

**East Fallowfield Township
Planning Commission Workshop meeting
Approved February 20, 2017 minutes
6:42 pm**

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
Joe Perzan
John Nielsen
Sue Monaghan
Carol Kulp, Board of Supervisors

Not Present:

Jim Weeks

Dennis Crook called the meeting to order at 6:42 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.

West Chester Borough Procedural Protocol.

John Schwab said he felt that they should use the West Chester Borough Procedural Protocol document to aid them in preparing a procedural protocol document for East Fallowfield's Planning Commission. John Schwab stated there are three other documents that address bits and pieces of the procedural protocol: the proposed ordinance to authorize the bylaws to the Planning Commission, the East Fallowfield Township Bylaws, and the Municipalities Planning Code. Mr. Schwab stated he sees the procedural manual as an internal document that Planning Commission members can use to have a better understanding of Planning Commission procedures. He said he particularly liked the sections addressing the Planning Commission responsibilities assigned under subdivision and land development, zoning, amendments, and conditional use applications.

John Schwab stated his goal was to get the first draft reviewed and typed up. He also requested the members review the Municipalities Planning Code, Planning Commission Bylaws most recent draft, and the ordinance draft to assigning powers and duties to the Planning Commission.

The Planning Commission went through the Procedural Protocol document and reviewed each section listed below:

1. Article I. Name.

- A. Paragraph 1: Mr. Schwab changed the name of the organization to East Fallowfield Planning Commission.
- B. Paragraph 2: The paragraph was changed to the following: "The authorization for the establishment of this Planning Commission is set forth under Section 201 of the Pennsylvania Municipalities Planning Code, Act of 168 P.L. number 247 as reenacted and amended 2015."
- C. Paragraph 3: "Borough of West Chester" was replaced by "East Fallowfield Township". They had to leave the ordinance number blank until the ordinance number is available. This was what the wording was changed to: "Powers and duties delegated to the Planning Commission by East Fallowfield

Township by Ordinance _____ of _____ are in accordance with the above-mentioned enabling law and are specifically outlined in Section 202 and 203 of the Municipalities Planning Code.”

2. Article II. Membership.

- A. “Members shall consist of no less than three (3) and no more than seven (7) persons, residents of East Fallowfield Township, appointed by the Supervisors.” They added “no less than (3) and no more than seven”.
- B. “Term of office shall be four (4) years expired December 31st.” There were no changes made.
- C. “Members whose terms have expired shall hold office until their successors have been appointed.” No changes made.
- D. “No more than two (2) members shall be reappointed during any future calendar year.” There was a discussion about whether or not they wanted to keep this stipulation. John Schwab stated this has not been a regulation in the past. The Commission decided to remove this clause.
- E. “In the event of vacancies, the Supervisors shall appoint a member to fill the unexpired term.” The term “Supervisors” replaced “Borough Council.”
- F. “Additional members may be added to the existing Commission, if Supervisors deems necessary, and shall be appointed as provided in this article.” The Commission discussed this clause and decided to remove it.
- G. “Reduction of members of the existing Commission, if the Supervisors deems necessary, may be effectuated by allowing the terms to expire and by making no new appointments to fill the vacancy.” John Schwab stated he thought this statement should be removed.
- H. “Any reduction or increase in number of members shall be by ordinance.” John Schwab stated he removed this because this is up to the Board of Supervisors and not a Planning Commission procedure.
- I. John Schwab discussed adding a statement about alternate Planning Commission members from the Municipalities Planning Code on page 10. Dennis Crook stated that Solicitor Crotty put wording together for alternates in the draft of the Planning Commission Bylaws. John Schwab read out loud the suggested wording provided by Solicitor Crotty. They discussed whether or not to include this in the procedural manual and decided to go with “alternate members shall be appointed pursuant to the Planning Commission bylaws.”

3. Article III. Officers.

- A. Chairperson: John Schwab stated the description was fine as is and no changes were made. Dennis Crook stated job description item #4 “shall submit an agenda to the Department of Building, Housing and Codes Enforcement prior to the work session” should be removed. They added “shall create an agenda prior to each meeting.” They discussed whether the agenda should be sent to anyone else prior to the meeting. The agenda is currently sent to the Planning Commission members and the Supervisor Liaison.
- B. Vice Chairperson: John Schwab stated the description was fine as is and no changes were made.
- C. Secretary: John Schwab stated he took out “Secretary”. After discussion, the Commission decided to add “Secretary Liaison”. They discussed the job description of the Secretary Liaison position. Mr. Schwab stated that Stephanie Saxton volunteered for this position. Stephanie Saxton will take notes during meetings, and work with the Township Secretary and they will compile the minutes together. They discussed different titles and job descriptions to include in this document. They decided to include the following: “Note Taker” for now and revisit later. They added the following job description: “Assist Township staff in preparing meeting minutes.”
- D. Other Changes: “Borough Council” was changed to “Supervisors”.

4. Article IV. Meetings.

- A. Procedures: The Commission members reviewed meeting procedures 1-8. They made the following changes:
1. They changed "anyone unable to attend a meeting shall notify the Chairperson or the department of Building, Housing and Codes Enforcement in a timely manner." To "anyone unable to attend a meeting shall notify the Chairperson and Township Secretary in a timely manner."
 2. No other changes were made to this section. They discussed procedure number 7 regarding conflict with holidays or other events. They also discussed procedure number 8 which states that any person attending a meeting has the right to use recording devices. They left that in the procedures section.
- B. Organizational Meeting: The Planning Commission made the following changes:
1. "Election shall be by majority vote of members present." They discussed changing the wording to address members that could be present electronically or by phone. They decided not to change the wording.
 2. John Schwab said he removed B, which addresses electing a Planning Commission representative to the West Chester Regional Planning Commission. The Planning Commission does not have a representative of the West Chester Regional Planning Commission.
 3. John Schwab also removed item "C." regarding electing a Planning Commission representative to the West Chester Historical and Architectural Review Board. The Planning Commission does not have a representative for these boards.
- C. Regular Meeting: The Planning Commission made the following changes:
1. They changed the sentence setting the meeting date and time to state "meetings will be held monthly as determined by the Commission." They did not want to state more detail because this document would need to be revised every time the meeting schedule changed. They also replaced the address to be "2264 Strasburg Road, East Fallowfield, PA 19320."
 2. After discussion, the Planning Commission made the following change: The sentence "Written notice of the meeting shall be provided to each member seven (7) days prior to the date of meeting with agenda." was removed and replaced with "three (3) days prior to the date of the meeting with agenda." John Schwab stated the agenda is sent out the Friday before that Monday's meeting. The agenda is not available seven days prior to the meeting. The meeting dates are available at the beginning of each year for the entire calendar year on the Township's Calendar of Events.
 3. Item 3 - Order of Business – The following is the Order of Business changes: Replaced "Roll Call" with "1. Call to Order, Item Priorities and Agenda Order." They also removed "b. Public Comments and Questions." The new Order of Business was changed to:
 - a. Call to Order, Item Priorities and Agenda Order
 - b. The Order of Business
 - c. Approval of Minutes
 - d. Specific Projects
 - e. Correspondence and Announcements
 - f. Old Business
 - g. New Business
 - h. Adjournment
 4. They removed number 6 – "The Secretary shall record the name and address of those speaking before the Commission." and added a phrase saying "All Planning Commission meetings and work sessions shall be recorded."

5. Addition of number 7 – “Speakers from the floor shall identify themselves by name and address.”
- D. Special Meeting:
1. Number 2 – Removed “Secretary” and added “Township staff” to read “Members shall be notified of any special meeting by Township staff no less than 24 hours in advance of such a meeting”.
 2. Number 3 – “Sunshine Act” was changed to “Open Meeting Law”.
- E. Work Session Meeting:
1. The Planning Commission discussed this section and determined it was best not to list specific days. They made Number 1 – “Work sessions shall be held monthly as needed at the Township building.”
 2. “The Work Session shall be a non-voting meeting.” The Commission made no change to this.
 3. “Any public comments will be received at the discretion of the Chairperson and the Commission members.” The Commission made no change to this.
- F. Public Hearings: Joe Perzan posed the question, what is the definition of a public hearing. He asked if this section is needed because all meetings may be considered public hearings. The Commission members talked about what might be considered a public hearing. After discussing, they removed the entire section. They felt this was confusing. Dennis Crook looked up the definition of a public hearing as defined in the Municipalities Planning Commission. They discussed the difference between special meetings and public hearings. Joe Perzan said they called special meetings for the Comprehensive Plans. Their final decision was to add Public Hearing under the title of “Special Meeting”.
- G. Executive Sessions: The Planning Commission members discussed executive sessions and whether they should address that in the procedures document. They talked about what circumstances could arise in which they’d need to hold an executive session. They added a section entitled “Executive Sessions” which stated “The Commission may meet in closed executive session for those purposes as permitted under the Open Meeting Law”. All official action shall take place at a public meeting.” This will be “Section F.” in the procedures document.

Sue Monaghan left the meeting at 7:37 pm.

5. Article V. Employees.

- A. “Within the limits imposed by the funds available for its use, the Commission may employ such staff personnel and/or consultants as it sees fit to aid its work.” This sparked a conversation about scenarios that this would be needed. They also discussed the Planning Commission needing its own solicitor for issues. They discussed circumstances in which the Township Solicitor may have conflict of interest in attending a Planning Commission meeting. There are topics in which the Planning Commission needs legal interpretation and advice such as interpreting an ordinance. They discussed conditional use fees and whether that \$1,500 fee covers all costs. Dennis Crook said it depends on the application and what costs are incurred. Dennis Crook also spoke about a flowchart for applications being instrumental in processing applications.
- B. “Appointments shall be made by a majority of the entire Commission.” No changes made.
- C. “Staff personnel and/or consultants desired beyond the limits of funding available shall be appointed only with the approval of the Supervisors.” The Commission added “Supervisors” in place of “Borough Council.”

6. Article VI. Subdivision and Land Development Applications.

Dennis Crook stated he feels before a subdivision and land development application is submitted, an applicant should meet with the Zoning Officer and determine the relevant zoning district, zoning regulations, etc. John Schwab agreed that the first step someone would need to take is to meet with the Zoning Officer before submitting an application. They also discussed who should actually be the first filter. John Schwab asked if the ordinance requires the Zoning Officer to be the first person in this process. The members also had a conversation about the office staff's role. They added the following under "Article VI – Subdivision and Land Development Applications" before "Sketch Plan" "Prior to submitting a sketch plan, it is required that the applicant consult with the Zoning Officer as to the applicable zoning classification." There was also a discussion regarding a reasonable time frame between an applicant meeting with the Zoning Officer and submitting a sketch plan.

- A. Sketch Plan: John Schwab stated they have always encouraged applicants to bring in a sketch plan in the past. It allows the Commission to advise the applicant and saves money and time. Mr. Crook recommended adding "As per Section 22-501 sketch plan requirements."
1. "The Commission shall encourage applicants to submit a sketch plan prior to submitting a preliminary plan. The Planning Commission added "as per Ordinance 22-501 Sketch Plan Requirements."
 2. "No formal time frame shall be required." No changes made.
 3. "The Commission shall communicate any thoughts to be considered at that time by the applicant in preparing a preliminary plan." No changes were made.
- B. Preliminary Plan: The Planning Commission read and discussed each of the items in the Preliminary Plan Section and compared the content to the Township's Code. They made changes they felt were appropriate.
1. The Planning Commission read and discussed the item in the West Chester Borough Planning Commission Procedures which read as follows: "The Commission shall receive a copy of the plans and other required materials from the Department of Building, Housing & Codes Enforcement after the applicant has submitted a complete application, as well as a PDF copy of the plans on disk, and paid the required fees." They discussed whether item #1 should read "Department of Building, Housing & Codes Enforcement" or just "Zoning Officer". They changed this to read "Zoning Officer".
 2. John Schwab read out-loud Item Number 2: "The applicant shall show to the Commission written proof of notification of submission to all owners of all lands adjacent to the proposed plan." A discussion ensued about this statement. John Schwab stated this ensures the neighboring properties are notified. Upon reviewing the Township Code, the Commission determined this is not a requirement of East Fallowfield unless the applicant is required to obtain conditional use approval or go before the Zoning Hearing Board." They removed this item from the procedures.
 3. John Schwab read Item Number 3: "The Commission shall review all plans submitted." This will remain as is in the procedures.
 4. John Schwab read Item Number 4: "The Commission shall review all comments regarding the plan which are submitted by the Borough's staff and consultants. Upon receipt of the plan, the Department of Building, Housing and Codes Enforcement shall send copies of the plan and all documents and materials that are submitted with the plan to the following people:" "Borough's" was changed to "Township's" and "Department of Building, Housing and Codes Enforcement" to the "Zoning Officer". The Commission then discussed who they thought should be receiving the application submission and reviewed the following:
 - a. "Zoning Officer who shall review the plan for compliance with the Zoning Ordinances." This

was removed because the Zoning Officer already received the submission based on the procedures.

- b. The Borough Engineer who shall review the plan for compliance with the Subdivision and Land Development Ordinance ("SALDO") and Stormwater Management Ordinance;" Under this section "Borough Engineer" was changed to "Township Engineer".
 - c. "Borough Planner who shall review the plan for compliance with the Comprehensive Plan" was changed to "Planning Commission who shall review the plan for compliance with Comprehensive Plan;"
 - d. "Historical Commission" was added to the list of those receiving a copy of the application submission for those properties that are on the historic list.
 - e. "Park & Recreation Commission" was added to the list of those receiving a copy of the application submission.
 - f. "Director of Public Works who shall review the plan and offer comments on the issues that relate to extension of public services and/or utility services to the proposed development." They discussed the Public Works Director's part in this and subsequently removed it.
 - g. "Chester County Planning Commission who shall review the plan as required by Act 247;" The Commission left this comment as is.
 - h. "Any other professional consultants that the Director of Building, Housing, and Codes Enforcement determines necessary, including but not limited to a traffic engineer or Borough Solicitor." "Director of Building, Housing and Codes Enforcement" was changed to "Zoning Officer" and "Borough Solicitor" was changed to "Township Solicitor".
5. "If any of the Borough's staff or consultants determine that the plan presents legal issues or requires legal interpretation, the Director of Building, Housing and Codes Enforcement shall refer such issues to the Borough Solicitor who shall provide legal opinion on the legal issues presented. If the Director of Building, Housing and Codes Enforcement or Planning Commission determine that it is necessary for the Borough Solicitor to attend the Planning Commission meeting for further discussion on legal issues raised by the plan, the Solicitor shall attend the Planning Commission meeting." "Borough" was changed to "Township"; "Director of Building, Housing and Codes Enforcement" was changed to "Zoning Officer"; "Borough Solicitor" was changed to "Township Solicitor" and "with approval of the Supervisors".
6. "All of the Borough's costs to reimburse its professional consultants shall be reimbursed by the applicant prior to final plan approval pursuant to Section 97-56." "Borough" was changed to "Township" and "Section 97-56" will be changed to East Fallowfield's correct section in the ordinance.
7. "A written explanation shall be sent by the Chairperson to the Borough Council stating decisions of review, reasons there for and specific section of the code related to the action taken." "Borough Council" was changed to "the Supervisors".
- C. Final Plan: John Schwab read each procedure item and the Planning Commission discussed them. Changes were made as follows:
1. "The Commission shall confirm that all terms of the preliminary plan conform to the action taken by the Commission on that plan." No change was made.
 2. "Review final plans and all comments from other reviewing agencies." No change was made.
 3. "A written recommendation shall be sent by the Commission to the Borough Council stating the

action taken by the Commission of the final plans, reasons there for and specific sections of the code relating to the action." "Borough Council" was changed to "Supervisors".

- D. Time Frames - Preliminary & Final Plans: John Schwab read each procedure item and the Planning Commission discussed them. Changes were made as follows:
1. "The Borough Council shall render a decision not later than ninety (90) days from the date of the first regular meeting of the Planning Commission or after the date of application." "Borough Council" was changed to "Supervisors". The time frame was discussed and whether the preliminary application or final plan is the deadline. John Schwab stated the clock starts on the date the preliminary application is received. It is common for applicants to request extensions. If the Township does not have enough information or all submission requirements aren't met, then the Township can just deny the application. This is the incentive for the applicant to request extensions. There is no cost to the applicant for an extension. A discussion ensued regarding the desired wording of this section.

7. Article VII. Zoning Code and Amendments.

- A. "The text and map of any proposed zoning ordinance shall be reviewed by the Borough's Planning Commission as provided in the Municipalities Planning Code, Section 607." "Borough's" was changed to "Township".
- B. "Amendments to the Zoning Code shall be prepared and submitted to the Planning Commission for review as provided in the Municipalities Planning Code, Section 608." No change was made to this.

8. Article VIII. Conditional Use Applications.

- A. "The role of the Planning Commission in this procedure is in the Zoning Code, 112-113 C-1." They discussed what "Zoning Code, 112-113 C-1" should be changed to. There was a brief discussion regarding the Planning Commission's responsibilities for a Conditional Use application and if that is part of the subdivision and land development process. Mr. Crook conditional use falls under zoning and would come before the subdivision and land development application. "Zoning Code, 112-113 C-1" was changed to "PMPC 53P.S. §10101 et seq".
- B. "If the Planning Commission requires assistance from the Borough Solicitor on legal issues presented in the application, it shall request the Solicitor to attend a Planning Commission meeting." "Borough Solicitor" was changed to "Township Solicitor". They also added "as approved by the Supervisors" to the end.

9. Article IX. Interpretation.

- A. "The provisions of these procedures shall be held to minimum requirements; additional procedures are contained in the Municipalities Planning Code and Chapter 112 of the Zoning Code of the Borough of West Chester" "Borough of West Chester" was changed to "East Fallowfield Township". "Chapter 112 of the Zoning Code of the Borough of West Chester" was changed to "Chapter 1, Part 2, Article A of the Township Ordinance 2017-02". John Schwab stated he wanted to add Comprehensive Plan to this as well.
- B. Attendance: There was a brief discussion on the lack of attendance at Planning Commission meetings. Dennis Crook found that attendance was addressed in the Planning Commission Bylaws on the third page under Article 5. John Schwab read the entire section out loud. They decided to add an "Article III – Attendance", and reference the attendance policy is in the Planning Commission Bylaws, page 3, Article 5. "Article III – Officers" was changed to "Article IV" and all subsequent Articles were

renumbered. They added the following wording under Article III, "A member may be removed for nonfeasance as per the Commission Bylaws, Article 5."

10. Article X. Amendments.

"These procedures may be amended by a majority vote of the entire membership of the Borough of West Chester Planning Commission." Borough of West Chester" was changed to "East Fallowfield Township".

Township Official Maps Proposals.

Dennis Crook reported on the status of the official map. He said John Nielsen is working on this project. They have an appointment to meet with Susan Elks, Chester County Planning Commission, to discuss grant options. John Nielsen reported there is a VPP Grant to consider. Mr. Nielsen said that the Borough of South Coatesville was previously awarded the VPP Grant and they did an official map. Mr. Nielsen said he did review South Coatesville's official map. He stated future Township owned land should be reflected on the official map. Dennis Crook briefly discussed the issue with the Brownfield property in the Township. The Commission members briefly reviewed and discussed the official map proposals. John Nielsen reported the grant deadline is March 1st, however there is another grant cycle in the summer.

Discussion on Attendance.

Dennis Crook stated there is a Planning Commission meeting attendance record in the members' meeting folders so that everyone can see their meeting attendance record. The attendance record is split into two records – one for regular monthly meetings and the other for workshop meetings. They discussed Jim Week's attendance records. John Schwab reported Jim Weeks missed seven out of twelve meetings. Mr. Weeks has been unresponsive on his intentions to either continue membership or resign.

Adjournment.

MOTION: Joe Perzan made a motion to adjourn the Planning Commission meeting at 9:12 pm. John Nielsen seconded. VOTE: 4-0.

Respectfully submitted,



Lisa Valaitis
Township Secretary