

East Fallowfield Township  
Planning Commission  
Approved August 4, 2014 minutes  
6:30 p.m.

Attendees:

Dennis Crook, Chairman  
John Schwab, Vice Chairman  
Richard Agatone  
Garth Monaghan  
Joe Perzan  
Jim Weeks

Not Present:

Jim Durborow

Dennis Crook called the meeting to order.

Discussion: Dennis Crook discussed the order of agenda items for the meeting. The committee decided to proceed in order of the agenda.

EAST FALLOWFIELD FLOW CHART: There was a discussion about the East Fallowfield Flow Chart. Dennis Crook said that the Historical Commission and Environmental need to be added to the flow chart. Richard Agatone asked if anyone had tested the flow chart out by using it. Dennis Crook reported that the Township office staff looked at the flow chart, however no one has been able to test it because no new subdivision plans have been submitted. Dennis Crook feels that after the Township Secretary stamps a subdivision plan as received, it should go to Zoning. They discussed moving Zoning before Site Assessment. There was a discussion about clock dates and whether the clock starts when the Township Secretary stamps a document as received or when the documents have gone through Zoning and the Township Secretary sends a letter back stating the elements in the subdivision project are in place. The Planning Commission feels the clock starts when a completed application has been submitted to the Township. The Township is the one on the clock. If the application is incomplete, then the clock will start when the application is complete. The applicant is the one who grants the Township an extension if the Township wants more information. Dennis Crook said he will ask the Township Solicitor for clarification on timing and clock dates and when in the process the clock starts. The Planning Commission would usually get the documents towards the end of the process after going through Zoning and review by the Township Engineer. However, the Planning Commission is open to reviewing plans upfront too. Even sketch plans should be reviewed by the Township Engineer. They also recommended making the distinction between minor and major subdivisions on the checklist. After a plan is reviewed by Zoning, it would get sent to the Historical Commission to review. If it is determined the new plan is historical, then it would have a different track on the flow chart. Most subdivision problems have occurred between preliminary and final review. There was a discussion about the Township Fee Schedule and whether the review fees are enough to cover the Township's cost to review a submitted plan.

A suggestion was made to identify the most common application submittal and make a checklist for that particular application. A small subdivision is the most likely submittal because most of the larger developable land has already been developed. Having Chris Della Penna and Rob McLarnon come to another meeting was suggested to help determine the correct path of an application on the flow chart.

The main goal of the East Fallowfield Flow Chart is to have everyone affiliated with the Township to follow the same procedures for subdivision or development plans. The flow chart will serve as a guide for the office staff. It will show the flow of a plan through the various parts of the Township as well as the clock dates/deadlines.

Act 537 and Act 167 - effects on high nitrogen and nitrate levels: There was a discussion about areas of high nitrates in East Fallowfield Township. Dennis Crook said that if high nitrates aren't from farms, they must be from cesspools or heavy lawn fertilizer. Dennis Crook said he feels the high nitrates are coming down into the wells due to rock and subsoil quality. He said that he did a perk test on his property and the first test had great results. However, he had to test three more locations to get another spot that perked. Rocky or very sandy areas cause the water to go right through. Mr. Crook's opinion is that Act 167 Stormwater Ordinance, which requires water to be retained on our own properties, will cause more nitrates to get into the water and reduce water quality. At a previous Planning Commission meeting, the Chester County Health Department brought a map showing areas in East Fallowfield with high nitrate levels. Jan Bowers, Executive Director of Chester County Water Resources Authority, volunteered at the last Planning Commission meeting to take this map back to the County to get clarification on the two levels it showed. The two levels were septic failures and septic failure for certification. A failure is when a septic system backs up to the surface. A failure for certification means the septic system doesn't meet set standards. A home can be sold with a failure for certification. Homes with failures cannot be sold without fixing the septic system.

Dennis Crook explained that Jan Bowers, Executive Director of Chester County Water Resources Authority, had previously explained that the purpose of Act 167 is to federally reduce nitrates and pollution from bays. It works by putting retention ponds in strategic areas to retain stormwater. Dennis Crook said he is concerned capturing stormwater in a retention pond will cause pollutants to drop in to the ground and spread.

There was a discussion about the need to have someone monitor the retention ponds for proper function. The Township would probably need to hire someone full time to be responsible for this task. This would need to be budgeted for too.

The Planning Commission discussed how the homeowner would be impacted by Act 167. They felt a homeowner should not have to hire an engineer to put a 10 foot by 10 foot shed in their yard. Their main concern is protecting the homeowner.

There was a discussion about the timing of implementing Act 537. The Planning Commission members felt that Act 537 should be done after the Comprehensive Plan is complete. The Township hired MacCombie to do Act 537. MacCombie will write Act 537 after the Comprehensive Plan is done. The Comprehensive Plan will designate where the recommended public sewer and water should go. Act 537 will follow up and develop the implementation of that.

The Planning Commission summarized their goals: Act 167 gets implemented with the Planning Commission recommending changes. Act 537 will be held off long enough for the Comprehensive Plan to be completed.

Dennis Crook reported that he asked Gerry DeBalko from PA American Water to attend their meeting but he was not available. Mr. DeBalko will attend the Planning Commission meeting next month. Mr. Crook reported that PA American Water sent letters to the Township about their application to expand their franchise area. However, PA American Water has recently pulled back their application with no explanation.

Compose letter in regard to Rouse Chamberlin/Moser transaction: There was a discussion about Rouse Chamberlin's Ridgecrest Development. Rouse Chamberlin wants to buy the development job from Ted Moser. Rouse Chamberlin is requesting some minor changes to the development plan. They want to use a gravity system for sewer rather than put in two pump stations. Rouse Chamberlin requested some changes to the phasing of the development as well as the location of the Tot Lot. They also requested delaying the construction of the trail that would link to a trail system. Rouse Chamberlin will put money in escrow to build the trail at a later time. The architecture is comparable to Moser's. The Board of Supervisors are requesting approval from the Planning Commission. The Planning Commission discussed composing a letter to the Board of Supervisors stating their approval of Rouse Chamberlin's proposed changes to the subdivision plan. John Schwab said to compose the letter as follows: as per the motion of the July 21, 2014 meeting of the East Fallowfield Planning Commission, we recommend the Supervisors' approval of the proposed sale. The Planning Commission will have the Township Secretary, Lisa Valaitis, write an approval letter using the wording of the motion contained in the July 21, 2014 Planning Commission meeting.

Act 167 - discussion and possible letter in regard to stance: The Planning Commission discussed whether they should take a stance on Act 167 Stormwater Ordinance. They spoke about their concerns which are as follows:

- 1) Moving the nitrate problems from the bays to our Township.
- 2) The small property owner wanting to add a shed, porch, etc.
- 3) Extreme costs – engineering studies and stormwater remediation.
- 4) Maintenance and management of costs.

The Planning Commission wants to make sure the Township's draft of Act 167 includes their wording in regard to the small homeowner.

Other Business: There was a discussion about the maps from the Chester County Health Department that showed the brown and red dots designating high nitrate areas in East Fallowfield Township. Sample water testing of a well is done when a well is built. Water testing is also part of a Use and Occupancy (U&O) at the time of property resale. East Fallowfield doesn't require a Use and Occupancy (U & O) at the time of resale.

Comprehensive Plan: There was a discussion about why Ray Ott revised the Township zoning on the Land Use Map. The Multi-Use area was expanded and the Industrial area disappeared completely. Ray Ott is basically advising the Township on what he thinks should be in the Comprehensive Plan. The Planning Commission feels that East Fallowfield already has enough High Density areas and have satisfied zoning requirements.

Section 1300 Open Space Design Ordinance: Dennis Crook talked about Section 1300 in the Township Ordinances. The Board says Section 1300 was repealed and the Township Solicitor and Rob McLarnon both say it is still on the books. The way Section 1300 is worded, the Township could potentially have

4,000 square foot lots. Steve Herzog has asked for a before and after timeline and supports resolving this discrepancy.

The Planning Commission discussed the fact that they would like one of the Board of Supervisors to attend future Planning Commission meetings.

Dennis Crook made a motion to adjourn the Planning Commission meeting at 8:05 pm. Richard Agatone seconded. Vote: Unanimous.

Respectfully submitted,

Lisa Valaitis  
Township Secretary