

**East Fallowfield Township  
Planning Commission Meeting  
Unapproved August 6, 2018 minutes  
6:35 p.m.**

**Attendees:**

Dennis Crook, Chairman  
John Nielsen, Vice Chairman  
Michael Domboski  
John Schwab  
Joe Perzan  
Sue Monaghan  
Wilson Lambert, Alternate Planning Commission Member & Board of Supervisors Vice Chairperson  
Scott Swichar, Township Manager  
Mike Crotty, Township Solicitor  
Katja DiRado, Board of Supervisors Member

**Not Present:**

Stephanie Saxton

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

**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.

**Official Map Ordinance.**

John Nielsen asked Solicitor Crotty to clarify why there are no violations or penalties included under Section 600 of the Official Map Ordinance. Solicitor Crotty stated that there are no violations or penalties under Section 600 because any violations would be considered a violation of the Township Ordinances. Solicitor Crotty explained the purpose of the Official Map is a planning tool and for to set Township priorities for specific properties and establish a process for the Township to follow in acquiring those properties. An appeal process for residents is also included in the Ordinance.

John Nielsen thanked everyone that provided input for the Official Map Ordinance. John Nielsen stated the next step in the process is to submit the Official Map Ordinance and Official Map to the Board of Supervisors to approve submittal of an Act 247 review request to the Chester County Planning Commission. Solicitor Crotty explained the steps in the process to have the Official Map and Official Map Ordinance approved. John Nielsen discussed the old cemetery located near Fieldstone Village. Solicitor Crotty explained the legal restrictions for a cemetery. Joe Perzan noted a typo under Section 300, Establishment of Controls, A.1. "Existing Trials" should read "Existing Trails."

**MOTION:** John Nielsen made a motion to recommend to the Board of Supervisors that they approve the Township Official Map Ordinance and adopt the Township Official Map. John Schwab seconded.

**VOTE:** 7-0

**Goosetown Road Township Owned Property - 47-5-95 - Discussion.**

Dennis Crook reported that several Planning Commission members have researched the Township owned properties. There was a discussion about the deeds for the Goosetown Road property. According to the 2003 deed, the property was dedicated to the Brandywine Conservancy. Solicitor Crotty explained the legality and liability issues related to this property. Joe Perzan suggested setting up a dedicated fund for sale proceeds from Township owned lands to be used to build a playground in a suitable location in the Township. Supervisor DiRado asked if the Goosetown Road property could be used as a campground. There was a discussion

regarding creating a primitive campground on the Goosetown Road property. John Nielsen discussed the Stroud Research and Natural Lands events. Sue Monaghan discussed potential issues that could come up with the Township converting the property to a campground. John Nielsen said he would research both using the property as a campground and using the land for community events. Dennis Crook discussed building restrictions included in the deed. Solicitor Crotty recommended speaking directly to the Brandywine Conservancy to determine what the land may be used for. There was a discussion regarding a possible requirement that land owned by the Brandywine Conservancy must have public access. Solicitor Crotty stated it is not required that open space land has public access however, public access is a common component of open space. John Nielsen volunteered to talk to the Brandywine Conservancy.

### **Billboards and Electronic Signs Ordinance.**

Solicitor Crotty discussed his recent updates to the draft Billboards and Electronic Signs Ordinance. He said he used a model ordinance and modified it to be consistent with the Township's existing sign regulations. Billboards are offsite advertising and electronic signs are more traditional business message signs. Solicitor Crotty discussed the problems that arise if billboards are not accounted for in township regulations.

Solicitor Crotty stated that in the draft ordinance, billboards are permitted to be a minimum of 50 square feet and up to 300 square feet if the billboard can not be read along any point of the road frontage of the property. Solicitor Crotty discussed the history of billboard laws in the Pennsylvania Supreme Court and Appellate Courts. Solicitor Crotty stated that the Planning Commission will need to discuss and determine which zoning districts billboards should be permitted in. In this draft, billboards are only allowed on state roadways within the Multi-Use Zoning District. Solicitor Crotty said that page 4, Section 4, (e) permits the sign lighting to operate between 7:00 a.m. and 10:00 p.m. Page 4, Section 4, (f) regulates illumination. The Township may not regulate the content of the sign.

Solicitor Crotty discussed the electronic sign regulations in the draft ordinance. Solicitor Crotty stated that the Township's Zoning Hearing Board approved a variance to allow Weaver's Mulch to put up an electronic sign. The regulations for electronic signs in the draft ordinance came from the existing sign regulations in the Township Code along with the Zoning Hearing board's decision regarding the Weaver's Mulch variance. Solicitor Crotty discussed electronic sign regulations in the draft ordinance. He said the draft ordinance states that electronic signs may be no more than 25 square feet, must be perpendicular to the road, and may run between 7:00 a.m. and 8:00 p.m. Electronic signs must be on-site only. No more than three sign interval changes per day are permitted. An electronic sign is permitted to be a maximum of 12 feet in height. Solicitor Crotty stated that the draft ordinance permits electronic signs in all the non-residential zoning districts (Public Facilities, Village Commercial, Multi-Use and Office-Industrial). The Township building, the park, and the schools are in the Public Facilities Zoning District. They discussed where the Village Commercial Zoning Districts are in the Township. Weaver's Mulch is in one of the Village Commercial Zoning Districts. There was a discussion about the Village Commercial Zoning District that includes Triple Fresh Market. The Planning Commission discussed which zoning districts they wanted to permit electronic signs. The Planning Commission determined that electronic signs should be permitted by special exception in the Multi-Use Zoning District and by right in the Public Facilities Zoning District. Solicitor Crotty explained the setbacks in the draft ordinance. Solicitor Crotty stated the Weaver's Mulch sign was approved to be 25 square feet in area and 12 feet in height. Solicitor Crotty will make the discussed changes and redistribute the draft ordinance to the Planning Commission for further review.

### **Bringing a Retirement Community with Shops into the Township - Discussion Only.**

Dennis Crook stated that the Planning Commission has been researching additional revenue sources for the Township. He said that certain areas of the Township are stagnant. A retirement community with shops in it would be best suited in the Multi-Use Zoning District. Dennis Crook stated that the County offers different programs for redevelopment and creating walkable town centers. Solicitor Crotty recommended the Planning Commission review Township Code Section 27-1719 which covers the current Township regulations for retirement communities. There are ordinances in other municipalities that can also be used. Supervisor Wilson Lambert discussed the benefits of having a gas station in the Township. Sue Monaghan stated that the Multi-Use Zoning District does not have favorable topography. Dennis Crook discussed the benefits of that location for a retirement community. They discussed whether there is a need for a retirement community in the area. Dennis Crook discussed the various levels of care and services that could be in a retirement community. The Planning Commission determined they will look at the Township Ordinances to determine if retirement communities are addressed. They will also review Township Code Section 27-1719. Additionally, they will also look at other local ordinances where retirement communities are located.

### **Fieldstone Development.**

Solicitor Crotty discussed the history of Fieldstone Village. He stated the subdivision was approved ten years ago. A lot of the phase 1 infrastructure was built out. Solicitor Crotty stated that Tri Corner Communities has all the required approvals and they are permitted to start building phase 1. Nothing is being changed in the development plans. There has been discussion about Tri Corner Communities paring back in phase 2 improvements. No one has approached the Township about this yet. Solicitor Crotty also discussed how the original bond was set up and the process for calling the bond. The Township is willing to call the bond, but only if there is zero cost to the Township. The developer may build out because they are still in the approval period. Solicitor Crotty explained the Permit Extension Act, how that impacted Fieldstone Village, and why Fieldstone Village is still in the five-year period. The developer has approvals from ten years ago that are still valid as long as no changes are made. If the developer makes any changes, they need to revise their plans and come back to the Board of Supervisors for approval. They discussed the development of phase 1 and 2 and which homes were built. Solicitor Crotty stated that any plan restrictions would be on the approved plans. Solicitor Crotty discussed the process for the Township to protect itself from developers going bankrupt before a development is completed and the procedure for the Township to ensure that developments are completed when a developer goes bankrupt.

### **Men's Rehabilitation Facility with over 20 Men in Single Home.**

Dennis Crook discussed a men's rehabilitation facility located in East Fallowfield Township at 720 Buck Run Road. He reported that there are twenty residents living in this home and he is concerned about the number of people living in the home. The home is in the R-2 Zoning District and the property is 9.4 acres. Solicitor Crotty said that if it is a rehabilitation facility, there are a lot of implications with the Americans with Disabilities Act. Generally, there is a technical definition of group home which is a home for folks with disabilities and or assisted living and work prohibited or precluded. The main issue a municipality may bring forward is the number of unrelated individuals that are living under one roof. The American Disabilities Act and the Fair Housing Act say if individuals are living there because of a disability, then they are granted special protection, and the municipality cannot come down on them. Sue Monaghan asked if alcohol and drug rehabilitation is a considered a disability. Solicitor Crotty stated that the courts have decreed that drug and alcohol rehabilitation is considered a disability. However, the active use of drugs and alcohol is not considered a disability. Solicitor Crotty stated that a group home must be treated as any other residence. Solicitor Crotty recommended discussing the group home further with the Zoning Officer Rob McLarnon.

Solicitor Crotty left the meeting at 8:12 p.m.

### **Questions to ask Residences for Survey Monkey.**

Dennis Crook discussed the recommendation in the Comprehensive Plan to improve communication with residents. Township Manager Swichar discussed the recent resident survey he conducted through Survey Monkey seeking feedback on implementation of a new trash contract. Township Manager Swichar stated over 500 residents took the survey and the feedback was helpful. There were a lot of comments thanking the Township for asking for resident feedback. Township Manager Swichar commented that one potential issue is that conducting on-line surveys may not include the less technology-savvy residents. Township Manager Swichar said the office can help put together a survey for the Planning Commission. Dennis Crook suggested putting a survey in the next Township newsletter and having hard copies of the survey at the Township building to include those residents not online. Dennis Crook discussed the Chester County 2020's Community Conversations. He also discussed the need for finding additional revenue to offset the drop in Earned Income. Supervisor DiRado discussed the option of creating an economic and environmental committee, as a subcommittee to the Planning Commission, to obtain ideas for generating township revenue. Sue Monaghan discussed utilizing a community conversation to seek members for the Park & Recreation Committee and an economic committee. The Commission members discussed potential questions to ask residents in a survey. They briefly talked about plastic bags, recycling, and environmental concerns. Township Manager Swichar stated they could include an advertisement for an online survey in the newsletter. They also discussed the desirable timing for running a survey.

### **Landscapes3.**

John Nielsen reported that he and Dennis Crook were at last month's Board of Supervisors meeting at which Brian O'Leary, from the Chester County Planning Commission, presented the draft of Landscapes3 (Chester County Comprehensive Plan). John Nielsen stated that the draft of Landscapes3 had a proposal to classify the Multi-Use and Office-Industrial Zoning Districts in the Township as

urban classification. This is the area in the Township which runs along Route 82 from the Township border up to Hidden Valley Estates. He said that he is not comfortable with an urban classification for this entire area. However, he supports including just Newlinville under the urban classification. Supervisor DiRado stated that Brian O'Leary had also stated that grants are only available for urban land use classifications. Dennis Crook stated that Newlinville has a lot of potential. The Newlinville area of East Fallowfield Township is the best area of the Township to permit businesses. Dennis Crook stated the Office-Industrial Zoning District already has industrial businesses such as the old junk yard and the asphalt plant. John Nielsen said he was concerned that if the urban area is extended that the area would attract HUD housing. Dennis Crook discussed the definition of affordable housing. The Planning Commission felt that East Fallowfield Township has a fair share of affordable housing. Dennis Crook discussed the need for education and determining what the Township wants. There is a cost for having the Township stay the same because costs for municipal services will continue to rise while revenue sources stagnate. There was a discussion about how to attract builders to East Fallowfield Township and how the Township could increase its tax base. The Planning Commission will continue this conversation at a later meeting.

Supervisor DiRado asked about looking into medical marijuana dispensaries or growing options in the Township. There was a general discussion regarding the advantages and disadvantages of having a medical marijuana dispensary in the Township.

**Adjournment.**

MOTION: Dennis Crook made a motion for the August 6, 2018 Planning Commission meeting to adjourn at 9:06 p.m. Sue Monaghan seconded. VOTE: 7-0.

Respectfully submitted,

Lisa Valaitis  
Township Secretary