

East Whiteland Township

Planning Commission
Wednesday – July 24, 2019

Minutes

Members Present:

Deb Abel, Chair; Jeff Broadbelt, Vice Chair; Peter Fixler; Tim Kelly; John Laumer; and Todd Asousa.

Members Absent: Dante Bradley

Also Present:

Zachary Barner, Director Planning & Development; Brittany Bulger, Planning Coordinator; and John Walko, Township Solicitor.

Call to Order:

Ms. Abel called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Minutes:

Approval of the June 26, 2019 meeting minutes.

Mr. Broadbelt and Ms. Abel asked that the minutes be revised to clarify that they had abstained from voting on the Mill Lane day care application and had not voted to recommend support or opposition by the Board of Supervisors.

Action: Mr. Asousa made a motion, seconded by Mr. Broadbelt, to approve the minutes as amended.

The motion carried unanimously **(6-0)**

Ordinance Amendments:

1. The following [Ordinance Amendments](#) are proposed for review and recommendation by the Planning Commission. A hearing with the Board of Supervisors is tentatively scheduled for **August 14, 2019**.

- a. Updated Standards for Streets and New Design Guidelines for Bicycle / Pedestrian Facilities

Mr. Barner opened the discussion by advising that the first three ordinance amendments up for action had been updated to include changes in response to comments received by Township Officials, County Planning Commission, TMAAC, and SEPTA.

A question was raised whether the street tree and landscaping requirements had been revised as part of this ordinance amendment. Mr. Barner stated that the current requirements for street trees, etc. had been reviewed for problematic species but had not been revised. The Township will review and (and likely revise) the various landscaping, buffering, and tree protection requirements as part of scope of work for the ongoing Open Space, Parks, and Recreation Plan.

Mr. Laumer expressed concern over the thoughtless planting of trees in the area and the issues it creates. He suggested making planting and maintenance suggestions to homeowners so they are aware of steps that can be taken to mitigate potential issues. Mr. Fixler added it is not the tree that is wrong or incorrect, it is the location and conditions in which they are planted in that causes issues.

Mr. Broadbelt asked for clarity to be provided for Section 175-32 with regard to maximum grades for streets and intersection approaches. He believes a 2% grade makes sense at the approach to an intersection but that the “6% and above” threshold seems high. He also noted that the “street design” and “street intersection” subsections appear to be in conflict with regard to maximum grades. Mr. Asousa suggested defining additional terms, such as new “new intersection” to help differentiate between the two sections and the varying requirements, if they are intended to apply to different types of improvements.

Mr. Broadbelt stated that he believes the requirement for a 20-foot easement for paths (as opposed to multi-use trails) seems excessive given that the required widths are only 6 to 8 feet.

Mr. Kelly believes a 20-foot easement would helpful to create more open space and buffering area around a proposed path.

Mr. Barner added that a 20-foot easement would allow also for future widening if usage warranted a wider pathway. He acknowledged that the width was likely more than would be needed but advised that he did not feel it would create an undue hardship or design challenge. He also suggested that an applicant could request a waiver (or partial waiver) to reduce the width of the easement, if necessary.

Mr. Broadbelt suggested that the ordinance be tabled until the intersection grading and path easement requirements were revised. Mr. Barner advised that he would make revisions to the ordinance and add it to next month’s agenda for review prior to re-initiating the County review process and advertising for public hearing.

b. New Definition of Medical Office, Clinic, and Urgent Care – add as a permitted use in the FC District

Mr. Barner explained that the Township had received various inquiries regarding medical uses within the Township. The proposed amendment seeks to acknowledge the changing nature of medical care and facility types in recent years. Currently the ordinance does not account for some of the more modern uses along the medical spectrum – such as medical clinics, urgent care, and outpatient / ambulatory surgical centers. He added that the newly defined terms appear within the permitted uses in the ROC/R zoning district, but do not elaborate on what would qualify as such a use.

Action: Mr. Fixler made a motion, seconded by Mr. Asousa, to recommend approval of the proposed ordinance amendment by the Board of Supervisors.

The motion carried unanimously **(6-0)**

c. New Definition of In-Law Suite with Special Provisions and Performance Standards

Mr. Barner explained that proposed amendment had been revised to delete the requirement that an owner must remove the accessory cooking facilities once the unit is no longer being used by a family member as an in-law suite. The original thought behind the provision was to prevent the in-law suite from being converted into an accessory apartment or rental unit. Oftentimes an in-law suite is marketed by realtors as an extra income-producing apartment and buyers mistakenly purchase a property not knowing that accessory dwellings are not permitted. This issue is mitigated somewhat by the requirement to sign and record an agreement acknowledging the restrictions outlined in this section.

Various Planning Commission members questioned whether an “Airbnb” would fall into this type of category. Mr. Walko explained that short term rentals have been acknowledged as a legitimate use in residential districts through recent case law, but municipalities can still regulate under certain circumstances. The key distinction is that a homeowner has the right to provide periodic, short term rentals, but that a property cannot be used primarily as a rental for “transients.” In some communities, particularly in tourist areas, homes have been purchased as investment properties for the sole purpose of short term rentals.

Action: Mr. Kelly made a motion, seconded by Mr. Broadbelt, to recommend approval of the proposed ordinance amendment by the Board of Supervisors.

The motion carried unanimously **(6-0)**

2. The following [Ordinance Amendments](#) are proposed for discussion by the Planning Commission:

a. Accessory Uses in Residential Districts with Corresponding Guidelines and Setback Requirements

Mr. Barner recalled that Planning Commission members had raised concern over limiting the size of certain accessory structures and increasing the required setbacks for large structures, especially private garages. Currently the zoning ordinance requires that all accessory uses meet the accessory setbacks for the specific district, whereas the proposed ordinance would prescribe varying setbacks based on the type and size of the accessory structures – most specifically for sheds and garages. Planning Commission members were not in agreement on the intent of the ordinance or the corresponding limitations, as drafted. The Commission was in agreement that reduced setbacks for smaller structures, such as garden sheds, would be appropriate.

Mr. Barner advised that he would work with Staff to research similar ordinances in surrounding municipalities for comparison at a future meeting. He would also work to identify some examples within the Township.

Adjournment:

Ms. Abel adjourned the meeting at **9:38 pm**