

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, February 5, 2025 – 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](mailto:administration@westtown.org).

## Call to Order and Pledge of Allegiance

## Adoption of Agenda

## Approval of Minutes

Planning Commission Meeting January 22, 2025

## Announcements

## Public Comment – Non-Agenda Items

## New Business

### **1. ZHB Application – 1132 Kolbe Lane**

The applicants, Madalyn and James Valensky, are seeking a variance from the required swimming pool setback and a variance from imperious coverage limitations to construct an inground swimming pool. The 0.58 acre parcel is located in the Enclave at Pleasant Woods subdivision in R-2 Residential District. The property is improved with a single-family detached dwelling serviced by public water and sewer. The hearing date is scheduled for March 20, 2025.

### **2. ZHB Application – 120 Hidden Pond Way**

The applicants, Maureen and David and Mark Hellberg, are seeking a special exception to construct an accessory dwelling unit within the primary dwelling. The 0.32 acre parcel is located in the Arborview subdivision in R-1 Residential District. The property is improved with a single-family detached dwelling serviced by public water and sewer. The hearing date is scheduled for March 20, 2025.

### **3. Zoning Regulation – Land Application of Biosolids (sewage sludge)**

Land application of Biosolids provides environmental benefits, including improved soil health, carbon sequestration, reduced demand on non-renewable resources, and reduced emissions of greenhouses gasses. Zoning requirements can focus on prohibiting application in environmentally sensitive areas and close proximity to water sources, while also requiring landowner permission, adherence to application rates and quality standards, all regulated by the Pennsylvania Department of Environmental Protection.

### **4. Zoning Regulation – Environmental Impact Assessment Report**

An Environmental Impact Assessment (EIA) report is one of the regulatory tools providing the Township with the means to determine whether proposed uses have direct or indirect adverse impacts on protected resources, extent of these impacts and mitigation strategies. Attached is a sample language provided by the Chair.

## Old Business

## Public Comment

## Reports

1. Board of Supervisors Meeting February 3, 2025 – Jim Lees

## Adjournment

Next PC Meeting:

- **February 19, 2025, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Tuesday February 18, 2025, 7:30 PM** – Brian Knaub/Joe Frisco

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike  
Wednesday, January 22, 2025 – 7:00 PM

## **Present**

Commissioners, Russ Hatton (RH), Jack Embick (JE), Tom Sennett (TS), Brian Knaub (BK), Jim Lees (JL), Joseph Frisco (JF) and Kevin Flynn (KF). Township Manager and Director of Planning & Zoning Mila Carter was also present.

## **Call to Order and Pledge of Allegiance**

Mr. Embick called the meeting to order at 7:00 PM and led the pledge of allegiance.

## **Adoption of Agenda (TS/RH) 5-0**

Mr. Sennett made a motion to adopt the agenda as presented. Mr. Hatton seconded. All were in favor of the motion.

## **Approval of Minutes (TS/RH) 5-0-1**

Mr. Sennett made a motion to approve the meeting minutes from January 8, 2025. Mr. Hatton seconded. Mr. Frisco abstained. All were in favor of the motion.

## **Announcements**

Ms. Carter made the following announcements:

1. Zoning Hearing Board decision on special exception request for 1646 West Chester Pike has been approved on January 15, 2025. She noted that the Commission received a copy of the decision.

## **Public Comment – Non Agenda Items**

None.

## **New Business**

### **1. ZHB Application – 623 Picket Way**

Mr. Embick provided that the applicants, John and Sheryl Breznicky, are seeking a variance relief from the required swimming pool setback to retain the use of their temporary pool. He stated that the 0.11 acre parcel is located in the Wild Goose subdivision in MU Multi-Use Zoning District, and is improved with a single-family detached dwelling serviced by public water and sewer. Mr. Embick announced the hearing date of February 27, 2025.

Sheryl Breznicky introduced herself and stated that she and her husband were seeking approval to continue putting up a pool, which she has been using for years to relieve Multiple Sclerosis (MS).

Mr. Frisco asked whether there is an existing pool on the property and a fence. Ms. Breznicky explained that the pool is put up for about 90 days in summer months and that there is an existing fence. Mr. Embick asked whether the fence is around the pool or the perimeter of the property. Ms. Breznicky confirmed the existence of perimeter fence.

Mr. Lees noted that the temporary pool has been put up for the past 18 years and asked the reasoning behind seeking a variance now. Ms. Breznicky explained that that they were cited by the Township for not having a pool permit and because their pool is not compliant with Township Code. Mr. Lees asked whether she had any complaints from adjacent neighbors and whether she approached them to see if they had any objections. Ms. Breznicky replied that she was not aware of any complaints and that neighbors were supportive of her retaining

the pool. He advised her to either ask the neighbors to attend the hearing or to provide a letter expressing their support.

Mr. Sennett asked about the timeline of pool and diagnosis and whether anyone else uses the pool. She explained that the pool was set up specifically for MS treatment and that she is the primary user, as her children are grown and live separately. Mr. Sennett asked how she deals with MS when it is not a pool season. Ms. Breznicky responded that she does therapy and does not have a pool membership due to cost.

Mr. Sennett further asked about the width of the lot. Ms. Carter noted that she included a plot plan depicting lot dimensions, but could not determine the accuracy of the plan. Mr. Sennett noted that it would be pretty impossible to put up any kind of a pool that meets setback requirements because of the size of the lot.

Mr. Russ wondered about the existing drainage easement in relation to their pool. Ms. Breznicky believed that easement did not extend onto her property.

Mr. Embick noted that the applicant has also applied for special exception under persons with disabilities provisions, which he felt was not applicable in this case, because pool is not a special exception use. He provided that the applicant attempted to meet the standards for a dimensional variance, but he felt that hardship has not been demonstrated, because these lots were created as small lots and can be used for their approved purpose. He wondered whether placement of a smaller pool requiring less of a variance was possible. Mr. Breznicky stated that it was the only appropriate location due to slope. Ms. Breznicky asked whether she should show the change in grade that impacts pool placement. Mr. Hatton suggested to have photographs of the pool and to show topography of the property and any other applicable materials.

Mr. Lees asked about the foundation for the pool and how the pool was being emptied. Mr. Breznicky explained that the pool is placed on tempered sand and it is emptied into the storm drain. Mr. Embick advised the owners to review the standards for proper pool water discharge.

Mr. Sennett made a motion to recommend approval of the applicant's request for a variance for a temporary above ground pool of 12 feet in diameter and 4 feet in depth, with conditions that it will only be placed in existing location, there be no permanent structure of any sort around the pool, including but not limited to putting in a permanent foundation, and that approval would not transfer to new owners once the property transfers. Mr. Lees seconded. Mr. Hatton and Mr. Flynn abstained. There was no public comment, and the motion passed. TS/JL (5-0-2)

## **2. 2024 Planning Commission Annual Report**

Mr. Embick stated that the PC provides an annual report to the Board of Supervisors by March 1 each year. He thanked Mr. Hatton for drafting the report and asked whether there were any suggestions. The PC asked to add items related to Crebilly Preserve to their 2025 priorities.

Mr. Flynn made a motion to present the 2024 Annual Report to the Board of Supervisors at the next available joint meeting. Mr. Sennett seconded. There was no public comment, and the motion passed. KF/TS (7-0)

## **3. Zoning Amendments – Potential Rezoning**

Mr. Embick stated that the Board approved the proposal to subdivide two acres of the Crebilly parcel at the intersection of Routes 926 and 202. Currently, the entire parcel is zoned A/C Agricultural/Cluster Residential District. The PC will review the permitted uses within the A/C district and discussed potential rezoning of the future parcel.

Mr. Embick explained that Open Space funds were not used to purchase the 2-acre parcel, and therefore it is not subject to Open Space fund restrictions. Mr. Embick briefly went over some options, such as rezoning for commercial use or preserving the structure. Mr. Embick pointed out that if current initial uses and special exception uses for the AC District are appropriate for the parcel, then nothing has to be done.

Ms. Carter informed the PC that this is only a preliminary discussion, and the Township is hoping to receive the subdivision submission by the end of the month.

Mr. Embick reviewed the current uses by right for the AC District and uses by right through special exception. The PC discussed concerns and considerations, such as accessibility from Rts. 202 and 926, a façade easement for the exterior building, potential commercial uses, and historical significance.

Ms. Carter suggested that when the subdivision application is received, representatives from PennDOT, the Chester County Planning Commission, the Historical Commission, the Township solicitor, and commercial interests attend the Planning Commission meeting to be part of the discussion.

### **Old Business**

There was none.

### **Public Comment**

There was none.

### **Reports**

Mr. Embick reported on the Board of Supervisors meeting January 21, 2025.

### **Adjournment**

The meeting adjourned at 8:28 PM. (TS/RH) 7-0

Next PC Meeting:

- **February 5, 2025, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday February 3, 2025, 7:30 PM – Jim Lees/Russ Hatton**

Respectfully submitted,

Mila Carter

Township Manager and Director of Planning & Zoning

## ZONING HEARING BOARD APPLICATION SUMMARY

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ZHB Case: #2025-02  
Date: January 31, 2025  
From: Liudmila Carter, Director of Planning & Zoning

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APPLICANT: Madalyn and James Valensky  
ADDRESS: 1132 Kolbe Lane, West Chester, PA 19382  
UPI: 67-4-114  
HEARING DATE: March 20, 2025

### **REQUEST**

The applicant is seeking two variances and/or special exception to construct an inground swimming pool.

### **LOCATION AND DESCRIPTION OF SITE**

The subject property is a 0.58 acre parcel with an UPI. 67-4-114 located in the Enclave at Pleasant Woods subdivision south of the E Pleasant Grove Road, in R-2 Residential District. The property address and the mailing address per County records is 1132 Kolbe Lane, West Chester, PA 19382. The property is improved with a single-family detached dwelling and is serviced by public water and sewer.

As per recorded subdivision plan titled “The Enclave at Pleasant Woods” (revision date 3/6/1996), there is a 20-foot wide drainage easement, portion of which runs along the rear of the subject property, which is lot #13. The plan notes also states that “The owners of Lots 13, 14, 15, & 16 shall be deed restricted from removing or altering the permanent detention basin, permanent swale, and/or appurtenant structures. The owners shall be responsible for maintaining the grass in and around the basin area and for maintaining all appurtenant structures.” It also states that “the stormwater detention basin has been designed to compensate for maximum impervious coverage of 3,920 sq. ft. on each lot. Should an individual homeowner choose to exceed 3,920 sq. ft. of impervious coverage, additional on-lot stormwater controls shall be provided by the homeowner.”

### **APPLICATION**

The applicant submitted application on January 17, 2025 for two variances and/or special exception as per the following Sections:

1. Section 170-1611.B where pools shall be located at least 25 feet from any lot line, measured from the edge of the water.
2. Section 170-702.B(3)(c) where impervious coverage is limited to 25% maximum for single-family detached dwellings with both public off-site sewage and water service.
3. Section 170-2108.D where after the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a reasonable accommodation to serve persons who the applicant proves have disabilities as defined in and protected by such laws.

### **ZONING RELIEF STANDARDS**

General standards for the granting of variance are contained within 170-2107 of the Township Zoning Code and are attached to this report as Attachment A (page 3).

General standards for the granting of special exception are contained within 170-2108 of the Township Zoning Code and are attached to this report as Attachment B (page 4).

General standards for swimming pools are contained within 170-1611 of the Township Zoning Code and are attached to this report as Attachment C (page 5).

Specific standards for area and bulk for lots in R-2 Residential District are contained within 170-702 of the Township Zoning Code and attached to this report as Attachment D (page 5).

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission will review this application at their meeting on February 3, 2025.

## Attachment A.

### § 170-2107. Variances.

- A. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application. The procedure shall be as follows:
- (1) A preliminary written application shall be filed with the Zoning Officer, who shall verify that the application is complete, and that the application is properly filed for a variance and not for a change to the Zoning Ordinance or Map concerning a use or district. If the latter is the case, the applicant shall be advised of the proper procedures, as stipulated by this chapter.
  - (2) Upon acceptance by the Zoning Officer that the application is complete, correct, and proper, a formal filing for consideration of the variance request shall be made by the Zoning Officer to the Zoning Hearing Board, together with the comments and recommendations of the Zoning Officer. Copies of the filing and comments shall be submitted to the Township Planning Commission and Board of Supervisors.
  - (3) A public hearing shall be properly advertised in accordance with the requirements established in § 170-2103 of this chapter.
  - (4) Prior to the public hearing, the Planning Commission shall submit its written comments and recommendations on the application to the Zoning Hearing Board, or a written statement that it chooses to make no comments and recommendations. When submitted, the comments of the Planning Commission shall be considered by the Board but shall not be binding. **[Amended 10-4-2021 by Ord. No. 2021-08]**
  - (5) Upon completion of the public hearing, the Board may grant a variance, provided that the procedures specified above are met and the following findings are made where relevant in a given case:
    - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
    - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the area and bulk regulations or design standards of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, but shall not allow a change in use to one not permitted by right in that district;
    - (c) That such unnecessary hardship has not been created by the applicant;
    - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare; and
    - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter. The Board shall require that all other applicable land development regulations apply.



## **Attachment B.**

### **§ 170-2108 Special exceptions.** [Amended 3-3-2003 by Ord. No. 2003-2]

Where this chapter has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of this chapter. The procedures for acting on a special exception request shall be the same as those specified for variances under § 170-2107, except that the findings contained in Subsections A(5)(a) through (e) of § 170-2107 shall not be applicable. Where any use or any applicable design criteria subject to conditional use approval also is a part of an overall land development plan subject to application for approval of a special exception, such use or design criteria may be considered for approval by the Zoning Hearing Board as part of the applicable special exception application in lieu of separate submission of an application for conditional use approval. Similarly, where any use or any applicable design criteria subject to special exception approval also is a part of an overall land development plan subject to application for conditional use approval, such use or design criteria may be considered for approval by the Board of Supervisors as part of the applicable conditional use application in lieu of separate submission of an application for approval of a special exception.

- A. Application shall be made in writing, indicating the section of this chapter under which an exception is sought. The application shall include a reasonably exact, dimensional sketch showing the placement and use of the proposed buildings and details of parking, loading, lighting, utility systems, sidewalks, and other pedestrian areas, including those within 250 feet of adjoining properties or structures.
- B. Further, a description of the uses proposed shall be included in sufficient detail so that potentially detrimental impacts, if any, can be determined.
- C. The Board shall hear and decide all requests for special exceptions, as identified within this chapter, in accordance with the following standards and criteria:
  - (1) Relationship to the Comprehensive Plan. Consideration of the size, scope, extent, and character of the proposed special exception and assurance that such proposal is consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
  - (2) Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.
  - (3) Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.
  - (4) Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
  - (5) Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.
- D. Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing

Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a reasonable accommodation to serve persons who the applicant proves have disabilities as defined in and protected by such laws.

- (1) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
- (2) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
- (3) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

#### **Attachment C.**

#### **§ 170-1611. Swimming pools. [Amended 5-2-2005 by Ord. No. 2005-4; 11-7-2022 by Ord. No. 2022-09]**

- A. Permanent or temporary in-ground and aboveground swimming pools with a water depth of 24 inches or more shall be permitted as an accessory use only in the rear yard or side yard.
- B. Pools shall be located at least 25 feet from any lot line, measured from the edge of the water.
- C. Pools shall be enclosed with a continuous pool-code compliant barrier. Permanent structures, such as the exterior wall of a building, may be considered a part of the enclosure.
  - (1) The provisions regulating fencing shall not apply to pools having sides extending four feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.
- D. Equipment accessory to the operation and maintenance of a swimming pool and any structure housing such equipment shall be located at least 15 feet from any lot line. Where such equipment is not housed in a structure, it shall be screened from view from any public right-of-way and neighboring properties.
- E. Hot tubs, swim spas, and jacuzzi-type tubs or baths shall not be considered swimming pools, provided they have a lockable cover, and shall be permitted in side or rear yards in accordance with the setback requirements of § 170-1502C(1) and (2).

#### **Attachment D.**

#### **§ 170-702. Area and bulk regulations.**

The following regulations shall apply:

- A. The maximum density of use on any tract within the R-2 District shall be as determined by § 170-1519B of this chapter.
- B. Single-family detached dwelling.
  - (1) With on-site sewage and on-site water service: **[Amended 3-3-2003 by Ord. No. 2003-2]**
    - (a) Lot area: one acre minimum.

- (b) Lot width at building: 150 feet minimum setback line.
  - (c) Impervious coverage: 20% maximum.
- (2) With on-site sewage and off-site water service, or public off-site sewage and on-site water service: **[Amended 3-3-2003 by Ord. No. 2003-2]**
- (a) Lot area: one acre minimum.
  - (b) Lot width at building: 125 feet minimum setback line.
  - (c) Impervious coverage: 20% maximum.
- (3) With both public off-site sewage and water service:
- (a) Lot area: 22,000 square feet minimum.
  - (b) Lot width at building: 100 feet minimum setback line.
  - (c) Impervious coverage: 25% maximum.
- (4) All single-family detached dwellings:
- (a) Lot width at street line: 50 feet minimum, except 250 feet minimum at the future right-of-way line of Routes 202, 3, 352 or 926, if the property would have direct access onto any of these routes.
  - (b) Building setback line: 40 feet minimum, except:
    - [1] No structure shall be located within 100 feet of the future right-of-way line of Route 202 or Route 3. The land within the required setback may be accepted as part of the requirements for open space of this chapter or Chapter 149, Subdivision and Land Development.
    - [2] Sixty feet minimum from the future right-of-way line of Route 926 or Route 352.
  - (c) Side yards: 10 feet minimum for each, with 25 feet total for both yards.
  - (d) Rear yard: 30 feet minimum.
  - (e) Maximum building height: three stories, not to exceed 38 feet. **[Amended 5-1-1995 by Ord. No. 95-2]**

C. Agricultural uses: As required by the standards in § 170-1609 of this chapter.

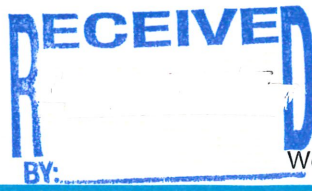
D. Accessory uses: Accessory uses may be located in side and rear yards, but only in conformance with the standards of § 170-1502 of this chapter.

E. Nonresidential uses permitted by special exception, specifically excluding major home occupations which are considered accessory to a residential use: **[Amended 12-5-1994 by Ord. No. 94-6; 5-1-1995 by Ord. No. 95-2; 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by**

**Ord. No. 2005-4]**

- (1) Minimum lot area: two acres.
- (2) Minimum lot width at building setback: 200 feet.
- (3) Side yard minimum width:
  - (a) One: 50 feet.

- (b) Both: 100 feet.
  - (4) Minimum rear yard: 50 feet.
  - (5) Maximum building coverage (all uses): 20%.
  - (6) Maximum total impervious coverage: 40%.
  - (7) Minimum front yard: 50 feet, except that, for uses in the vicinity of major roads, as noted below:
    - (a) One hundred feet minimum from the future right-of-way line of Route 202 or Route 3.
    - (b) Sixty feet minimum from the future right-of-way line of Route 926 or Route 352.
  - (8) Minimum lot width at street line: 50 feet minimum, except 250 feet minimum at the future right-of-way line of Routes 202, 3, 352, or 926, if the use would have direct access onto any of these routes.
  - (9) Maximum building height: three stories, not to exceed 38 feet.
  - (10) Buffer requirements. In addition to the requirements of § 170-1508 of this chapter, there shall be a fifty-foot buffer strip maintained on the property containing a use permitted by special exception when such use abuts any A/C, R-1, R-2, or R-3 District. Such buffer strip shall be in addition to any and all applicable area and bulk regulations, including setback regulations. The buffer strip shall be planted and shall not include any paved area.
- F. Conditional uses: Residential conditional uses shall, as applicable, conform to the standards for single-family detached dwellings in § 170-702B above. Nonresidential conditional uses shall conform to the standards for nonresidential uses in § 170-702E above.



# Westtown Township

## Zoning Hearing Board Application



P: 610.692.1930  
F: 610.692.9651  
www.westtownpa.org

Township Use Only	
Date Received: <u>January 27, 2025</u>	Project No.: <u>2025-02</u>
Parcel ID: <u>67-4-114</u>	Zoning Dist: <u>R-2</u>
Date Paid: <u>January 27, 2025</u>	PC Date: _____
Hearing Date: _____	Property Posted: _____
Dates Advertised: _____	
Reviewed by: <u>M. L. Carter</u>	

### Applicant & Owner Information

Applicant Arista Pool & Spa - Michael Ciaccio Phone 610-489-6000  
 Property Address 11 Crosskeys Rd City Collegeville Zip 19426  
 E-mail permits@aristapools.com

Property Owner Jim Valesky Phone 267-784-2088  
(if different from Applicant)  
 Mailing Address 1132 Kolbe Ln City West Chester Zip 19382  
(if different from Property Address)  
 E-mail Valeskymeme@gmail.com

### Request

Please select all that apply and provide a brief description of the requested relief or approvals sought. i.e. 6 ft encroachment into rear yard, or Special Exception for construction of ADU.

- Section 2104:** Appeals from the Zoning Officer \_\_\_\_\_
- Section 2105:** Challenge to the validity of the Zoning Ordinance or Map \_\_\_\_\_
- Section 2106:** Challenge to the Flexible Development Procedure \_\_\_\_\_
- Section 2107:** Variances Section 170-164 + Section 170-602.4 (See attachment)
- Section 2108:** Special Exceptions 170-2108.0

Please provide a narrative of your request in an attachment that includes all required information and any other supporting documentation.

1. *Property information*

Setbacks of existing primary or accessory structure(s)

Lot Size: 25,274 SF Front: \_\_\_\_\_ Side (R): \_\_\_\_\_ Side (L): \_\_\_\_\_ Rear: \_\_\_\_\_

Existing property use: Primary Residence

Existing structure(s): house

2. Description of all proposed improvements, additions and/or change of use. The application shall include a reasonably exact, dimensional sketch showing the placement and use of the proposed buildings and details of parking, loading, lighting, utility systems, and sidewalks, including those within 250 feet of adjoining properties or structures. For physical changes to the lot or structures, indicate the size of all proposed improvements, setbacks to property lines, materials to be used and general construction to be carried out.
3. For **VARIANCES**, provide a response to each of the following hardship standards:
- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
  - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the area and bulk regulations or design standards of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, but shall not allow a change in use to one not permitted by right in that district.
  - C. That such unnecessary hardship has not been created by the applicant.
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare.
  - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
4. For **SPECIAL EXCEPTIONS**, provide a response to how the proposed use impacts each of the following:
- A. Relationship to the Comprehensive Plan. Consideration that the size, scope, extent, and character of the proposed use will be consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
  - B. Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.
  - C. Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.
  - D. Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
  - E. Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.

Applicant shall deposit with the Township a fee deemed sufficient to pay the Hearing expenses. These costs may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the Hearing. Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings.

**FEE SCHEDULE**

Variance, Special Exception — \$1,000

Appeal from the Zoning Officer, Challenge to the Flex Development Procedure — \$1,000

Challenge to the Zoning Ordinance/Map — \$2,500

**CERTIFICATION**

Please review and certify the following information.

In the event that the costs of the hearing exceed the funds deposited, the Applicant shall pay to the Township funds equal to such excess costs within thirty (30) days of the Township's request. Failure to deposit the additional funds shall be just reasons for terminating the proceedings.

I agree to pay additional funds (if necessary) as requested by the Township.

The Zoning Officer and Zoning Hearing Board may request additional information and documentation to prepare for said hearing.

By checking this box, I certify that the information presented in this application and all attachments is true and correct.

Please ensure the following documents have been included in your application packet:

- Completed and signed application form
- Check in the amount of the applicable application fee
- Narrative responding to all applicable prompts
- Proof of property ownership (Copy of Deed or Agreement of Sale)
- Six (6) copies of plans or sketch of the proposed improvements

*Plan drawings are preferred, but not required, to be prepared by a registered engineer, architect, or surveyor. Any measurements/setbacks should be accurate and clearly depicted on provided plot plans or elevations. If the applicant's plans are larger than 11" x 17", the applicant must submit one set of plans reduced to no larger than 11" x 17". Digital copies of plan sets shall be submitted if available.*

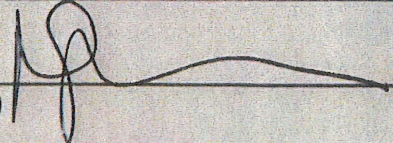
Any additional photos or supporting documentation (optional)

Applications may be submitted in person, mailed, or electronically as a PDF. The application fee must be submitted before an application can be accepted for review.

Signature of APPLICANT 

Date 1/17/25

Print Name Michael Ciaccio

Signature of OWNER   
(If different from applicant)

Date 1/24/25



**Arista Pool & Spa Inc.**  
11 Crosskeys Road • Collegeville • PA • 19426

1/17/25

**Section 170-1611** states that a pool should be 25' from any lot line measured to the edge of water, our proposed plan shows our waters edge at 7.82' where 25' is required. We are requesting relief of 17.18' of the side yard setback.

This property faces a unique hardship where it has a 20' wide drainage easement along the rear of the property which cannot be built in. Due to this existing easement which is no doing of the homeowners there is not enough roof to construct a pool between the existing rear of the house and the easement.

The only viable location remaining is the side yard where we cannot meet the current side yard setback hence our variance request.

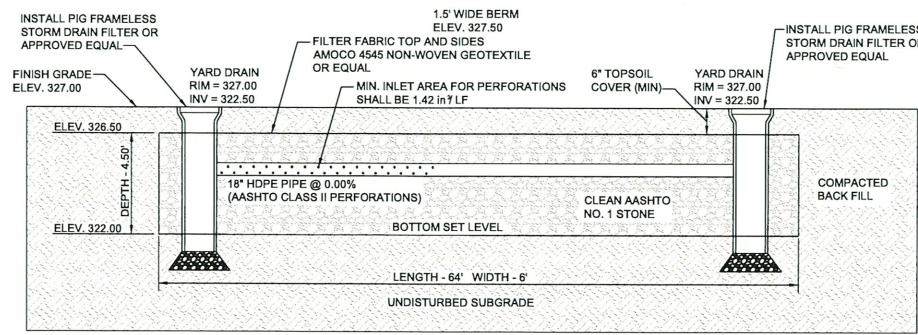
Section 170-602.4 states that impervious coverage in R-1 zoning is 20% maximum. The property is currently non-confirming at 26.81%. With our proposed pool project adding an additional 6.84% this puts the lot total at 33.65%. We are requesting relief of 13.65% where 20% is required. We are requesting relief of 13.65%.

This property faces a unique hardship where due to the large footprint of the house and driveway taking up almost all the 20% allowable coverage there is no additional room to improve the property without a variance.

Additionally, one of the residents of the home has undergone a 13 level spinal fusion surgery in order to repair a congenital spinal condition called, Kyphosis. In doing so, the resident's ability to participate in a variety of sports and activities has been limited; however, water exercise and recreation is a good conditioning activity for their specific health situation. Having a pool would improve the resident's ability to access and participate in activities that would benefit their general health and well being.







**STORM WATER VOLUME CONTROL:**

Proposed Impervious:	1,728.61 S.F.
Precipitation:	3.27 inches
Required Volume:	415.6 CF
Infiltration Trench:	
Depth:	4.5 feet
Width:	6.0 feet
Trench Length:	64.0 feet
Total Storage Volume:	691.20 CF

**INFILTRATION TRENCH:**

- BACKFILL MATERIAL:**
- The aggregate material for the infiltration trench shall consist of clean aggregate, AASHTO #1
- RUNOFF FILTERING:**
- The contractor shall install silt fence upgradient to the infiltration trench prior to disturbance.
  - The yard drain grate shall be wrapped with woven geotextile to prevent vegetative clogging.

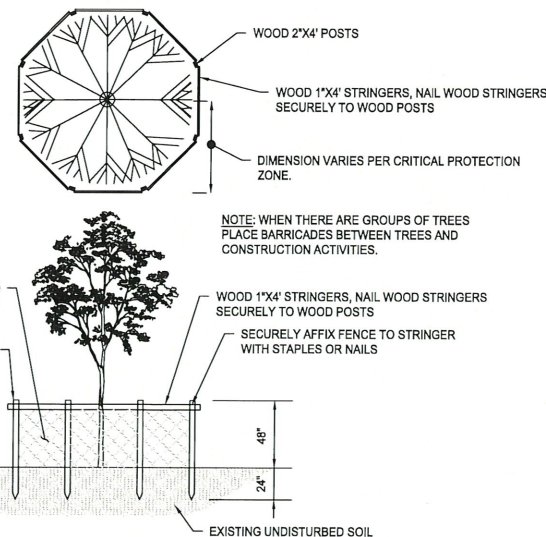
**CONSTRUCTION**

- Excavate to the design dimensions. Excavated material shall be placed away from the excavated sides to enhance wall stability. Large tree roots shall be trimmed flush with the sides in order to prevent fabric puncturing or tearing during subsequent installation procedures.
- Side walls shall be roughened where sheared and sealed by heavy equipment.
- The filter fabric roll shall be cut to the proper width prior to installation. The cut shall include sufficient material to conform to the well perimeter irregularities and for a 6" minimum top overlap. When overlaps are required between rolls, the upstream roll shall lap a minimum of 2' over the downstream roll to provide a shingled effect.
- VOIDS can be created between the fabric and excavation sides and should be avoided. Removing boulders or other obstacles from the trench walls is one such source of voids. Natural soils should be placed in these voids.
- Contractor must contact the Westtown Township to request a representative view the installation of the stormwater management system prior to backfill and prior to completion.
- The stormwater management system shall be built in accordance to these plans and is a permanent fixture which can be altered or removed only after the approval of a revised plan by Westtown Township.

**NOTE:**

- FOR GROUPS OF TREES: PLACE THE BARRICADES AT THE DRIPLINE AROUND THE GROUPS PERIMETER.
- INSTALLATION OF TREE PROTECTION BARRICADES SHALL BE PERFORMED BEFORE ANY SITE DEVELOPMENT ACTIVITY TAKES PLACE.
- THE TREE PROTECTION BARRICADES SHALL REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PHASE AND UNTIL ALL SITE DEVELOPMENT ACTIVITIES ARE FULLY COMPLETE.
- ANY DAMAGE THAT MAY OCCUR TO THE BARRICADES SHALL BE REPAIRED OR REPLACED TO THE ORIGINAL SPECIFICATIONS WITHIN 24 HOURS OF THE DAMAGE OCCURRING.
- THE AREA WITHIN THE TREE PROTECTION BARRICADES SHALL NOT BE USED FOR THE STORAGE OF ANY MATERIALS, SUPPLIES OR DEBRIS OR THE DISPOSAL OF ANY SOLID, LIQUID OR GASEOUS MATERIALS THAT COULD CAUSE HARM TO THE TREES.
- ANY TREE SCHEDULED TO REMAIN IF DAMAGED DURING CONSTRUCTION SHALL BE REPLACED BY PROVIDING EQUIVALENT MONETARY VALUE TO THE CITY'S TREE FUND.
- MONETARY TREE VALUE SHALL BE DETERMINED BY USING THE GUIDE FOR PLANT APPRAISAL, PUBLISHED BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE OR OTHER SOURCES AS DETERMINED BY THE CITY FORESTER.
- BARRICADES SHALL PROTECT ALL TREES SCHEDULED TO REMAIN BEFORE AND DURING ALL CONSTRUCTION ACTIVITIES.
- ANY PROPOSED UNDERGROUND UTILITIES SHALL BE ROUTED AROUND PROTECTED TREES TO THE OUTSIDE OF THE TREE'S DRIPLINE. IF THIS IS NOT FEASIBLE, AS DETERMINED BY THE COUNTY, A SLEEVE MAY BE USED UNDER THE TREE, PROVIDED THAT ALL ACCEPTABLE HORTICULTURAL/ARBORICULTURAL PRACTICES ARE ADHERED TO.

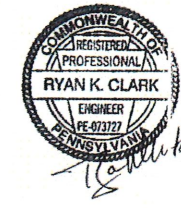
\*TREE PROTECTION BARRICADES SHALL BE LOCATED TO PROTECT A MINIMUM OF 75% OF THE CRITICAL PROTECTION ZONE.



**TREE PROTECTION DETAIL**  
N.T.S.

**ENGINEER'S CERTIFICATION**

I, Ryan K Clark, on this date, January 16, 2025, hereby certify to the best of my knowledge that the SWM site plan meets all design standards and criteria of Schuylkill Township, Chapter 310 - Stormwater Management.



**EROSION & SEDIMENTATION CONTROL NOTES:**

- Erosion and sedimentation controls must be constructed, stabilized and functional before site disturbance within the tributary areas of these controls.
- After final site stabilization has been achieved, temporary erosion and sedimentation controls must be removed, areas disturbed during removal of the controls must be stabilized immediately.
- Filter fabric fence must be installed at level grade. Both ends of each fence section must extend at least ten feet upslope at 45 degrees to the main fence alignment.
- Sediment must be removed when accumulations reach half the above ground height of the fence.
- Any fence section which has been undermined or topped must be immediately replaced with a rock filter outlet. See Rock Filter Outlet detail.
- Stockpile heights must not exceed 35 feet. Stockpile slopes must be 2:1 or flatter.
- Any disturbed area, on which activity has ceased, must be stabilized immediately in accordance with permanent seeding specification. During non-germinating periods, mulch must be applied at the recommended rates.
- Diversions, channels, sedimentation basins, sedimentation traps and stockpiles must be stabilized immediately.
- Hay or straw mulch must be applied at rates of at least 3.0 tones per acre.
- Until the site is stabilized, all erosion and sedimentation controls must be maintained properly. Maintenance must include inspections of all erosion and sedimentation controls after each runoff event and on a weekly basis. All preventative and remedial maintenance work, including clean out, repair, replacement, regrading, reseeding and renetting, must be performed immediately.
- Should unforeseen erosive conditions develop during construction, the contractor shall take action to remedy such conditions and to prevent damage to adjacent properties as a result of increased runoff and/or sediment displacement. Stockpiles of wood chips, hay bales, crushed stone and other mulches shall be held in readiness to deal immediately with emergency problems of erosion.
- The contractor is advised to become thoroughly familiar with the provisions of Appendix 64, Erosion Control Rules and Regulations, Title 25, Part 1, Department of Environmental Protection.
- Protection to existing trees and shrubs shall be taken by the contractor to eliminate unnecessary damage.
- Any bare-earth areas where earth moving has ceased must be permanently stabilized immediately.
- All swales shall be protected with erosion control blankets.

**TEMPORARY SEEDING:**

Lime:	190 LBS/1000 SF Ground limestone incorporated 4 inches into soil
Fertilizer:	25 LBS/1000 SF 10-20-20 incorporated 4 inches into soil
Seed:	1.0 LBS/1000 SF Annual Ryegrass
Mulch:	140 LBS/1000 SF Straw Mulch

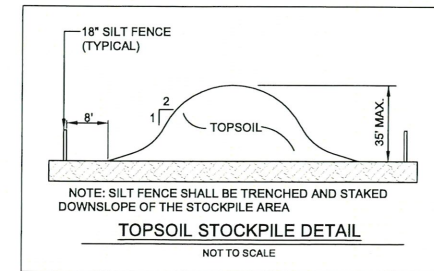
**Minimum standard for limestone and fertilizer:**

Limestone shall be applied at a rate of 1 ton per acre.	Fertilizer shall be applied at a rate of:
Nitrite Nitrogen:	30 LBS/Acre average
Phosphorus:	100 LBS/Acre average
Potassium:	120 LBS/Acre average

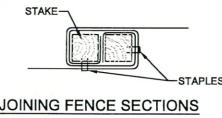
**PERMANENT SEEDING:**

Lime:	190 LBS/1000 SF Ground limestone incorporated 4 inches into soil
Fertilizer:	25 LBS/1000 SF 10-20-20 incorporated 4 inches into soil
Seeding:	Lawn and mowed areas: Kentucky Bluegrass - 30 LBS/AC Redtop - 3 LBS/AC Perennial Ryegrass - 20 LBS/AC Total Seeding = 53 LBS/AC
	OR
	Pennlawn-Fine Fescue - 40 LBS/AC Redtop - 3 LBS/AC Perennial Ryegrass - 20 LBS/AC Total Seeding = 63 LBS/AC
	Slopes or unmowed areas: Crown Vetch - 25 LBS/AC Perennial Ryegrass - 25 LBS/AC Total Seeding = 50 LBS/AC

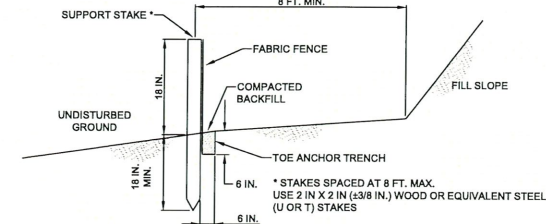
Planting Date: March 1st to May 15th and August 15th to October 1st.  
Mulch straw at a rate of 140 LBS/1000 SF. Mulch shall be secured by approved methods.



**TOPSOIL STOCKPILE DETAIL**  
NOT TO SCALE



**JOINING FENCE SECTIONS**



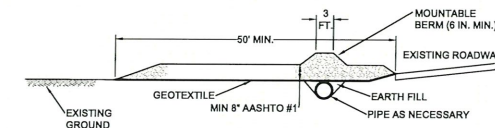
**SECTION VIEW**

**NOTES:**

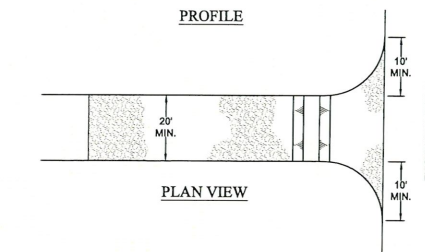
- FABRIC SHALL HAVE THE MINIMUM PROPERTIES AS SHOWN IN TABLE 4.3 OF THE PA DEP EROSION CONTROL MANUAL.
- FABRIC WIDTH SHALL BE 30 IN. MINIMUM. STAKES SHALL BE HARDWOOD OR EQUIVALENT STEEL (U OR T) STAKES.
- SILT FENCE SHALL BE PLACED AT LEVEL EXISTING GRADE. BOTH ENDS OF THE FENCE SHALL BE EXTENDED AT LEAST 8 FEET UP SLOPE AT 45 DEGREES TO THE MAIN FENCE ALIGNMENT.
- SEDIMENT SHALL BE REMOVED WHEN ACCUMULATIONS REACH HALF THE ABOVE GROUND HEIGHT OF THE FENCE.
- ANY SECTION OF SILT FENCE WHICH HAS BEEN UNDERMINED OR TOPPED SHALL BE IMMEDIATELY REPLACED WITH A ROCK FILTER OUTLET (STANDARD CONSTRUCTION DETAIL #4-8).
- FENCE SHALL BE REMOVED AND PROPERLY DISPOSED OF WHEN TRIBUTARY AREA IS PERMANENTLY STABILIZED.

**STANDARD CONSTRUCTION DETAIL #4-7  
STANDARD SILT FENCE (18" HIGH)**

NOT TO SCALE



**PROFILE**



**PLAN VIEW**

\*MOUNTABLE BERM USED TO PROVIDE PROPER COVER FOR PIPE

**NOTES:**

- REMOVE TOPSOIL PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE. EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.
- RUNOFF SHALL BE DIVERTED FROM ROADWAY TO A SUITABLE SEDIMENT REMOVAL BMP PRIOR TO ENTERING ROCK CONSTRUCTION ENTRANCE.
- MOUNTABLE BERM SHALL BE INSTALLED WHEREVER OPTIONAL CULVERT PIPE IS USED AND PROPER PIPE COVER AS SPECIFIED BY MANUFACTURER IS NOT OTHERWISE PROVIDED. PIPE SHALL BE SIZED APPROPRIATELY FOR SIZE OF DITCH BEING CROSSED.
- MAINTENANCE: ROCK CONSTRUCTION ENTRANCE THICKNESS SHALL BE CONSTANTLY MAINTAINED TO THE SPECIFIED DIMENSIONS BY ADDING ROCK. A STOCKPILE SHALL BE MAINTAINED ON SITE FOR THIS PURPOSE. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE REMOVED AND RETURNED TO THE CONSTRUCTION SITE IMMEDIATELY. IF EXCESSIVE AMOUNTS OF SEDIMENT ARE BEING DEPOSITED ON ROADWAY, EXTEND LENGTH OF ROCK CONSTRUCTION ENTRANCE BY 50 FOOT INCREMENTS UNTIL CONDITION IS ALLEVIATED OR INSTALL WASH RACK, WASHING THE ROADWAY OR SWEEPING THE DEPOSITS INTO ROADWAY DITCHES, SEWERS, CULVERTS, OR OTHER DRAINAGE COURSES IS NOT ACCEPTABLE.

**STANDARD CONSTRUCTION DETAIL #3-1  
ROCK CONSTRUCTION ENTRANCE**

NOT TO SCALE



**Apex Companies, LLC**  
165 East Union St.,  
Suite 100  
Somerset, Pennsylvania 15501  
Phone: (814) 443-3344  
[www.apexcos.com](http://www.apexcos.com)

**POOL PERMIT PLAN**

**JIM VALESKY**  
1132 Kolbe Lane  
West Chester, Pennsylvania 19382  
Parcel ID: 6704 01140000  
Westtown Township, Chester County, Pennsylvania

**REVISION**

**DATE**

**NO.**

**PROFESSIONAL SEAL**



JANUARY 16, 2025

of Apex Companies, LLC

DATE:	1/16/2025
PROJECT NO:	ARI008-0628200-24
FOLDER NAME:	CAD
CAD DWG FILE:	Plan Sheet.dwg
DRAWN BY:	PJK
CHECKED BY:	RKC
SCALE:	AS SHOWN

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**POOL PERMIT PLAN**

**C-101**







## ZONING HEARING BOARD APPLICATION SUMMARY

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ZHB Case: #2025-03  
Date: January 31, 2025  
From: Liudmila Carter, Director of Planning & Zoning

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APPLICANT: Maureen and David and Mark Hellberg  
ADDRESS: 120 Hidden Pond Way, West Chester, PA 19382  
UPI: 67-4-23.30  
HEARING DATE: March 20, 2025

### **REQUEST**

The applicant is seeking special exception to construct an accessory dwelling unit within the primary dwelling.

### **LOCATION AND DESCRIPTION OF SITE**

The subject property is a 0.32 acre parcel with an UPI. 67-4-23.30 located in the Arborview subdivision north of the W Pleasant Grove Road, in R-1 Residential District. The property address and the mailing address per County records is 120 Hidden Pond Way, West Chester, PA 19382. The property is improved with a single-family detached dwelling and is serviced by public water and sewer.

### **APPLICATION**

The applicant submitted application on January 29, 2025 for special exception as per the following Sections:

1. Section 170-601.B(6) where accessory dwelling units are permitted via special exception, in accordance with the provisions of 170-1603A of the Code.

### **ZONING RELIEF STANDARDS**

General standards for the granting of special exception are contained within 170-2108 of the Township Zoning Code and are attached to this report as Attachment A (page 2).

Specific standards for accessory dwelling units are contained within 170-1603.A of the Township Zoning Code and attached to this report as Attachment B (page 3).

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission will review this application at their meeting on February 3, 2025.

## **Attachment A.**

### **§ 170-2108 Special exceptions.** [Amended 3-3-2003 by Ord. No. 2003-2]

Where this chapter has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of this chapter. The procedures for acting on a special exception request shall be the same as those specified for variances under § 170-2107, except that the findings contained in Subsections A(5)(a) through (e) of § 170-2107 shall not be applicable. Where any use or any applicable design criteria subject to conditional use approval also is a part of an overall land development plan subject to application for approval of a special exception, such use or design criteria may be considered for approval by the Zoning Hearing Board as part of the applicable special exception application in lieu of separate submission of an application for conditional use approval. Similarly, where any use or any applicable design criteria subject to special exception approval also is a part of an overall land development plan subject to application for conditional use approval, such use or design criteria may be considered for approval by the Board of Supervisors as part of the applicable conditional use application in lieu of separate submission of an application for approval of a special exception.

- A. Application shall be made in writing, indicating the section of this chapter under which an exception is sought. The application shall include a reasonably exact, dimensional sketch showing the placement and use of the proposed buildings and details of parking, loading, lighting, utility systems, sidewalks, and other pedestrian areas, including those within 250 feet of adjoining properties or structures.
- B. Further, a description of the uses proposed shall be included in sufficient detail so that potentially detrimental impacts, if any, can be determined.
- C. The Board shall hear and decide all requests for special exceptions, as identified within this chapter, in accordance with the following standards and criteria:
  - (1) Relationship to the Comprehensive Plan. Consideration of the size, scope, extent, and character of the proposed special exception and assurance that such proposal is consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
  - (2) Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.
  - (3) Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.
  - (4) Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
  - (5) Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.

D. Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a reasonable accommodation to serve persons who the applicant proves have disabilities as defined in and protected by such laws.

- (1) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
- (2) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
- (3) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

**Attachment B.**

**§ 170-1603. Accessory uses and structures. [Amended 3-3-2003 by Ord. No. 2003-2]**

Uses considered customarily accessory and incidental to any permitted use under this chapter shall include those generally provided for within the various zoning districts. In addition, the uses listed herein shall specifically be deemed accessory in accordance with the following terms:

**A. Accessory dwellings. [Amended 9-15-2008 by Ord. No. 2008-1; 5-21-2012 by Ord. No. 2012-5]**

- (1) Specific intent. In allowing opportunities for the creation of accessory dwelling units, it is the specific intent of this subsection to address directly the housing needs of small households to make more efficient use of the Township's existing building stock and infrastructure.
- (2) Standards for accessory dwellings. Where authorized as a special exception under the terms of this chapter, accessory dwellings may be created in accordance with the following standards:
  - (a) There shall not be more than one accessory dwelling unit created on any single-family residential lot.
  - (b) The accessory dwelling unit may be located in the principal dwelling or in a structure which is accessory to the principal dwelling and is located on the same single-family residential lot.
  - (c) One of the two dwelling units shall be occupied by the owner of the lot on which both dwelling units are located.
  - (d) The accessory dwelling unit shall be occupied only by members of the family of the occupants of the principal dwelling or those providing care or services to the occupants of the principal dwelling unit.
  - (e) The minimum size of an accessory dwelling shall be 500 square feet of gross habitable area. The accessory dwelling shall comprise not more than 35% of the gross habitable area of the principal dwelling prior to creation of the accessory dwelling. However, in no case shall the accessory dwelling exceed 1,200 square feet, not including any vehicle garage space.
  - (f) No other alterations to the exterior of the structure shall be permitted unless necessary for

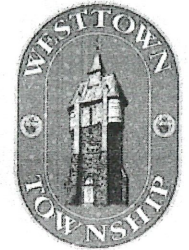
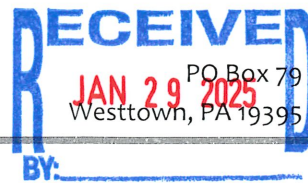


health or safety reasons. No exterior changes shall be made which, in the judgment of the Zoning Hearing Board, are not in conformance with the existing single-family character of the neighborhood.

- (g) Except where an off-site sewage system is available, the applicant shall submit to the Township a permit for an on-site sewage disposal system issued by the Chester County Health Department, certifying that the sewage disposal facilities are adequate for the projected number of residents. Where the existing on-site system is found to be inadequate, by the Department, to serve the projected demand, no approval shall be given for the accessory dwelling unit until the system is improved to meet Health Department requirements and a permit is issued by the Department.
- (h) One off-street parking space shall be required for the accessory dwelling unit in addition to those required for the principal dwelling. The additional parking space shall not be located within any required yard area.
- (i) To ensure compliance with this chapter, an architectural plan shall be submitted, accurately drawn to scale, indicating the location and size of the existing and proposed dwelling units, parking areas and any proposed exterior alterations.
- (j) All accessory dwelling units in the Township shall be subject to the requirements of §§ 170-2004, 170-2005 and 170-2006 relating to use and occupancy permits

# Westtown Township

## Zoning Hearing Board Application



P: 610.692.1930  
 F: 610.692.9651  
 www.westtownpa.org

Township Use Only	
Date Received: <u>January 29, 2025</u>	Project No.: <u>2025-03</u>
Parcel ID: <u>67-4-23130</u>	Zoning Dist: <u>R-1</u>
Date Paid: <u>January 29, 2025</u>	PC Date: <u>February 5, 2025</u>
Hearing Date: _____	Property Posted: _____
Dates Advertised: _____	
Reviewed by: <u>McCall</u>	

### Applicant & Owner Information

Applicant <u>Maureen + Dove Heilberg</u>	Phone <u>484 429 0394</u>
Property Address <u>120 Hidden Pond Way</u>	City <u>West Chester</u> Zip <u>19382</u>
E-mail <u>mheilberg@3.comcast.net</u> <u>dave@nawncs.com</u>	
Property Owner _____ <small>(if different from Applicant)</small>	Phone _____
Mailing Address _____ <small>(if different from Property Address)</small>	City _____ Zip _____
E-mail _____	

### Request

Please select all that apply and provide a brief description of the requested relief or approvals sought.  
*i.e. 6 ft encroachment into rear yard, or Special Exception for construction of ADU.*

<input type="checkbox"/>	<b>Section 2104:</b> Appeals from the Zoning Officer _____
<input type="checkbox"/>	<b>Section 2105:</b> Challenge to the validity of the Zoning Ordinance or Map _____
<input type="checkbox"/>	<b>Section 2106:</b> Challenge to the Flexible Development Procedure _____
<input type="checkbox"/>	<b>Section 2107:</b> Variances _____
<input checked="" type="checkbox"/>	<b>Section 2108:</b> Special Exceptions <u>Accessory Dwelling (ADU)</u>

**Please provide a narrative of your request in an attachment that includes all required information and any other supporting documentation.**

1. *Property information*

Setbacks of existing primary or accessory structure(s)

Lot Size: \_\_\_\_\_ Front: \_\_\_\_\_ Side (R): \_\_\_\_\_ Side (L): \_\_\_\_\_ Rear: \_\_\_\_\_

Existing property use: residential

Existing structure(s): house

2. Description of all proposed improvements, additions and/or change of use. The application shall include a reasonably exact, dimensional sketch showing the placement and use of the proposed buildings and details of parking, loading, lighting, utility systems, and sidewalks, including those within 250 feet of adjoining properties or structures. For physical changes to the lot or structures, indicate the size of all proposed improvements, setbacks to property lines, materials to be used and general construction to be carried out.
3. For **VARIANCES**, provide a response to each of the following hardship standards:
- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
  - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the area and bulk regulations or design standards of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, but shall not allow a change in use to one not permitted by right in that district.
  - C. That such unnecessary hardship has not been created by the applicant.
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare.
  - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
4. For **SPECIAL EXCEPTIONS**, provide a response to how the proposed use impacts each of the following:
- A. Relationship to the Comprehensive Plan. Consideration that the size, scope, extent, and character of the proposed use will be consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
  - B. Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.
  - C. Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.
  - D. Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
  - E. Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.

Applicant shall deposit with the Township a fee deemed sufficient to pay the Hearing expenses. These costs may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the Hearing. Funds deposited in excess of the actual cost of the requested hearing shall be returned to the applicant upon completion of the proceedings.

**FEE SCHEDULE**

Variance, Special Exception — \$1,000

Appeal from the Zoning Officer, Challenge to the Flex Development Procedure — \$1,000

Challenge to the Zoning Ordinance/Map — \$2,500

———— **CERTIFICATION** ————

**Please review and certify the following information.**

In the event that the costs of the hearing exceed the funds deposited, the Applicant shall pay to the Township funds equal to such excess costs within thirty (30) days of the Township's request. Failure to deposit the additional funds shall be just reasons for terminating the proceedings.

I agree to pay additional funds (if necessary) as requested by the Township.

The Zoning Officer and Zoning Hearing Board may request additional information and documentation to prepare for said hearing.

By checking this box, I certify that the information presented in this application and all attachments is true and correct.

**Please ensure the following documents have been included in your application packet:**

- Completed and signed application form
- Check in the amount of the applicable application fee
- Narrative responding to all applicable prompts
- Proof of property ownership (Copy of Deed or Agreement of Sale)
- Six (6) copies of plans or sketch of the proposed improvements

*Plan drawings are preferred, but not required, to be prepared by a registered engineer, architect, or surveyor. Any measurements/setbacks should be accurate and clearly depicted on provided plot plans or elevations. If the applicant's plans are larger than 11" x 17", the applicant must submit one set of plans reduced to no larger than 11" x 17". Digital copies of plan sets shall be submitted if available.*

Any additional photos or supporting documentation (optional)

Applications may be submitted in person, mailed, or electronically as a PDF. The application fee must be submitted before an application can be accepted for review.

Signature of APPLICANT Maureen Heilberg

Date 1/27/25

Print Name Maureen Heilberg

Signature of OWNER \_\_\_\_\_  
(If different from applicant)

Date \_\_\_\_\_

Maureen & Dave Hellberg – 120 Hidden Pond Way, West Chester PA 19382

2. Description of all proposed improvements, additions and/or change of use:

We are seeking an ADU to allow for a kitchen to be added in the finished basement which already includes a bedroom and full bath. One of the owners of the house will be living in this area of the home. See attached kitchen plan along with full basement plan. There is a three-car garage and additional parking in the driveway for up to three more cars.

3. For VARIANCES, provide a response to each of the following hardship standards: NA

4. For SPECIAL EXCEPTIONS, provide a response to how the proposed use impacts each of the following:

A. Relationship to the Comprehensive Plan: The plan is aligned with the Westtown Township comprehensive plan. There are no public health, safety or welfare issues

.B. Suitability of the tract.

We are seeking an ADU in the basement which is already renovated with a bedroom and full bath. The home is owned by Maureen & Dave Hellberg husband and wife as tenants by entirety with 50% tenant-in-common interest with Mark Hellberg as tenant by entirety with 50% tenant-in-common interest. Mark will be living in the finished basement area (in-law suite) and would like to add a kitchen in the same space. There is public water and public sewer.

C. Impact on existing neighborhood character. Visually no impact on neighbors.

D. Impact on circulation – None

E. Economic impact.- None

Code:

Standards for accessory dwellings. Where authorized as a special exception under the terms of this chapter, accessory dwellings may be created in accordance with the following standards:

**(a)**

There shall not be more than one accessory dwelling unit created on any single-family residential lot.

One unit

**(b)**

The accessory dwelling unit may be located in the principal dwelling or in a structure which is accessory to the principal dwelling and is located on the same single-family residential lot.

In principal dwelling

**(c)**

One of the two dwelling units shall be occupied by the owner of the lot on which both dwelling units are located.

Both units will be occupied by owners

**(d)**

The accessory dwelling unit shall be occupied only by members of the family of the occupants of the principal dwelling or those providing care or services to the occupants of the principal dwelling unit.

Unit will be occupied by one of the owners of the home

**(e)**

The minimum size of an accessory dwelling shall be 500 square feet of gross habitable area. The accessory dwelling shall comprise not more than 35% of the gross habitable area of the principal dwelling prior to creation of the accessory dwelling. However, in no case shall the accessory dwelling exceed 1,200 square feet, not including any vehicle garage space.

Area will not exceed 1200 square feet

**(f)**

No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons. No exterior changes shall be made which, in the judgment of the Zoning Hearing Board, are not in conformance with the existing single-family character of the neighborhood.

None

**(g)**

Except where an off-site sewage system is available, the applicant shall submit to the Township a permit for an on-site sewage disposal system issued by the Chester County Health Department, certifying that the sewage disposal facilities are adequate for the projected number of residents. Where the existing on-site system is found to be inadequate, by the Department, to serve the projected demand, no approval shall be given for the accessory dwelling unit until the system is improved to meet Health Department requirements and a permit is issued by the Department.

NA

**(h)**

One off-street parking space shall be required for the accessory dwelling unit in addition to those required for the principal dwelling. The additional parking space shall not be located within any required yard area.

Three car garage as well as parking for a three additional cars in the driveway

**(i)**

To ensure compliance with this chapter, an architectural plan shall be submitted, accurately drawn to scale, indicating the location and size of the existing and proposed dwelling units, parking areas and any proposed exterior alterations.

Plans included for basement and kitchen





## Chapter 318

### SEWAGE SLUDGE, LAND APPLICATION OF

§ 318-1.	Title.	§ 318-9.	Land application permit (LAP).
§ 318-2.	Purpose.	§ 318-10.	Requirements and standards.
§ 318-3.	Definitions.	§ 318-11.	Investigation and inspection.
§ 318-4.	Authority.	§ 318-12.	Enforcement; revocation; violations and penalties.
§ 318-5.	Permits.	§ 318-13.	Administration.
§ 318-6.	Site permit requirements.	§ 318-14.	Existing PA DEP permit holders and effective date.
§ 318-7.	Renewal of site permit; application requirements.		
§ 318-8.	Approval of site permit or site permit renewal.		

[HISTORY: Adopted by the Board of Supervisors of the Township of Independence 5-20-1998 by Ord. No. 98-3. Amendments noted where applicable.]

#### GENERAL REFERENCES

Sewers and sewage disposal — See Ch. 323.

Solid waste — See Ch. 345.

#### § 318-1. Title.

This chapter shall be known and may be cited as the "Land Application of Sewage Sludge Ordinance of Independence Township, Washington County, Pennsylvania."

#### § 318-2. Purpose.

The purpose of this chapter is:

- A. To protect the health, safety and general welfare of all Township citizens and other persons by seeking to prevent exposure to any toxic or other harmful material contained in sewage sludge including but limited to: heavy metals, pathogens, radioactivity and toxic and carcinogenic chemicals as provided by Section 503.5 of Subchapter O, Chapter I of Title 40, Code of Federal Regulations.
- B. To seek to preserve the surface waters and aquifers that contribute to a healthy environment and to seek to preserve the natural environmental quality of all land and its flora and fauna within the Township.
- C. To seek to preserve and protect agriculture and agriculture related activities and to seek to preserve a productive land base and climate for future generations.

#### § 318-3. Definitions.

The following terms shall have the meanings defined in this section wherever they are used in this chapter:

**ADJACENT AREAS** — Lands that abut a sewage sludge site within the boundaries of the property on which the site is located.

**APPLICANT** — "Site permit applicant" is the owner of an agricultural property that is a DEP permitted disposal site in Independence Township. "Land application permit applicant" is the transporter (hauler) of sewage sludge.

**DEP** — Pennsylvania Department of Environmental Protection.

**INSPECTION; AUDIT** — Preapplication inspection and post-application surveillance, audit and reporting on land applications of sewage sludge.

**LAND APPLICATION** — The spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below land surface or the incorporation of sewage sludge into the soil.

**ORDINANCE** — The Land Application of Sewage Sludge Ordinance of Independence Township and any subsequent amendment thereto.

**PATHOGENS** — Pathogenic organisms are disease-causing organisms that include but are not limited to certain bacteria, protozoa, viruses and viable helminth ova.

**PERMIT** —

- A. **SITE PERMIT** — Document which confirms that proposed site meets all federal, state and local regulations pertaining to land application of sewage sludge.
- B. **LAND APPLICATION PERMIT** — Authorization to deposit sewage sludge on agricultural lands in Independence Township.

**PERSON** — An individual, natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal, state or local government, contractor, or any officers, agents, employees, factors, or any kind of representatives of any thereof, in any capacity acting either for himself, or for any other person, under either personal appointment or pursuant to law, or other entity recognized by law as the subject of rights and duties, the masculine, feminine singular or plural is included in any circumstances.

**SAMPLING AND ANALYSIS** — All sampling and analysis required by this chapter shall be performed by a DEP certified commercial laboratory whose work is approved by Independence Township.

**SEWAGE SLUDGE** —

- A. Solid, semisolid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage, scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works.
  - (1) **DOMESTIC SEWAGE** — Waste and wastewater from humans or household operations that is discharged to or otherwise enters treatment works.
  - (2) **INDUSTRIAL WASTEWATER** — Wastewater generated in a commercial or industrial process.
  - (3) **GRIT (SAND, GRAVEL, CINDERS OR OTHER MATERIALS OF HIGH SPECIFIC**

GRAVITY) — Screening (relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.

- B. The sewage treatment residues may consist of viscous semisolid mixture of bacteria and virus-laden organic matter, toxic metals, synthetic organic chemicals, and settled nonbiodegradable solids removed from domestic and industrial wastewater at a sewage treatment plant.

SITE/SEWAGE SLUDGE SITE — A surveyed area of agricultural land used for the application of sewage sludge.

TOWNSHIP — References Independence Township and/or Independence Township Board of Supervisors or their agent.

TRANSPORTATION — The conveyance of sewage sludge from one point to another.

WATER SOURCE — Site or location of well, spring or water supply stream intake which is used for human consumption (Pa. Code, Title 25, § 271.1).

#### § 318-4. Authority.

- A. This chapter is adopted and enacted pursuant to the authority granted to the Township by all relevant state and federal law including but not limited to the following:
- (1) The provisions of the Second Class Township Code VII, as codified in 53 P.S. § 65701 et seq.,<sup>1</sup> authorizes the Township to enact ordinances dealing with the protection of the Township residents health, regulation of refuse material and nuisances and promotion of public safety.
  - (2) The provisions of the Second Class Township Code VII, as codified in 53 P.S. § 56101 et seq., to provide for the protection and preservation of the natural resources, human resources, and to promote, protect and facilitate public health, safety and welfare. To preserve and protect farm land, woodland and the recreational uses of the land within the Township.
  - (3) Independence Township Sewage Plan as now in effect and/or as otherwise updated and recognizes the authority.
  - (4) Pennsylvania Constitution, Title I, Section 27.
  - (5) Municipal Waste Regulations, 25 Pa. Code, § 271 et seq., unless otherwise specified.
  - (6) Pennsylvania Air Pollution Control Act, 35 P.S. § 4001 et seq.
  - (7) Clean Air Amendment of 1977, 42 U.S.C. §§ 7416 and 7422.
  - (8) Safe Drinking Water Act, 1974 of Federal Regulations, as amended, 1986.

#### § 318-5. Permits.

It shall be unlawful for any person to permit or cause to be permitted the spreading or disposition of sewage sludge for any purpose on any lands within the limits of Independence Township unless he holds a valid permit for such purpose or purposes as may be required by DEP or any other administrative agency under the laws of the Commonwealth of Pennsylvania and holds a valid site permit and land application permit required and issued for a specific site and person by the Independence Township Board of Supervisors under this or any other ordinance of Independence Township.

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1. Editor's Note: See now Article XV, 53 P.S. § 66501 et seq.

## A. Eligibility for permit:

- (1) Site permits will only be issued to the legal owner of the property to be used as a sludge disposal site. Land application permits will only be issued to either the municipal waste treatment facility or the transporter of sewage sludge.
- (2) No permit shall be issued hereunder unless the person making application shall, if required, have first been issued a valid permit by PA DEP.

**§ 318-6. Site permit requirements.**

## A. Proof of ownership of the property to be used as a sludge disposal site.

## B. Evidence of a valid permit from DEP for the land application of sewage sludge.

## C. Application shall be in writing in such form and number as required and shall be submitted to the Township Supervisors or their agent for approval. Concurrently a plan, prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania, including a topographic map, soil map, geology map and surface water map as indicated below shall be submitted (see Subsections D, E, F and I, respectively) and reviewed and approved by the Township Engineer.

## D. An application shall be accompanied by a topographic map on a scale in which one inch equals no more than 400 feet, on paper sized no greater than 22 inches by 36 inches showing the location [Subsection D(2)(a) through (k)] and necessary narrative descriptions for lands and data:

- (1) Boundaries and names of present owners of record of land, both surface and subsurface, including easements, rights-of-way and any other property interest, for the proposed permit area, adjacent areas and adjoining properties.
- (2) Boundaries of the land where sewage sludge will be applied, including all setback requirements. The following setback requirements must be met. No site permits will be approved unless the following setback requirements are met:
  - (a) One hundred feet to an intermittent or perennial stream.
  - (b) Three hundred feet of water source.
  - (c) One thousand feet upgradient of a surface water source.
  - (d) Twenty-five feet of a bedrock outcrop.
  - (e) Fifty feet of a property line.
  - (f) One hundred feet of a sinkhole or area draining into a sinkhole.
  - (g) Twenty-five feet of the perimeter of an undrained depression.
  - (h) One hundred feet of an important wetland.
  - (i) Three hundred feet measured horizontally from an occupied dwelling.
  - (j) One-hundred-year floodplain.
  - (k) A slope greater than 8%.

- E. Soils. A soil survey map, based on the recent Soil Survey of Washington County, Pennsylvania, indicating the soil types of the proposed permit area and adjacent areas with accompanying table indicating each soils suitability for sludge application.
- (1) This map shall contain descriptions of the depth, matrix, color, texture, structure, pH consistency, degree of mottling and, if present, mottled colors and coarse fragment content for each horizon of soil from the surface to bedrock.
  - (2) In preparing the soil description, the applicant shall use the United States Department of Agriculture Soil Classification System.
  - (3) No person or municipality may apply sewage sludge to a site unless the site complies with the following: soils that fall within the U.S. Department of Agriculture textural classes of sandy loam, loam, sandy clay loam, silty clay loam or silt loam, soils have a minimum depth from surface to bedrock of 20 inches and minimum depth from surface to season high water table of 20 inches (Title 25, Pa. Code, § 275.312).
- F. Geology. A geologic map (scale no greater than one foot equals 400 feet) based on the most recent U.S. Geological Survey date for Independence Township, indicating the types of bedrock formations underlying the proposed sludge application site. Any sinkholes or other hazardous geological formations as well as all faults associated with the proposed site shall be indicated on the site geologic map.

NOTE: Applications of sewage sludge will not be permitted on a site that has a underlayment of carbonate rock formations (limestone and/or dolomite).

- G. Soil analysis. An analysis of soil taken from the site where sewage sludge is to be spread detailing the nine metals listed in § 318-10F of this chapter. This analysis shall also include the PCB content and pH of the soil from the soil sample. Sample points must be indicated on the soil map. If the Township Engineer indicates, additional soil samples may be required. One soil sample consisting of a composite of core samples that is representative of each soil series in a field shall be submitted for analysis. The procedure for soil sampling shall be consistent with PA DEP guidelines (see Pa. Code, Title 25, Chapter 275, § 105, and PA DEP Interim Guidelines for use of Sewage Sludge for Agriculture Utilization, Appendix B, revised July 5, 1994).
- H. Groundwater. Sewage sludge shall not contaminate an aquifer. Results of a groundwater monitoring program developed by a qualified groundwater scientist or certification by a qualified groundwater scientist shall be used to demonstrate that sewage sludge does not contaminate an aquifer.
- (1) A site permit application shall be accompanied by a groundwater monitoring plan developed or certified by a qualified groundwater scientist.
  - (2) The groundwater monitoring plan shall provide a description of the groundwater hydrology of the proposed permit area, as well as all the lands adjacent to this area within the same property boundaries and the lands of all adjoining properties. The description shall include:
    - (a) The depth to regional groundwater table.
    - (b) The depth to seasonal high water table as indicated by the presence of soil mottling or as altered by drainage devices installed under an approved soil conservation plan.
    - (c) A description of the use or uses of the groundwater from the aquifer underlying the

proposed permit area.

- (d) A description of groundwater quality and groundwater contamination based on monitoring of groundwater test wells located within the boundaries of a proposed permit area or not greater than 1/2 mile from the nearest boundary of the proposed permit area. All test wells shall be in the same aquifer as that of the proposed permit area. An operation map showing the location of groundwater monitoring devices that are proposed for the facility shall be included. Existing wells, including household wells, may serve as test wells if approved by the Township Engineer in his review of the applicant's groundwater monitoring plan. Groundwater samples from these test wells shall be obtained by a professional groundwater scientist using methods approved by the Township Engineer and defined in the applicant's groundwater monitoring plan, these groundwater samples shall be analyzed for toxic inorganic and organic chemicals and fecal coliform bacteria. The quality of these groundwater samples shall meet all current standards for these chemicals and bacteria as set forth in the Safe Drinking Water Act of 1974 and any subsequent revision and/or amendments to this Act. Applications of sewage sludge will not be permitted on a site for which the required groundwater analysis fails to meet all of the safe drinking water standards.
  - (e) Where applicable, all dates on groundwater samples from wells contaminated with nitrates and/or bacteria reported in the 1992 Update to the Township's Act 537 Plan shall be included with the water quality date for the proposed site permit area. Application of sewage sludge will not be permitted on a site that is within a one-half-mile diameter circle around any well having a nitrate content equal to or greater than 5.0 mg per liter.
  - (f) Any information not included in the Groundwater Monitoring Plan and deemed necessary to determine whether or not a proposed sewage sludge permit area poses a threat to the Township's groundwater resources may be requested by the Township or its agent.
  - (g) The groundwater monitoring plan for the proposed permit area shall be reviewed and approved by the Township Engineer in order to be accepted as part of the site permit application. Sewage sludge shall not be permitted to be applied to a site that is characterized as unsuitable by the Township Engineer on the basis of information in the groundwater monitoring plan.
- I. Surface water. Surface water map: An application shall contain a description and map of the surface waters in the proposed permit area and adjacent area including the following:
    - (1) The location of watershed which will receive water discharge.
    - (2) The location of surface water bodies such as streams, lakes, ponds, springs, and seeps.
    - (3) The location of water discharge into surface bodies of water.
    - (4) Descriptions of surface drainage systems within the proposed permit area and adjacent areas.
  - J. Erosion control. A plan acceptable to the Township and/or its agent to manage surface water and control erosion that will contain the sewage sludge within the permitted area.
  - K. Source of sludge. Applicant must list all possible sewage treatment facilities that may utilize the site.
  - L. Fee. A nonrefundable administrative fee sufficient to cover all Township expenses necessary to process the application shall be paid by the applicant. An escrow fee which will be utilized to pay for

the review by the Township Engineer shall be established and adjusted as necessary. Monies not utilized in this escrow account will be refunded to the applicant. Fees to be established and adjusted as necessary by the Board of Supervisors by resolution.

- M. Certification. The applicant shall certify by letter that all appropriate rules requirements and regulations of the Code of Federal Regulations, Chapter I of Title 40, as amended by Part 503 and Pa. Code, Title 25, Chapter 275, for the Land Application of Sewage Sludge, not specifically addressed in this chapter have been complied with.

**§ 318-7. Renewal of site permit; application requirements.**

- A. Permit shall be renewed only for the permitted site or sites described in a current valid permit as described in § 318-6.
- B. Application for the renewal of a permit shall be submitted in writing on forms provided by the Township at least 45 days prior to the expiration date of the current valid permit and shall include:
- (1) Certification that there are no changes to the support data and documents (§ 318-6A through I) for the original permit as described in § 318-6 of this chapter or if any changes have occurred, updated information shall be submitted as part of the application for renewal and reviewed by the Township Engineer.
  - (2) Soil samples shall be collected no more than 60 days prior to the date of the application for renewal of the permit.
  - (3) A fee, nonrefundable administrative and escrow for engineering review as described in § 318-6L shall be paid by the applicant. Fee to be established and adjusted as necessary by the Board of Supervisors.

**§ 318-8. Approval of site permit or site permit renewal.**

- A. All applications for approval of a site permit or site permit renewal shall be acted upon by the Township Supervisors. The Township Supervisors shall render a decision or request additional information within 45 days after receipt of a complete application. A complete application shall consist of the following, with review and approval of the Township Engineer, § 318-6A through J.
- B. All permits or permit renewals shall be advertised and approved at a public meeting of the Township Supervisors. Application for permits shall be advertised at least seven days prior to approval, but no more than 30 days.
- C. The property specified in the application shall be posted with the intent and date of the hearing, at least one week prior to the hearing, along public roads at intervals of 500 feet.
- D. Site permits and renewals shall be valid for a period of one year from the date of Township approval.
- E. Permit fees shall be paid by the applicant in accordance with a fee schedule adopted by the Township.
- F. The ownership of a site permit issued herein shall not be transferable.
- G. For site permit approval, results of soil analysis for metal content and PCBs shall not exceed standards established in § 318-11A of this chapter.

**§ 318-9. Land application permit (LAP).**

- A. It shall be unlawful for any person to dispose of sewage sludge by land application within the limits of Independence Township without a current and valid land application permit set forth herein.
- (1) Every person that has the desire or intent to dispose of sewage sludge by land application within the Township shall apply for a land application permit. Application must be made not more than 45 days nor less than 10 days prior to the scheduled date that the disposal of sewage sludge by land application will occur.
  - (2) Application for a LAP shall be restricted to the municipal waste treatment facility or its contracted hauler.
  - (3) An application for a LAP shall be in writing on Township approved forms and shall include the following information:
    - (a) The name and address of the person applying for the LAP;
    - (b) The source of the sewage sludge (the municipal waste treatment facility). Verification that the facility has the technical capability to treat pathogens as required in § 318-10F(2)(d). A LAP shall be restricted to a single waste treatment facility and shall contain a certified list of all of the commercial and industrial businesses, medical facilities and government institutions that contribute to the sewage waste treated at the facility. Each of these businesses, medical and government institutions shall provide a list to accompany the LAP application that indicates the types of all known hazardous inorganic and organic chemicals and all known pathogens that they contribute to this sewage waste. This list shall include but not be limited to the following: polychlorinated biphenyls (PCBs), chlorinated pesticides and other chlorinated organic compounds, polynuclear aromatic hydrocarbons, heavy metals; antimony, arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium, thorium, uranium, vanadium, and zinc, bacteria, viruses, protozoa, parasitic worms, fungi, miscellaneous substances: flame retardants (asbestos), petroleum products, industrial solvents, herbicides. A history of all known violations by these businesses, medical facilities and government institutions of any federal and/or state statutes regulating the levels of these toxic chemicals and pathogens permitted in their waste stream shall be included on the list.
    - (c) The name and address of the person holding the current and valid site permit for the land application.
  - (4) A road map detailing the route vehicles hauling sewage sludge utilize. Township roads shall be identified. Estimated GVW of vehicles shall be included.
  - (5) A specified schedule of when the application will occur (date and time). If schedule changes are made for the land application, the Township must be notified of the change within 12 hours of the date and time originally scheduled.
  - (6) Certification and results of analyses showing that the sewage sludge meets the standards for heavy metals, pathogens, toxic chemicals, and radioactivity established in § 318-10F of this chapter, the tests conducted must be on samples drawn no more than 30 days prior to the application for a LAP.
  - (7) Plan detailing the limits of the LAP within the site permit area and showing location of markers that shall be posted prior to and maintained for the duration of the land application of sewage sludge on the site (Title 25, Pa. Code, § 275.08).



- (8) The license number and description of all motor vehicles used in the transportation of sewage sludge, including the valid York County Solid Waste Authority license number.
  - (9) Letter from the applicant certifying that all appropriate rules, requirements and regulations of the Code of Federal Regulations, Chapter I of Title 40, as amended by Part 503 and Pa. Code, Title 25, Chapter 275 for the Land Application of Sewage Sludge not specifically addressed in this chapter have been complied with.
  - (10) A nonrefundable fee must accompany the application. This fee shall be established and adjusted by the Township Board of Supervisors as necessary to ensure all Township administrative and other expenses are covered.
- B. A LAP will be issued when:
- (1) The Township is satisfied that all provisions of this chapter have been met. The Township will render its decision within 10 working days after a complete LAP has been submitted.

### § 318-10. Requirements and standards.

The disposal of the sewage sludge by land application shall comply with the following requirements and standards:

- A. No sewage sludge shall be deposited or spread on lands so as to discharge into any lake, stream, pond, well or any other waters as required by Title 25, Pa. Code.
- B. No sewage sludge shall be deposited or spread on land where the location of such shall constitute an environmental or health hazard.
- C. Any amount of sewage sludge shall be incorporated into the land on which it is spread or deposited within 24 hours to a depth of not less than three inches. For a no-till farmland, the regulations for land application of sewage sludge listed in Title 25, Pa. Code, § 275.313 shall apply.
- D. No properties other than the permitted site shall be exposed to sewage sludge by any means of conveyance including airborne particles, water or vehicle.
- E. Any vehicle hauling sewage sludge in any form shall be of such construction so as to prevent any part of the load from spilling or leaking at all times. The operator of each vehicle must have a current vehicle registration, vehicle safety inspection, YCSWA license and a copy of the LAP and vehicle manifest for the contents of that vehicle.
  - (1) Vehicle manifest must show the weight of the vehicle and the weight of its contents and the source of the sludge.
  - (2) The transporting of sewage sludge within Independence Township will be restricted to Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m.
- F. Sewage sludge shall not be deposited on any land within Independence Township if this sewage sludge and/or soil exceeds the following criteria:
  - (1) Maximum concentrations for heavy metals and PCBs, per dry weight of sludge and soil;

<b>Material</b>	<b>Sludge Content (mg/kg Dry Weight)</b>	<b>Soil Content (mg/kg Dry Weight)</b>
Arsenic (AS)	41	18
Cadmium (CD)	25	13
Chromium (CR)	1200	1338
Copper (CU)	1500	669
Lead (PB)	300	134
Mercury (HG)	17	8
Nickel (NI)	420	187
Selenium (SE)	36	45
Zinc (ZN)	2800	1249
Molybdenum	18	
Polychlorinated biphenyls (PCB)	Less than 0.2	0.01

- (2) Pathogens. All sewage sludge shall be treated to meet the criteria for Class I, Alternative Four sewage sludge as defined in DEP Interim Guidelines for the Use of Sewage Sludge for Agricultural Utilization, revised July 5, 1994. These criteria are as follows:
- Either the density of fecal coliform in the sewage sludge shall be less than 1,000 most probable number per gram of total solids (dry-weight basis), or the density of salmonella sp. bacteria in the sewage sludge shall be less than three most probable number per four grams of total solids (dry-weight basis) at the time the sewage sludge is used or disposed.
  - The density of enteric viruses in the sewage sludge shall be less than one plaque-forming unit per four grams of total solids (dry-weight basis) at the time the sewage sludge is used or disposed.
  - The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry-weight basis) at the time the sewage sludge is used or disposed.

Pathogens include but are not limited to the following:

<b>Organism</b>	<b>Disease/Symptom</b>
<b>Bacteria</b>	
Salmonella SPP	Food poisoning, typhoid fever
Shigella SPP	Bacillary dysentery
Yersinia SPP	Acute gastroenteritis
Vibrio cholerae	Cholera
Campylobacter	Jejuni gastroenteritis
Escherichia coli	Gastroenteritis

<b>Organism</b>	<b>Disease/Symptom</b>
<b>Viruses</b>	
Polio	Poliomyelitis
Coxsackie	Meningitis, pneumonia, hepatitis, fever, cold
Echovirus	Meningitis, encephalitis, diarrhea
Hepatitis A	Infectious hepatitis
Rotavirus	Acute gastroenteritis
Norwalk agents	Epidemic gastroenteritis
Reovirus	Respiratory infections, gastroenteritis
<b>Protozoa</b>	
Cryptosporidium	Gastroenteritis
Entamoeba histolytica	Acute enteritis
Giardia lamblia	Giardiasis, diarrhea, cramps
Balantidium coli	Diarrhea, dysentery
Toxoplasma gondi	Toxoplasmosis
<b>Helminth worms</b>	
Ascaris lumbricoides	Digestive and nutritional disturbance, vomiting
Ascaris suum	Coughing, fever
Trichuris trichiura	Diarrhea, anemia
Toxocara canis	Fever, muscle aches
Taenia saginata	Nervousness, insomnia
Taenia solium	Nervousness, insomnia, anorexia
Necator americanus	Hookworm
Hymenolepis nana	Taensis

- (d) Sewage sludge shall be treated for pathogens to meet Class I Alternative Four sewage sludge standards by using at least one of the processes to significantly reduce pathogens (PSRP) and at least one of the processes to further reduce pathogens (PFRP) described in the Interim Guidelines for the Use of Sewage Sludge for Agricultural Utilization, Appendix C, Revised July 5, 1994.
- (3) Toxic substances. The following toxic substances shall not exceed DEP and/or EPA regulated limits for sewage sludge; whichever is the most restrictive:

Polychlorinated biphenyl  
 Chlorinated pesticides  
 Chlorinated organic compounds  
 Polynuclear aromatic hydrocarbons  
 Petroleum products  
 Industrial solvents  
 Asbestos

- (4) Radioactive materials. Sewage sludge containing radioactive waste from any source is prohibited in Independence Township. Beta and gamma radiation emanating from sewage sludge shall not exceed the natural background radiation levels of the Township as determined by current standardized radiometric procedures carried out by a Township-approved commercial laboratory.
- G. Soil pH shall be 6.5 or greater prior to the land application and shall be maintained at 6.5 or greater for the life of land application operations and for two additional years following the last application of sludge to the site (Title 25, Pa. Code, § 275.312).
- H. No more than seven dry tons of sewage sludge meeting all the criteria of this chapter shall be spread on one acre of land for each LAP issued.
- I. Crop harvest restrictions for crops grown on sewage sludge sites.

**Crops Harvest Period Prohibited**

Food crops (above soil)	24 months
Food crops (below soil)	38 months
Feed crops (after application)	30 days
Animal grazing (after application)	60 days

**§ 318-11. Investigation and inspection.**

- A. Site permit. Prior to the site permit being issued, the Township Supervisors or their agents shall inspect the premises to determine whether the person that has applied for a site permit has complied with all of the provisions of this chapter. Noncompliance shall result in the denial of the permit.
- B. Land application permit.
- (1) A representative of the Township will randomly audit the spreading of the sewage sludge to insure compliance with all provisions of the LAP without prior notice to LAP applicant or the site permit applicant.
- (a) Samples of the sewage sludge will be taken, utilizing laboratory approved procedures, at random by the Township agent to ensure that all standards have been met. Samples will be submitted to a laboratory for analysis.
- (2) If it is determined by the Township that any of the provisions of this chapter are being violated

and cannot be rectified on site, the spreading of the sewage sludge shall be stopped and the LAP suspended until violations are corrected.

- (3) There will be a minimum of one audit per LAP with records to be kept indefinitely by the Township.

C. Post land application.

- (1) A representative of the Township may inspect the site of the sewage sludge deposits within 48 hours of the application to ensure that:
  - (a) The sludge was incorporated to a minimum of three inches.
  - (b) All other observable requirements as detailed in § 318-10 of this chapter are in compliance.
- (2) Additional inspections by the Township representative may occur from 30 days to 38 months to insure that food and feed crop restrictions are in compliance according to § 318-10H of this chapter.

**§ 318-12. Enforcement; revocation; violations and penalties.**

- A. Notice of violation. Whenever the Independence Township Supervisors or their agent determines that there has been a violation of any provision of this chapter or any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation to the person to whom the site permit or LAP was issued. Such notice shall:
  - (1) Be in writing;
  - (2) Include a statement of the reasons for its issuance;
  - (3) Allow five days for the performance of any act it requires;
  - (4) Be served upon the owner or his agent as required by the laws of the commonwealth; and
  - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter or part thereof, and with the regulations adopted pursuant thereto.
- B. Revocation. Upon failure of a holder of a site permit or LAP to comply with the notice of violation and compliance order provided herein, the Township shall revoke the site permit or LAP and shall give an appropriate cease-and-desist order terminating the disposition of sewage sludge within the Township.
- C. Appeal. The holder of a permit or certificate revoked hereunder may appeal the revocation to a court of competent jurisdiction, as in similar cases, provided the appeal is made within 30 days after the date of the order of revocation.
- D. Violations and penalties. Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including, but not limited to, reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists

shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.<sup>2</sup>

**§ 318-13. Administration.**

- A. Administration. The provisions of this chapter shall be administered by the Independence Township Board of Supervisors or their duly authorized representatives.
- B. Duties.
- (1) To review and process all applications for sewage sludge disposal site permits and LAPs and to establish and collect all fees for said applications.
  - (2) To indefinitely keep records of the findings, discussions, recommendations and actions taken upon or in respect to all sewage sludge disposal within the Township.
  - (3) To enforce the provisions herein.

**§ 318-14. Existing PA DEP permit holders and effective date.**

This chapter shall be effective the day and year it is passed and shall apply to all current existing permits issued or authorized by PA DEP for the land application of sewage sludge in Independence Township. Any land application of sewage sludge in process on the day and date this chapter is passed must be completed in 30 days. All future land application of sewage sludge must comply with all provisions of this chapter.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**Part X (Environmental Protection)**  
**XXXXX Township Zoning Ordinance Amendment**

**DRAFT- 20191112JRE**

**§ XXX-XXXX Environmental Impact Assessment Report.**

**1. Purpose and Definitions.**

- A. An Environmental Impact Assessment (EIA) report shall be required for certain residential, commercial, industrial and solid waste processing uses that are more specifically identified herein in order to aid Township officials with the determination of whether these proposed uses are in compliance with the Code of Ordinances of Township, and other applicable law and regulations, including without limitation Art. 1, Sec. 27 of the Pennsylvania Constitution.. Additionally, the EIA report shall also identify the current, cumulative, and future adverse effects or impacts on protected resources or values from any and all activities associated with the identified proposed uses or activities.
- B. The EIA must identify and assess direct and indirect adverse effects or impacts on protected resources or values that can be negative or positive; identify and assess impacts that are immediate, short-term or long-term; and which impacts can be incremental, compounding over time, or develop over the passage of years; and determine whether and to what degree the effects or impacts will infringe unreasonably upon or violate the protected resources, rights and values (including but not limited to air, water, scenic, historical, natural, and esthetic) or unreasonably cause actual or likely deterioration of the listed values. In the event the EIA report identifies any adverse impacts or effects on any protected resources or values caused or to be caused by the proposed activity or use, the applicant shall mitigate, reduce and avoid any impacts to the greatest extent practicable, such that all adverse impacts or effects created by the proposed activity or use are reduced to insignificant levels for the present and future. This may require, for instance, the reduction of the number of units, size or location of the proposed activity or use, even where the proposed activity or use is allowed as of right by other Township ordinance provisions. In order to meet this standard, the applicant may propose off-set actions or uses, so long as any off-set actions or uses are located within the Township, and so long as such off-set actions or uses fully off-set any adverse impacts or effects caused or to be caused by the proposed activity or use. Approval and valuation of any off-set activities or uses is within the sole discretion of the Supervisors, and the Supervisors may modify any proposed off-set mitigation, reduction or avoidance activities on the Supervisors' own initiative.
- C. The purpose of this Section is to implement the duty of the Township under the Municipalities Planning Code, 53 P.S. §§ 10101, et seq. ("MPC"), the Township's ordinances, and Article I, §27 of the Pennsylvania Constitution. Under the MPC and Article I, §27 of the Pennsylvania Constitution, the Township must account for, consider, and preserve and protect various resources, including but not limited to public natural, environmental, or historic resources. Under Art. I, §27, the Township must serve as a trustee for conservation of the above stated resources for all citizens of the Commonwealth, including future generations, and to protect the rights guaranteed under Article I, §27 of the Pennsylvania Constitution. This provision implements those duties by requiring that all resources protected by Article I, §27 and other applicable laws and

regulations, and which resources may be affected by activities or uses requiring Township approval, are identified. Further, any adverse impacts or effects on those resources or values must be avoided to the maximum extent practicable, and where adverse impacts cannot be avoided, the adverse impacts or effects must be minimized and offset to a degree such that any resulting adverse impacts are insignificant presently, and in the future.

D. Definitions

- a. Environmental Impact Assessment (EIA) Report means a report that is designed to evaluate, assess and quantify the effects and impacts of a proposed action or projection on any statutorily or constitutionally protected values or resources including, but not limited to, air, water, scenic, historic, natural and aesthetic values. The EIA report shall evaluate, assess and quantify the current, cumulative, and future significant adverse impacts or effects of all activities associated with the identified proposed uses, including, but not limited to any on-site and off-site impacts of the proposed uses, and any direct and indirect effects attributable to the proposed uses. The preparation of an EIA report shall be the responsibility of the applicant and the EIA report shall be prepared by a consultant approved in advance by the Township, and the proposed scope and work plan of the EIA report shall be approved in advance by the Township. The EIA report shall be submitted in draft form to the Township for review and comment and for a public hearing; and the EIA report shall be finalized by the applicant after receiving written notice from the Township. The Township may, but is not required to, prepare and revise guidance for the contents of such an assessment.

2. **When Required.** An Environmental Impact Assessment (EIA) report shall be submitted for all residential, commercial, industrial and solid waste processing uses that meet the following criteria:

- A. Any residential subdivision application involving at least twenty-five (25) or more new dwelling units in any Zoning District of Township where residential uses are permitted. Such residential zoning districts included the following as of the enactment dated of this Ordinance: XXXXX.
- B. Any land development subdivision or zoning permit application in the XXXXXX Districts involving the creation of more than twenty-five thousand square feet (25,000 sf) of gross floor area or more than one-hundred thousand square feet (100,000 sf) of lot coverage.
- C. Any land development, subdivision or zoning permit application involving the below identified uses (whether a permitted by right, special exception, or conditional use) within the XXXXX District (XX) (§XXX=XXXX):
  - i. Composting facility.
  - ii. Material separation facility.
  - iii. Recycling facility.
  - iv. Refuse derived fuel facility.
  - v. Sanitary landfill, involving the disposal of 100 or less tons of solid waste per day.



- vi. Agricultural industry.
- vii. Solid waste related trucking industry.
- viii. Sanitary landfill, involving the disposal of more than 100 tons of solid waste per day.
- ix. Mineral extraction.
- x. Prison/correctional institution.
- xi. Public heliport.
- xii. Transfer station.

D. Any other use or activity which the Supervisors determine may have a significant adverse effect or impact on any resources or values protected by applicable law, including but not limited to the ordinances of Township, or Art. 1, Sec. 27 of the Pennsylvania Constitution. In order to determine if a use or activity may have a significant adverse effect or impact on any resources or values protected by applicable law, the Supervisors may rely on any source of information they deem credible in their sole discretion.

3. **Preparation of Report.** In addition to the requirements set forth in section 1 above, the EIA report shall be prepared by a qualified professional (e.g. an engineer, architect, landscape architect or land planner) who shall have experience in the preparation of EIA reports and in the development of opinions and recommendations set forth therein.

4. **Procedures.**

A. Whenever an EIA report is required in accordance with Subsection 2 (A), (B) (C) and (D), the EIA report shall be submitted along with any zoning permit application and/or any preliminary, preliminary/final land development/subdivision applications filed with Township for the specified use. The EIA report also shall be submitted by the applicant to the Planning Commission, the Historical Commission, and the Environmental Advisory Commission, and any other entity as directed by the Supervisors.

B. Whenever an EIA report submission is required by Subsection 2, twenty (20) copies of the EIA report shall be submitted to the attention of the Township Manager, along with a digital copy in portable document format (pdf), along with a digital copy of all data sets created in connection with the preparation of the EIA report. In the event the Township requires the EIA report and any associated data sets in another format, the applicant shall supply the information to the Township Manager in the format requested.

5. **Format and Content of EIA.** The EIA report shall be submitted in accordance with the format and content specified below. Within the EIA report, specific emphasis shall be directed towards the effect the proposed development will have on the subject tract, the adjacent neighborhood (including areas within adjacent municipalities) and Township-wide resources, conditions or characteristics. Where required information is contained in other supporting documentation within the subdivision or land development plan application, said information can be cited by reference

to said supporting documentation.

- A. Overview. Indicate the purpose and scope of the proposed project. Enumerate the benefits to the public which will result from the proposed project and describe the suitability of the site for the intended use. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be considered and the uses intended. The resident population, working population and visitor population shall be projected. The basis of the projections shall be clearly stated in the report.
- B. Compatibility. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
  - i. The Township Comprehensive Plan (as amended/adopted), or any Regional/Multi-Municipal Comprehensive Plan (as amended/adopted) for which Township is a signatory, and the Township Parks and Recreation Plan.
  - ii. The Comprehensive Plan of adjacent municipalities whenever a project is located along or within five-hundred feet (500') of the municipal boundaries.
  - iii. Chester County Planning Commission Comprehensive Plan (as amended).
  - iv. Chester County Transportation Plan (as amended).
  - v. Regional and state planning guides (as amended).
  - vi. Chester County Landscapes;
  - vii. Chester County Watersheds 20245
  - viii. Chester County Climate Change Plan
- C. Location. An identification of the site location and area through the use of a location map drawn at a scale of not more than 2,000 feet to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries and municipal boundaries within 2,500 feet of any part of the tract. In the case of development of only a portion of the entire tract, the location map shall also show the relationship of the section to the entire tract.
- D. Photographs. An identification of the character and appearance of the site through the presentation of color photographs or copies thereof. Such photographs shall provide a representation of what the site looks like from ground level. Photographs shall be properly identified or captioned and shall be keyed to a map of the site.
- E. Description of the Project. An identification of the nature of the proposals through the presentation of the following:

- i. A site development plan including notes pertaining to the number and type of lots or units, the square footage and/or acreage of the tract and a depiction of the features which are proposed such as streets, driveways, parking areas, buildings and other structures, and all impervious surfaces. The plan shall be drawn at a scale of not smaller than 100 feet to the inch, i.e., 50 feet to the inch is permitted but 200 feet to the inch is not, and may be submitted as an attachment to the report. The plan shall reflect all the information required under the plan requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].
  - ii. Floor plans and elevations depicting the proposed size, square footage, height, number of rooms (where applicable) of buildings and/or other structures.
  - iii. A statement indicating the existing and proposed ownership of the tract and where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.
  - iv. A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.
- F. Physical Resources Inventory. An identification of physical resources associated with the natural environment of the tract including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative aspects of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not smaller than 100 feet to the inch as specified below and may be either incorporated into the EIA report or submitted as attachments to the report.
- i. A map depicting the geological characteristics of the tract. Such map shall define the location and boundaries of the rock formations at or influencing the tract and features such as faults and/or fractures. All carbonate and diabase geology must be shown and all information required by the Subdivision and Land Development Ordinance [Chapter 22] shall be included.
  - ii. A map depicting the topographical characteristics of the tract. Such map shall contain contours with at least two-foot intervals and shall depict slopes ranging from: 0% to 20%, 20% to 25%, and greater than 25%.
  - iii. A map depicting the soil characteristics of the tract. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed project such as prime agricultural soils, depth of bedrock, depth of water table, flood hazard potential, and limitations for septic tank filter fields. List and describe each soil type located on the site. If applicable, provide percolation data. Where the proposed area of land disturbance will involve soils with moderate or severe limitations (as per the Soil Survey of Northampton County, Natural Resources Conservation Service that is currently in effect) relative to the type of project proposed, a

complete mapping of all soil types on the site shall be required indicating where those moderate and severe limitations exist.

- iv. A map depicting the hydrological characteristics of the tract. Such map shall depict: surface water resources, their drainage characteristics, watersheds and floodplains and groundwater resources. Surface water resources include features such as creeks, runs and other streams, ponds, lakes, and other natural bodies of water, springs, wetlands, and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.
- G. **Biological Resources Inventory.** An identification of biological resources associated with the natural environment of the tract including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not smaller than 100 feet to the inch, as specified below; and may be either incorporated into the EIA report or submitted as attachments to the report.
- i. A map depicting the vegetation characteristics of the tract. Such map shall define the locations and boundaries of the woodland, forest and hedgerow areas of the tract and shall note the types of vegetation associations which exist in terms of their species types and sizes. In addition, all trees 12 inches in caliper or greater shall be accurately located and identified on the map whether they are free-standing trees or tree masses.
  - ii. A map depicting characteristics associated with wildlife habitats. Such map may draw upon vegetation, hydrology and soil maps in order to express habitat characteristics, associated with terrestrial and aquatic wildlife on the tract and the relationship of the overall habitat(s).
- H. **Land Use Inventory.** An identification of the land use conditions and characteristics associated with the tract such as: current and past use, land cover and encumbrances; and the relationship of this information to adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn at a scale of not smaller than 100 feet to the inch, shall be incorporated into the EIA report or submitted as attachments to it.
- i. A map depicting the land cover characteristics of the tract. Such map shall define existing features including: paved or other impervious surfaces, woodland and forest areas, cultivated areas, pasture, old fields, lawns and landscaped areas, and the like.
  - ii. A map depicting any encumbrances to the tract. Such map shall define easements and other areas where certain use privileges exist.
  - iii. A map depicting the land uses within 500 feet of the proposed tract. Such map may be at the same scale as the location map.
- I. **Surface Water Inventory.** Describe existing watercourses and water bodies that are partially or totally on the site and their relationship to the area of land disturbance. Calculate existing surface runoff from the site and the associated watershed, including the

potential development of the remainder of the watershed. When the natural drainage pattern will be significantly altered, an analysis shall be conducted which will investigate flow, depth, capacity and water quality of the receiving waters. When required, floodplain areas will be mapped in consultation with the Department of Environmental Protection. Existing drainage structures shall be mapped and the capacity of the drainage network shall be determined. Additionally, wetland areas as defined by the Department of Environmental Protection and the U.S. Corps of Army Engineers shall be delineated.

- J. Subsurface Water Inventory. Describe the subsurface water conditions on the site both in terms of depth to ground water and water supply capabilities of the site. Where existing conditions warrant, provide detailed information regarding existing wells within 1,000 feet of the site relative to depth, capacity and water quality. Discuss the water supply capabilities of the adjacent areas and the recharge capabilities of the site.
- K. Existing Features Inventory. Describe any existing features on the site that are not considered to be part of the natural environment. This may include, but not necessarily be limited to, roads, housing units, accessory structures, utility lines, etc.
- L. Historic Resources Inventory. An identification of the man-made resources associated with or within 500 feet of the tract which are older than 50 years. Areas, structures and/or routes and trails included on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places, the Historic American Building Survey and any which may be identified in the Comprehensive Plan shall be identified. The identification of historic resources shall include a narrative description of the above. In addition, a map drawn at a scale of not smaller than 100 feet to the inch depicting historic resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- M. Visual and Scenic Resources Inventory. An identification of the visual resources associated with the tract such as areas which have a particular amenity value and areas which offer interest in viewing the tract. The identification of visual resources shall include a narrative description of the above. In addition, a map drawn at a scale of not smaller than 100 feet to the inch depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- N. Community Needs Inventory. An identification of the community facility needs associated with the users and/or residents of the proposed project. The community facility needs assessment shall indicate in narrative form the type of services which will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals and other health care facilities, fire protection, police protection, ambulance and rescue service and postal services) shall be discussed in terms of the ability of existing facilities and services to accommodate the demands of future users and/or residents of the lot(s) and/or tract and the need for additional or expanded community facilities.
- O. Utility Needs Inventory. An identification of the utility needs associated with the users and/or residents of the proposed project and a statement whether the project is within the area to be served by public sewers under the Township's Act 537 Plan. The utility needs assessment shall indicate in narrative form the type of installations which will be in demand. Utilities (such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications and electrical transmission) shall be discussed in terms of: the ability of existing utility installations to accommodate the demands of the future

users and/or residents of the lot(s) and/or tract; the need for additional or expanded utility installations; the ability to achieve an adequate, potable quantity of water whenever individual wells are proposed; the ability to achieve an adequate system for on-site sewage disposal whenever such a system is proposed; and the ability to achieve an adequate system for storm drainage and stormwater management. Certificates from the utilities confirming that adequate capacity exists to service the proposed development shall be included.

- P. **Transportation System Inventory.** An identification of the relationship of the transportation and circulation system needs of the proposed project to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate factors such as methods to be used for traffic control within the tract and at points of ingress to and egress from it; and expected traffic volumes generated from the project including their relationship to existing traffic volumes on existing streets for both peak hour and nonpeak hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing streets which will service the proposed project and what improvements are proposed to remedy any physical deficiencies.
- Q. **Demographics.** An identification of the demographic characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the future users and/or residents of the lot and/or tract including information such as the number of people expected. Such information shall be related to initial and completed project conditions.
- R. **Fiscal Impact.** An identification of the economic and fiscal characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the Township, county and school district revenues which the proposal may generate and the Township, county and school district costs it may create. Such information shall be related to initial and completed project conditions.
- S. **Existing Conditions.** An identification of characteristics and conditions associated with existing, construction related, and future air and water quality and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.
- T. **Licenses and Permits.** An identification of all licenses, permits or other approvals required by law for the development and the status of each.
- U. **Environmental Controls.** An identification of compliance with the Flood Hazard Overlay District (§XXX-XXXX
- V. (Anything else in the Code of Ordinance of Township – add references here).
- W. **Impacts Inventory.** The implications, impacts or effects of the proposed project in terms of: the type of beneficial or adverse effects which may result from it; and the duration of these effects in terms of their short-term or long-term, or cumulative nature. To indicate such effects, there shall be a discussion of the implications of the proposed project resources, conditions and characteristics described in Subsection 3E through U above. In addition to a narrative presentation of implications, the applicant shall display where the project adversely affects the tract's resources, conditions or characteristics through the use of a

map drawn at a scale of not smaller than 100 feet to the inch, wherein the areas adversely affected by proposed development are highlighted. Such map either may be incorporated into the EIA report or submitted as an attachment to the report. Further, the applicant must demonstrate and specify in the EA report how and where the findings in the EA report and its attachments are reflected in the project.

- X. Alternatives Analysis. Alternatives within the project which would preclude, reduce or lessen potential adverse impact or produce beneficial effects. To indicate such alternatives, the applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The applicant shall comment on alternatives such as: revised location, redesign, layout or siting of buildings, roads and other structures and the reduction in the size of proposed structures or number of structures.
- Y. Adverse Impacts. Probable adverse effects or impacts, both on-site or off-site, long-term, or cumulative, which cannot be precluded, including:
- i. Water quality and quantity.
  - ii. Air quality.
  - iii. Noise.
  - iv. Undesirable land use patterns.
  - v. Damage or destruction of significant plant or wildlife systems.
  - vi. Aesthetic values.
  - vii. Destruction of natural resources.
  - viii. Displacement of people and businesses.
  - ix. Displacement of viable farms.
  - x. Employment and property taxes.
  - xi. Destruction of man-made resources.
  - xii. Disruption of desirable community and regional growth.
  - xiii. Health, safety and well-being of the public.
  - xiv. Disruption and deterioration of the community transportation network.

In indicating such effects, a discussion shall be presented regarding whether they will have primary or secondary implications, that is, whether the adverse effects will have direct or indirect influence on a particular resource, condition or characteristic.

- Z. Mitigation Measures. Measures to mitigate adverse effects. To indicate such measures, the applicant shall submit exhibits or diagrams which will depict the type of remedial, protective and mitigative measures described in narrative form. These measures shall include those required through existing procedures and standards, and those unique to a specific project, as follows:
- i. Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the state, county and/or Township for remedial or protective action such as: sedimentation and erosion control, stormwater runoff control, water quality control and air quality control.
  - ii. Mitigation measures related to impacts which may be unique to a specific project are those related to efforts such as: revegetation, screening, fencing, creation of wetlands mitigation/replacement in accordance with the standards of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection, emission control, traffic control,

noise control, relocation of people and/or businesses and land acquisition.

AA. Irreversible Impacts. Any irreversible environmental changes which would occur due to the proposed project should it be implemented. To indicate such changes, the use of non-renewable resources during the initial and continued phases of the project shall be discussed. Further, the loss of environmental resources shall be indicated through a presentation of the quantity of loss and related qualitative effects.

BB. Pre-occupancy Development. All development in the pre-occupancy permit stage in the Township at the time of the filing of the preliminary or final plans, as the case may be, shall be presented in a tabular form as a separate section of the document. In addition, the information provided in Subsection 3N, O, P, Q, R and S shall specifically analyze the impact of the proposed development with respect to those developments already approved and/or submitted for approval in the Township.

6. Educational Impact Study. An application for a major subdivision or the creation of six or more lots on a single property shall include an educational impact study describing the impact of the proposed development on the educational system of the WCASD and the Township, as described in this section.

A. Required Information for the Educational Impact Study.

- i. Operating cost per student using the Pennsylvania Department of Education Form PD 2-2058, "Instructional Expense Computation," obtained from the WCASD.
- ii. School district millage rate (obtained from the Township Tax Collector).
- iii. Assessment factor (100% of total assessment value).
- iv. Current available capacity for elementary school (obtained from the WCASD).
- v. Current available capacity for secondary school(s) (obtained from WCASD).
- vi. Capital cost per student for providing new education facilities (obtained from WCASD).
- vii. Debt constant to determine annual cost of borrowed capital funds (obtained from WCASD).

B. Method of Determining Fiscal Impact on Educational System.

- i. School District Tax Revenue Generation. Multiply the total dollar value of the development by the assessment factor; multiply the result by the school district millage rate.
- ii. Development-Generated Operating Costs. Multiply the number of school-age children to be generated by the operating cost per student.



- iii. Development-Generated Capital Costs. If the number of school children generated exceeds the current capacity of the Township school(s), determine the development-generated capital costs of the new school facilities by multiplying the number of students over capacity by the capital costs per student for the new facilities. Multiply the result by the debt constant. This gives the annual debt service cost.
- iv. Net Impact Assessment. Add the operating costs and capital costs generated by the project, and subtract that number from the school district tax revenue generation to determine the educational cost impact of the development proposal.

C. Standards and Criteria for Determining Additional Educational System Impact.

- i. The following standards shall be used in determining the operating costs per student:
    - a) Classroom size of 20 students per classroom.
    - b) Site size to conform to the standards mandated by the Pennsylvania Department of Education.
  - ii. The existing school system (total elementary and secondary classroom and site size) shall be compared to the anticipated enrollment of the entire enrollment estimated from the proposed development and other approved but unbuilt developments.
  - iii. The Township shall not accept any educational impact statement prepared directly or indirectly for a developer by an employee or official of the local school district or the Township.
5. In making its evaluation, the Board of Supervisors, and/or the Planning Commission, may request any additional information it deems necessary to adequately assess potential environmental impacts. Whenever any information required in this section is assumed not directly applicable to the proposed project, the applicant shall indicate such assumed inapplicability in the narrative of the EIA report, and state why such information is considered to be inapplicable in the case of the particular project in question.
6. The EIA report shall be prepared by a planner certified by the American Institute of Certified Planners or its equivalent in collaboration with other licensed professionals. All persons who participate in preparing the report shall be identified and their qualifications stated. All sources of information shall be identified when presented and a bibliography shall be attached to the report. All work in the report shall be in conformity with recognized engineering, architectural and planning practices and principles. The Township may retain its own expert to evaluate the EIA report. The cost of the expert shall be a cost of the review of the project which shall be borne by the applicant.
7. The Board of Supervisors shall not approve the project unless it determines and finds that the proposed development:
- i. Will not result in appreciable adverse effects to the environment and the

- ii. protected values set forth in Art. 1, sec. 27 of the Pa Constitution.  
Preserves and protects public natural resources;
- iii. Will not, individually or collectively, place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals.

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