 6-0-1

Announcements

- Mila Robinson noted that the next public meeting for Oakbourne Park Master Plan is scheduled for 11/10/2020 at 7pm and encouraged everyone to attend.
- Mila Robinson reminded the PC that the BOS Crebilly/Toll Bros. CU Hearing #6 is scheduled for 11/17/20 at 7pm via ZOOM.
- Mr. Embick reminded that the survey for the Oakbourne Park Master Plan is still open and encouraged everyone who has not taken it yet to participate.
- Mr. Embick also reiterated that it was his understanding that Toll Bros. has not finished their case, and there would be additional witnesses for the hearing on 11/17/2020.

Public Comment – Non Agenda Items

None

New Business

None

Old Business

1. Dog Ordinance

John Snook summarized the proposed changes to a draft dog ordinance presented at the previous PC meeting. He recalled the discussions regarding the restriction of dogs, where the PC suggested to require the dogs to be firmly secured by means of a collar and chain unless there were posted rules in a park and other public place permitting them to be loose, but under the reasonable control of a person. He provided examples of a park and trails, where the dogs were permitted to be off leash, but still under the reasonable control of the owner. Mr. Snook pointed out that he added a definition for running at large to be defined as being upon any public highway street, alley, park, or other public or private land without the express permission of the landowner.

Mr. Embick noted that he took a quick look at the Pennsylvania Dog Law where under the running at large statute, it states that the police or other authorized agency can seize a dog

running at large and destroy it if they determine that the dog is a threat to public safety. He complimented that the changes John Snook placed into the ordinance were well tailored to the Township's needs. Mr. Snook recapped that the proposed ordinance referenced the Pennsylvania Dog Law. He also noted that the dog running at large on private land without the permission of a landowner had been clarified in the proposed language.

Mr. Snook summarized the changes regarding dogs going onto the private or public property to address owners not cleaning up after their pets. He made a clarification to what constitutes a proper disposal of dog waste.

John Snook summarized the proposed edits to violation and enforcement procedures, including separate subsections for continuous barking, violation fee structure for separate offences, and criminal enforcement proceeding reference. He noted that he would have to check with Pat McKenna, Township solicitor, regarding the inclusion of criminal proceeding language in one subsection. He clarified that the count of violations was based on owner not the number of dogs, because there might be multiple dogs causing the issues.

Mr. Embick raised a question about the phrase, "No judgement shall be imposed until the date of the determination of a violation by the district justice," in the violation and enforcement provisions. He expressed confusion as to what that meant and asked Mr. Snook to clarify with Mr. McKenna if that was necessarily to include.

Motion to forward the draft proposal for the changes to Chapter 49, Animals, of the Westtown Township Code provided that the consultation of John Snook and Pat McKenna do not result in any material or significant changes to the draft to the Board of Supervisors (BOS) for review and approval. (JE/KF) 6-0-1

2. Review of Stormwater, Zoning, & SALDO Proposed Changes w/Status Updates

Russ Hatton referred to the ordinance amendments priority list created by the PC. He noted that those changes listed as priority one were working changes and minor corrections. He suggested for those to be edited, placed in a formal resolution, and forwarded to the BOS after being finalized by the PC.

John Snook pointed out that there were corrected amendments to Flexible Development section previously, but he was not sure of their status. He asked Mrs. Robinson to check on the status of those to determine how to move forward. He noted that he sent a copy of corrected amendments to Will Ethridge, previous Zoning Officer, over a year ago and was under the impression that those did not move forward. Mr. Flynn asked if any of these proposed changes would affect the potential development of Crebilly Farm if the ordinance was enacted now. Mr. Snook responded that it should not because the application for development was already submitted even though it was not approved yet. He clarified that the applicant was only governed by what was in place at the time of the application; however, he stated that the only way for the amendment to apply was to include it as a condition of approval if the applicant agreed to that.

Mila Robinson and John Snook brought up the issue of a lack of side setback dimension for subdivisions developed under flexible regulations. They proposed to add those to the list to be considered for future amendments.

Mr. Snook also brought up the issue of existing minimum setback dimensions for patios that limit property owners of small lots. The PC suggested including that to the list of priorities as well. He also noted that the PC might want to look into the changes regarding breezeway regulations to provide clarity in what might be considered as an attached garage.

Public Comment

Chris Allen, 209 N. Deerwood Dr., recapped that she sent a letter to the PC to express her concerns regarding the possibility of expanding the definition of kennel, both in terms of lowering the threshold number as well as expanding the definition to include non-custodial situations such as dog training and grooming. She reiterated that her concerns were not related to the appropriate regulations of animal control and dog nuisance behavior. She thanked the PC for addressing those issues. Mr. Embick asked Mrs. Allen to kindly assist in obtaining well-crafted ordinance samples that might be available with the Pennsylvania Federation of Dog Clubs and the American Kennel Club.

Charlie Hall, American Kennel Club, noted that he had several conversations with Mrs. Robinson and email communication with John Snook about the proposed ordinance changes. He agreed that the way the proposed ordinance was written with dogs being required to be under control would cover the issue relative to leash law.

Reports

Jack Embick and Kevin Flynn provided the report of Board of Supervisors Meeting 11/02/20.

Adjournment (JE/JL) 6-0-1

Meeting was adjourned at 8:42PM.

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