

East Fallowfield Township
Planning Commission meeting
Approved November 7, 2016 minutes
6:52 pm

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
John Nielsen
Sue Monaghan
George Sampson
Joe Perzan

Not Present:

Jim Weeks

John Schwab called the meeting to order at 6:52 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.

New Planning Commission Members.

John Schwab introduced the new Planning Commission members: John Nielsen, Sue Monaghan, and George Sampson.

Approval of July 11, 2016 Planning Commission Minutes.

The July 11, 2016 Planning Commission meeting minutes could not be approved because there were not enough members present who attended that meeting. These meeting minutes will remain unapproved.

Approval of August 1, 2016 Planning Commission Minutes.

The August 1, 2016 Planning Commission meeting minutes could not be approved because there were not enough members present who attended that meeting. These meeting minutes will remain unapproved.

Bawa Muhaiyaddeen Fellowship Property Conditional Use.

John Jaros, legal representative of the conditional use applicant, Bawa Muhaiyaddeen Fellowship was present. Dave Gibbons, Civil Engineer from Denny Howell's office, was also present. Mr. Jaros stated they presented at the previous Planning Commission meeting but there was no quorum. Mr. Jaros presented the background of the conditional use application. He said Bawa M. Fellowship has applied for conditional use approval from East Fallowfield Township in conjunction with a previously approved Settlement Agreement between the Township Board of Supervisors, the Township Zoning Hearing Board, and the Bawa M. Fellowship. The Settlement Agreement is dated May 22, 2012. This permitted certain relief for the project to move forward through conditional use approval and ultimately through land development approval in effect at the time conditional use was applied for. The application before the Planning Commission does not fall under current zoning ordinances. The Settlement Agreement provided for the grant of a variance to allow new residential uses to be serviced by on-site individual wells and on-lot septic systems as well as a grant of a waiver from cul-de-sac regulations. Per the East Fallowfield

Township Zoning Ordinance Section 402.4, a planned institutional community in accordance with Section 1704.12 of the Zoning Ordinance was permitted by conditional use.

Mr. Jaros stated the Fellowship owns 108 acres made up of four tax parcels in the southwest portion of East Fallowfield Township on the western side of Mt. Carmel Road at the end of Fellowship Drive. The property is located in the Rural Agricultural Zoning District. The property is partially developed with five existing buildings which comprise of a garage, pavilion, camp kitchen, bath house and mausoleum. The Fellowship proposes to remove the camp kitchen and bath house. They propose development of a fellowship farm community comprised of both residential buildings and religious uses. The residential dwellings will consist of 23 single family dwellings on approximately 30,000 square-foot lots clustered across 19 acres in the north tract boundary. There will be an existing mausoleum, pavilion, garage and cemetery. Additionally, the Fellowship plans for a new maintenance building, new garage, new rectory, and new house of worship on approximately 12 acres close to Fellowship Drive. The remaining 75 acres will be left in its natural state of agricultural and preserved open space. As called for in the Settlement Agreement, the site will be served with on-site water and on-site sewage systems.

Mr. Jaros reported that several Township residents requested party status at the October 10, 2016 conditional use hearing. Mr. Jaros stated he will be requesting a recommendation from the Planning Commission at the end of the presentation / question and answer session.

Dave Gibbons, Civil Engineer, presented the layout and description of the roads, proposed parking lot and parking spaces, proposed place of worship, extension of Fellowship Drive, and residential lots. The proposed development location is between Mt. Carmel Road on the right and Timicula Road on the left. The existing Fellowship Drive comes off of Mt. Carmel Road. Along the Fellowship Drive extension, the residential lots will start at 1,500 linear feet into the site past the house of worship. There are 23 lots around 30,000 square feet each. Fellowship Drive will end as a cul-de-sac with an emergency access route. There is a dedicated cemetery area for religious use. 81 acres will be open space which is 75% of the property. Mr. Jaros asked Mr. Gibbons if the proposal is compliant with the Township's Zoning Ordinance in effect in the time the application was filed. Mr. Gibbons replied yes it is.

QUESTIONS AND COMMENTS:

1. John Schwab, Planning Commission member, asked Mr. Jaros if he received a clean review letter from the Township Engineer. Mr. Jaros stated the Township Engineer did issue a review letter and they have prepared a response. There were no significant issues.
2. Mr. Schwab asked if the emergency access route will be paved. Mr. Gibbons responded by stating the applicant talked with Emergency Services and the Township Fire Marshall. The applicant would like to propose gravel. The Fire Marshall was somewhat agreeable. This is still undecided at this time.
3. Mr. Jaros, lawyer representing the Fellowship, introduced Chuck Ginty who is the G.C. / representative for Bawa M. Fellowship. Joe Perzan asked if everything in the Settlement Agreement is in compliance with the details in the current proposal. Mr. Jaros stated yes they are compliant and everything in the proposal agrees with the details in the Settlement Agreement.
4. Joe Perzan, Planning Commission member, asked about the location of the development in relation to Strasburg Road. Mr. Gibbons said it's on the southern side of Strasburg Road.
5. Sue Monaghan, Planning Commission member, said it stated in the August Planning Commission meeting minutes that the Township should move forward with the process with the conditions listed. She asked if those are the conditions just restated. John Schwab stated that was correct.
6. John Nielsen, Planning Commission member, asked how we know there won't be more development on the property. Mr. Gibbons stated the Settlement Agreement states 23 lots can be constructed and the agreement will state no more further subdivision can occur on this property and the agricultural use will remain.

7. John Nielsen asked if the parking lot will be paved. Mr. Gibbons stated the parking lot will be paved.
8. Sam Stretton, lawyer representing several residents residing near the Fellowship's property, entered his appearance at the meeting. Mr. Stretton stated the Buck Run Creek runs below the area the houses will be put in. He said the Buck Run Creek is considered very pure. They discussed the depth of the septic systems and a water study. Mr. Stretton stated there is concern about the creek being polluted and how the local residents' well water will be impacted. Mr. Ginty stated there are two studies that were done and they will be presented at the conditional use hearing.
9. Sam Stretton discussed the zoning acreage requirement per house. There was a discussion about the amount of acreage required under the Zoning Ordinance in effect at the time of the application which is dated August 1990. Mr. Jaros stated the plan is compliant under the planned institutional community as a conditional use. Charles Ginty and John Schwab stated the early drafts had more density and the amount of units were scaled back. There were originally 43 units proposed.
10. Buddy Rhoades, Township resident, stated there are three new members on the Planning Commission. He said he hopes the new members will review the documents before making a recommendation. Mr. Rhoades also spoke about the water runoff and need for a catch-basin around Mt. Carmel Road. He also spoke about emergency routes. He said using 3A modified stone will not work because it will wash out. Mr. Rhoades recommended they speak to Westwood Fire Company and the Township Fire Marshall. He also spoke about local residents being concerned about their wells being negatively impacted by this development.
11. Earl Emel, Township resident, stated his property is adjoining the Fellowship's property. He said he spoke to the Fellowship before he purchased his land and he was under the impression that the Fellowship purchased that land to grow crops and have their members come out and enjoy the country. Mr. Emel stated by developing the land, they are taking away from him enjoying the country. He said his property is only a few feet from the proposed location of the cul-de-sac. Mr. Emel voiced concerns about being negatively impacted by the proposed development. He also spoke about the negative impact of increased traffic. He stated he isn't happy with this land being built on.
12. Alan Cooke, Township resident, asked why other developments in the Township were required to have public water and sewer but this proposed development does not have that requirement. How do we know the sewage won't run down the valley into other local residents' wells? Public water and sewer would not pollute someone's well. Mr. Jaros said the settlement stipulated that on-lot water and sewer is allowed. This was agreed to by the Township and the Fellowship. The Planning Commission should handle their recommendation by considering the Zoning Ordinances in effect at the time of the Settlement Agreement.
13. Buddy Rhoades expressed his disapproval of some speakers being given a time limit. Mr. Schwab stated that Mr. Rhoades was allowed plenty of time to speak.

PLANNING COMMISSION RECOMMENDATION: John Schwab, Vice Chairman, stated he has a lot of knowledge regarding the application because he has been involved in the application for the past 10-12 years. To his knowledge, the applicant has done everything the Township has requested they do. They have gone to court and there is a court order with stipulations for this development. In a number of occasions in the past, the Planning Commission has recommended this application move forward. Mr. Schwab also stated he is not taking the residents' comments lightly. Mr. Schwab stated people have rights and this right was court ordered and agreed to by the Township in term of conditions.

MOTION: John Schwab made a motion recommending the Planning Commission issue a recommendation that the Board of Supervisors approve this particular project with the stipulation that they receive a clean letter from the Township Engineer and the Township Fire Marshall signs off on the emergency egress for emergency vehicles. John Schwab also pointed out the Chair of the Planning Commission is abstaining on voting and participating in this conversation/decision because of a conflict of interest. Joe Perzan seconded with the two stated contingencies.

QUESTIONS AND COMMENTS:

1. Dennis Crook stated the Comprehensive Plan makes Strasburg Road the dividing line between public versus private water and sewer.
2. George Sampson stated he did not have enough information and he would like to abstain.
3. John Nielsen stated he would like to abstain due to not having enough information on the variance and settlement agreement.
4. Sue Monaghan stated she would like to abstain and would like to see the Township Engineer's report especially as it pertains to water and sewer.

VOTE: 2-0 (John Schwab and Joe Perzan voted yea. Dennis Crook, George Sampson, John Nielsen, and Sue Monaghan abstained.

John Schwab stated with two yea votes, they do not have approval.

DISCUSSION: There was a discussion about supporting documentation that would aid in making a decision on the Bawa M. Fellowship application. The members also discussed the difficulty of making decisions when new to the Planning Commission. John Schwab stated the Fellowship will still move forward with the Board of Supervisors without a formal Planning Commission recommendation. The Planning Commission is purely advisory. George Sampson requested material to read and /or people to talk to in order to learn. Dennis Crook also discussed his plan to get feedback on how the Board of Supervisors would like to utilize the Planning Commission. The Planning Commission members discussed the history of the Bawa M. Fellowship application and the Settlement Agreement.

The responsibility of the Planning Commission in issuing recommendations was discussed. Sue Monaghan stated as long as the applicants coming before the Planning Commission have met the stipulations of zoning and ordinances, it is the Planning Commission's responsibility to ensure they follow through with those recommendations. She also stated it is the Planning Commission's responsibility to be concerned about residents' water, however the Township Engineer should be considering that as well. Dennis Crook stated the Chester County Health Department approves wells and septic systems. The Township has no say in that.

There was a discussion about the Settlement Agreement. Joe Perzan explained this is not a court decision. He said the Settlement Agreement was done through mitigation and the stipulations were agreed upon by both the Township and the applicant.

Chester County Planning Commission Review of Comments Concerning Preliminary/Final Subdivision and Land Development Application – Holland Daycare.

Sue Monaghan asked if the R1 Residential Zoning allows for a daycare center under conditional use. Dennis Crook stated in 2002, an amendment was made to the ordinance that allows a daycare center in R1 Residential Zoning through conditional use. John Schwab stated the Planning Commission did not recommend this, because they had concerns. However, the Board of Supervisors did approved it with conditions. Joe Perzan discussed the Township Engineer's letter with listed concerns. They discussed the Chester County Planning Commission's review letter which stated there are issues with water and sewage disposal on the property. John Schwab stated the Holland's will be back before the Planning Commission next month.

Dennis Crook stated the Planning Commission is working on making improvements to their procedures to improve the Commission. Dennis Crook stated they are looking for ways to increase communication in the Township as well as increase involvement in public meetings.

Other Business:

- PA American Water Company H2O Help to Others: Dennis Crook stated PA American Water Company has a program for people with public water that are having financial difficulty. The PA American Water Company is offering grants of up to \$500 per year and a program that offers up to 80% discounts per year. They will install water saving devices in homes.
- Zoning Hearing Board Hearing on November 16, 2016 – 214 Pullman Circle: Dennis Crook reported he attended a Zoning Hearing Board Hearing on November 16, 2016 regarding 214 Pullman Circle. He said the Planning Commission amended Section 1300 to help resolve problems with how open space works and how many lots can be subdivided on land. The resident wants to add a garage to his house and open space covers 20% of his lot. Per Township Ordinances, you also have to be 25 feet back from open space to build. This means they have half their property that can be used. The resident is seeking relief from that. Dennis Crook stated Section 1300 corrects this situation. However, there are existing developments that have this issue. Dennis Crook reported that they decided to hold off on a decision and schedule another Zoning Hearing Board hearing.

New Business.

- Mentor Program: John Schwab stated they will have Lisa Valaitis send out contact information for the Planning Commission members. The new members can call the experienced members to help facilitate the learning process.
- Department of Conservation and Natural Resources: Dennis Crook stated they have new grant programs coming up. They are offering workshops.
- Homeowner's Associations (HOA's): There was a discussion regarding grass cutting and HOA's. Dennis Crook stated that different HOA's have different stipulations regarding who is responsible for grass cutting.

Next Planning Commission meeting: December 5, 2016.

Adjournment.

MOTION: Sue Monaghan made a motion to adjourn the Planning Commission meeting at 8:45 pm. Dennis Crook seconded. VOTE: 6-0.

Respectfully submitted,

Lisa Valaitis
Township Secretary