

East Fallowfield Township
Planning Commission meeting
Unapproved June 6, 2016 minutes
6:38 pm

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
Jim Weeks
Joe Perzan
Garth Monaghan (remotely by telephone)
Carol Kulp
Lisa Holland

Not Present:

Richard Agatone

Dennis Crook called the meeting to order at 6:38 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.

Holland Conditional Use Application – 1525 South Bailey Road - Tax Parcel 47-2-36.

Dennis Crook reported he attended the Holland conditional use hearing and it was continued. The Planning Commission had not provided a recommendation due to not having all the information. Lisa Holland distributed a plan to scale for the Planning Commission members to view. John Schwab discussed his concern that the daycare center is intended to be a non-owner occupied daycare and whether the intent of the Township ordinance implied an owner occupied structure as an allowable use. Lisa Holland responded by saying a daycare center without a residence is permitted. Ms. Holland said according to the State you can live in a daycare home or group daycare but not in a daycare center. John Schwab brought up the question of if a non-owner occupied daycare center is permitted in East Fallowfield Township's R-1 Zoning District. Lisa Holland stated Rob McLarnon was quite convinced that once the daycare became a center, she would no longer be required to live there.

John Schwab asked Lisa Holland how they calculated the existing 4,100 / 4,200 square feet in the structure. East Fallowfield Township requires 50 square feet per child allowed in a daycare center. Lisa Holland stated they need to determine if East Fallowfield's requirement or the State requirement takes precedence. Lisa Holland discussed in detail how she calculated 4,100/4,200 square feet. She stated she will be submitting permits to build a small addition to the structure and she described the details of the future addition. There was a discussion about whether the garage should be included in the 4,100/4,200 square feet of usable space in the house.

Jim Weeks asked how many children they plan to service in the daycare center. Lisa Holland said that depends on the State but she estimates between 65-80 children. The children will be split into five classes with 10-15 children per class. John Schwab voiced a concern about the volume of traffic coming in and out of the driveway. Lisa Holland stated there will be a three hour drop off period and a three hour pick up period. The pick-up period will be between 3:00 pm and 6:00 pm. John Schwab stated he was concerned that most of the pick-up will occur between 5:00 pm and 6:00 pm. Lisa Holland stated the Board of Supervisors did not share that concern. Several

Planning Commission members voiced concern over the potential traffic because the road is narrow and windy. There was a lengthy discussion about the traffic. Lisa Holland stated the visibility is good and her engineer thinks South Bailey Road can handle the traffic. Lisa Holland said she has discussed the plan with her neighbors and they seem receptive to it.

Dennis Crook stated the Zoning Officer should be looking at Part 20 Nonconforming Uses, 27-2003 A – Change of Use and 27-2003 B – Expansion. Dennis Crook discussed his question as to why this is a conditional use application and not a Zoning Hearing Board application. Dennis Crook stated he raised this question at the last Board of Supervisors meeting and he is waiting on a legal response. Dennis Crook discussed the R-1 Zoning District having a daycare center under conditional use in the Township Ordinance. For the R-2 Zoning District, the Ordinance has daycare center under special exception. John Schwab stated under the ordinance, the daycare center is allowed by conditional use. Dennis Crook discussed his opinion that nonconforming use supersedes conditional use.

Joe Perzan stated he feels the Township Solicitor should provide a legal opinion before the Planning Commission provides a recommendation on the application. John Schwab stated he can't recommend approval with the legal questions, the large number of children and the residential location. He recommended the Planning Commission present their concerns to the Board of Supervisors and they will make a decision. Lisa Holland discussed the process from this point forward. There was a discussion about inconsistencies in the Township Zoning Ordinances.

There was a discussion about what the Planning Commission should recommend. The concerns raised were verify legality, usable square footage, and potential traffic. They were also concerned with what the State permits in addition to meeting the Township Ordinance requirements.

MOTION: John Schwab made a motion that at this point in time the Planning Commission can not recommend approval of the applicant's request for conditional use due to the following: (1) concern about the volume of traffic entering and exiting said property, (2) the legal question concerning conditional use and nonconforming use (does nonconforming use take precedence over conditional use in the R-1 Zoning District), and (3) the applicant meet the most stringent requirements in reference to the number of students that can be served (States and/or Township requirements, whichever is more stringent). Joe Perzan seconded.

Discussion: R-1 Zoning District Conditional Use daycare center requirements were discussed. There was a discussion about drafting a letter from the Planning Commission to the Board regarding their recommendation. In addition to the three concerns in the motion above, the Planning Commission added a sentence to the beginning of the letter stating a daycare center in the Township meets the needs of East Fallowfield Township.

VOTE: 5-0

Discussion and Motion to make East Fallowfield Township Official Map Pursuant to Provision in Section 402 of the Pennsylvania Municipal Planning Code (MPC).

Dennis Crook discussed the need to complete an official map which is a recommendation in the Comprehensive Plan. Mr. Crook presented an example official map from Manheim Township to the Planning Commission members. He also presented and discussed an example ordinance that accompanies the official map. There was a discussion regarding what specifications are included on an official map according to the example ordinance.

Some concerns were voiced about the official map such as what will the map be used for and how will the information on it be verified. Legal consequences of an official map were discussed. The Commission also talked about how information would be verified to prepare the official map. The official map would also be useful to put the Township on notice about the Township potentially acquiring land identified for public use in the Comprehensive Plan. John Schwab stated two areas of the Township were identified in the Comprehensive Plan.

Discussion and Motion to Accept: CC2020's Community Conversation Services and the Master Planner Courses.

Dennis Crook discussed the Master Planner courses offered in the future: Municipal Planning, Zoning and Administration, and Subdivision and Land Development. Dennis Crook stated he doesn't feel the Township has a problem with money/budget but rather a problem with systems. Mr. Crook discussed the \$1,500 conditional use application fee that East Fallowfield Township charges. Once a conditional use hearing eats up that \$1,500, then the Township absorbs the additional costs. Other municipalities require a \$1,500 deposit and applicants are billed for costs that go beyond the \$1,500. Jim Weeks discussed an issue with applicants that are instructed incorrectly on the direction to take with their application. In those cases, the applicant should not have to pay the additional costs incurred. Dennis Crook discussed problems with the Township systems. There was a discussion about a lack of township manager being part of the Township system problem.

Dennis Crook discussed the Community Conversation program. He said he'd like to do a Community Conversation to bring the community back to being involved in the Township.

Dennis Crook stated he'd like to propose to the Board of Supervisors, to have the Master Planner Courses brought to the Township. All Township officials would be allowed to attend the Master Planner Community Planning Course for a total fee of \$1,600. John Schwab stated the Master Planner courses will help with developing a flowchart system and also dealing with the zoning ordinance inconsistencies.

The Planning Commission was in agreement of this proposal.

MOTION: John Schwab made a motion that the Planning Commission recommends that the Supervisors allocate \$1,600 towards the purchase of the Chester County Planning Commission planning module to be conducted for members of the East Fallowfield Township Community (commissions, boards, supervisors). Jim Weeks seconded.

VOTE: 5-0

Garth Monaghan left the meeting at 8:03 pm.

Flowchart System for Permits, Zoning and Development.

Dennis Crook stated the example flow chart they have does not fit the Township needs. Methods of completing the flowchart were discussed. This discussion was tabled until a future meeting.

Discussion for Formal Request from Board of Supervisors for Legal Representation, Secretary, Engineering, Zoning and IT for Planning Commission.

This discussion was tabled until a future meeting.

Discussion and Motion to Look at the Implementation of Combining MU Multi-Use District and O-I Office Industrial.

This was a recommendation in the Comprehensive Plan which had a high priority and a timetable of 1-3 years.

MOTION: John Schwab made a motion to the Supervisors that we combine our existing (under plan and land use) O-I uses and MU districts into one MU District for non-residential uses only. This is a high priority recommendation that comes from the Comprehensive Plan as of July 27, 2015 under A - Plan for Land Use. Jim Weeks seconded.

Discussion: Dennis Crook discussed residential and non-residential uses as defined in the Township Ordinances. In the Township Ordinance, under MU District under special exception, they list hospital, life care facility, nursing home and retirement home. There was a discussion as to whether these should be considered residential or non-residential. There was a discussion about “granny pods” and retirement communities. The Comprehensive Plan states that to implement these in the Township, the zoning text needs to be revised. The Planning Commission decided to chart the similarities and differences of the two Zoning Districts before moving forward.

VOTE: 0-4

New Business - Planning Commission Meeting Format Discussion.

Jim Weeks proposed a change of the Planning Commission meeting structure. He suggested having the public items on the agenda and an additional one or two agenda items. Mr. Weeks stated that he felt the Commission would get more done if they focused on one main agenda item each meeting beyond the public agenda items such as conditional use. He stated he feels the meetings are sometimes too long.

Look at the Zoning Ordinance for Inconsistencies, Errors, Typos, or Areas of Needed Change.

This discussion was tabled until a future meeting.

Adjournment.

Dennis Crook made a motion to adjourn the Planning Commission meeting at 8:35 pm. Jim Weeks seconded.

VOTE: 4-0.

Respectfully submitted,

Lisa Valaitis
Township Secretary