

**East Fallowfield Township
Planning Commission meeting
Approved September 11, 2017 minutes
6:40 pm**

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
Michael Domboski
Sue Monaghan
John Nielsen
Stephanie Saxton (by telephone)

Not Present:

Joe Perzan

Dennis Crook called the meeting to order at 6:40 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 August 7, 2017 Planning Commission Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the August 7, 2017 Planning Commission meeting minutes as presented. John Schwab seconded.

VOTE: 5-0 (Stephanie Saxton abstained.)

Subdivision and Land Development Application – Bawa M. Fellowship.

Dennis Crook reported that Chris Della Penna (Township Engineer) did not have his review letter completed. Therefore, the applicant was not present at the meeting. As a result, the Planning Commission did not have anything to discuss on this matter.

Subdivision and Land Development Application – Bronson – 1365 South Bailey Road.

Dennis Crook reported that Chris Della Penna (Township Engineer) did not have his review letter completed. Therefore, the applicant was not present at the meeting. Mr. Crook stated this application should fall under minor subdivision because it is a simple subdivision. They are dividing one parcel into two parcels. One parcel will be roughly 10 acres and the other parcel will be roughly 20 acres. Nothing further was discussed because the Township Engineer's review letter wasn't completed.

Zoning Ordinance Section 27-502 2 G Shooting Range (27-1714).

Dennis Crook read Section 27-502 2 G regarding shooting ranges as follows: "shooting range, accessory in and only in accordance with the provisions of Section. 27-1714." Dennis Crook said the ordinance section is short and only allows shooting ranges in the R-1 zoning district. Mr. Crook said he thought it would be reasonable to have shooting ranges allowed in the R-A zoning district but not the R-1 zoning district. John Schwab stated it might be okay in R-1 on a large lot or specific characteristics. However, there would have to be a lot of conditions stipulated and it should not just be allowed by right.

Mr. Crook discussed Ordinance 1995-07 that addresses three different topics which are in three different places in the code book. He said the 1995 ordinance specifies the NRA rules which he'd be more comfortable with. Mr. Crook said he didn't understand how the details in Ordinance 1995-07 got dropped in the recent code and is not in the current Township Codification. John Schwab said the recent code does not allow commercial shooting ranges. It only allows a shooting range as an accessory use. Mr. Schwab said if they were going to continue to allow a shooting range in R-1, then conditions such as a larger lot would need to be specified. Dennis Crook explained that it is extremely difficult to follow a paper trail to determine what has been taken out of an ordinance. There was a discussion on the process for getting the missing information into the current Township Code. The members spoke about moving section 27-502 2 G to conditional use as per Ordinance 1995-07 to have immediate increased safety. A shooting range accessory is a farmer doing target shooting and is not commercial. However, shooting range is not referenced under section 27-502 under the R-A zoning district section. John Schwab said he agreed that a commercial shooting range should be in the R-A zoning district with a minimum of 20 acres. A Shooting range accessory could be allowed provided that it meets the safety requirements of the NRA and conditioned by the Board of Supervisors.

The members discussed the guidelines and advantages of both conditional use applications and zoning hearing board applications. There was also a conversation regarding editorial and legal analysis being the most accurate and simplest way to resolve the discrepancies in the Township Code for shooting ranges. John Schwab stated it would be difficult for the Planning Commission to go through the code line by line and correct inconsistencies. They discussed changing the shooting range to "by right" to conditional use as a temporary fix until they can do a full analysis or appeal and rewrite the shooting range ordinance.

Dennis Crook discussed the details of special exception and conditional use. He said special exception under the R-1 zoning district are as follows: cemeteries, commercial greenhouses, kennels and bed and breakfasts. These go before the Zoning Hearing Board. Conditional uses under the R-1 zoning district, which go before the Board of Supervisors, are schools, churches or religious institutions, public utilities, camp grounds, and day care centers. It is reversed under R-2 zoning. There was a brief discussion regarding the process of challenging the decision of the Zoning Officer. This type of application would be submitted to the Zoning Hearing Board.

Stephanie Saxton asked if this is something that has come up with a recent application. John Schwab stated the Planning Commission is being proactive with this and there are no applications pending for a shooting range in R-1. He stated that the Planning Commission discovered the shooting range inconsistencies when looking into the day care center ordinance details. There was more discussion on the benefits of having an editorial and legal analysis done on the Township Code. John Nielsen suggested the Commission look at other municipal shooting range ordinances.

Zoning Ordinance Section 27-502 4 E Day Care Center (27-1711).

Dennis Crook stated the Township Code differentiates between a day care center and a day care home. The difference between the two is the number of children in the day care. The State definitions were discussed. John Nielsen stated he pulled an ordinance from a municipality in western Pennsylvania that has these definitions spelled out. Stephanie Saxton discussed the Department of Human Services (DHS). There are three categories. The home day care is 4-6 children with no license or 7-12 children with a certificate of compliance from DHS. The East Fallowfield Township Code does not address the home day care 7-12 children category. A day care center is seven or more children with a certificate of compliance, proper adult-child ratio and other requirements. Specifics were discussed regarding the Holland Country Day Care application. Stephanie Saxton spoke about a past day care center case in Brook Crossing and she said she will look further into the details of this past case. John Schwab posed the question of whether a day care center should be allowed in R-2. Dennis Crook said there are advantages to have a day care center in the middle of a development.

Solutions to this were discussed. Dennis Crook said he'd like to have the Township Solicitor take a look at the ordinance to address allowing day care centers in R-1. Dennis Crook said the Township Code has day care center under special exception in R-2 and under conditional use in R-1. The Planning Commission agreed that day care centers should be allowed in the multi-use and commercial districts.

A day care home is defined under Section 201 as "a home occupied in which a private residence is used for the care and supervision of between 4 and 6 children or adults not related to the care giver. A day care center is defined under Section 201 as "a facility licensed by the Commonwealth of Pennsylvania which provides food service, shelter, supervision, education and recreational needs of children..."

Recommendations were discussed. Dennis Crook recommended making the ordinance consistent for day care home and day care center. All zoning districts should be either sent to the Board of Supervisors or Zoning Hearing Board for consideration. Day care center should only be allowed in multi-use and commercial zoning districts. Day care home should be allowed in any zoning district. John Schwab stated if you consider a day care center as a commercial operation, then it should not be allowed in R-A.

Zoning Ordinance Section 27-1703 D 1 Intensive Ag Uses and Zoning Ordinance Section 27-1703 D 2 Intensive Ag Uses 200' Minimum.

There was a discussion about R-A zoning district requirements. Dennis Crook stated intensive agricultural uses has come up a few times recently. One case has come before the Zoning Hearing Board which concerned temporary storage units versus containers versus out-buildings for farms/agricultural use. Dennis Crook discussed regulating toxic/noxious fumes in R-A. The current ordinance requires operations with noxious fumes be at least 200 feet away. The Commission decided to look at ordinances from southern municipalities with a lot of agriculture. Mr. Schwab stated the 200 feet requirement is not going to be enough.

John Schwab reported that he looked over the ordinances. He recommended separating out accessory buildings and sheds from portable storage units. Portable storage units should be separated from temporary open dumpsters. These items should all be defined in the Code. John Schwab stated he feels the following parameters should be included in the ordinance: identify the location permissible, the allowable location, size of each item, allowable time frame, time limits, how many of each kind at a time, use and maintenance, what is permitted, what is not permitted in regard to waste, and intent. John Schwab stated that the intent would impact location and time and more leniency should be given for certain uses/intent. There was a discussion among the members about the sample ordinances that they all reviewed. Sue Monaghan discussed the difference between a pod and a roll-off trailer or dumpster. Sue Monaghan will take the various sample ordinances and combine them into a single ordinance. Time limit, size and intent should be addressed.

Temporary Storage Units, Containers and Pods.

Sue Monaghan discussed a recent Zoning Hearing Board application regarding temporary storage units that was submitted to the Zoning Hearing Board. Ms. Monaghan stated they did not have a Zoning Hearing Board hearing because a deal was made between lawyers. Now temporary storage units have become permanent. There is no zoning in the Township Code to address this situation. Ms. Monaghan stated she requested the storage units be screened on three sides because the road is a view shed. She said she was told that it could be requested but not required. Sue Monaghan expressed concern that had the hearing taken place, residents would have been allowed to publicly speak on the issue. Dennis Crook stated he was present at the hearing and this was out of the Zoning Hearing Board's hands. Mr. Crook gave a synopsis of the Zoning Hearing Board hearing. The applicant requested to reschedule the hearing to allow them time to comply. Sue Monaghan stated she feels these storage units should be only allowed on a temporary basis. There was a discussion about the current zoning in the Township Code on this issue. The Planning Commission determined the Code needs to be updated to address this issue in much more detail.

Old Business / New Business.

VPP Grant Application for the Official Map – John Nielsen reported that the application was submitted. He put the language together and Lisa Valaitis prepared the application and submitted it to the County. Once the grant is awarded, they have 12 months to complete the work. John Schwab asked if they stipulated a consultant in the grant application. John Nielsen reported they listed Ray Ott as the consultant. He is familiar with the Township from his work on the Comprehensive Plan. Ray Ott’s proposal also included a scope of work which was needed for the grant application. There was a brief discussion on the benefits and advantages for the Township having an official map.

Survey Monkey – Dennis Crook asked the Commission members if they wanted to put a small survey together for residents to participate in. The Board approved joining Survey Monkey awhile back. Mr. Crook said doing a survey would allow the Township to obtain the opinions of residents on specific topics. Asking the questions in a non-leading manner is difficult but key for doing surveys. There was a conversation among members on how to distribute the survey out to residents. Electronic surveys versus paper surveys were discussed. John Schwab stated that a paper survey would need to be made available to residents that don’t have computer access. Members talked about the need for the Township to build a list of resident emails for communication as well as various methods for putting this list together.

Master Planner Course – Dennis Crook discussed holding one more course series before the year-end. There was a brief discussion about what course to schedule.

Adjournment.

MOTION: Dennis Crook made a motion for the September 11, 2017 Planning Commission meeting to adjourn at 9:07 pm. John Schwab seconded. **VOTE:** 6-0.

Respectfully submitted,

Lisa Valaitis
Township Secretary