

WESTTOWN TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
VIRTUAL MEETING (via Zoom Platform)
Wednesday, December 23, 2020 – 7:30PM

Present

Commissioners – Russ Hatton (RH), Jack Embick (JE), Steve Rodia (SR), and Tom Sennett (TS) were present; Kevin Flynn (KF), Elaine Adler (EA), Jim Lees (JL) were absent. Also, present were 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.

Adoption of Agenda (JE/SR) 5-0

No changes were made.

Approval of Minutes (JE/KF) 5-0

The 12/09/20 meeting minutes were approved with the following corrections:

- Corrected “Pennsylvania EPS standards” to “PA DEP standards” on page 2.
- Changed “hardship” to “uncertainties” on page 3.

Announcements

- Mila Robinson announced the next Toll Bros./Crebilly CU Hearing on Jan. 26, 2021.
- Mr. Hatton noted that the PC had received an information on the bus stop design model ordinance for the PC to consider for future discussions.
- Mr. Hatton also noted that the 2021 PSATS conference was scheduled for April 18-21.

Public Comment – Non Agenda Items

None

New Business

None.

Old Business

1. Dog Ordinance

Mr. Hatton expressed his opinion that Mr. Snook’s draft not only covered the issue that was brought to the PC’s attention of one person’s dog going into someone’s yard, but also covered other things that were added during multiple discussions. He noted that the PC now received some comments from the Chief of WEGO PD, and was afraid that it would cause more changes to the draft ordinance. TS believed that those comments did not trigger any changes to the draft. Mr. Rodia agreed with Mr. Sennett, and thought that all of the concerns had been already addressed. He was fine with the wording as presented.

Mr. Snook also believed that the Chief’s comments did not infer any further changes. He reiterated that the ordinance is there as a backdrop, and was not intended to have the police officers running around and looking for barking or stray dogs. He explained that the ordinance was there to respond to a complaint or multiple complaints.

Mr. Embick stressed that there was nothing like it in the existing code, and it was a worthy addition. He noted that at the last BOS meeting, they indicated considering noise ordinance amendments, because the only noise control requirements were located in the zoning ordinance. He got a feeling that the BOS understood the need to create a standalone ordinance

for the purposes of controlling noise in Westtown. Mr. Embick pointed out that the BOS was aware that the PC was considering a dog ordinance containing a feature that would control or address dog barking, and did not seem to be disturbed about that. He felt strongly that Pat McKenna, Township solicitor, or Kristin Camp, PC solicitor, should weigh in on whether or not if someone was cited a citation, on the criminal side, and probably on the civil side, a summary citation could be left at the dwelling and did not have to be served on anyone or handed to a person. Mr. Embick would like it to be a feature of the ordinance, so that whoever was enforcing that did not have to find somebody to personally serve.

Mr. Embick suggested several edits to the draft ordinance. He was primary concerned with the way Section 49.102 regarding dogs defecating on private and public property was written. He noted that the intent was to prevent people from allowing their dogs to defecate on someone else's private property. He recommended clarifying that section to make it clear that after the dog had defecated, the feces have to be immediately cleaned up and disposed of in a suitable way. After a brief discussion, the PC agreed to the revised wording.

2. Flexible Development Ordinance

Mr. Snook summarized that he had compiled the previously adopted changes, additional previously proposed changes, and corrections into one document. He went over some of those edits highlighting the importance of definitions, such as Brandywine Battlefield Swath, scenic landscapes, historic resources, and several reference inconsistencies.

Mr. Embick pointed out that in the past, he always argued for the broadest possible definition of historic and scenic resources, as those terms were in the Pennsylvania (PA) Constitution, specifically in Article I, Section 27. He noted that those terms were not defined in the PA Constitution, thus, they would use ordinary definitions of those, which were quite broad. He felt strongly that the PC should do as much as they could to make sure that those resources were protected, or at least the PC could evaluate those resources to the greatest extent possible to meet the constitutional mandate. Mr. Snook pointed out that the proposed definitions were quite broad.

Mr. Sennett asked whether there had been any significant case law defining those resources. Mr. Embick replied that there was not. He reiterated that identification of those constitutionally protected resources did not go far enough, and expressed strong opinion that one has to evaluate the impact of proposed development on those resources.

Mr. Snook recommended that the PC review the tracked changes and comment on them. PC agreed to revisit those sometime in the future.

Public Comment

Charles Hall, American Kennel Club (AKC), noted that he saw the dog ordinance on the PC agenda, and attended because he was interested to see if there were any changes to the draft ordinance.

Reports

Mr. Embick provided the report of Board of Supervisors Meeting 12/21/20.

Adjournment (JE/TS) 5-0

The meeting was adjourned at 8:35PM.

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