

**East Fallowfield Township
Planning Commission meeting
Approved October 2, 2017 minutes
6:40 pm**

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
Michael Domboski
Joe Perzan
John Nielsen
Stephanie Saxton

Not Present:

Sue Monaghan

Dennis Crook called the meeting to order at 6:40 pm.

Discussion on Order of Agenda Items.

There was a discussion about the order of agenda items for the meeting. The Planning Commission decided to proceed with the meeting in the order below.

Bronson Subdivision and Land Development Application – 1365 South Bailey Road.

Ron and Sarah Bronson's engineer, Adam Brower, P.E. from E.B. Walsh, addressed the Planning Commission regarding the Bronson subdivision and land development application. He summarized the background of the property. He stated the property is 30 acres along South Caln Road in East Fallowfield. This property was previously the 20-lot subdivision known as Harkins Farm that never moved forward. The Bronsons are looking to do a two-lot subdivision and build their house on lot 2.

Adam Brower addressed the comments of Chris Della Penna's (Township Engineer) review letter with comments. Mr. Brower stated they have already started addressing the comments. The property on South Caln Road will be about 10 acres and the Bronson's property will be the balance of slightly under 20 acres. Mr. Brower stated that he agrees with Chris Della Penna's comment #1 under Zoning Ordinance Section that states "the plan should include the net lot area of each lot (refer to definition of 'LOT AREA, NET' in Section 27-201)" because this property has steep slopes. Mr. Brower stated even with doing that they are still well over the 2-acre requirement. Mr. Brower also stated there are one or two stormwater management ordinance comments that he will discuss with Chris Della Penna.

Mr. Brower addressed Chris Della Penna's comment #2.11 regarding a trail that was in the 21-lot subdivision plan. At the time Moser owned the Ridgecrest Development property next to the Bronson's property, a connecting public trail was included in both the Harkins Farm 21-lot subdivision plan and the Ridgecrest Development plan. Connecting the two development trails would create a longer network of public trails running through both proposed subdivisions. When the Ridgecrest Development ownership passed from Moser to Rouse Chamberlin, the plan was amended and approved with the trail no longer extending down to the Bronson's property. The Bronsons are doing a two-lot subdivision and are not creating a community. There is no trail to connect to. John Schwab stated the trail network was also going to continue down to connect to the Fieldcrest Development on Oaklyn Road. Mr. Schwab stated part of the long-range plan is to connect to the trail stream bed coming out of Modena along the branch of the Brandywine Creek. There was a discussion about how to adjust the path of a trail. Mr. Schwab stated the trail system would need to come down to South Bailey Road to connect to the Township's

easement. Mr. Brower stated the Bronson's purchased the land to build a home in which they could have privacy and they would not want a public trail running through their backyard. Mr. Schwab asked if the property was purchased with that deed restriction on it. Mr. Brower, as well as Ron and Sarah Bronson stated that the land was not purchased with a deed restriction. There was a discussion about where the proposed trail was located and if the Township has a right to it. Mr. Brower stated the Ridgecrest Development was approved but not recorded. There is no trail to connect to in that plan. The Harkins Farm plan is over five years old and has lapsed. Mr. Brower stated he is requesting that Chris Della Penna's comment #2.11 be stricken and the trail requirement be waived. There was a discussion as to whether the Ridgecrest Plan with the trail connection removed was actually approved. John Nielsen asked Mr. Brower if he knew if the Park & Recreation Committee was consulted. Mr. Brower said he did not know. The Planning Commission reviewed the proposed trail system in the Township's Comprehensive Plan. John Schwab stated that he's less inclined to push the trail if it's impossible to get to the northern lot. If the Township still has a right to hook up to that trail system, then he'd like to go back to the applicants. Mr. Brower stated they would look at that but not building a community, the applicants don't want it. Mike Domboski asked if the easement could be pushed over to lot one. Ms. Bronson stated they have a buyer for lot one and that would not be fair. Adam Brower will speak to Chris Della Penna. Dennis Crook stated it was recently announced at a Board meeting that the Ridgecrest Development land was foreclosed on and owned by a bank now.

Adam Brower commented on Jamie MacCombie's letter regarding the Sewage Facilities Planning Module. His letter pointed out that they are doing on-lot sewer since no development is occurring. This parcel of land was previously planned for public sewer under the Harkins Farm development plan. Because of this, the plan with DEP shows public sewer. We are backing this out to do the on-lot septic.

Dennis Crook stated there is a Township ordinance requiring hookup to public sewer if within 150 feet. There was a discussion regarding public sewer versus on-lot septic. Adam Brower stated there is a deed restriction that has them not connecting to public sewer. Mr. Brower stated the past planning to connect to public sewer needs to be undone. Act 537 options were discussed.

John Schwab asked if Mr. Brower intended to address and correct all other comments, other than the trail comment #2.11, in Chris Della Penna's review letter. Mr. Brower stated yes that is their intention.

Madsen Zoning Hearing Board Application for Special Exception – 510 Doe Run Road.

Deane Madsen stated they have an agreement of sale pending the outcome of the Zoning Hearing Board hearing on October 17, 2017 for the property of 510 Doe Run Road. Deane Madsen discussed the details of the structures on the property. He said there is a store in the front of the property. There is a brick building connected to the back of the store building. The brick building is a home and will be rented. Directly behind that is a little separate garage. Behind the garage is a mobile home. The mobile home on the property is a single-wide and it is directly on the property line. Mr. Madsen stated he wants to use the store front for his business – Madsen Tree Service. The back two buildings would be livable. In reality, the back trailer is not livable. He wants to fix the place up by removing the existing trailer and moving in the double-wide trailer they recently purchased. Mr. Madsen stated it is zoned R-2. Per the zoning officer, the property falls under existing non-conforming.

Planning Commission member, Stephanie Saxton arrived at 7:17 pm.

Mr. Madsen explained the changes he wishes to make to the property. He'd like to remove the existing trailer. It is not livable. Bring in a new mobile home. This cleans up the property. Mr. Madsen stated he already has two lease agreements for renters. These two rentals are critical to Mr. Madsen being able to purchase this property. They will also clean up the trees and property. The garage was an addition as a separate pole barn. A roof was added to the concrete to connect the garage to the home. They kept it as wood and stone. As a result, there is a water issue between the two buildings. This is why the house needs to have mold removed. Mr. Madsen wants to get rid of

the wood floor and replace it with concrete. The metal roof stops and doesn't connect to the shingled roof. He wants to build a mansard roof that connects to eliminate the water problem going between the two buildings. The standing garage has a stone floor and they want to pour a concrete floor in. Mr. Madsen is also planning to have a business office on the property. The parking lot accommodates nine vehicles. His two chip trucks which will be parked in the garage. He discussed the retaining wall which is completely overgrown. Mr. Madsen stated their long-term goal is to purchase and clean up the property next door. There are two septic systems on the property that are tied together. He had them all certified.

The Planning Commission requested the property plan drawings be drawn to scale. The trailer that is being replaced is right on the property line. Mr. Madsen stated he has not had a professional surveyor determine the property line.

Mike Domboski stated the Zoning Hearing Board application is as follows: special exception for the garage and non-conforming for the mobile home and the office. Dennis Crook stated in addition to the Zoning Hearing Board, the Madsen's need to go to before the Board of Supervisors for approval. The Planning Commission will make a recommendation to the Board of Supervisors.

Dennis Crook asked Mr. Madsen if he would be putting up a business sign. Mr. Madsen said he would like to put up a sign. There is a pole on the property that has fallen over. John Nielsen stated there is an ordinance for signs.

Dennis Crook explained which parts of the application will be considered for approval from the Board of Supervisors and the Zoning Hearing Board. The Board of Supervisors will consider the sign. The biggest consideration for the Board is the change of use of the property. Dennis Crook said the mobile home in the back being a different use could be brought up. He recommended Mr. Madsen make the new trailer more centrally located on the property. He also recommended Mr. Madsen have a scaled drawing done of his proposed plan to make it easier to understand. Mr. Crook also suggested they try to obtain a plot plan from the realtor.

Mrs. Madsen stated that it isn't going to be a store-front. No one will be coming to the property. Truck maintenance is sharpening saws and changing chipper knives. Vehicle mechanics will not be done on the premises because it is outsourced.

MOTION: John Schwab made a motion that the Planning Commission support the applicant's request to take an existing non-conforming site and continue its existing uses in less non-conforming uses. John Nielsen seconded.

VOTE: 6-0

A letter from the Planning Commission will be sent to the Board of Supervisors and Zoning Hearing Board.

Discussion of Ordinance 1995-07 – "Shooting Ranges – Communication Towers – Junk Yards"

Dennis Crook reported that he spoke to Chief Porter to discuss the shooting range ordinance. Chief Porter pulled out Ordinance 1995-07. Mr. Crook stated Ordinance 1995-07 has specific details regarding shooting ranges including construction and design standards for shooting ranges, NRA guidelines, and indoor/outdoor standards. Our current Township Ordinance has very little detail regarding shooting ranges and they are only allowed in the R-1 Zoning District. Mr. Crook stated Ordinance 1995-07 was approved. Mr. Crook explained that when the ordinances were codified, a lot of the detail was lost. Under Ordinance 1995-07 there were four sections included: 402, 502, 602, 702 – RA (Rural Agricultural), R-1, R-2 and R-3 Zoning Districts. The design standards of shooting ranges are fine as stated in 1995-07. However, the design standards are not in the current ordinances. Dennis Crook stated the shooting range in the R-A Zoning District is under conditional use and in R-1 it is under accessory use.

Dennis Crook stated Chief Porter recommended if shooting ranges have to be allowed in the Township, R-A and Commercial would be the most acceptable zoning districts to allow them.

Dennis Crook stated that under Section 1714, shooting ranges are only allowed in R-1. However, the area and bulk regulations are from the RA zoning district. There was a discussion about the difference between general shooting ranges which is commercial and an accessory shooting range which is shooting skeet for recreation on a farm.

Dennis Crook discussed some of the sections in the 1995-07 ordinance for shooting range. He stated sections 600 and 700 covered R-2 and R-3 residential districts. The members felt that shooting ranges should not be allowed in R-2 and R-3 and therefore should not be added back to the current ordinance.

Dennis Crook said that this situation is a good example in support of doing an editorial and legal analysis of the Township Codification. Dennis Crook presented a brief synopsis of the last few month's discussion regarding proposed legal and editorial analysis of the Township Code.

Planning Commission Workshop – Solicitor Help.

Dennis Crook stated at the last Board of Supervisors meeting, the Board approved four hours of the Township Solicitor's time to come to a Planning Commission meeting and help them with the code discrepancies. Mr. Crook stated the Solicitor is available to attend the October Planning Commission meeting.

Discussion of Day Care Centers.

John Schwab discussed the Township Ordinance currently permitting a day care center in the R-1 Zoning District. Other residential districts allow a home daycare. Dennis Crook stated there are ten times more requirements for a day care home than a day care center.

They talked briefly about the Act 537 planning, septic pumping and hauling requirements.

The Planning Commission members were in agreement to make changes to the day care center under section 27-1711.

Dennis Crook also discussed that the current Township Subdivision and Land Development application submission requirements disagree with the requirements listed in the Township Ordinance. Joe Perzan suggested attaching a paper stating the application requirements are for explanation purposes only and requirements should comply with the Township Code and any discrepancies go with the Code requirements.

Discussion of Ordinance 27-1703, 1, D (1) & (2) "Intensive Agricultural Uses".

The Planning Commission held a discussion regarding agriculture and requirements listed in Section 27-1703. John Nielsen spoke about Act 38 which is about either nuisance or toxic air emissions. Mr. Nielsen spoke to someone who is very familiar with composting operations. It is difficult to monitor and enforce if the operation is agricultural. Weavers Mulch was discussed in regard to this. It is difficult to regulate because it is transient. It is also tough to quantify. Mr. Nielsen discussed methods of making compost piles be less noxious. John Schwab also discussed commercial business versus agricultural.

Follow-up Review of Ordinance for Pods, Dumpsters, and Temporary Storage Units.

Dennis Crook reported that Sue Monaghan took all the sample ordinances covering pods, dumpsters and temporary storage units and combined them into a base ordinance to use to create an ordinance for East Fallowfield Township. Dennis Crook stated there is currently no time restrictions on pods in the Township.

Mr. Crook spoke about a recent Board meeting in which there was a discussion about earned income dropping this year by \$300,000. He said he suspects more people are working from home or self- employed which is causing earned income to be going down. He feels that implementing a municipal tax taps into those residents.

CC2020 – Subdivision and Land Development Class or Zoning Administration Class.

Dennis Crook reported this year they have the Chester County 2020 courses set for Tuesday, October 17, October 24 and October 31. He didn't feel that this schedule would work for most of the Township. He said he's trying to set up something in November for Wednesday or Thursday evenings for the Township. He had Pani Martin send out an email to the Board, other committee members and office staff to determine day of the week preference. The courses offered are Subdivision and Land Development and Zoning Administration. Mr. Crook spoke about specific details of the Zoning Administration course such as conditional use applications versus Zoning Hearing Board applications. Mr. Crook would like to take one course this fall and another course in spring 2018. The consensus among the Planning Commission members was to take the Zoning Administration course in November.

Adjournment.

MOTION: Dennis Crook made a motion for the October 2, 2017 Planning Commission meeting to adjourn at 9:20 pm. Joe Perzan seconded. VOTE: 6-0.

Respectfully submitted,

Lisa Valaitis
Township Secretary