

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

VIRTUAL MEETING (via Zoom Platform)
Wednesday, November 18, 2020 – 7:30PM

Present

Commissioners – Planning Commission (PC) member, Tom Sennett, was absent, all others were present. Also, present was Township Manager Jon Altshul, Township Planner and Interim Zoning Officer Mila Robinson, and Township Planning Consultant John Snook.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:31 PM. Kevin Flynn led those present in the Pledge of Allegiance.

Adoption of Agenda (JE/SR) 6-1

No changes were made.

Approval of Minutes

11/04/20 meeting minutes were approved with the following corrections: **(JE/KF) 6-1**

- Correction of the word “working” to “wording” on page 2 under Old Business item #2, first paragraph.
- Add the following sentence: “Mr. Hatton suggested that Ms. Robinson and Mr. Snook grouped the ordinance items on the PC’s priority list related to flexible development into one group.”

Announcements

- Mila Robinson introduced new Township Manager, Jon Altshul.

Public Comment – Non Agenda Items

None

New Business

1. 2020 Ward Swimming Pool Variance

Mila Robinson summarized that Mr. Ward, property owner of 127 Hidden Pond Way, would like to apply to the Zoning Hearing Board (ZHB) for a variance to build a swimming pool in his rear yard. Ms. Robinson referred to items provided to the PC, including the plot plan, subdivision plans for Arborview, and a brief memo summarizing Mr. Ward’s request, and an explanation for a variance request.

Chris Ward explained that the recorded subdivision plans included a requirement for principal and accessory structure setbacks of 50 feet from his rear property boundary. He noted that he would seek a relief from that requirement to encroach about 24 feet with the proposed pool. Mr. Ward pointed out that there were primarily woods, and school property behind his house.

Jack Embick asked Mr. Ward if he had reviewed the legal standards in Pennsylvania for the granting of a variance. Mr. Ward responded that he did not. Mr. Embick reiterated that the PC did not made decisions on the variance requests, but proved recommendations. He pointed out that a person seeking a variance has to demonstrate before the ZHB

compliance with each of five major standards. Mr. Embick noted that for the PC to understand whether the proposed pool is eligible for a variance, Mr. Ward has to present the information to address five requirements. In his view, the presented proposal was a dimensional variance request and noted he would need more information to make a decision whether or not Mr. Ward's proposal qualified. Mr. Embick asked Ms. Robinson to provide those standards to Mr. Ward. She noted that those were listed on the Township website under the ZHB webpage and previously provided to Mr. Ward.

Bob from the Paragon Pool Service and Mr. Ward's contractor, asked the PC if there were any other issues for them to consider. Mr. Embick reiterated that they had to demonstrate how the pool proposal meets those five standards for a variance before moving forward with the review. He mentioned that the additional impervious surface might be something that would need to be addressed. Ms. Robinson detailed that when the additional impervious surface is between 1,000 and 2,000 square feet, a stormwater Best Management Practice (BMP) would be required. She added that if the proposed exceeds 2,000 square feet of impervious, a stormwater management site plan completed by the engineer would be required.

Mr. Hatton asked about the dimensions of the pool. Bob responded that the proposed water surface was about 750 square feet plus decking around the pool. He also noted that a portion of the existing patio would be removed to accommodate the pool.

Mr. Hatton asked whether the existing patio encroached into the 50-foot setback area. Mr. Ward responded that the plan he had did show that a little slab of the patio infringed on that, and he assumed that was allowed at the time the subdivision was developed. He noted that there had been slight enhancements to the patio since then, but he did not believe it went beyond the required 50-foot setback line.

Mr. Embick asked Mr. Ward whether the builder or the homeowner's association (HOA) made him aware of the setback requirements when he bought the house. Mr. Ward responded that it had been 16 years since then, and it was brought to his attention when he reached out to the Township regarding the pool installation. Mr. Ward noted that he reached out to the HOA, which has architectural requirements for the pool and told him that as long as the pool meets zoning requirements, they were fine with that.

Mr. Embick asked whether any neighbors had any concerns about Mr. Ward's proposal. Mr. Ward responded that he believed they did not.

Mr. Embick asked Bob whether there is a way to design the pool feature to comply with the zoning setbacks. Bob responded that there was not, because the rear 50-foot setback line ran across the existing patio and there was no physical room on the sides of the house.

The PC recommended that Mr. Ward would work with his contractor on addressing the variance requirements before proceeding with the application to the ZHB.

Old Business

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

Ms. Robinson summarized that she and John Snook made changes to the priority list to reflect existing status of ordinance amendments and to add other proposed changes. She provided an update on where the bi-directional antennas ordinance stood in terms of its adoption. She pointed out that the last draft was dated March 2018. The concern at that time was an appropriate reference to the International Building Code (IBC); therefore, it was not adopted by the BOS. She noted that Mr. Snook suggested a specific language that

was sent to Pat McKenna, Township solicitor, for legal review and approval. After a brief discussion, the PC agreed that the language proposed by Mr. Snook would be applicable, and requested to bring the proposed draft ordinance back once it is ready for a final approval by the PC.

John Snook reported that he sent the draft dog ordinance to Pat McKenna and received several recommendations, which he summarized for the PC. He also noted that the American Kennel Club (AKC) and PA Federation of Dogs Clubs provided ordinance samples from other municipalities. Mr. Snook pointed out that they included good definitions for “running at large” and excluded hunting and tracking dogs, service, and public service animals. Mr. Embick suggested that Mr. Snook incorporate some of those additions and corrections into the draft ordinance and bring it back to the PC for review. He noted that sample definitions and exceptions might be helpful. Mr. Flynn raised a concern that the ordinance might become too complicated, running the risk of unintended consequences. Mr. Snook assured that he would simplify it and only consider the sample sections in relevance to definitions and exemptions.

Jack Embick recommended having both civil and criminal mechanisms in the dog ordinance for the Township to choose how to proceed. He suggested asking Pat McKenna if that would be appropriate.

Mila Robinson summarized that some items listed as Priority 1 would be grouped together to be amended, specifically dealing with major home occupations in Zoning, stormwater management, and lighting waivers in Land Development Chapter, and general requirements in Stormwater Management. She noted that Bob Flinchbaugh, Township engineer, provided comments relevant to street construction and paving materials in the Land Development Chapter.

John Snook summarized the status of the proposed changes to Flexible Development procedures that were previously presented and approved by the BOS, but later repealed. He noted that there were additional changes, including those discovered most recently that could be all grouped into one ordinance amendment. After a brief discussion, the PC tasked Mr. Snook with compiling all proposed changes together by the next PC meeting for review.

Ms. Robinson noted that the last two Priority 1 items dealt with projection into setbacks and storage. Elaine Adler explained that the complaints about projections into 25-foot setback came from the fire department relating to the Chesterfield development, where the buildings were close together at an angle and when decks were added to some units, they projected into other buildings. Mr. Snook brought up that many residents were looking to add outdoor living spaces, and it has become more challenging for smaller lots to comply with those regulations. He proposed having a specific designation of a permitted building envelope at the time of conditional use approval to avoid those situations in the future.

Public Comment

Chris Allen, 209 N. Deerwood Dr., commented that there might be more of those exemptions [from dog ordinance] than people realize, including families fostering and training service dogs, and supported the PC decision to add those exceptions. She noted that the proposed changes would address what she thought was a hiccup in the draft relative to “under the control” definitions.

Reports

Steve Rodia provided the report of Board of Supervisors Meeting 11/16/20.

Jack Embick provided the report of the Toll/CU Hearing 11/17/20.

Adjournment (JE/JL) 6-1

Meeting was adjourned at 9:23PM.

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

DRAFT