

East Fallowfield Township
Planning Commission meeting
Approved December 5, 2016 minutes
6:35 pm

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
John Nielsen
Sue Monaghan
Joe Perzan
Carol Kulp
Chris Della Penna, Township Engineer
Mark Padula, Inland, Professional Engineer
Lisa Holland

Not Present:

Jim Weeks
George Sampson

Dennis Crook called the meeting to order at 6:35 pm.

Discussion on order of agenda items.

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

Dennis Crook distributed the Zoning Ordinance, Subdivision and Land Development Ordinance, and the Comprehensive Plan to the new Planning Commission members. He briefly discussed some of the duties of the Planning Commission.

Dennis Crook also discussed the Open Space Design Ordinance.

Revised Preliminary / Final Land Development Application – Holland – 1525 S. Bailey Road.

Dennis Crook briefly summarized the documents submitted for the Holland Daycare Center. He said most documents are in response to Chris Della Penna's review letter. Chris Della Penna stated he submitted a review letter and the Inland letter dated November 21st was a response to Mr. Della Penna's letter with a resubmission of the plan. Mr. Della Penna stated he has reviewed the resubmission and the applicant has addressed most of the issues in their letter but has not yet issued another review letter.

Mark Padula, the Holland's Professional Engineer with Inland, discussed how they addressed the issues brought up in Chris Della Penna's review letter. Mr. Padula read each of Chris Della Penna's comments and then explained how those comments were addressed:

Zoning Ordinance Comments:

Comment 1.1 – Chris Della Penna's comment was that the notes on the plan were too small and not legible. Mr. Padula stated the text was enlarged. Chris Della Penna was satisfied.

Comment 1.2 – A column should be added to the Zoning Data Table listing the data for the proposed conditions. Mr. Padula stated the column was added as requested.

Comment 1.3 – the net lot areas should be noted on the plan and used for the coverage calculations. Mr. Padula stated this change has been made.

Comment 1.4 – A wetland investigation should be performed by a qualified individual to determine whether wetlands are or are not present on the site. Mr. Padula stated there are no wetlands on the site.

Comment 1.5 – The plan proposes the removal of approximately 30 trees. At least two trees are considered specimen trees and should be preserved. Mr. Padula stated there is no way to preserve the trees because the trees are in the area where the proposed parking lot will be.

Comment 1.6 – The applicant is required to get a permit from the County when proposing a new well on a property. There is nothing on the plan. Mr. Padula stated they intend to do that.

Comment 1.7 – A site disturbance calculation table for natural resources will be done and added to the plan. We are allowed to disturb up to 8,600 square feet of natural resources. Mr. Padula stated it will be considerably less than the 8,600 square feet.

Comment 1.8 – To ensure the continued protection of Natural Resources on the lot the notes and restrictions listed in Subsections A (1), A (2) and C shall be noted on the plan and included in the deed of the property. Mr. Padula stated they made these changes.

Comment 1.9 – Proposed signage should be depicted on the plan. Noted the sign needs to be 10 feet from right-of-way to comply with the sign ordinance. Mr. Padula indicated where the sign is located on the plan. Mr. Padula said he will discuss with the Zoning Officer whether they need to put the sign 10 feet from the existing or proposed right-of-way. The location of the sign is in West Bradford. The sign may have solar lighting.

Comment 1.10 – The plan should state the number of employees and children proposed to be serviced by this use in order to verify the indoor and outdoor play area spaces. Mr. Padula stated there is 50 square feet indoor and 100 square feet outdoor. There will be up to 78 children and 8 employees.

Comment 1.11 – The plan shows an existing septic tank lid within the proposed playground area. This may be a hazard to the children and should be verified. The type and height of fencing around this area should also be noted. Mr. Padula stated the septic tank lid was moved in the new plan and an additional play area up front was included in the new plan. There was a brief discussion about the fence.

Comment 1.12 – An area for the discharge and pick-up of children, which is removed from both the parking and ingress/egress for the site, shall also be provided. The plan should clarify where this area is located. A walkway from this drop-off/pick-up area should also be noted on the plan. Mr. Padula said the drop-off area is next to the building in the parking lot. Mr. Padula stated this comment was satisfied.

Comment 1.13 – Necessary permits and approvals shall be obtained from all appropriate agencies, including Commonwealth of Pennsylvania, PA DEP and Chester County Health Department. Mr. Padula stated all these permits are in process.

Comment 1.14 – The applicant shall be responsible for providing safe and efficient ingress and egress to and from the street. A traffic impact study will be prepared and submitted for review. Mr. Padula stated that Traffic Plan Design, the Township's traffic consultant, will issue a letter this week.

Comment 1.15 – Internal drives shall have a maximum grade of 4% for the first 25 feet from the street right-of-way and a maximum grade of 6% beyond that point. The driveway appears to have a grade of 8%. This should be verified and corrected. Mr. Padula stated the slope of the existing driveway is 8% and this will not be altered. This

comment has been satisfied. It is an existing condition and can't be altered without major earth disturbance operation. It does not cause a hazard.

Comment 1.16 – The designer shall verify that the proposed handicapped parking space is in conformance with ADA standards. Additional spot elevation should be added to the plans. Mr. Padula pointed out the handicapped space on a diagram.

Comment 1.17 – Parking spaces shall be reasonably level and sloping not more than 5% in any direction. The existing slope in the area designated for reserve parking along the east side of the driveway exceeds 13%. The design should show conceptual grading to verify that parking with a slope not exceeding 5% is feasible in this area. The reserved parking area has been moved to address this comment. Any future parking spaces will be built to the new standards. Overhead lighting on poles was discussed and the lighting will be turned off after business hours.

Comment 1.18 – An area for loading and unloading should be depicted on the plan based in the anticipated delivery truck size. Mr. Padula said they are not anticipating any delivery other than small deliveries. Chris Della Penna stated there will be one multipurpose area for drop off of the children and small deliveries. Deliveries will not occur at the same time as drop off and pick up of children. There was a discussion about how trash collection would work.

Comment 1.19 – A landscape plan prepared by a landscape architect registered in Pennsylvania shall be submitted. Chris Della Penna stated they do not meet the threshold to replace the trees taken down. However they do have to do extensive landscaping to conform to the Township Landscaping Ordinance. Mr. Padula presented the landscaping plan.

Comment 1.20 – The calculation for the required landscaping of off-street parking and loading areas shall include driveway areas greater than 18 feet wide. The calculation on the plan should be revised. Mr. Padula stated they did revisions and Chris Della Penna will do a follow-up review.

Comment 1.21 – The landscape notes listed in this section shall be added to the plan. Mr. Padula stated the notes were added to the plan. Chris Della Penna stated the plan is four trees short of the required 35.

Comment 1.22 – The designer shall verify that the proposed light fixtures shall meet the screening and glare control requirements of these sections. The plan shall also address the hours of nighttime lighting reduction. Mr. Padula said the tilt of the light fixtures are the issue and Mr. Padula and Chris Della Penna will discuss further.

Comment 1.23 – A light pole mounting base detail shall be added to the plan. Mr. Padula stated this has been added.

Comment 1.24 – The plan proposes 3 light poles with a fixture mounting height of 20 feet. Due to the proximity of the residential neighbors surrounding the subject property, the applicant shall consider lower height lighting having less visual impact on the neighbors. John Schwab stated the area is secluded and complaints about glare from lighting will occur if not handled correctly. John Schwab stated the lights will be required to be out at 6:15 pm. The notes will be changed accordingly.

Subdivision Ordinance Comments:

Comment 2.1 – The applicant is requesting a waiver of the requirement for submission of a preliminary plan and has submitted the plan as a Preliminary/Final Plan. Due to the nature of the application, Chris Della Penna had no objection to this request as long as the preliminary plan requirements are still satisfied.

Comment 2.2 – The location map should be revised to a scale of 800 feet to the inch. Mr. Padula stated this change was made.

Comment 2.3 – The existing and proposed rights-of-way shall be labeled on the plans. Mr. Padula stated this change was made.

Comment 2.4 – The Board of Supervisors signature block on Sheet 1 should be revised to include five spaces for signatures. The change was made to wrong spot. Mr. Padula stated he will correct that.

Comment 2.5 – Since South Bailey Road and a portion of the driveway and parking are situated in West Bradford Township, the applicant has submitted plans to the Township for review. The West Bradford Township Manager has stated that since the majority of the development is in East Fallowfield Township, they do not need to review the plans any further.

Comment 2.6 – The applicant is requesting a waiver from the requirement for preparing impact statements. Chris Della Penna had no objection to this waiver request with the exception of a traffic impact statement and an environmental Impact Assessment. The plan should also be reviewed by the police and Fire Marshal for safety. Mr. Padula stated they would have that review done.

Comment 2.7- All proposed utilities shall be placed underground including any overhead services to the house if not already underground. Mr. Padula stated they requested a waiver from this comment. All utilities are already existing. However, Chris Della Penna did not support a waiver on this comment. The house is older and in the woods with overhead wires that could be prone to damage during storms, power outages, and safety issues for the children. There was a discussion about moving the utility lines underground versus leaving them above ground. There was discussion on the location of the wires and the main power line. There is a PECO power line going through the property. After discussion, Chris Della Penna stated he would support the waiver.

Comment 2.8 – Concrete monuments shall be installed along the proposed right-of-way at all changes in direction. All other lot corners shall be identified by either a monument or iron pins. This requirement has been satisfied.

Comment 2.9 – The proposed woodland disturbance does not appear to be over the threshold to require woodland replacement. No action required.

Stormwater Management Ordinance Comments:

Comment 3.1 – A calculation for the required and proposed infiltration volume should be provided. Mr. Padula stated this comment has now been satisfied.

Comment 3.2 – A loading ratio calculation should be provided for the infiltration basin. Mr. Padula stated we provided this calculation however Mr. Della Penna is asking them to look at it from surface elevation of the basin spillway. By doing that we don't meet that loading ratio. Mr. Padula and Chris Della Penna will discuss further.

Comment 3.3 – An Operation and Maintenance Agreement shall be executed and recorded as part of the final plan approval. This will be prepared and executed by Lisa Valaitis and Mike Crotty and submitted to the Township.

Comment 3.4 – The General Notes including the easement note on Sheet 5 should also be included on Sheet 1 with the other General Notes where they will be more conspicuous. Mr. Padula stated this has been done.

Comment 3.5 – The applicant shall pay the appropriate fee into the Municipal Stormwater Control and BMP Operation and Maintenance Fund. Mr. Padula commented that the fee would be paid.

Conditional Use Decision:

Comment 4.1 – A Traffic Impact Study shall be prepared and submitted for review in compliance with this section. The plans shall also be reviewed by the Fire Marshal and Emergency Services Coordinator. Mr. Padula stated they thought the Township would provide these plans and they will take care of this tomorrow.

Comment 4.2 – The hours of operation are limited to 7 AM to 6 PM however the General Note 12 on Sheet 1 states that the hours of operation are between 6 AM and 9 PM. This should be corrected. Mr. Padula stated this was corrected.

General Comments:

Comment 5.1 – The Owner’s acknowledgement on Sheet 2 lists the County of Delaware. This should be revised. Mr. Padula state this was corrected.

Comment 5.2 – General Note 1 on Sheet 5 notes inspection by Borough. This should be corrected to Township. Mr. Padula stated this needs to be corrected.

Comment 5.3 – Silt sock should be shown below the proposed septic system. Silt fence should also be shown around the stone trench in the basin on Sheet 6. Mr. Padula reviewed Sheet 6 and this has been satisfied.

Comment 5.4 – Parking bumpers should be installed at the head of proposed parking spaces, particularly those that are adjacent to slopes. Mr. Padula verified on the plan that this was completed. Chris Della Penna would like to see detail so that will be provided.

Comment 5.5 – The basin spillway should be located in undisturbed soil and situated so as to not direct runoff toward the downhill residence. A spillway detail should also be added to the plans. Mr. Padula discussed the slope down to the residence and why they positioned the basin spillway where it is on the plan. There was a discussion on spillway options such as vegetation. There was a discussion about where the basin spillway is located and how it will function. A location change was proposed.

Comment 5.6 – A drain pipe should be provided in the bottom of the basin to allow for draining for maintenance. The pipe should have removable capped ends or valves in a normally closed position. This allows for potential repairs of the basin if it malfunctions. The water could be drained from the basin to do repairs.

Comment 5.7 – A construction sequence shall be added to the plans. Mr. Padula stated this was added.

Comment 5.8 – The location of the stormwater test pits should be indicated on the plans. It does not appear that the testing was done in the location of the proposed basin. The report also does not include the depth that the testing was performed. This is critical to placement of the basin bottom in relation to the refusal noted in the soil description and based on the Recommendation 2 of the report that states that the basin be located within 6 inches of the test pit location. Mr. Padula will discuss further with Chris Della Penna.

Comment 5.9 – Orange construction fence should be shown around the area of the proposed septic system. Mr. Padula commented that this change has been made.

Comment 5.10 – A sizing calculation should be provided for the compost filter sock below the proposed basin. Extra precautions should be taken to protect the Kryder residence on the property immediately below the proposed basin. Mr. Padula stated the sizing calculation has been provided and the comment is satisfied.

Questions and Comments:

1. Dennis Crook asked if there are one or two ADA handicapped parking spaces. Mr. Padula replied that there is one handicapped parking space.
2. Joe Perzan asked Chris Della Penna if he reviewed the October 3rd review letter from Chester County Planning Commission. Mr. Padula commented that the review letter stated the plan is compliant with Landscapes 2020. Chris Della Penna stated he reviewed it and it is usually not a technical review. Mr. Della Penna did not see anything in the letter that was of concern.
3. Dennis Crook stated he only saw one location for the septic system. He asked if they are considering the proposed septic system as a backup or primary. They usually require a back-up. There is adequate space above and below the proposed system for a back-up. Mr. Crook asked if it was a perk 2. Mr. Padula stated it wasn't perked.
4. Dennis Crook asked if Mr. Padula was doing anything in the house. Mr. Padula stated that would fall under the building permit.
5. John Schwab asked if they are looking for two waivers and what was the waiver other than the underground utility services. Mr. Padula stated the second waiver was to submit a preliminary/final plan application. Mr. Schwab stated the 12 conditions are the conditions specified by the Board of Supervisors. Sue Monaghan voiced a concern about the Kryder property. She said that property has privacy and the proposed landscape changes would leave the house exposed. Mr. Padula explained that property would still have privacy with the changes. Lisa Holland stated the Kryder property was recently purchased by a new owner who has stated he is fine with the proposed trees coming down.
6. Dennis Crook discussed the ADA access to the garage and asked if it's a different level than the first floor. Lisa Holland stated it is a different level by four steps. He spoke about litigation taking place for ADA compliance in businesses.

Recommendation on Holland Day Care Center:

MOTION: John Schwab made a motion that the Planning Commission recommends approval of the Michael/Lisa Holland proposed day care center with the recommendation to approve waiver for Section 22-405 requiring submission of a preliminary plan and a waiver for Section 22-623.3 requiring utilities to be placed underground and upon receiving a clean letter from the Township Engineer. John Nielsen seconded.

VOTE: 5-0

Holland Day Care Center & Township Ordinance Discussion: There was a discussion about the Holland Day Care Center relative to the size of the facility as well as the current Township Zoning Ordinances. John Nielsen stated he was surprised that there is only one entrance/exit for the driveway. Lisa Holland stated the bottom of the driveway is steep and with the curve of the road, having two driveway entrances/exits would be impossible. Chris Della Penna stated it is not required to have more than one driveway entrance/exit. There was a discussion about the location for having a day care center. There was a discussion about the Township Ordinance that allows a commercial use in an R1 Zoning District. There was a discussion about pursuing a change in the ordinance in the future. After this application is complete, the Planning Commission can recommend changing the Township Ordinance. Sue Monaghan stated a 78 children day care center is a large facility. John Schwab stated the Planning Commission did not recommend approval of the Holland conditional use application to the Board because they had questions. Once they have conditional use approval, the Planning Commission can only make sure they are in compliance with the Zoning Ordinances. Dennis Crook stated the property is going from a residential to commercial use. Dennis Crook also stated they need to review the zoning ordinances and recommend changes. Dennis Crook discussed the R1 Zoning Ordinance and the Use Regulations Section. The use regulations for Residential (R1) Zoning include group home, no impact home based business. These all keep the essence of R1 Zoning. Accessory Uses were also discussed which included sheds, green houses, dwelling for farm-employee, and

a gun range. Day Care Center is included in the Zoning Ordinance which is very different from a day care facility. John Schwab stated the current ordinance misses the concept of placing a commercial building in the middle of a residential area. Dennis Crook stated the Table of Uses on pages 41-44 needs to be revised. Dennis Crook stated in the Zoning Ordinance, day care center under R1 Zoning is conditional use and under R2 Zoning, it is under Special Exception. Dennis Crook gave a brief history of Section 1300 Open Space Design Ordinance before and after the Planning Commission's recommended changes. The Planning Commission discussed going through the Zoning Ordinances and finding inconsistencies and bringing recommended changes to the Board's attention.

Look at Duties of Planning Commission and Select Recommended Duties to Add to Township Ordinance for Clarification for Future Boards.

Annual Report: Dennis Crook reported the Board of Supervisors requested the Planning Commission do an annual report. The Annual Report is a summary of what happens over the past year. Dennis Crook requested the Planning Commission members read the recommendations in the Comprehensive Plan. Dennis Crook discussed the official map that is a requirement in the MPC.

Powers and Duties of the Planning Commission: Dennis Crook stated the Township Ordinance on the Planning Commission powers and duties is very minimal. He wants to bring this before the Board to have them specify what duties they want the Planning Commission to handle. Dennis Crook also stated in the Master Planner Course they recently attended, it was recommended the Planning Commission have its own bylaws.

Discussion on Organizing Our Filing System, Writing Correspondence / Recommendations, and Making Annual Report.

Annual Report: The Board of Supervisors requested the Planning Commission do an annual report. Sue Monaghan stated the Historical Commission does an Annual Report. The Annual Report is a summary of what happens over the past year. Dennis Crook requested the Planning Commission members read the recommendations in the Comprehensive Plan. Dennis Crook discussed the official map that is a requirement in the MPC.

Correspondence: Dennis Crook discussed the change in the Planning Commission process. The previous secretary attended Planning Commission meetings and prepared correspondence the next day. Without a secretary attending their meetings, requested correspondence is communicated through the meeting recording and it takes longer to get correspondence done.

2017 Planning Commission Budget/Planning Commission Secretary: Dennis Crook discussed the 2017 Planning Commission budget. He stated their budget is \$8,000. He said most of the budget is for the remaining two Master Planner courses. Another part of the budget is possibly to pay someone to attend their meetings as a secretary. Dennis Crook discussed the possibility of offering to pay a Township staff member \$50 per to attend Planning Commission meetings versus hiring a consultant. There was a discussion about how that pay structure would work. John Schwab stated this would have to be approved by the Board of Supervisors.

Filing System: Dennis Crook suggested filing a folder for each meeting and using the meeting agendas as an indexing system. These folders would be filed in the meeting room filing cabinet.

Brief Tutorial Procedure of How to Determine if an Application Conforms to Township Ordinances.

Dennis Crook discussed the flow chart to designate where a Township application goes once submitted. Dennis Crook discussed having applications go to the Zoning Officer first. Joe Perzan commented that there are no written procedures. Applications can end up being processed in the wrong order. A checklist and/or flowchart is needed for applications to help the Township staff determine how to process applications. The need for a township manager was discussed.

Other Business.

Status of Ridgecrest, Fieldstone and Bawa M. Fellowship Developments: John Schwab asked Chris Della Penna if he has heard anything regarding the status of the developments that are lying dormant. Chris Della Penna discussed Ridgecrest and he stated Rouse Chamberlin was going to buy Ridgecrest from Moser and it was never settled on. Chris Della Penna stated he has had several people asking about and interested in buying the Fieldstone Development. Nothing has materialized. Chris Della Penna stated he has revised plans for the Bawa M. Fellowship Development to review.

Planning Commission Legal: Dennis Crook discussed the Planning Commission needing its own legal representation/consultant. Mr. Crook stated Mike Crotty has stated he represents the Township Board of Supervisors.

Township Manager: There was a discussion regarding a Township Manager. Dennis Crook stated the right person needs to be hired to have a township manager be successful. Carol Kulp stated there is \$100,000 budgeted in 2017 for a township manager. Dennis Crook discussed the option of taking several township managers and having them hold a community conversation session to discuss seeking and recruiting a successful township manager. Joe Perzan stated the Township needs an experienced township manager.

Contact Chester County Planning Commission for Help with Grants and Other Tools for Planning Commission Progress.

Additional Revenue: Dennis Crook stated additional revenue sources are needed for the Township. Joe Perzan suggested starting with the County for possible grants. Dennis Crook stated he plans to go to the Chester County Planning Commission to look into available grants for both the Planning Commission and the Township.

Next Planning Commission meeting: January 9, 2017.

Adjournment.

MOTION: Dennis Crook made a motion to adjourn the Planning Commission meeting at 9:27 pm. Sue Monaghan seconded. **VOTE:** 5-0.

Respectfully submitted,

Lisa Valaitis
Township Secretary