

# WESTTOWN TOWNSHIP

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## **AGENDA** **Westtown Township Board of Supervisors** **Workshop Agenda**

**Westtown Township Municipal Building**  
**1039 Wilmington Pike, Westtown**

**Tuesday, February 20, 2024**

**Start time: 6:00 PM Workshop**

- 1. Discussion with Planning Commission Regarding 2024 Priorities – 60 minutes**
- 2. Discussion about Trash Contract – 10 minutes**
- 3. Consider Request from Fire Companies Regarding Cost Recovery from Private Insurance Companies – 10 minutes**
- 4. Public Comment on Workshop Items\* - 10 minutes**

*Tonight's Workshop will be viewable on Zoom via the following link:*

<https://us02web.zoom.us/j/89939917814><https://us02web.zoom.us/j/89939917814>

*Or by phone at: 646-558-8656*

*\*The public comment period at the end of the Workshop will last approximately 10 minutes. The public will be asked to limit their remarks to two minutes each to allow others an opportunity to speak. To the extent that further public comment is required, speakers will be asked to save their remarks until the Public Comment - Non-Agenda Items portion of the Regular Board of Supervisors Meeting.*



# WESTTOWN TOWNSHIP

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February 7, 2024

Board of Supervisors  
Westtown Township

## **RE: Planning Commission Annual Report - 2023**

In accordance with Article II, section 207 of the Pennsylvania Municipalities Planning Code (MPC), the Planning Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the governing body. The first is a brief summary of the Planning Commission efforts for the year 2023 and signatures. This is followed by a detailed listing of the events by month. The final section is a list of the items planned for 2024 as they are now expected. It is very likely that this list will be modified as the year progresses.

### **Summary of Completed Planning Commission Activities**

For the calendar year 2023, the Planning Commission reports the following activities.

- The Commission continued to review Zoning Hearing Board (ZHB) requests for variances and/or special exceptions being requested by Township residents. This is likely a trend caused by lack of affordable housing, high interest rates, an aging population, and the desire by many to stay in their current homes. It is anticipated that this trend will weaken if interest rates are reduced and the presidential election cycle has completed.
  1. 330 Sissinghurst Drive for a variance to retain the maximum impervious coverage which was exceeded by the unpermitted construction of pool and decks. The Commission did not have a quorum to make recommendation on the application.
  2. 819 Oakbourne Road for a variance to retain two dwelling units and special exception to continue operating the third-party landscaping business. The Commission recommended approval for a second dwelling unit with a condition that the lease to the third-party landscaping business shall terminate with 90 days of the Zoning Hearing Board approval, and that the Zoning Hearing Board consider whether or not the relief should be made personal to the applicants.

3. 1502 West Chester Pike for Chase Bank for a series of variances including the number of parking spaces, location of parking and trash enclosure and width of the driveway aisle for future placement of Chase bank. The Commission did not have a quorum to make recommendation on the application.
  4. 811 E Sage Road for a variance to retain the 8-foot high fence to keep deer away. The Commission recommended denial of the variance request.
  5. 901 S New Street for a variance to construct a garage within the minimum setback area of side yard. The Commission chose not to provide any recommendations.
  6. 1115 Butternut Road for a variance to construct garage within the front building yard setback.
  7. Crebilly Lot #4 for special exception to use the existing barn as an accessory dwelling unit and associated variances. The Commission recommended approval of special exception and variance requests as presented.
  8. 1131 S Chester Road for special exception for a major home occupation on the intersection of two major arterials. The Commission recommended approval of the application to utilize the lower level of the existing house for a sole practitioner's medical office.
  9. 1001 S Walnut Street for special exception for major home occupation for a deck construction business.
- Other than the proposed Stokes Estate subdivision and land development to construct more than 80 single-family homes on 80+ acres of land, which at this time has been denied by the Board of Supervisors, there has been few requests for Conditional Use review. Many of the requests have come from Westtown School, which has initiated a number of projects in the last few years.
    1. Sketch Plans:
      - A 1-story 3,294 SF Chase Bank at Westtown Marketplace shopping center. The land development application is pending upon the amendments to the parking ordinance.
      - A 1-story 9,550 SF warehouse/distribution facility at the former Abbey Green property.
    2. Land Development Plans:
      - Improvements to the Center for the Living Arts at Westtown School. The Commission recommended approval with conditions.
      - Improvements to athletic fields and construction of a support building at Westtown School. The Commission recommended approval with conditions.
    3. Conditional Use

- A 2,750 SF Visual Arts Center (VAC) at 1632 West Chester Pike. The review of the application is extended until the end of March 2024.
  - Athletic field lighting for one field at Westtown School. The Commission recommended approval with conditions.
  - A 10-acre solar panel facility at Westtown School. The Commission recommended approval with conditions.
  - Stokes Estate development of 85 single family homes on 81 acres of land under flexible development procedure with an access from Shiloh Road. The Commission recommended denial. The Board has denied the application.
- The Commission has once again returned to review and update of the planning code ordinances.
  1. Amendments to Chapter 170, Zoning, Article XVII, Off Street Parking and Loading,
  2. Amendments to Chapter 170 Zoning to permit managed meadows.
  3. Amendments to Chapter 63, Outdoor Burning.
- The Commission experienced several changes to appointments:
  1. The Commission welcomed two new members this year: Brian Knaub and Joe Frisco.
  2. A long time Westtown employee and member of the Commission, Elaine Adler, has retired after many years of service.
  3. Russ Hatton appointed as a PC representative for the Environmental Advisory Council

**Westtown Township Planning Commission**

  
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Russ Hatton – Chairman (2023)

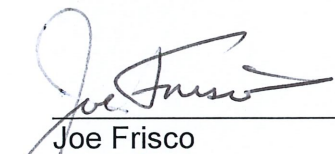
  
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Jack Embick – Vice-Chairman (2023)

  
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Jim Lees

\_\_\_\_\_  
Tom Sennett

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Kevin Flynn

  
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Brian Knaub

  
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Joe Frisco

  
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Liudmila Carter - Secretary

## Year in Detail

### January 2023

- Vice-Chairman Mr. Embick nominated Mr. Hatton, seconded by Mr. Lees, for Commission Chairman. All in favor. Nomination for Commission Vice-Chairman Mr. Sennett nominated Mr. Embick, seconded by Mr. Hatton. All voted in favor.
- Westtown School Land Development Plan – Center for the Living Arts The applicant's representative, Gina Gerber, Esq., introduced the scope of the project.
- #2023-02 330 Sissinghurst Drive The applicant and homeowner, Matt Fanfera, presented a summary of the application and a description of the improvements that have already been installed on his property. He noted that if allowed to retain all the improvements, he would need to install a stormwater management facility. Mr. Sennett asked for clarification on the improvements that were already installed.

### February 2023

- ZHB Application – 819 Oakbourne Road. Brendan Burke appeared on behalf of the applicants Hank and Harrison Whalen regarding a use variance for 819 Oakbourne Road, which is in the R-2 Zoning District. The Whalens purchased the property several years ago, and rent out space to a landscaping company. In addition, the property is home to two apartment units, in which Hank lives in one unit and his son Harrison lives in the other. As a result, former Zoning Officer Maggie Dobbs had sent the Whalens a letter dated June 10, 2022 highlighting zoning violations for commercial operations and an excessive number of residential dwellings on the property. Mr. Burke explained that the previous owners had run a nursery business from that location dating back to the early 1980s, when the garage and the two apartment units were constructed, although there is some ambiguity about when the second residential unit was built.
- Zoning Ordinance Update – Managed Meadow Ms. Carter raised concerns that the draft Managed Meadow ordinance lacked specificity. The Planning Commission was agreeable to her revising the draft ordinance, in her new capacity as Director of Planning and Zoning for discussion at a future Planning Commission meeting.
- A Letter of Support for Chester County Municipal Grant Program, Mr. Embick made a motion to authorize the Chair to sign the letter of support for the Chester County Municipal Grant Program for funding to acquire Crebilly Farm.
- Liudmila Carter, Assistant Township Manager and Director of Planning and Zoning, appointed as Secretary to the Planning Commission. (JE/JL) 4-0 Mr. Embick made a motion to appoint Liudmila Carter, All in favor.
- Conditional Use Application – 1632 Associates LLC for Visual Arts Center Mr. Hatton acknowledged that the PC has received additional materials right before the PC meeting with no time for review to be able to render recommendations on the

application at that meeting. He reiterated that all materials are due the Thursday before the PC meeting for the PC to have enough time to review.

### **March 2023**

- ZHB Application – 819 Oakbourne Road continued. Mr. Embick made a motion to recommend that the Zoning Hearing Board approve the variance application for a second dwelling unit with a condition that the lease to the third party landscaping business shall terminate with 90 days of the Zoning Hearing Board approval, and that the Zoning Hearing Board consider whether the relief should be made personal to the applicants.
- ZHB Application – 1502 West Chester Pike for Chase Bank. Mr. Gregg Adelman represented the applicant, Westtown AM West TIC, LLC, which is affiliated with Paramount Realty that purchased an 18.45-acre property at 1502 West Chester Pike. He explained that the company completed an assessment of the property and concluded that additional retail space could be accommodated. He further explained that the applicant proposes to install a 3,294-sf drive-in bank on the northeastern portion of the existing parking lot of the property. He recapped that the applicant is seeking a series of dimensional variances to accommodate the placement of the future bank, to permit a trash enclosure to be located within the side yard, to permit 18-foot-long parking spaces where a minimum of 20-foot-long spaces are required, to permit 518 total parking spaces where 705 spaces are required, to permit the two-way parking lot drive aisle to be 24-feet wide where a minimum of 28 feet wide is required.
- Appoint a Planning Commission member, as a representative for the Environmental Advisory Council. Jack Embick made a motion to appoint Russ Hatton as a Planning Commission representative for the Environmental Advisory Council.
- ZHB Application – 330 Sissinghurst Drive continued. The applicant and homeowner, Matthew Fanfera, summarized the revised plans and narrative provided to the Planning Commission. He recapped that the property survey and stormwater management plan were completed by the engineer demonstrating the proposed infiltration bed to be appropriately sized to mitigate any negative impacts on the environment from completed and pending construction. Mr. Fanfera further explained that the stormwater management report and infiltration testing will be completed upon approval of the application.
- Stormwater, Zoning, and SALDO Proposed Changes List Ms. Carter explained that the list of ordinance updates that was developed in 2019 needs to be revisited to update the status of those completed and to add any potential items that the Planning Commission might have. Mr. Hatton recommended to consider adding beekeeping regulations and the use of gasoline powered leaf blowers. Ms. Carter pointed out that there is an interest in beekeeping in the Township and setting up a specific to beekeeping permit process will be appropriate. Mr. Federico recommended for the Planning Commission to consider revisiting the traffic study requirements within the subdivision and land development ordinance and regulations pertaining to shared parking.

- Supervisor Pomerantz made a motion to appoint Russ Hatton as the Planning Commission representative to the EAC for a three-year term ending December 31, 2025
- Supervisor Pomerantz made a motion to appoint Brian Knaub to the Planning Commission for an unexpired term ending December 31, 2025. Mr. Yaw seconded. There was no public discussion, and the motion passed 3-0.

### **April 2023**

- Ms. Carter announced that Conditional Use Hearing for Westtown School Athletic Field Lighting has been scheduled for Tuesday, May 9, 2023 at 7pm. She noted that meeting location is TBD. Mr. Embick requested Ms. Carter to prepare draft conditions that might be appropriate.
- ZHB Application – 811 E Sage Road. Raman Patel, co-owner, and resident of 811 E Sage Road, provided a handout to the Planning Commission on the neurological condition he must raise awareness and offer context for a variance request. He explained that he was seeking a relief with the Zoning Hearing Board to allow the existing 8-foot heavy duty poly-fencing with a barbed wire at the top to remain on his property for three main reasons: to reduce the damage to his property, to protect his garden areas, and to reduce the risk of contracting a tick-borne illness, such as Lyme disease.
- Conditional Use Application – Westtown School Athletic Field Lighting. Gina Gerber, an attorney with Riley Riper Hollin & Colagreco, representative for the applicant, summarized the application for the installation of permanent outdoor lighting at one athletic field on Westtown School campus. She highlighted that this application differs from what the Planning Commission (PC) has previously reviewed [2018 submission] in that the applicant intends to follow the existing zoning ordinance.
- Mr. Embick made a motion for the Planning Commission to recommend that the Board of Supervisors approve the conditional use application of the Westtown School to install permanent exterior lighting for one new turf field pursuant to Section 170-1514.D(5) of the Zoning Ordinance. There was no public comment. All in favor.
- Ordinance Amendments – Parking Regulations Al Federico provided examples of various parking regulations and discussed challenges when trying to determine the appropriate number of parking spaces for various uses within the shopping center. He suggested for the Township to determine the intent of parking regulations and raised questions about the utilization of existing shopping center parking. Planning Commission discussed the potential requirements for EVs charging stations, including the placement and size and limitations on usage. Mr. Federico agreed to evaluate potential regulations and provide some samples to the Planning Commission.

### **May 2023**



- Conditional Use Application – Westtown School Athletic Field Lighting continued. Mr. Hatton referred to the memo prepared by Ms. Carter at the request of the Planning Commission with a list of conditions recommended by the Planning Commission in 2018 in response to the previous application for permanent outdoor athletic lighting
- Ordinance Amendments – Parking Regulations Al Federico provided examples of various parking regulations and discussed challenges when trying to determine the appropriate number of parking spaces for various uses within the shopping center
- The Planning Commission recommended that the Board of Supervisors approve the conditional use application of the Westtown School to install permanent exterior lighting for one new turf field pursuant to Section 170-1514.D(5)

## June 2023

- Conditional Use Application – Westtown School Solar Panel Facility (BioStar Solar LLC) Louis Colagreco, legal counsel with Riley Riper Hollin & Colagreco, representative for the applicant, introduced Andrew Stancati, Senior Vice President with BioStar Solar LLC, and provided an overview of the proposal. Mr. Stancati explained the main goal of the project is to reduce the school reliance on traditional energy sources by installing onsite solar, which in his opinion aligned with the Township and West Chester Area Council of Governments (WCACOG) objectives to commit to renewable energy by 2025. Mr. Embick made a motion for the Planning Commission to recommend to the Board of Supervisors an approval of the conditional use approval for the installation of solar panel facility at Westtown School’s campus.
- ZHB Application – 901 S New Street Thomas Peterson, the property owner at 901 S New Street, described his property as a 1- acre lot with an old farmhouse and storage building and a stream, a tributary of Plum Run, running through the property. He clarified that nearly the entirety of the property, including the existing storage building, is within the area designated by the Federal Emergency Management Agency (FEMA) as Zone A, which is subject to strict floodplain regulations. Mr. Peterson contemplated to replace the deteriorated storage building with a detached garage at the same location, but found it to be costly due to a required hydraulic and hydrologic study and floodproofing requirements. Therefore, he felt the better option is to demolish the existing building and construct a new 3-car garage in the only area that is outside of the designated floodplain, which would require several variances. Mr. Knaub expressed his support in recommending the approval to the ZHB. Mr. Sennett made a motion that the PC makes no recommendation on the application. Mr. Flynn seconded. Mr. Embick opposed. Motion passes
- The BOS acknowledged Elaine Adler’s Resignation from the Planning Commission. Jim Lees noted that Elaine Adler had retired after many years on the Planning Commission and that her presence and input would be missed by her colleagues. Supervisor Pomerantz observed that Ms. Adler was the personification of institutional knowledge about Westtown’s Zoning Ordinance and was irreplaceable.

## July 2023

- Conditional Use Application – Stokes Estate Flexible Development – continuation. Gregg Adelman, representative for the applicant, explained that the pending application for the Stokes Estate flexible procedure development has been put on hold due to litigation in dealing with connection to Shiloh Hill Drive. Since then, the applicant has acquired portions of adjacent parcels and submitted a new land development plan.
- ZHB Application – 1115 Butternut Road. Howard Hinsdale, the property owner 1115 Butternut Road, summarized his proposal to build an addition to an existing two-car garage, which requires a relief from the front yard setback requirement. He initially contemplated locating a detached garage at the rear of his property, however, due to stormwater-related issues, location of on-lot sewage facility, existing easement, and potential for driveway extension, he felt that addition on the existing garage is a better solution. Mr. Embick made a motion that the PC recommend denial of the application for a variance. Mr. Hatton seconded. Motion passed.
- ZHB Application – Crebilly Lot #4 Mr. Embick announced that he would like to recuse himself from participating in the discussion due to potential conflict from working with Mr. Nagel on other unrelated matters. Brian Nagel, representative for the applicant, summarized the application for special exception and associated variance request to convert the existing barn located on the future parcel of approximately 24 acres, currently designated as Crebilly Lot #4 on the subdivision plan, to an accessory dwelling unit (ADU) of 7,200 square feet. He explained that the property has an access from S New Street, which will remain, and consists of a house, chapel, barn, and pond. Mr. Nagel described the existing barn and its future use as an ADU for visits by extended family Mr. Hatton made a motion that the PC recommend approval of the application for special exception and variances. Mr. Sennett seconded. Motion passes.
- Conditional Use Application – Stokes Estate Flexible Development continued. Gregg Adelman, representative for the applicant, summarized that nothing has changed since the previous appearance at the PC meeting except for a new speed study and revisions to sight distances at proposed road openings on Shiloh Road.

## August 2023

- Conditional Use Application – Stokes Estate Flexible Development continued. Michael Gill initiated the discussion on Planning Commission's (PC) recommendations on the application to develop 85 single family residential homes. He summarized that the PC has voiced several concerns with the application which were incorporated in the draft recommendation letter to the Board of Supervisors (BOS) that called for denial based on several items or approval with a list of conditions.
- ZHB Application – 1131 S Chester Road. Charles Proctor, legal counsel on behalf of the applicant, summarized the application for major home occupation for a sole practitioner's medical office at the property located at the intersection of two arterial

streets. He described the property as an older home that has been used as a photography studio and residence since the time it was purchased by the previous property owner in 1983. Mr. Proctor explained that the previous owners applied for special exception for major home occupation which was granted by the Zoning Hearing Board at that time. Mr. Flynn made a motion to recommend approval of the ZHB application for a major home occupation for a sole practitioner's medical office at 1131 S Chester Road. Mr. Knaub seconded. All were in favor of the motion.

- Supervisor Pomerantz made a motion to appoint Joe Frisco to the Planning Commission for the unexpired term ending December 31, 2023.

### **September 2023**

- Ms. Carter announced that the ZHB application for 1115 Butternut Road to construct a garage within the front yard setback was denied. Ms. Carter also announced that the ZHB application for Crebilly Lot #4 to convert existing barn into an accessory dwelling unit was approved with conditions. Ms. Carter further announced that the applicant for the Visual Arts Center asked for an extension of the conditional use application until the end of the year
- Conditional Use Application – Stokes Estate Flexible Development continued Mr. Embick announced that the PC intended on finalizing its recommendations and conditions on the conditional use application for the flexible residential development of the Stokes Estate, and asked Mr. Gill to summarize the changes made as discussed.

### **October 2023**

- Ms. Carter announced that the ZHB application for 1131 S. Chester Road for special exception to allow for the sole practitioner's medical office to be located at the lower level of the dwelling. Ms. Carter reminded everyone that Conditional Use Hearing for the Stokes Estate Flexible Development is October 24, 2023 at 7pm. Ms. Carter noted that the West Goshen Planning Commission will discuss the Conditional Use application to redevelop a portion of the existing Parkway Shopping Center with a proposed convenience store and fueling stations at their October 10, 2023 meeting. Considering its proximity to Westtown, she encouraged the Planning Commission members to attend.
- Land Development Application – Westtown School. Gina Gerber, an attorney with Riley Riper Hollin & Colagreco, on behalf of the applicant provided a brief overview of the land development application to install various improvements to the athletic fields at the Westtown School.
- Ordinance Amendments - Shopping Center Parking continuation. Al Federico recapped that the Planning Commission expressed interest in reevaluating current parking requirements, and that he has previously provided an overview of parking

trends as well as several samples of shopping center parking ordinance language. In summary, he suggested changes to requirements pertaining to shared parking, shopping center parking, and parking reserve area to allow for modifications to the number of required parking spaces.

- Land Development Application – Westtown School, continued. Gina Gerber, an attorney with Riley Riper Hollin & Colagreco, on behalf of the applicant, recapped that the Township consultants have reviewed the applicant’s submission and issued review letters. Mr. Embick made a motion to recommend approval of the Preliminary and Final Land Development application for the Westtown School Oak Lane project and waivers as requested by the applicant in the October 18, 2023.
- Ordinance Amendments – Parking Regulations continued. In considering potential amendments to the Township’s parking regulations, the PC asked Al Federico to research several other requirements pertaining to parking, specifically potentially increasing the required number of parking spaces for single family and multi-family dwellings. Mr. Federico referenced the Township’s existing code requirements of 3 parking spaces for single family homes and 2 parking spaces for each dwelling unit within multi-family building. In general, the minimum requirement within the suburban areas is 2 parking spaces for single family homes, thus, Mr. Federico believed that Westtown’s requirement is sufficient.
- Ordinance Amendments - Fences continuation. Mr. Patel, 811 E. Sage Road, referred to the document he provided to the Township dated October 11, 2023 with proposed changes to the ordinance regulating fences. He noted that some recommendations might not be substantial in nature.
- Ordinance Amendments - Outdoor Burning continuation. Gerry DiNunzio, Westtown Fire Marshal, summarized his request to amend the outdoor burning requirements to provide some clarity when it comes to the use of fire pits. He explained that many outdoor burning complaints that the fire department receives relate to the use of fire pits, which are permitted.
- Ordinance Amendments – Managed Meadows continuation. Ms. Carter explained that the draft language to permit managed meadows as permitted property use has been previously presented to the PC for review, but no further discussion transpired. She wanted to see if the PC had any comments to be incorporated into the final draft and/or any concerns. Mr. Hatton added that the Township Environmental Advisory Council (EAC) recommends implementing an ordinance that supports the establishment of managed meadows.

## **November 2023**

- Parking ordinance discussion where the BOS may require a street with a sufficient paved width to allow on-street parking on one or both sides if determined it should be necessary to meet parking requirements. Mr. Federico recommended that language be revised. He also brought up the previous discussion on parking within garages, and

noted that a typical parking space is 9 feet by 18 feet and with a garage of 20 feet by 20 feet one can potentially fit two sedans. He further explained that the ordinance requires a specific setback for residential parking from the street line to the parking area, which makes the beginning of the driveway not to be counted towards meeting the parking requirements. Mr. Federico suggested some language to mitigate that issue. Ms. Carter noted that the proposed ordinance language removes specified parking requirements for the visual art center (VAC) and that some of the use-specific parking requirements referenced in Section 170-1705 might not be reflected in the proposed shared parking table. Motion to recommend the proposed amendments to Chapter 170, Zoning, Article XVII, OffStreet Parking and Loading, to be considered for approval by the Board of Supervisors with changes as discussed by the Planning Commission. JE/TS (6-0)

- Outdoor burning continued discussion. Westtown Township Fire Marshal Gerry DiNunzio summarized his request to amend the outdoor burning requirements to provide some clarity when it comes to the use of fire pits. He explained that many outdoor burning complaints that the fire department receives relate to the use of fire pits, which are permitted. He referred to the memo prepared by Ms. Carter that summarized the potential concerns related to the use of outdoor recreational devices and provided recommendations on ordinance changes, including a requirement for no burning after a certain hour and continuous supervision. Mr. DiNunzio expressed concern that limiting burning to certain hours may be too restrictive on recreational burning.
- Sketch Plan Application – continued. Westtown Marketplace Bank Gregg Adelman, attorney with Kaplin Stewart, on behalf of the applicant, Westtown AM West TIC, LLC, presented a sketch plan for the proposed development of a Chase Bank on the property at 1502 West Chester Pike known as the Westtown Marketplace shopping center, located within the C-1 Neighborhood and Highway Commercial Zoning District. He explained that the sketch plan for a one-story 3,294 square foot drive-in bank was like the plans previously submitted under the zoning variance application, which was discussed and favorably supported by the PC. Mr. Adelman recapped that the Zoning Hearing Board (ZHB) has granted approval for several of the requested variances, but denied request to decrease the number of parking spaces.

## **December 2023**

- Ordinance Amendments - Outdoor Burning continued. Fire Marshal Gerry DiNunzio summarized that he worked with Ms. Carter to address PC's comments on proposed language, which included editing definitions for recreational and ceremonial fire, adding definition for yard waste and applicable requirements, dimensions for the burning area, and clarification on how to contact a Fire Marshal. Mr. Flynn asked about the Chester County non-emergency 911 number. Mr. DiNunzio explained that when you call 911, it goes to the same dispatch room as calling the non-emergency number.

- Ordinance Amendments – Managed Meadow continued Mr. Hatton explained that the purpose of the managed meadow ordinance is to assist the Zoning Officer in enforcing the Property Maintenance Code without having to fine residents who have such meadows in place. He recapped that the Code requirement is to keep the grass no higher than 10 inches, however, plantings within meadows are usually taller than that. He further noted that the proposed definition was purposely not very detailed and was limited to managing the invasive plants. Ms. Carter added that from the enforcement perspective if the area in question was being maintained and there were no apparent invasive plants, it could be classified as a meadow. Motion to approve draft ordinance as amended regarding amending Chapter 170 Zoning of the Code of Westtown Township to permit managed meadows. Mr. Lees asked whether the solicitor has approved it. Ms. Carter explained that it was reviewed except for the most recent changes which would be reviewed prior to the Board meeting. Mr. Lees seconded. All were in favor of the motion. (JE/JL) 6-1
- Sketch Plan Application – 1032 and 1036 Wilmington Pike Kurt Wolter, property owner of 1032 and 1036 Wilmington Pike, explained that he purchased the properties approximately 3-4 years ago with the intent to redevelop for a tenant, who walked away. Mr. Wolter had another prospective tenant for commercial use, for which the sketch plan was prepared, but who decided not to move forward. Mr. Wolter wanted to meet with the Planning Commission to discuss any concerns pertaining to the property and referred to the sketch plan depicting a potential layout of building, parking areas, circulation, landscaping buffer and an underground stormwater management facility. Mr. Embick noted that the PC was advised there was a concern about historic significance of one of the buildings, which is included on the Westtown Township Historic Resources list. Mr. Wolter believed the building was ready to tumble down and he intended to demolish it. Stephen Wahrhaftig expressed concerns regarding the historic property. He mentioned that the Township’s records indicate that the building was built in 1795 and it was one of the oldest buildings on the Township’s inventory.
- ZHB Application – 1001 S Walnut Street Mr. Chavous, property owner of 1001 S Walnut Street, summarized his request for special exception for major home occupation to run his business, Chavous Custom Contracting, from his home. He explained that his business is currently located in Darby, but the site is not being utilized, because he and his family relocated to Westtown and he must commute. 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. 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 only 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

- 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.

### **Plans for 2024**

The following items have been identified by the PC as priority initiatives for the next year. It is expected that this list will expand or will be modified as the year progresses. The high priority items are the first six line items:

- Review flexible development ordinance for setbacks, lot size, and open space requirements.
- Consider revisions to open space calculations.
- Review proposed changes to the historic preservation ordinance.
- Revise conservation design regulations and consider potential amendments.
- Review 2019 Comprehensive Plan for items that could be revised and/or implemented.
- Consider adoption of the environmental impact assessment provisions.
- Review the renewable energy systems provisions for potential changes to setbacks for ground mounted systems and any other requirements if deemed needed.
- Finalize fencing regulation updates, including placement, type, materials and heights.
- Revise road construction references to outdated PennDOT regulations.
- Improve requirements and process in the use of sketch plans.
- Complete revisions to storage regulations to include self-storage and other storage methods.
- Discuss opportunities for development of trail connections to parks and open spaces.
- Consider revisions to assessment criteria (i.e., traffic impacts).

## MEMO

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Date: February 15, 2024  
To: Board of Supervisors  
From: Jon Altshul, Township Manager  
Re: Discussion about Trash Contract

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I would like to have a discussion about the Township's trash contract during Workshop. As everyone knows, the hauler has continued to miss pick-ups so far in 2024. This was especially true for both the scheduled January 13 and February 10 yard waste pick-ups, as well as on various other regular trash pick-up dates since January 1.

As discussed previously, Section 4.08 of the contract authorizes me to deduct \$25 for every missed pick-up and another \$25 for every complaint not attended to. To that end, for January, we have deducted \$7,725 from the hauler's payment, including \$6,400 from 128 logged yard waste misses on January 13. This deduction corresponds with about 8.5% of our entire regular monthly payment. In addition, through the first two weeks of February, we have documented another \$3,475 that we plan to deduct from next month's payment.

I have informally surveyed other Township Managers in the region who contract with the same hauler to determine how they are taking steps beyond enforcing Section 4.08 of the contract. A few Managers expressed a concern—which I share—that very few haulers are bidding on municipal trash contracts at the moment, and therefore rebidding may result in only one bid or potentially none at all. As you know, when we last went out to bid in 2022, we only received two responses, and the other bid would have resulted in a substantial fee increase.

Notably, East Bradford Township did send a letter to the hauler on February 12 formally putting them on notice for ongoing material deficiencies in the hauler's performance under the contract. I would suggest that I work with the Township solicitor to send a similar letter.

In addition, there has been discussion at the West Chester Area Council of Government-level about selected area municipalities taking trash collection in-house, as West Bradford Township and West Chester and Phoenixville Boroughs currently do. This would involve issuing bonds in order to purchase a fleet of garbage trucks and related equipment, and hiring a crew of trash collectors. While this approach may or may not be financially and operationally preferable to using a third-party hauler, there would likely be a multi-year delay between ordering and receiving garbage trucks, so this is not a quick fix. Theoretically, such an in-house trash collection arrangement could also work through a multi-municipal trash and recycling authority, although this type of arrangement would need to be reviewed in detail by the Township solicitor and would require considerable and complex negotiations with partner municipalities.

Board feedback is requested.



## MEMO

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Date: February 15, 2024

To: Board of Supervisors

From: Jon Altshul, Township Manager

Re: Consider Request from Fire Companies Regarding Cost Recovery from Private Insurance Companies

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In March 2023, the Fire Chiefs attended a Workshop to discuss the proposed volunteer tax exemption ordinance. As part of this discussion, they also asked the Board to consider adopting a version of the attached West Goshen ordinance that would authorize fire companies to seek reimbursement from private insurers for the costs of emergency rescue tools, equipment, materials, and personnel hours. However, I never moved this ordinance forward when the Board adopted the volunteer tax exemption ordinance.

The Goshen Fire Company has circled back and asked that Westtown consider adopting this ordinance this year. To that end, our solicitor is coordinating with West Goshen's solicitor on some legal questions. Note that East Goshen adopted a similar ordinance last year.

Grant Everhart will be available to answer any questions in Workshop that the Board has about the proposed ordinance.

**WEST GOSHEN TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, RECOGNIZING THE AUTHORITY OF VOLUNTEER FIRE COMPANIES OPERATING WITHIN WEST GOSHEN TOWNSHIP TO SEEK REIMBURSEMENT FOR HAZARDOUS ABATEMENT INCIDENTS, ENVIRONMENTAL INCIDENTS AND FIRE SAFETY AND RESCUE RESPONSES.**

**BE IT ENACTED AND ORDAINED**, and it is hereby enacted by authority of the Board of Supervisors of West Goshen Township as follows:

**SECTION I.** The following Ordinance known as the “West Goshen Township Emergency Service Cost Reimbursement Ordinance” shall be adopted and provide as follows:

**“ Section 1. Authority, Findings and Purpose.”**

- A. **Authority.** Under Section 180J(b) of the Second-Class Township Code, 53 P.S. §66803(b), the Township has the authority to make rules and regulations for the government of fire companies located within the Township.
  
- B. **Findings.** The Township recognizes that the duties of volunteer fire companies require specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment and hazardous abatement materials during emergency responses. The Township recognizes that such tools and equipment place a financial burden on volunteer fire companies and the replacement of such materials and specialized training add to the additional financial burden for volunteer fire companies.
  
- C. **Purpose.** To grant each fire company operating in West Goshen Township ("Fire Departments") the authority to seek reimbursement for the reasonable costs of responding to such incidents in their service area, either directly or in coordination with the Office of Emergency Management, as provided below.

**Section 2. Recovery of Costs.**

- A. The Township authorizes the Fire Departments serving West Goshen Township to recover the reasonable costs of emergency rescue tools, equipment and materials; hazardous material abatement tools, equipment and materials; and personnel hours involving any hazardous material, environmental, fire safety and/or rescue incident or operation, including vehicular accidents which occur in their service area as adopted by Resolution of the Board.
  
- B. The reasonable costs outlined above may be recovered directly by the Fire Departments or through a third-party billing service as an authorized agent for the collection of such costs.
  
- C. The Fire Departments or third-party billing service shall only have the authority to recover the aforementioned costs in the Fire Department's service area from the applicable insurance company/carrier up to the limit of the applicable insurance company/carrier's policy limits.
  
- D. The reimbursement rates for the aforementioned tools, equipment and materials shall be set by the Fire Departments from time to time and shall be only applied to the recovery of costs arising out of incidents that occurred subsequent to the setting of the rates. These rates shall be approved by the Township and be kept on file in the Township Building.
  
- E. In addition to the aforementioned reasonable costs, the Fire Departments or third-party billing service shall be authorized to collect reasonable interest, as well as a reasonable administrative fee for collecting the same, and any and all additional fees as may be authorized by the Hazardous Material and Emergency Planning Response Act or authorized by any other statute or law.
  
- F. Fire Departments who respond to a fire in another Fire Department's service area are not authorized to bill for their costs. Only the Fire Department in whose service area the fire occurs may bill for their costs.

**Section 3. Responsibility of the Township.**

- A. The Township shall not be responsible for any aspect of the recovery of costs under this Ordinance. The Township shall not take any steps to assist the Fire Departments or any third-party billing service in recovery of costs under this Ordinance.
  
- B. The Township shall not be responsible to reimburse the Fire Departments for any services rendered to the Township or Township personnel or vehicles while on duty.

**Section 4. Revocation of Grant of Authority.**

Any attempt by a Fire Department or third-party billing service to recover costs from any individual/entity other than the appropriate insurance company/carrier shall result in the immediate revocation of the authority to recover such costs granted under this Ordinance.”

**SECTION 2. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

**BOARD OF SUPERVISORS  
WEST GOSHEN TOWNSHIP**

\_\_\_\_\_  
Christopher C. Bashore, Secretary

BY: \_\_\_\_\_  
Shaun Walsh, Chair

\_\_\_\_\_  
Ashley Gagné, Vice-Chair

\_\_\_\_\_  
John Hellman, Member

\_\_\_\_\_  
Robin Stuntebeck, Member

\_\_\_\_\_  
Tinamarie Smith, Member