

**WESTTOWN TOWNSHIP PLANNING COMMISSION**  
**MEETING MINUTES**  
VIRTUAL MEETING (via Zoom Platform)  
Wednesday, January 20, 2021 – 7:30PM

**Present**

Commissioners – Russ Hatton (RH), Jack Embick (JE), Steve Rodia (SR), Tom Sennett (TS), Jim Lees (JL), and Elaine Adler (EA) were present; Kevin Flynn (KF) was 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) 6-0**

New business will be discussed before old business.

**Approval of Minutes (TS/JE) 6-0**

The 01/06/21 meeting minutes were approved with the following correction:

- Change of “offsite” to “onsite” on page 4, paragraph 3, second sentence.

**Announcements**

- Mila Robinson announced the next Toll Bros./Crebilly CU Hearing on Jan. 26, 2021.

**Public Comment – Non Agenda Items**

None

**New Business**

**1. Malvern School Sign Variance Application**

Deborah Shulski, attorney representing the applicant, Malvern School, summarized the variance application request for the placement of the sign. She noted that the sign itself otherwise met all area and bulk requirements, including sign area, height, illumination, etc. Mrs. Shulski explained that the proposed sign was outside of the legal right-of-away, but inside the public right-of-away under the Signs code, where it was defined as being 60 feet from the centerline of Route 202. She believed that there was an inconsistency with a definition of the public right-of-away. Mrs. Shulski mentioned that the sign location was the subject of an easement agreement with the Township, which made her think that the Township was on board with it. She also pointed out that the sign really needed to go where it was being proposed due to typography constraints on the property, where it drops from beneath the streetscape. She noted that for the proposed sign to comply with those regulations, it would have to be located in the parking lot.

Mr. Embick asked Mrs. Shulski to show on the site plan provided by the applicant and dated September 23, 2020, where the sign had to be located to be in compliance with the zoning requirements. Mrs. Shulski confirmed that the proposed sign was approximately 48-50 feet from the centerline of Route 202 instead of 60 feet as required. Mr. Embick asked to confirm that if the sign was to move 10 feet to the east, it would be either on the slope or in the cutout at the parking lot. Mrs. Shulski confirmed that was the case.

Mr. Rodia asked whether moving the proposed sign closer into the right of way would create any public safety issues. Mr. Snook believed that because it met clear sight triangle

requirements, it would not be a traffic hazard.

Mr. Sennett made a point that if the sign was to be moved to the east, the applicant would not have to ask for a variance for a sign location, but only for height. Mr. Snook agreed that if the applicant moved it further towards the parking lot, the sign would have to exceed the height limit to be visible from the roadway. Mr. Sennett asked the applicant to explain the reason that the Malvern School preferred the proposed location, requiring a location variance over a location with a height variance. Mrs. Shulski believed that it was less obtrusive the way it was proposed, because of its small size, which would not create any adverse impact to traffic or impair visibility. Mr. Sennett felt that the same was true for an alternative location with simply a taller sign.

Mr. Snook suggested that the applicant could change it to a double variant request, a variance for height and a variance for placement. He felt strongly that it was an aesthetic and visibility issue that the PC had to make a decision on.

Mr. Cook, Director of Facilities of Malvern School, reiterated that he preferred the school's standard simplified small sign. He noted that they had been working with the sign company to try to be in compliance to get 60 feet away from the centerline of Route 202, but it was costly to construct a 30-foot sign, and he felt it would not be aesthetically pleasing.

Mr. Embick expressed his opinion that what the applicant presented did not justify a variance based on the five elements in the Municipalities Planning Code and in Pennsylvania case law. Mrs. Shulski believed that the request met the standard five-part test, because there were unique conditions of the property that had an ultimate impact on where the sign could be placed. She reiterated that other alternatives would also require a variance.

Mr. Embick asked whether the guardrail was in the public right-of-way as defined by the Zoning Ordinance. Mrs. Robinson referred to the sanitary sewer easement agreement that stated "Owner desires to install a guiderail and a sign within the limits of the existing easement." Mrs. Shulski confirmed that the guiderail was out of the legal right-of-way. Mr. Snook noted that the ordinance was silent on setbacks for guiderails. Mr. Embick reminded the PC of previous discussions, and generally were not in favor of putting structures in the public right-of-way unless there was a unique circumstance that dictated that.

Mr. Hatton noted that he would like to know where existing signs along Route 202 were, relative to the location of the proposed sign. He suggested that the applicant would provide a rendering to display the location of the sign, topography, and the sign itself.

**Motion to make a recommendation that the Zoning Hearing Board consider the following items with regard to the request for a variance for the Malvern School sign: they will review the plan containing more details where the setbacks and right-of-ways are in reference to the sign, any expense required to move the sign in the future be borne by the school or the current owner at that time, and consider the location in light of other signs along Route 202. (RH/SR) 4-2**

## **Old Business**

### **1. Ordinance Amendments Priority List**

Mrs. Robinson and Mr. Snook summarized that the list was edited to reflect the most recent discussions. Mrs. Robinson noted that some of the proposed changes did not require much discussion, since they were small corrections to applicable references or misspellings. Mr. Snook suggested that those could be packaged together into one resolution by the next PC meeting, upon a review by the Township Solicitor, Pat McKenna, and be moved to the BOS for approval. Mr. Hatton requested those items to be identified in the PC meeting minutes. The

items to be packages together are listed as 2017-08, 2018-08, 2017-09.1, 2017-09.3, and 2017-09.4. Mr. Hatton also reiterated that when new items come up, they should be assigned origination numbers for consistency. Mr. Snook noted that the item listed as 2017-09.7 regarding the removal of the lighting requirements should be further discussed at the next PC meeting. The PC agreed for Mrs. Robinson and Mr. Snook to complete that package, send it for a legal review, and to the BOS. Mr. Snook the PC that they would see it again after the BOS authorizes Act 247 review.

Mr. Snook presented the PC with several suggestions in relevance to storage regulations amendments. Mr. Embick raised a question about the definitions of residential and non-residential storage. The PC had a brief discussion about self-storage, propane tanks, firewood, heavy equipment, and requested some examples of regulations from other municipalities.

Mr. Embick suggested to include references to all applicable environmental laws that may pertain to storage regulations. Mr. Snook asked Mr. Embick to send him a list of those to incorporate. PC tasked Mr. Snook to integrate their suggestions into the draft to present at the next meeting.

**Public Comment**

None

**Reports**

Mr. Rodia provided the report of Board of Supervisors Meeting 01/04/21.

**Adjournment (JE/TS) 6-0**

The meeting was adjourned at 9:36PM.

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