

WESTTOWN TOWNSHIP
PLANNING COMMISSION MEETING AGENDA
Wednesday, January 3, 2024 – 7:00 pm

Stokes Assembly Hall – Township Administration Building
1039 Wilmington Pike, West Chester, PA

For general inquiries or questions about any of the items on this agenda, please contact the Township office either by phone (610) 692-1930 or via e-mail at administration@westtown.org.

Call to Order and Pledge of Allegiance

Adoption of Agenda

Election of Officers

Nomination for Commission Chairman

Nomination for Commission Vice-Chairman

Nomination for Commission Secretary

Approval of Minutes

Planning Commission Meeting December 20, 2023

Announcements

1. The Conditional Use Application for the Stokes Estate Flexible Development has been denied by the BOS on December 27, 2023.
2. The PA Municipal Planning Education Institute (PMPEI) and Chester County 2020 are featuring a series of courses as part of the Master Planner Program. The course on the subdivision and land development review will run on February 1, 8 and 15.
3. Update on the list of proposed ordinance amendments.

Public Comment – Non-Agenda Items

New Business

1. Board Attendance

Review draft attendance schedule for compatibility with availability.

Old Business

1. Ordinance Amendments – Outdoor Burning

The Township solicitor has provided comments on the proposed changes to the outdoor burning regulations, Chapter 63 Open Burning, which have been reviewed by the Township staff and the Emergency Management Coordinator (EMC). Additional feedback is requested.

Public Comment

Reports

1. Board of Supervisors Meeting January 2, 2024 – Brian Knaub

Adjournment

Next PC Meeting:

- **January 17, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Tuesday January 16, 2024, 7:30 PM – TBD**

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, December 20, 2023 – 7:00 PM

Present

Commissioners – Russ Hatton (RH), Jack Embick (JE), Jim Lees (JL), Brian Knaub (BK), Kevin Flynn (KF), and Tom Sennett (TS) were present. Joseph Frisco (JF) was absent.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:03 PM.

Adoption of Agenda (JE/JL) 6-0

Mr. Embick made a motion to adopt the agenda. Mr. Lees seconded. All were in favor of the motion.

Approval of Minutes (JE/JL) 5-0-1

Mr. Embick made a motion to adopt the meeting minutes from December 6, 2023. Mr. Lees seconded. Mr. Sennett suggested to correct an item under Approval of Minutes. The PC agreed. All were in favor of the motion. Mr. Sennett abstained.

Announcements

1. Ms. Carter announced that the land development application for the property at 1014 Wilmington Pike for the expansion of the parking areas has been withdrawn.

Public Comment – Non Agenda Items

None

Old Business

1. ZHB Application – 1001 S Walnut Street

Mr. Chavous, property owner of 1001 S Walnut Street, provided an update that he reached out to the neighbors to collect signatures in support of his application and revised the site plan to address screening concerns raised by the PC previously. He referred to the site plan depicting a proposed 6-foot privacy fence along portion of the property where most of the business activity would occur. Mr. Chavous believed that the neighbors were in support of him being able to run family business and raising children instead of being away from home. Mr. Hatton asked to provide an overview of how Mr. Chavous would be managing all equipment and vehicles in both garages and parking lot on a daily basis. He also raised a question whether there was enough parking for additional employees. Mr. Chavous recapped that the garage is deep enough for all vehicles to park and for storage of tools. He also noted that he was not in the position to hire a helper at this time, but believed there was ample parking available for such person when the time comes. Mr. Chavous described his typical day would including loading of materials and equipment within the driveway with a forklift on the truck to head to a job site. He explained that most of the time materials are delivered to job sites, but occasionally they might be delivered to the house on the 6 feet by 12 feet flatbed trailer, which will be stored inside the garage. Mr. Embick asked Mr. Chavous whether he looked into how the equipment and materials would be all accommodated. Mr. Chavous referred to the list of items that he compiled, including a tilt bed trailer primarily used for transporting Dingo (a four-wheeled miniature loading piece of equipment) and a forklift. Mr. Embick asked whether those are counted as commercial vehicles. Ms. Carter responded that it is not defined in the Code, however, she referred to the common interpretation, which is used to describe any vehicle used for commercial purposes. Mr. Knaub asked whether the vehicles have to have engines to be considered commercial. Mr. Flynn

believed that vehicle would have to be registered with the State and have a license plate. Mr. Embick suggested for the PC to consider adding a definition for commercial vehicle to the Code. The PC agreed that it should be added to the ordinance amendments list. Ms. Carter noted that if only one commercial vehicle was parked outside and the rest were stored inside the garage, it would be in compliance with the requirements and no variance relief was necessary. Mr. Embick asked Mr. Chavous whether he was in agreement with only keeping one commercial vehicle parked outside. Mr. Chavous agreed. Ms. Carter added that the applicant would need to seek a relief to install a proposed 6-foot privacy fence within the front yard. She pointed out that one of the criteria for major home occupation was to provide screening, therefore, the Board might be in support of the proposed fence, which required a variance relief. Mr. Hatton asked about proposed business hours. Mr. Chavous anticipated to start his day around 8am with loading of materials. He expected deliveries, if any, to occur during normal business hours. Mr. Embick suggested that no more than one commercial vehicle shall be parked outside with all other equipment and tools to be stored within the garages and that the privacy fence of 4 feet or higher to be installed for screening purposes. Mr. Hatton suggested no loading or unloading of vehicles after 7pm. Mr. Lees pointed out that 7pm might be too early during the summer months. Ms. Carter suggested to make it consistent with the noise ordinance. Mr. Embick felt that 10pm was too late for commercial type of activity. The PC decided to recommend limiting the business hours to 7pm. Mr. Embick asked about the timing of the fence installation and start of the major home occupation if approved. Mr. Chavous intended to install the fence first. Mr. Sennett wanted to verify whether there was a weight limit on commercial vehicles. Ms. Carter confirmed.

Motion to recommend approval of the ZHB application for special exception to permit major home occupation for a deck building business with the following conditions to be considered by the ZHB:

1. All commercial vehicles shall be parked in the garage, except for one commercial vehicle which is permitted to be parked outside.
2. Loading and unloading of materials shall occur between 7am and 7pm, Monday through Saturday.
3. Privacy fence for screening purposes within the front yard, as appropriate, shall be installed prior to start of business operation. JE/KF (6-0)

Mr. Chavous commented that he designated an area behind the garage for scaffolding. Mr. Embick asked whether outside storage was permitted. Ms. Carter noted that if the materials were to be stored for more than 30 days, they shall be screened from view from adjacent properties and public roadways.

New Business

1. Ordinance Amendments – 2024 Priorities

Mr. Hatton recapped that the PC has been keeping a list of potential ordinance amendments with some going back to 2001. Mr. Flynn proposed to create a separate category for the items that had been discussed but not adopted. Mr. Embick suggested not to separate the list because these items might come up in the future, and instead assign a low priority and make a note under status column to keep track. The PC went through the list of high priority items. Mr. Embick noted that storage ordinance was previously discussed but never completed. Ms. Carter recapped that proposed language intended to address storage tanks, pods and other similar outdoor storage activities. Mr. Embick suggested for Ms. Carter to revisit it again to determine whether it needed further discussion or be moved to low priority. Mr. Flynn believed that the high priority items on the list shall be those that might be applicable to the development of the Stokes Farm, such as Belgium block related provisions and driveway requirements. Mr. Embick agreed and expressed that the PC was not happy with the flexible development zoning provisions. Ms. Carter noted that John Snook, Township consultant, has provided a draft language previously to

revise the flexible development requirements, which were not adopted. Mr. Embick acknowledged that the developable land where the flexible development could be applicable was limited in Westtown, but believed it was worth an effort. Mr. Embick suggested to get the Board's opinion on whether the amendments to the flexible development ordinance should be considered. The PC agreed. Mr. Embick also pointed out that there was no joint meeting with the Board in 2023. Mr. Hatton suggested to go over the list items that have been previously discussed but have not been completed. Ms. Carter noted that discussion on the chicken ordinance was still on the list due to the number of chicken coop related questions and complaints received this year. Mr. Hatton believed that it would be a question for the Board whether such ordinance was needed. Mr. Embick reminded that ordinances related to agriculture are preempted by the right to farm laws in Pennsylvania, but the townships usually could specify where these activities can go and how much activity is permitted. Mr. Hatton asked a question about the beekeeping. Ms. Carter pointed out that there was a state law regulating such activity, therefore, she suggested for beekeeping to be permitted as a minor home occupation as long as it complies with said law. Mr. Embick asked whether minor home occupations were permitted by right. Ms. Carter confirmed they were. Mr. Embick asked about the process. Ms. Carter explained that the property owner has to register the home occupation with the Township by filling in the form and description, which she reviewed and made determination whether it was permitted and could be classified as a minor home occupation. Mr. Embick suggested amending the definition of minor home occupation to incorporate beekeeping and asked whether anyone raised any concerns about permitting beekeeping within the Township. He recapped the proposal to add beehives at Oakbourne Park which was not welcomed by the neighbors who were concerned with allergies. Mr. Embick also asked whether there were any issues with boarding homes. Ms. Carter was not aware of any. Mr. Embick suggested for the line item to also include temporary rentals and Airbnbs. Ms. Carter provided an update that the Board raised some concerns pertaining to the proposed managed meadow ordinance. She also recapped that the Chester County Planning Commission has reviewed municipal solar regulations and provided feedback on what could be improved for Westtown. Ms. Carter noted the increasing number of solar permit applications and several issues within the ordinance language and proposed to address those. Mr. Hatton suggested to condense the list and focus on high priority items for the upcoming year. The PC agreed.

Public Comment

None

Reports

Mr. Lees made the BOS report from the December 18 meeting.

Adjournment (JE/TS) 6-0

The meeting was adjourned at 8:42 PM.

Respectfully submitted,
Mila Carter
Planning Commission Secretary

2024 Planning Commission Attendance* at Board Meetings

All meetings are at 7:30 pm

BOS Meeting Date	Primary Representative	Secondary Representative
January 2 (Tuesday)	Brian Knaub	Joe Frisco
January 16 (Tuesday)	Jack Embick	Kevin Flynn
February 5	Jim Lees	Russ Hatton
February 20 (Tuesday)	Tom Sennett	Joe Frisco
March 4	Russ Hatton	Jack Embick
March 18	Kevin Flynn	Tom Sennett
April 1	Brian Knaub	Russ Hatton
April 15	Joe Frisco	Brian Knaub
May 6	Jack Embick	Kevin Flynn
May 20	Jim Lees	Russ Hatton
June 3	Tom Sennett	Joe Frisco
June 17	Russ Hatton	Jack Embick
July 1	Kevin Flynn	Tom Sennett
July 15	Brian Knaub	Russ Hatton
August 5	Joe Frisco	Brian Knaub
August 19	Joe Frisco	Brian Knaub
September 3 (Tuesday)	Jack Embick	Kevin Flynn
September 16	Jim Lees	Russ Hatton
October 7	Tom Sennett	Joe Frisco
October 21	Russ Hatton	Jack Embick
November 4	Kevin Flynn	Tom Sennett
November 18	Brian Knaub	Russ Hatton
December 2	Joe Frisco	Brian Knaub
December 16	Jack Embick	Kevin Flynn

*Attendance is subject to change based on scheduling conflicts/availability.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 63

Burning, Open

[HISTORY: Adopted by the Board of Supervisors of the Township of Westtown 5-17-1993 by Ord. No. 93-4. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Prevention Bureau — See Ch. 14.

Brush, grass and weeds — See Ch. 54.

Building Code — See Ch. 57, Art. II.

Fire prevention — See Ch. 87.

Property maintenance – See Ch. 126

§ 63-1 Definitions.

For the purposes of this Chapter, the following terms shall have the meanings ascribed to them herein:

BONFIRE

An outdoor open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization. A bonfire does not include family gatherings or celebrations. ~~A ceremonial fire is an open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization.~~

BURNING

The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

BURN BARREL

An enclosed freestanding container with a screen cover designed to prevent flying debris, equipped with a spark- or amber-arresting device, which has a total fuel area of two feet or less in diameter and three feet or less in height with a maximum capacity of 55 gallons.

CHIMINEA

An outdoor device that has a single-mouth opening to fuel the fire with fresh air and a chimney.

CLEAN WOOD

Natural wood material which has not been treated with preservative chemicals, has not been painted or stained, and does not contain resins or glues as in plywood or other composite wood products.

COMMERCIAL/INDUSTRIAL WASTE

Dry waste generated by commercial or industrial establishments, including stores, offices, restaurants, warehouses and nonmanufacturing activities at industrial facilities.

DOMESTIC WASTE

Customary wastes from kitchens, baths, showers, sinks, water closets, lavatories and laundries.

FIRE PIT or FIRE RING

An aboveground or below-ground freestanding open structure constructed of stone, masonry, brick,

metal or other noncombustible material or combination thereof designed to contain and control fire and prevent it from spreading. A fire pit does not include charcoal- or gas-powered grills that are only intended to be used for cooking purposes.

INCINERATOR

Any device, apparatus, equipment or structure constructed of nonflammable materials, including containers commonly known as burn barrels, used for burning of domestic waste and yard waste or other materials as permitted by this Chapter at high temperatures for destruction.

OPEN FIRE

A controlled burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

OUTDOOR FIREPLACE

An outdoor freestanding structure constructed of stone, masonry, brick, metal or other noncombustible material or combination thereof with an enclosed burn chamber, solid or screened opening and chimney with spark arrestor.

PORTABLE BURNING UNIT

An outdoor portable aboveground commercially manufactured wood-burning or propane or natural gas device equipped with a spark- or ember-arresting device used for entertainment purposes or heating.

RECREATIONAL FIRE

~~A recreational fire is a~~An outdoor fire which is used to cook food for human consumption, entertainment purposes, or providing warmth contained in a stationary structure or portable device, including outdoor fireplace, fire pit, fire ring, chiminea and portable burning unit with or without a removable cover.

STRUCTURE

Any form or arrangement of building materials involving the necessity of providing proper support, bracing, anchorage or other protection. Such arrangement shall have a permanently fixed location in or on the ground. Structures include, but are not limited to, primary and accessory buildings, open sheds and similar enclosures with less than four walls and/or a roof, signs, fences or walls over six feet in height, detached aerials and antennas, decks, porches, platforms, recreational courts, swimming pools, tents, tanks, and towers.

YARD WASTE

Plant material that comes from yard and lawn maintenance and other landscaping and gardening activities, and includes leaves, wood branches, grass clippings, garden residue, tree trimmings, shrubbery and other vegetative material.

§ 63 –2 Purpose

The purpose of this Chapter is to:

1. Provide for the public health, safety and welfare of the citizens of Westtown Township.
2. Prevent nuisances caused by outdoor burning.
3. Clarify the requirements for the burning of trash. Domestic waste and yard waste.
4. Provide criteria and standards for the use of recreational fires and bonfires.

5. Encourage the use of recreational fires for the enjoyment of Westtown residents.

6. Avoid erroneous calls to the Fire Department.

§ 63-3+ Outdoor burning restricted.

~~Except for recreational and ceremonial fires, it~~ It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything outdoors anywhere within the township, ~~except between the hours of 8:00 a.m. and 4:00 p.m. A recreational fire is an outdoor fire which is used to cook food for human consumption. A ceremonial fire is an open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization~~ except as otherwise permitted in this Chapter.

§ 63-4 Outdoor burning general requirements.

Burning outdoors within the Township is permitted if all of the following criteria are met:

- A. A minimum of one five-pound ABC portable fire extinguisher or a garden hose connected to a water source and a shovel shall be available for immediate utilization.
- B. All fires shall be continuously attended by a person over 18 years of age until fully extinguished.
- C. No fires shall be conducted under any roofing, awning, or similar overhead covering, or indoors.
- D. No combustible or flammable liquid fuels shall be used to light or relight fire.
- E. Outdoor burning shall occur between 8:00am and 4:00pm, except as otherwise permitted in this Chapter.

§ 63-5 Recreational fires.

Recreational fires are permitted if all of the following criteria are met:

- A. Except for a chiminea and outdoor fireplace, the burning area of a recreational fire shall not exceed forty-four (44) inches in circumference and two (2) feet in height.
- B. Portable burning units shall be used strictly in adherence with all manufacturer's guidelines and specifications and shall only be placed on a flat noncombustible surface, such as brick, concrete, rock, or heavy-gauge metal.
- C. The minimum required distance shall be ten (10) feet from any building, structure, tree (including canopy), vehicle, utility pole or utility equipment, and from any property line.
- D. Burning materials shall be comprised of clean wood, charcoal or wood chips products, except for those utilizing propane or natural gas devices as described in this chapter.
- E. A permit shall be obtained for recreational fire structures that are constructed as part of a building or an accessory structure and meet the requirements of Township Building Code.
- F. All recreational fires shall be extinguished by midnight.

§ 63-6 Bonfires.

Bonfires are permitted if all of the following criteria are met:

- A. The burning area shall not exceed a five-foot diameter and ten feet in height.

B. The minimum required distance shall be fifty (50) feet from the nearest building, structure, tree (including canopy), vehicle, or utility pole or utility equipment, and twenty (20) feet from any property line.

C. There shall be a cleared area free of trees, shrubs and other combustible materials of at least 15 feet around it.

D. Burning materials shall be comprised of clean wood, charcoal or wood chips products.

E. The Westtown Township Fire Marshal shall be notified by calling a non-emergency Chester County telephone line at 610-436-4700 at least 24 hours prior to setting a bonfire.

F. There shall be no more than three bonfires on three consecutive days on a single parcel. All bonfire shall be extinguished daily no later than 10:00 p.m.

§ 63-27 Burning of trash and domestic waste material.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn paper, rubbish or other domestic waste material outdoors anywhere within the township, unless:

A. The fire is confined within a burn barrel or incinerator completely enclosed container, incinerator, fireplace or grill, placed on an even flat noncombustible surface at least 10 feet from any building, structure, tree (including canopy), vehicle, utility pole or utility equipment, and from any property line. a building, and unless someone remains in attendance during the burning.

A.B. Incinerators, fireplaces or grills which are constructed as part of a building and meet the requirements of the Township Building Code are excluded from the ten-foot requirement. Perforations, openings or screening for venting, but prohibiting burning particles or ash from being discharged, are permitted.

§ 63-38 Burning of ~~brush, grass or wood~~ yard waste.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn yard waste ~~brush, grass, wood or other materials outdoors~~ anywhere within the township, unless the fire is confined within an enclosure, a burn barrel or incinerator as defined in this Chapter and which meets the requirements of § 63-27 above or if all of the following conditions are met:

A. Such waste is limited to tree trimmings.

B. The burning area does not exceed a five-foot diameter and three feet in height.

A. — An open fire is at least 15 feet from any building, structure, tree (including canopy), vehicle, utility pole or utility equipment, and from any property line. a building; and

C. —

A.D. B. — There is a cleared area free of trees, shrubs and other combustible materials of at least 15 feet around it.; and

B. C. — There is someone in attendance; and

C. D. — In large areas such as fields or woods, in addition to Subsections A through C above, adequate manpower and equipment are available to prevent its spread.

§ 63-4 **Burning of leaves or commercial/industrial waste.**

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves or commercial/industrial waste material outdoors anywhere within the township at any time.

§ 63-~~105~~ **Burning on public roads.**

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves, brush, grass, wood, paper, rubbish or other materials, or to light any fire upon or within five feet of a public road or curb, or to light any fire within five feet of a utility pole or utility equipment.

§ 63-~~116~~ **Permission required to burn on private property.**

It shall henceforth be unlawful to kindle a fire upon the land of another, without the permission of the owner thereof, which permission, except in the case of a family member or employee, shall be in writing.

§ 63-~~127~~ **Fire ban due to drought.**

It shall henceforth be unlawful to light or authorize (or, on one's own property, to permit) another to light or attempt to light any outdoor fire when a ban on such fires has been publicly announced by the Commonwealth of Pennsylvania, Chester County, the Board of Supervisors, or their authorized representative, in a time of drought.

§ 63-~~138~~ **Authority to extinguish fires.**

Any fire on public or private property may be extinguished by the local fire company having jurisdiction, either with or without the consent of the landowner or person in charge, if, in the opinion of the Westtown Township Fire Marshal or a Westtown-East Goshen police officer, such fire constitutes a danger to persons or property.

§ 63-~~149~~ **Violations and penalties.**

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.