

WESTFIELD TOWNSHIP TRUSTEES
Public Hearing for Swimming Pool Language
October 17, 2011
6:30 pm

Trustee Oiler opened the meeting at 6:30 pm with the following trustees present: James Likley, Ronald Oiler, and Gary Harris.

The purpose of this public hearing will be to consider amending Section 205.C swimming pool language as recommended by the Westfield Township Zoning Commission. (A copy of the letter and recommended language to consider is attached)

Public Comment:

Bill Thombs of 8189 Friendsville Rd. felt the amendment was "over zoning" and Matt Witmer, Zoning Inspector would have a difficult time enforcing. There could be many variances and recommend something simple such as the distance from property lines or behind the house.

If there is no other public participation, Trustee Oiler closed public participation.

Trustee Harris: I noticed the Zoning Commission has worked very hard on this and has given a lot of thought and was trying to cover all the bases and trying to make it safe for our residents and I feel they did a good job.

Trustee Likley: Question; did you have the opportunity to read Planning Services and Assistant Prosecutor's comments on this issue?

Trustee Oiler and Harris: No, we did not receive that information.

Trustee Likley's comments and questions :

- Not well written
- Prosecutor's office questioned present definition of swimming pool (24" of water) and the new inflatable pool (18" of water) definition
- Prosecutor's office asked what is the purpose of your swimming pool regulations. Are they for a safety purposes? (see letter).
- I question the county building department's electrical regulations for swimming pools.
- I feel this is overstepping township zoning responsibility

Fiscal officer made copies of the Planning Services and Prosecutor's office letter. (Copies are attached to the minutes)

A brief recess until after the trustees read the letters.

After recess:

Trustee Harris: Should we send this back to the zoning commission?

Trustee Oiler: Should we send it back and ask them to reconsider based on the recommendations?

Trustee Likley: You kick it back by denying the amendment. I just see too many discrepancies.

Trustee Oiler: I can see them now. I am not prepared to amend this tonight.

Trustee Likley: I'm disappointed in the product that came out of the zoning commission. The recommendations and comments from Planning Services I don't believe were addressed. First thing out if the box #1 swimming pool language under the above definition a swimming pool containing 1.5 feet of water is not a "swimming pool". Consider revising your definition of "swimming pool," or revising this regulation, for consistency. I don't see discussion of this; I don't see the relevance of an electrical permit if everything else in the language is attempting to prevent accidental drowning with self-locking gates, the railings, and the fence. Another item I saw in the deck which is misleading (Gary I think you could answer this better than I) #5 above ground pool attached to a deck with a minimum height of four feet and security gate shall replace the need for a fence. The landowner may include a railing on the deck so long as it is no less than thirty-six inches. What is the height that is required for a railing on a deck? If the deck is a foot or 18" inches off the ground requires a railing? Trustee Harris thought it is 2 feet. Trustee Likley; here it is saying if it is minimum of 4 feet off the ground landowner **may** include a railing. I don't think we even get into the railing language as a building code. Normal railing is 36". There are too many gray areas.

Trustee Likley moved to deny the amendment as presented from the zoning commission, seconded by Trustee Oiler. Roll call: Likley, yes to deny; Oiler, yes to deny; Harris, yes

Trustee Likley: While we are still in this public hearing on this I would recommend that we realize and look at what township's zoning responsibilities are. All is in favor of swimming pool safety but proposal as presented and I would even say our existing swimming pool language exceeds the responsibility of township zoning. WE should be looking at the pool as a structure and the required side and rear yard set-backs. We don't want that kiddie pool that you blow up in the front yard and fill it up for your grandchildren or little children to be considered a pool that requires a permit. I think we need some clarification to possibly designate a size and depth that requires a permit realizing that as this was proposed the soft sided inflatable pool could be 25 feet in diameter, could be set on the property line and we would have no say in it so I think that should be considered when this gets to be re-worked by the zoning commission or if it is the wishes of this board to sending language to the zoning commission. **Trustee Oiler made a motion to close the public hearing, seconded by Trustee Likley. Roll call: Harris, aye; Oiler, aye; Likley, aye.**

Approved November 7, 2011