

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
June 8, 2016 – 7:30PM

Present

Commissioners – Rodia, Whitig, Adler, Pomerantz, Hatton, Lees and Yaw. Also present was Township Planning Director Chris Patriarca and those mentioned below.

Call to Order

Mr. Pomerantz called the meeting to order at 7:30 and led those present in the Pledge of Allegiance.

Adoption of Agenda

The Agenda was approved unanimously as amended (BW/JL).

Approval of Minutes

The minutes of the Planning Commission (PC) meeting of May 18, 2016, were unanimously approved as amended (EA/SY).

Reports

Ms. Adler presented the June 6 Board of Supervisors (BOS) meeting. At their worksession, the BOS discussed the first Westtown Community Day and the potential for bee keeping in Oakbourne Park. At their regular meeting, the BOS had several departmental reports presented to them. During her PC report, she noted the BOS had several questions relevant to parking with the Giant application as well as the PC discussion during the Dunkin Donuts review. Ms. Adler then stated the BOS accepted applications for and authorized PC review for both a text amendment to allow for malt production as an accessory agricultural use and the Westtown Woods subdivision/rezoning.

Next the BOS discussed the potential text amendment to major home occupations at the intersection of two arterials. Specifically they discussed potential impacts as well as what constitutes a “professional office.” The BOS then considered whether to proceed with the Dunkin Donuts application. Representatives from EBS presented their case against the proposed amendment, but the BOS did authorize proceeding with the amendment and conditional use application. The meeting concluded with several announcements and payment of the bills.

Announcements

Mr. Patriarca stated the Westtown Woods rezoning and land development application will be before the PC in late summer. Relevant to the malt production ordinance, Mr. Patriarca stated John Snook will review the ordinance and once complete, it will be brought back before the PC for consideration. The amendment is necessary for Deer Creek Malthouse to grow their existing operation. Mr. Patriarca then stated the BOS would like the PC to evaluate the existing parking regulations for a potential future zoning amendment. He indicated this was being requested as a result of the parking non-conformity associated with the Giant application.

Non-Agenda Public Comment

Mr. Pomerantz offered his thanks to the staff at Chester County Hospital for how they handled a

recent personal situation.

New Business **Comprehensive Plan Update**

Mr. Pomerantz started the conversation with the PC to provide for an update on the Comprehensive Plan as well as to discuss the upcoming Community Visioning Workshop. He stated the Task Force is a very diverse group that is very engaged. Mr. Pomerantz then encouraged the PC to attend the visioning workshop if possible. He stated at the meeting, the Task Force members will assist as “table captains” with Tom Comitta leading the session as a whole. The purpose of the workshop is to have a fun dialogue with the residents on issues facing contemporary and future Westtown.

To get the word out on the workshop, Mr. Pomerantz then presented the meeting flyer that went out to the community. He then indicated where they have and will be posted as well as asked each of the PC members to assist in getting the word out on this meeting as well. Mr. Pomerantz noted the importance of the workshop for residents wanting to have their voice heard in the future of the Township. Mr. Patriarca then told the PC that if they needed print copies of the flyer to let he know and he would make them available to them.

Bed-and-breakfast zoning ordinance

Mr. Pomerantz started the discussion of the current regulations for the operation of a bed-and-breakfast within the Township as outlined in §170-1607 of the zoning ordinance. Mr. Patriarca provided a background on the proposed amendment. He indicated the impetus for the evaluation is because of the proliferation of AirBnB and VEBRO and non-owner occupied short-term, vacation rentals and further noted only one such property like this exists in the Township. Mr. Patriarca stated he wanted to have an overall discussion with the PC on how best to address this issue, and to further evaluate the existing B&B regulations for potential amendment.

Mr. Patriarca stated the concern with a short-term rental stems from the transient nature of the use, specifically noting the increased noise that may result from their operation. Ms. Adler stated a separate category should be developed for a “short-term rental” encompasses as opposed with attempting to incorporate it into the existing ordinance for B&Bs. Mr. Patriarca generally agreed with this sentiment stating the Township is not looking to regulate rental housing broadly, but rather the short-term rentals that are more transient in nature, and not consistent with a traditional neighborhood.

Mr. Yaw asked if neighboring jurisdictions have addressed this issue. Mr. Patriarca stated many have regulations in place for B&Bs, but was unsure of how they handle short-term rentals. He further stated Philadelphia regulates these in part through collection of local lodging tax which is not an option for Westtown. Mr. Rodia asked what places like Shore Points do to regulate short-term rentals. Mr. Patriarca stated things such as limitations on how long persons can stay at the property as well as lodging taxes are methods that resort localities utilize to regulate this use. Mr. Hatton further stated many resort rentals are located in condominiums that are regulated by independent associations.

Mr. Pomerantz next asked Mr. Patriarca to synthesize the most important issues for the PC to consider on this issue. Mr. Patriarca first suggested additional language could be developed to allow for short-term rentals to be allowed by special exception/conditional use in conjunction with the development of a definition for “short-term rental. He then suggested that at a minimum

consideration should be given to updating the existing B&B ordinance. An example for consideration to be given to amend the ordinance would be to allow for a property identified on the Historic Resources Map to be eligible for the B&B use regardless of overall lot size.

Mr. Pomerantz indicated in his experience with short-term rental properties in Florida that they are very difficult to regulate as they are not outwardly advertised. He followed by asking how the Township will be able to identify short-term rentals. Mr. Patriarca stated he only identifies these through on-line sites such as AirBnB, and that enforcement of them is very difficult due to the transient nature of them. Mr. Pomerantz then asked if it will be more expeditious to consider potential amendments to the existing B&B ordinance and follow with consideration of short-term rentals. The PC agreed with this sentiment and then proceeded to evaluate the existing ordinance.

The first item discussed was language that stated the B&B ordinance shall only apply to properties "existing as of the effective date of this chapter, with a minimum lot area of two acres." Mr. Patriarca stated this language may prevent newer properties from being eligible to even apply for the special exception. Secondly he asked the PC to consider if the two acre minimum is appropriate or if it should be amended as well. Mr. Hatton expressed his concern with reducing the required acreage too much as to allow for B&Bs in townhouses and flex developments. He further was sympathetic to the context of a historical property and that a reduction in minimum acreage should be tied back to whether or not the property is historic.

Mr. Patriarca then stated other considerations that should be given are for parking and proximity to neighboring residences. Mr. Hatton expressed his concern with parking of recreational vehicles at B&Bs with insufficient acreage. Mr. Rodia agreed that more flexibility should be given to historic properties, but further stated that they should still comply with all of the other listed criteria for a B&B. He further stated the allowance for historic properties to be used as a B&B could also add a degree of cache to the Township as well as bring in additional visitors. Mr. Patriarca agreed and further stated that John Snook previously stated this as a possibility to enhance historic preservation in the Township as a whole as well as serve as a means to further implement the goals of the comprehensive plan relevant to historic preservation. The consensus of the PC was to develop flexibility for historic properties.

Mr. Pomerantz asked why the ordinance does not require individual bathrooms for each guest room instead of the one bathroom for each two guest rooms. Ms. Adler stated this was in place as many of the older properties one would expect to see a B&B operate do not have bathrooms in each bedroom. Mr. Patriarca next expressed his concern with the ability to enforce the seven day limit placed on guests of the B&B as prescribed in the current ordinance. Mr. Lees stated he believes that potential customers would utilize a B&B as a base for a larger trip to the Philadelphia area and would not always be present at the facility.

Next Mr. Pomerantz spoke of his concern with the limitation of only one non-resident employee on-site as being too few. Specifically, his concern is with situations whereby a B&B operator may have a third party company with more than one employee contracted for maid service, kitchen service, etc. Mr. Patriarca stated the section relevant to only allowing breakfast to be served on-site is unenforceable, and Mr. Lees suggested that these facilities may have a cocktail hour or even h'ordurves as part of their package as well. Mr. Hatton noted that as a professional, his office would from time-to-time utilize B&Bs for off-site meetings. Mr. Patriarca stated he feels that type of use would be more for an "event space" use due to increased parking, intensive use of the facility and possibility for increased impacts on the surrounding

neighborhood. Mr. Hatton suggested additional language could be included to state a B&B is not intended for special events.

Mr. Pomerantz next commented on the section of the ordinance that limited the use of amenities associated with the B&B to guests only. He questioned how this could be enforced as well as why the Township would care if a guest of a B&B invited someone to utilize those amenities as well during a visit. Mr. Patriarca next expressed his concern with the mandate for a guest registry and Mr. Pomerantz followed with his concern with potential privacy issues associated with the registry. Relevant to parking requirements for B&Bs, the PC indicated what is prescribed is not unreasonable.

The final issue Mr. Patriarca brought up for discussion is the idea for all B&Bs to have an annual use and occupancy (U & O) inspection. The reason for this is to ensure the facility meets basic building safety standards for guests. Further he suggested all operators of a B&B provide proof of adequate liability insurance for operation of a B&B. Mr. Hatton stated that rental properties at the Shore go through safety inspections annually for the above mentioned reasons. Relevant to permitting through the Health Department, Mr. Patriarca stated all homes are sized for a minimum of four bedrooms, but that the applicant should be required to provide documentation from the Health Department their system is suitable for the B&B operation. He further suggested the ordinance should require B&Bs are compliant with the Township on-lot program. Mr. Whitig suggested the guest registry could be confirmed as part of the annual U & O inspection. Mr. Patriarca also stated he will follow-up with the building official on the issue of ADA compliance.

Public comment

There were no public comments.

Adjournment

9:10 pm (RH/JL)

Respectfully submitted,

Chris Patriarca
Planning Commission Secretary