

**East Fallowfield Township
Planning Commission meeting
Approved December 4, 2017 minutes
6:30 pm**

Attendees:

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

Not Present:

Sue Monaghan

Dennis Crook called the meeting to order at 6:30 pm.

Discussion on Order of Agenda Items.

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

Planning Commission Term 2018-2021 – John Schwab.

MOTION: Dennis Crook made a motion to appoint John Schwab to the 2018-2021 Planning Commission term. Joe Perzan seconded.

VOTE: 6-0

Planning Commission Term 2018-2021 – John Nielsen.

MOTION: Dennis Crook made a motion to appoint John Nielsen to the 2018-2021 Planning Commission term. Joe Perzan seconded.

VOTE: 6-0

ASA Application – John & Frances Wright, UPI No. 47-4-4.2. 8.0 Acres.

Dennis Crook state the Planning Commission has been asked to review an Agricultural Security Area application submitted by John & Frances Wright for tax parcel number 47-4-4.20. The property is 8.0 acres. Buddy Rhoades, member of the Ag Securities Committee, said he was in attendance to hear the Planning Commission review the Wright application before the Ag Securities Committee considers the application on December 7th. Mr. Rhoades stated the Township Ordinance requires a 10-acre minimum. John Nielsen stated the property is the wooded lot off of Valley Road near the border of Valley Township. There was a discussion about the requirements for a property to be included in the agricultural security area. Under Act 319, a property needs to be a minimum of 10 acres or generate gross yearly agricultural income of \$2,000 to be included in the agricultural security area.

John Schwab stated the Comprehensive Plan has designated the property as R-I Residential Infill on the Future Land Use Map. On the Zoning Map, the parcel is located in the R-1/Residential Zoning District which is a low density residential area. Approving this application would protect the parcel from being built on. John Schwab said according to the Chester County Planning Commission letter, the parcel is landlocked and entirely wooded. Therefore, it is highly possible that it never would be developed.

Dennis Crook stated the R-1 Zoning District permitted uses by right are as follows: single family attached dwelling, non-intensive agricultural use, conservation uses east Fallowfield Township municipal uses, public or private parks, group home, no impact home-based business, forestry, non-commercial and accessory uses. John Schwab said the Wrights have the right to turn the property into agricultural use.

Mr. Rhoades asked if the Brandywine Conservancy reviewed the application. Mr. Crook stated the Township does not have a letter from the Brandywine Conservancy but the Township did receive a review letter from the Chester County Planning Commission (CCPC).

Joe Perzan asked what the tax/financial impact on the Township if the application is granted. IF the application is approved, is the parcel deemed tax-exempt. There was a discussion about whether or not the application met the requirements stipulated by ordinance which are 10-acre minimum under R-1 or at least \$2,000 annual gross agricultural income. The Commission also discussed Act 319 "Clean and Green". Dennis Crook reviewed the details of Township Code 27-1703 Nonintensive Agricultural Uses – "Nonintensive agricultural uses and customary buildings associated with nonintensive agricultural uses shall be in accordance with the following standards: (1) The keeping of farm animals, exclusive of customary household pets and except as otherwise permitted in this section for the keeping of livestock accessory to a residential use, shall not be permitted on lots of less than five acres in size. Such preexisting lots created prior to the effective date of this chapter shall be considered nonconforming lots. (2) No slaughtering operations for commercial purposes shall be permitted. (3) Commercial piggeries shall not be permitted as part of a nonintensive agricultural use." There was a discussion of what agricultural uses could be done with the land. Stephanie Saxton asked if the Wright's should have a business plan.

John Schwab stated the Chester County Planning Commission letter states the Wright's property is currently enrolled in the Farmland Protection Program Act 319. Act 319 requires 10-acres or \$2,000 in annual gross agricultural income. John Schwab asked if they have \$2,000 annual income since they don't meet the 10-acre minimum. John Nielsen asked if there is conservancy land near the Wright's property. Mr. Nielsen asked if the Wrights own an adjacent parcel and if so, could they combine both properties to meet the requirements.

The Commission members felt that the Wright's reason for seeking agricultural status should have been included in the application. John Nielsen stated he looked at the property on a map and open space is the best use for the land.

Mr. Schwab asked Mr. Rhoades if the Ag Security Committee has seen any other similar applications. Mr. Rhoades said no they have not seen any applications under 10 acres. Mr. Schwab asked Mr. Rhoades if he is concerned about the 8-acres. Mr. Rhoades stated he is concerned about the 8-acres as well as the property being landlocked.

Dennis Crook stated the County indicates the Wright's property does fit with the County Comprehensive Plan. The members also thought it didn't fit the Comprehensive Plan which designates the parcel as R-1 Residential Zoning District. However, it fits the Comprehensive Plan's conservation area. The Township has other farms that are in the R-1 Zoning District.

The Planning Commission members discussed what action they should take. The parcel does not meet the 10-acre requirement which is a requirement of both the Township Ordinance and Act 319 Clean & Green Act. There is no indication on the application that they meet the \$2,000 gross annual agricultural income. They felt without further information, they can't recommend the Wright application for approval into the Agricultural Security Area. They also discussed the CCPC letter that states "The CCPC finds that the proposed addition of this parcel is mostly consistent with the criteria of Act 43." Stephanie Saxton discussed the State Act 515 Property Tax Assessments and amended by Act 156, which allows tax cuts for agricultural land. She said the tax relief would be well over a 50% decrease in property taxes. Based on the information provided, the Wright's property does not seem to meet requirements for the Ag Security Area.

Upcoming Meetings/Hearings on the Wright ASA Application:

1. AG Securities Committee Meeting: December 7, 2017.
2. Board of Supervisors Hearing: December 19, 2017 at 6:30 PM.

MOTION: Dennis Crook made a motion that the Wright's property (47-4-4.2) does not appear to qualify due to Act 319 Farmland Protection Program for minimum acreage or minimal gross annual income. Pending further information, we cannot recommend this. John Nielsen seconded.

VOTE: 6-0

Bronson (1365 South Bailey Road) Driveway Adjustments - Discussion.

Dennis Crook reported the Bronson's made a minor adjustment to the driveway location. The change was such a minor change that they decided not to run it by the Planning Commission. No further discussion is needed at this time.

Hardships Created by East Fallowfield Township Ordinances.

1. **Zoning Office Administrative - Start List of Non-Conforming Uses, Buildings and Lots.** – Dennis Crook discussed information he obtained from the Master Planner Course in Zoning Administration recently. He discussed Section 27-2101 2. B. "Duties. Duties of the Zoning Officer shall be:" In the Master Planner course, there was a discussion about under the MPC, the zoning officer may maintain a list of all non-conforming (uses, buildings and lots) properties in the township. Dennis Crook read 27-2101 2. B (5) "To inspect nonconforming uses, buildings, and lots upon application of a landowner to register a lawful nonconforming use, structure, and lot. If, upon investigation, a Zoning Officer is satisfied of the lawfulness of such nonconforming use, structure, or lot, the Zoning Officer shall keep a filed record of such nonconforming use, structure, or lot, together with the reasons why such use, structure, or lot was identified as a nonconformity as a public record, and shall examine all nonconforming uses, structures, or lots

periodically.” Mr. Crook reported the Zoning Officer told him he doesn’t have to keep a list because the uses change. Dennis Crook discussed reasons why he feels keeping a list of non-conforming uses is important for the Township: there are no records if the Zoning Officer changes; there is no written history of non-conforming uses for properties. Mr. Crook spoke about the differences between non-conforming uses, buildings and lots. Dennis Crook said he was concerned about the roughly 150 lots south of Strasburg Road that are under one acre when the minimum lot size in that zone is one acre. These property owners need to get variances. He suggested creating a zoning district for these properties if they are clustered together. The row homes on Hephzibah Hill Road are another example of non-conforming lots. John Schwab said he felt that the Zoning Officer should be making note of non-conformities as they come up. Some of the non-conformities are easy to prove or verify. Dennis Crook stated this responsibility is in Rob McLarnon’s (Keystone Municipal) contract. There was a discussion about how Keystone Municipal is paid.

Review Ordinances.

1. **Dumpster** – Sue Monaghan is working on collecting example ordinances and consolidating them into one draft ordinance. This discussion was tabled until the next Planning Commission meeting.
2. **Firing Ranges** – The Planning Commission discussed the firing range (non-commercial and commercial) example ordinances provided by Solicitor Crotty. Dennis Crook said that he’s concerned with shooting range being currently allowed in the R-1 Zoning District. They discussed options for the commercial and non-commercial shooting range. They discussed whether non-commercial shooting ranges should be restricted to certain zoning districts. They discussed the zoning districts desirable for shooting ranges. The consensus was that the commercial shooting range section has adequate regulations. Options for requiring inspections of commercial shooting ranges were also talked about. In addition to shooting ranges being compliant with the Township Code, they also have to comply with the National Rifle Association (NRA) which has strict regulations. John Schwab discussed the option of adding a conditional use for certain types of shooting ranges. This would require the applicant to go before the Board of Supervisors for a decision. This gives the Township a chance to add conditions without infringing on residents’ rights.

Future Ordinances Possible.

1. **Medical Marijuana Growing and Distribution Center – Adult Entertainment** - From the Master Planner course, the topics of medical marijuana and adult entertainment came up. This would provide revenue to the Township. In the course, the instructor said municipalities need to address this. Dennis Crook also said that casinos have recently been addressed. He said we have to make available all uses. The township has to allow medical marijuana growing and distribution centers as well as adult entertainment but can designate certain zones for these businesses.
2. **Driverless Cars** – Dennis Crook posed the question of who gets ticketed if a driverless car violates a traffic law. The Planning Commission discussed driverless cars and felt that the State

would regulate this. They also commented on the need for regulations for drones. Regulating noise due to drones or loud vehicles was discussed. Dennis Crook stated that the Township does have a noise ordinance and a few years ago noise was a big problem in the Township. There was a discussion about different noise issues that have occurred within the Township.

- 3. Alternative Zoning Hearing Board Members** – Dennis Crook said that the Township Ordinance does allow the Zoning Hearing Board to have alternative members. The Zoning Hearing Board has three members. At some of the recent Zoning Hearing Board hearings, they have had quorum with only two out of three members in attendance. Mr. Crook explained the role of Zoning Hearing Board alternate members. The alternate is required to attend all hearings and if there is no quorum of regular members at a hearing, the alternate will vote at that hearing. Alternate members are also useful if one regular member has a conflict of interest.

Status of Official Map.

John Nielsen presented an update on the status of official map. He said that the County now has all necessary information and is in the process of drawing up the grant contract. Joe Perzan asked if there is a deadline. John Nielsen said that the start date is tentatively set for February 1, 2018. The price is \$5,400, however the Township was awarded a grant that covers 70% of the cost. It will cost the Township \$1,500-\$1,600. The Township does not have an official map and it is a recommendation in the Comprehensive Plan as well as the Municipalities Planning Code. John Nielsen explained the official map is a planning tool for future trails, easements, parks and future owned lands. There was a discussion about the various properties owned by the Township.

New Business.

- 1. Delaware Valley Regional Planning Commission** – Dennis Crook discussed a workshop offered by the Delaware Valley Regional Planning Commission called Transforming the Region Together. The Workshop is on March 22nd. Mr. Crook also discussed a book called “Peak Performance” written by an expert in planning. The book covers how municipalities balance budgets and revenue sources.

Old Business.

- 1. Harkins Farm & Martin Farm / Abandoned Homes & Property Maintenance Code** – Buddy Rhoades asked the Planning Commission if there has been any activity on the Harkins Farm or Martin Farm. Buddy Rhoades asked if there is a time construction should have been started. Mr. Rhoades also commented on trailers on the Martin Farm property as well as high grass that isn't being mowed. He also discussed some abandoned homes throughout the Township and stated some of them aren't boarded up for safety. Dennis Crook said most of these buildings fall under the Property Maintenance Code. Buddy Rhoades discussed two abandoned homes on West Chester Road and South Caln Road. Dennis Crook said the best way to handle that particular property is through the Historical Commission. Fieldstone Development was also discussed. Buddy Rhoades discussed a need for the Zoning Officer to address the properties with bigger issues in the Township. John Nielsen discussed a movement to create a fee through the

Recorder of Deeds that municipalities could put in a fund and use towards demolishing blighted structures.

Adjournment.

MOTION: Dennis Crook made a motion for the December 4, 2017 Planning Commission meeting to adjourn at 9:05 pm. Joe Perzan seconded. VOTE: 6-0.

Respectfully submitted,

Lisa Valaitis
Township Secretary