

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

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
John Nielsen
Sue Monaghan
Stephanie Saxton
Joe Perzan (remotely by telephone)
Mike Domboski
Ed Porter, Board of Supervisor Member
Chris Della Penna, Township Engineer
John Jaros, Attorney – Bawa M. Fellowship.
Charles Ginty
Dave Gibbons, Civil Engineer

Not Present:

Jim Weeks

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 decided to proceed with the meeting in the order below.

Approval of November 7, 2016 Planning Commission Minutes.

MOTION: Sue Monaghan made a motion to approve the November 7, 2016 Planning Commission meeting minutes as presented. John Schwab seconded.

VOTE: 5-0 (Joe Perzan abstained)

Bawa Muhaiyaddeen Fellowship Property Conditional Use.

Dennis Crook recused himself from discussion and voting on the topic of the Bawa Muhaiyaddeen Fellowship conditional use application. Dennis Crook reserved his comments as a resident of the Township which he is. John Schwab, Vice Chairman, took over the Planning Commission meeting for the Bawa M. Fellowship discussion. John Schwab pointed out that the applicant turned in a three page document entitled East Fallowfield Township Planning Commission Bawa Muhaiyaddeen Fellowship Farm Community Conditional Use Application dated February 6, 2017.

John Jaros, attorney for the applicant, stated as the November 7, 2016 Planning Commission meeting minutes indicate, they were before the Planning Commission at that time and a presentation was done. Several questions were asked, and there was a motion and a second. Mr. Jaros stated the application is for a planned institutional community pursuant to a zoning ordinance that was in effect that was implemented through a settlement stipulation between the Township Zoning Hearing Board and the applicant. Mr. Jaros presented the plan to the

Planning Commission. On the plan, Mr. Jaros stated there will be 23 single family homes on approximately 30,000 square foot lots. Mr. Jaros indicated where the religious use of the property will be located on the plan. He stated they went through four conditional use hearings before the Board of Supervisors with the last hearing dated January 17, 2017. Mr. Jaros stated the record has been closed except for the Planning Commission issuing a recommendation to the Board of Supervisors.

Questions and Comments:

1. John Schwab clarified that there was a quorum at the November 7, 2016 Planning Commission meeting. There were six members present at that meeting. However, four abstained and two voted yea so no motion was passed at that meeting.
2. Sue Monaghan asked if the 75 acres that are not being used for housing will be going into agricultural security or open space. Mr. Jaros stated that hasn't been determined at this point, but it is required to be kept as agricultural use as defined by the Zoning Ordinance. The intent is to keep that 75 acres in its agricultural state.
3. John Schwab asked if the proposed plan is limited to 23 lots. Mr. Jaros stated that is correct. John Schwab asked if the applicant wished to build additional homes at a later time would they have to file another conditional use application. Mr. Jaros stated that is correct.
4. Sue Monaghan asked if anyone can purchase the homes or is it limited to the community members. Mr. Jaros stated it was his understanding the homes can be purchased by anyone. Mr. Jaros asked Mr. Ginty to clarify. Mr. Ginty stated, as of now there are 23 families that have signed up to purchase a lot. These families will own the lots and they can sell their properties without restriction. There will be a six month right of first refusal for the Fellowship to purchase a lot for sale.
5. John Nielsen asked for a summary of the status of the emergency access road off Timacula Road. Mr. Jaros indicated the emergency access road on the plan. They consulted the local fire department. If the application is approved, they will have to seek special exception approval due to steep slopes.
6. John Schwab asked Chris Della Penna if he is comfortable with that part of the plan. Chris Della Penna stated he commented on this in his review letter. Chris Della Penna asked if that emergency road will be open at all times. Dave Gibbons stated it will be gated on both sides and be a paved road. Charles Ginty stated the fire marshal and emergency management coordinator were comfortable with the road.
7. John Schwab commented there were questions about the wells and the potential for depleting ground water resources for the neighboring wells. John Schwab asked Chris Della Penna if this was under the jurisdiction of the Chester County Health Department. Chris Della Penna stated that is correct but the Township's requirement for impact studies to be done. Some water studies have been presented but some are old. There is an updated letter that addresses this issue. Mr. Jaros stated according to the current Comprehensive Plan, public water is designated only on the north side of Strasburg Road which is north of the Bawa M. Fellowship property. From a planning prospective, the Township does not want public water in that area at this time.
8. John Schwab discussed the challenge of on-lot septic systems with wells on a ¼ acre lot. He asked if there was a plan for a failed drainage field. Dave Gibbons stated each lot has primary and replacement systems already perked. Chester County approved this. Mr. Gibbons stated there are five homes with the backup system just off their properties. Charles Ginty stated there is a bulk easement around the community in the case a homeowner needed a replacement system.

9. John Schwab asked Chris Della Penna if he reviewed the stormwater management for the plan. Mr. Schwab stated there was concern about excess stormwater entering the creek below. There was a previous plan with extensive detail that showed it can handle stormwater. Dave Gibbons stated they testified in the hearings that the plan meets current stormwater ordinance requirements.
10. Sue Monaghan asked about historical properties that are located just south of the entrance. Chris Della Penna stated this was a comment in his review letter. Mr. Ginty stated the Fellowship is scheduled to meet with the Historical Commission and they have clearance from the State. Stormwater and historical properties were discussed. Mr. Ginty spoke about the stormwater systems they have to capture water. Dave Gibbons discussed how they look at reducing runoff.
11. Chris Della Penna presented highlights of his most recent review letter dated January 3, 2017. Chris Della Penna stated that most issues will be addressed in the subdivision and land development phase. They are more or less design issues. His concerns were the emergency access road and historical homes that are on adjacent properties. Pennsylvania Natural Diversity Index which had expired. Mr. Jaros said it was reissued and cleared. Mr. Della Penna asked for explanation for everything except the lots being used as agricultural use on the plan. Mr. Jaros stated 75% of the land will be used for growing – either farming, wild grasses, and honey bees, etc. Chris Della Penna asked about cultivating the land with the septic systems in the area. Mr. Ginty stated no heavy farming and cultivating will be done. Chris Della Penna discussed open space and recreation areas and a tot lot that was discussed as part of the plan. The applicant will do a fee in lieu of. The ordinance requires public space or a fee in lieu of. Mr. Jaros reminded everyone the Ordinance in effect is dated 1999-2001. If that is still imposed, and they don't offer the area as public space, they will pay the fee in lieu of. Chris Della Penna discussed requested waivers such as cul-de-sac length.
12. Joe Perzan asked if agricultural use was defined. John Jaros stated it was not. Joe Perzan stated this can be an issue being undefined.
13. John Schwab asked if public trash pick-up and mail would have public access on the private road. John Jaros stated yes that would be permitted.
14. Joe Perzan asked about a section requiring sidewalks and a walkway that would be mulched, which accesses the religious area. Chris Della Penna stated they are still asking for a waiver for that. Chris Della Penna stated he recommended that the section fronting along the lots be paved or concrete with a path down to the religious facilities. The Board will decide on that.
15. John Schwab stated he has been with this project from the beginning and he appreciates the attention the applicant and their representatives have been given to the project. He said the plan generally meets the Township requirements in regard to the Planning Commission's area of responsibilities. This does not disregard the residents' comments. Concerns are stormwater, underground water access to wells, septic and pollution. Mr. Schwab felt these concerns had been addressed.

MOTION: John Schwab made a motion that the Planning Commission recommends to the Board of Supervisors approval of the Bawa project with the understanding that they receive a clean letter from the Township Engineer, approval from the Fire Marshal concerning the emergency egress, that they meet the conditions agreed to by the Settlement Agreement of May 22, 2012 and any additional conditions imposed by the Board of Supervisors. John Nielsen seconded.

VOTE: 5-0 (John Schwab, John Nielsen, Sue Monaghan, Stephanie Saxton, and Joe Perzan voted yea. Dennis Crook abstained due to his recusal.)

Towerville Christian Church

Dennis Crook gave Chris Della Penna the heads up that the Planning Commission will be reviewing a sketch plan submitted today by the Towerville Christian Church.

At 7:07 pm, Dennis Crook dismissed Chris Della Penna from the meeting.

West Chester Borough Procedural Protocol.

John Schwab presented a procedural protocol document from West Chester Borough that could be used as a template for the office and Planning Commission. Dennis Crook stated this would function like the flowchart the Commission has been working on. It addresses sketch plans, preliminary plans and final plans. Sue Monaghan stated the Historical Commission isn't included in the procedures. She discussed the Historical Commission's concern that people buying homes on the historical list don't realize that home is on the historical list and may have restrictions especially if the home is on the national registry. John Schwab stated he thinks it would be helpful that the procedural document covers subdivision, land development, and zoning.

Dennis Crook stated the Planning Commission's Powers and Duties and Alternate Positions of the Planning Commission has been advertised and is ready to be voted on at the next Board of Supervisors meeting. If approved, this will go in the Township Ordinance book. The Bylaws will be put in the Township Resolution book. Mr. Crook stated we need an index of Township Resolutions. The Commission discussed working on the procedures and bylaws at the February 20, 2017 Planning Commission Workshop. Sue Monaghan talked about example a document she obtained that covers procedures for permitting and demolition permits regarding historical properties. This could be worked into the procedures. There was a discussion on generalizing versus application detailing in the procedures manual. The cost of the permit is based on the cost of the job. Dennis Crook stated the Township used to have its own code and zoning officer. At some point, these duties were outsourced to a company that was more qualified.

Township Official Map.

Dennis Crook reported the Township has three or four bids for Township Official Map. The average bid cost is around \$5,000. John Schwab asked if this task will be passed to the Planning Commission to oversee. Dennis Crook stated this would most likely be the case. They discussed what is included on an official map which is as follows:

1. Existing and proposed public streets.
2. Water courses and public grounds.
3. Parks, playgrounds, open space and reservations.
4. Pedestrian ways and easements.
5. Railroad transits, right-of-ways, and easements.
6. Flood control basins.
7. Floodways, floodplains, stormwater management areas and drainage easements.
8. Support facilities, easements and other properties.

The process of putting together an official map was discussed. Dennis Crook discussed the process of mapping in the Comprehensive Plan. Dennis Crook stated it is also useful for identifying what is both inside and outside the Township. There are a lot of properties that are split between East Fallowfield Township and another bordering municipality. There are also intersections that are partially in East Fallowfield and another municipality. Dennis Crook stated the watercourses are also very important because they change course over time.

There was a discussion about Ray Ott's bid. Dennis Crook stated his bid was "not to exceed \$5,000". The Planning Commission agreed that using Ray Ott to do the official map would make the process easier and quicker because Ray Ott already did some of the work and maps as part of the Comprehensive Plan.

Ed Porter stated there is data that isn't available yet such as MS4, stormwater management and Act 537 data. This data is important to the official map and will become available over the next two years. Dennis Crook stated the bigger part of the official map is having one map with as much information as possible. Information can be added to or taken away from the map. Stephanie Saxton suggested an interactive map that could be easily changed as needed. There was a discussion about the usefulness of interactive maps. Ed Porter discussed the purpose of the official map as a tool for not only identifying existing items on the map but also a planning tool for meeting future needs of the Township. The Act 537 is important because it will identify future public sewer needs in the Township. Stormwater is also important.

Dennis Crook and John Nielsen talked about going to the County mapping department to get more information.

Planning Commission Bylaws – Discussion on Making a Resolution and Meeting Time.

Dennis Crook presented a copy of the Planning Commission Bylaws Resolution that will be before the Board for consideration. Mr. Crook stated that Mike Crotty (Township Solicitor) reviewed the Bylaws and he had some recommendations as follows:

1. The Bylaws did not require Planning Commission members to take the Master Planner Program. Mike Crotty's reason was that it might deter volunteers. There was a discussion about the Master Planner Program being a requirement. John Schwab stated the required time frame would be four years. The three new Planning Commission members did not feel this requirement would be a deterrent to getting volunteers. Joe Perzan discussed the value of new members taking the Master Planner courses. The consensus among the Planning Commission members was that this requirement stays in the bylaws.
2. Do not include the meeting times in the Bylaws Resolution. The Board at the Reorganizational meeting sets the meeting dates. The opinion was that if you put the meeting times in the Bylaws, then the Resolution needs to be revised to change the meeting dates. Various wording was discussed by members. The consensus was to remove the specific meeting times from the Bylaws.
3. A change was made from attendance via electronically to telephone or video conferencing.
4. Having a limit on the number of members in attendance via telephone or video conferencing was removed.

Bamboo Ordinance – Review and Discussion.

Dennis Crook stated the buffer zone in the Bamboo Ordinance was identified as 30 feet from the roadway. Dennis Crook briefly discussed the issues with bamboo in the Township and a property on Strasburg Road that has bamboo that spreads to the road. When we get wet snow, the bamboo ends up flat on the road. The Road Crew then needs to remove the bamboo in the road to eliminate the danger to residents. Ed Porter stated that the requirement regarding 15 feet from property lines should have been removed. The Ordinance up for Board consideration should only address the buffer zone around streets. Stephanie Saxton spoke about a bamboo ordinance in another township. There was a discussion about how to handle bamboo on private properties and property borders. Joe Perzan discussed a possibility of grants to help residents remove bamboo. After discussing the bamboo issues, the Planning Commission agreed that this Ordinance should only address the bamboo encroaching on Township right-of-ways and not on private properties.

Comprehensive Plan Water and Sewer Issues and Act 537.

Dennis Crook discussed the reports that David Porter, from Herbert MacCombie's office, presented at a recent Board of Supervisors meeting. The reports covered the Act 537 survey results. He also discussed septic system certification failures which are incidences reported to the Chester County Health Department. The Chester County Health Department will then come out to the property and present alternatives to address a septic system problem. They discussed the definition of a certified septic failure and they will get clarification on the definition. Dennis Crook stated the biggest septic system problems/issues are south of Strasburg Road. They discussed septic system functionality in different areas of the Township. There was also a discussion about water quality in the Township and fixing septic issues to improve water quality. Dennis Crook stated typically you'll see high nitrates in your well water if septic is failing. The members talked about getting education out to residents on maintaining on-lot septic systems as well as maintenance programs.

Ed Porter spoke about possibly doing a survey with residents to assess interest in public water and sewer. Dennis Crook talked about grants and other programs to help with costs of converting to public water and sewer. There was a discussion about the statement in the Comprehensive Plan that there would not be public water and sewer south of Strasburg Road. Dennis Crook stated public health and safety concerns would be a reason not to follow that policy. They also discussed various possible means used by the Chester County Health Department to tabulate their data on their maps that identifies the various status of septic functionality on some properties.

Dennis Crook stated the Comprehensive Plan does not need to be reopened. We need to keep revisiting the Comprehensive Plan and reevaluating the Township's needs. The timeline goal is to have Act 537 done by the end of 2017.

Chester County Community Conversation for Park & Recreation.

Dennis Crook reported the Chester County 2020 does community conversations. They have had a few in our Township on the Comprehensive Plan and a few other topics held at the East Fallowfield Elementary School. Ed Porter spoke briefly about the Community Conversation that he attended a few years ago. Sue Monaghan said it was a fact-finding session and they asked questions such as what do you like about the Township, what do you want to see in the Township in the future, and a discussion on trails. She said it's a county-wide program. Dennis Crook said he'd like to hold a Community Conversation in the Township with more specific topics such about interests for the East Fallowfield Park because there is no active Park & Recreation Committee. John Schwab also suggested a discussion topic on historical properties/spots in East Fallowfield. There was a discussion regarding focusing on improvements to the East Fallowfield Park versus utilizing other Township-owned properties such as the one on Goosetown Road. Ed Porter commented on the Park's Master Plan which includes a ballfield. Stephanie Saxton talked about the concept of bringing a revenue stream to the Township Park in conjunction with a ball field. She also spoke on kids in elementary and middle schools already being set in their sports leagues and using other ball fields. She said we need to assess what sports the younger kids will be participating in. She suggested looking into other ideas for the park. She said she didn't think we'd be able to build a league in our Township even if we built a ball field. With all these different ideas and possibilities, the Community Conversation would be very useful to assess what residents want in the Park. Conducting a Survey Monkey was also discussed. Ideas other than a ball field were discussed for the Park. Additional parking spaces would be needed in the Park. Dennis Crook said the Community Conversation would be a great way to get more residents involved with the Park & Recreation Committee. Stephanie Saxton suggested looking at neighboring township parks and summer camps. Movies and concerts in the parks were also discussed.

New Business.

John Nielsen asked if Dennis Crook had had any communication with Jim Weeks (current Planning Commission member). Both Dennis Crook and John Schwab stated they have not been able to reach him. They discussed the possibility of sending him a letter asking his intentions. Dennis Crook will compose a letter to Jim Weeks.

Stephanie Saxton stated she will send Lisa Valaitis an outline after each meeting by using the agenda and filling in main points. Lisa Valaitis will listen to the audio and use the outline for completing the meeting minutes.

There was also a discussion about a concern of the Historical Commission that the Bawa M. Fellowship development will impact historical resources in the area of the development. Dennis Crook discussed the need to have the Historical Commission included in the flowchart for subdivision and land development and zoning applications.

Adjournment.

MOTION: Sue Monaghan made a motion to adjourn the Planning Commission meeting at 9:40 pm. John Schwab seconded. VOTE: 6-0.

Respectfully submitted,

Lisa Valaitis
Township Secretary