

**East Fallowfield Township
Planning Commission Meeting
Approved January 8, 2018 minutes
6:50 pm**

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
Michael Domboski
John Nielsen
Wilson Lambert, Alternate Member

Not Present:

Sue Monaghan
Joe Perzan
Stephanie Saxton

Dennis Crook called the meeting to order at 6:50 pm.

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.

Welcome Wilson Lambert – Planning Commission Alternate Position.

Dennis Crook appointed and welcomed Wilson Lambert as a new Planning Commission Alternate Member and also a newly elected Board of Supervisors. Dennis Crook stated Wilson Lambert has voting privileges as Planning Commission Alternate Member.

Election of 2018 Planning Commission Chairman.

MOTION: John Schwab made a motion to appoint Dennis Crook as the 2018 Planning Commission Chairman. John Nielsen seconded.

QUESTIONS AND COMMENTS:

- 1) Wilson Lambert asked if he should recuse himself on this motion. Dennis Crook said no because he has voting privileges as an alternate.

VOTE: 5-0

Election of 2018 Planning Commission Vice Chairman.

MOTION: Dennis Crook made a motion to appoint John Nielsen as the 2018 Planning Commission Vice Chairman. John Schwab seconded.

VOTE: 5-0

Approval of March 6, 2017 Planning Commission Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the March 6, 2017 Planning Commission meeting minutes as presented. Michael Domboski seconded.

VOTE: 4-0 (Wilson Lambert abstained)

Approval of September 11, 2017 Planning Commission Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the September 11, 2017 Planning Commission meeting minutes as presented. John Schwab seconded.

VOTE: 4-0 (Wilson Lambert abstained)

Approval of November 6, 2017 Planning Commission Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the November 6, 2017 Planning Commission meeting minutes as presented. John Nielsen seconded.

VOTE: 4-0 (Wilson Lambert abstained)

Blighted Properties Ordinance.

The Planning Commission discussed sample ordinances addressing blighted properties. Dennis Crook stated a blighted property ordinance would provide a method of dealing with blighted property issues without having a property maintenance code. The biggest motivator behind the Township removing the property maintenance code, was the "Right of Entry" clause. Page 5, Section 5, "Right of Entry" in one of the sample ordinances was read by the members and then discussed. The "right of entry" allows the Property Maintenance Code Officer the right to enter inside buildings. John Schwab spoke about East Whiteland Township's requirements which requires an inspection when a property exchanges hands before the Use & Occupancy Certificate is issued to the new owner. Inspections are done for health and safety purposes only. Home owners are given a year to correct those items that don't pass inspection. Dennis Crook stated currently East Fallowfield Township only requires a Use & Occupancy Certificate when a new home is built. East Fallowfield Township does not currently require a Use & Occupancy Certificate for property resale. John Schwab said the Township isn't allowed to make money on this. There was a discussion about rental fees. The predominant rental fee is \$40 in most local municipalities.

There was a discussion regarding the International Property Maintenance Code. The current ordinance does not allow entry to inspect rental properties. Dennis Crook said that the current ordinance does not allow the Township to condemn buildings even when the building is falling down. However, the Township can address this problem with an ordinance that addresses blighted properties. Dennis Crook discussed the health and safety risk of blighted properties to children, pets and law enforcement. Signs of property abandonment were discussed such as a property owner ceasing to pay taxes on the property.

The Planning Commission set the following action plan for addressing blighted properties:

1. Identify those issues that the Township wishes to address.
2. Identify how they want to address the issues.
3. Create an enforcement mechanism.
4. Develop a process for violation fines.
5. Develop Use & Occupancy Certificate process at the time of ownership change.

There was a conversation about who would enforce a blighted property ordinance and how that ordinance would be enforced. Currently the Zoning Officer will only investigate zoning violations if it is requested by filing a formal complaint with the Township. The Planning Commission members discussed what specific issues and situations they wanted to address. The Planning Commission did not want to permit the Zoning Officer to go onto someone's private property to look for violations.

Dennis Crook discussed a sample ordinance from Reading in which they established a "Blighted Property Review Committee Ordinance". A committee of residents would look at the properties and complaints and determine how to deal with issues.

Violations need to be measurable to be enforced. The goal is to create an ordinance that would enable the Township to address abandoned properties and those properties that are so far neglected that they need to be demolished. A blighted property ordinance would also allow the Township to have the ability to address those blighted properties that pose obvious serious health or safety risks without being too restrictive. Blighted property will be defined clearly in the ordinance. There are at least ten properties in the Township that fit the definition of a blighted property. The Township currently has an ordinance that addresses grass, weeds, trash, and abandoned vehicles. Wilson Lambert spoke about the importance of defining blighted property. He also discussed the fine line between blight, historic, and character of the County. An example would be an old barn that has some of its structure gone. Is this a blighted property or historical property? Dennis Crook said the Township's Historical Commission maintains a list of all the historical properties in East Fallowfield. There are three classes of historical properties.

The Planning Commission agreed that the Code Enforcement Officer would be the most logical person to enforce a blighted property ordinance. Current penalty mechanisms were discussed. John Schwab said that monetary fines should be put in the ordinance. The threat of a fine would be a deterrent to being in violation. They also had a conversation on who would be the most qualified to assess if a building is structurally sound.

John Schwab discussed creating an appeal process such as establishing a committee to consider appeals. The process would be less formal than the Zoning Hearing Board. However, residents would have an appeal option that would be considered by residents on the committee. There was brief discussion of delinquent taxes/liens and the County's process of serving delinquent property owners of sheriff sale notices.

Dennis Crook requested the members read through the various sample ordinances and identify those items addressed that fit the goals of East Fallowfield Township.

Firing Range Ordinance & Day Care Centers Ordinance.

Dennis Crook presented to the members a draft ordinance provided by Solicitor Crotty which addresses both commercial and non-commercial firing ranges. In the sample ordinance, day care centers have been removed from the R-1 Zoning District. Day care centers will only be allowed in Multi-Use and Office-Industrial Zoning Districts. On page 1, Section 1, Uses Permitted by Right, "No impact home-based business in accordance with Sections 27-1712 Subsection 1A." was removed. Under section 4, Conditional Uses, day care centers were removed. There was a discussion on whether or not they would recommend day care centers be allowed in the Village Commercial Zoning District. The members also held a discussion on why Solicitor Crotty removed "home-based businesses" from the draft ordinance. Home day care definition was discussed. John Nielsen stated a home day care is allowed six kids or less by the state. On page 2, under "Accessory Use," "home occupation" was replaced by "no impact home-based business".

A day care center is currently allowed by ordinance in the R-1, R-2, Village-Commercial and Multi-Use Zoning Districts. The Planning Commission would like to have day care centers removed from R-1 and R-2. Day care centers are currently allowed in R-1 by Conditional Use. In R-2, day care centers are currently allowed under "Special Exception" which would send the application before the Zoning Hearing Board. Solicitor Crotty's draft removed day care center from "Uses by Special Exception". They discussed adding conditions for the day care center under Section 1711. "No impact home-based business" was removed from "Uses Permitted by Right" and added to "Accessory Uses". The Planning Commission analyzed and discussed the various section in the ordinance where "no impact home-based business" was added and removed. The Commission also discussed Section 27-1711, "Day Care Centers," which lists the requirements for a day care center. The number of parking spaces to be required was debated. The current requirement under Section 27-1711 of the Township Code is three parking spaces for every 1,000 square feet of floor area.

Dennis Crook said in the current ordinance, a shooting range is allowed by Conditional Use under the Rural Agricultural Zoning District. They discussed whether or not they wanted to keep this. The consensus was they should allow a non-commercial shooting range in the Rural Agricultural Zoning District however they wanted to put in more restrictions and acreage condition/limit under Section 27-1714.

Dennis Crook announced that Solicitor Crotty will be attending the February 5, 2018 Planning Commission meeting and they will discuss these ordinances further with him.

Dumpster/Pod Ordinance.

Dennis Crook tabled this discussion until the next Planning Commission meeting.

Status of Official Map.

John Nielsen presented an update on the official map project. Ray Ott signed the contract and the contract is at the Chester County Planning Commission for review. There was a discussion about dates for scheduling the first official map meeting with Ray Ott. John Nielsen said he will try to get Ray Ott to attend the February 19th Planning Commission meeting. John Nielsen stated that Ray Ott will do most of

the map work. The Planning Commission needs to form a task force with residents and representatives from each commission, a Board of Supervisors member, and Planning Commission members. Lisa Valaitis has agreed to be on the task force as a representative from the Township office.

John Nielsen also stated he is looking into addressing properties that are brownfields, superfunds or sites permanent for remediation. This ties into blighted properties. One part of the official map is to identify these properties and designate them as possible future-township owned lands.

The current Township owned properties was also discussed. They spoke about possible uses for the Township owned land off of West Chester Road near Brinton Station. John Schwab stated this property would be great for a future amphitheater. The “u” shaped property between Goosetown Road and Mortonville Road was also discussed. They will need to look at the deeds for the Township owned lands to determine if there are any deed restrictions.

Rental Properties.

Dennis Crook discussed a sample ordinance regarding rental units that was provided by Solicitor Crotty. This ordinance would set regulations for rental units to be registered with the Township as well as set fees and inspection procedures. Dennis Crook said this ordinance would put a use and occupancy permit requirement in the Township Code. The ordinance would also provide a small amount of revenue to the Township. It would also allow a rental property owner to obtain a mortgage on a multifamily property. Section 1732 currently allows multifamily units, under R-3 and Mobile Home Zoning Districts through Conditional Use. Anything grandfathered in would be considered non-conforming. Currently these multifamily units are in all different zoning districts. They discussed obtaining a list of multifamily residents through the trash and sewer billing. Dennis Crook tabled further discussion until the members read over the sample ordinance.

Michael Domboski volunteered to take charge of the rental properties ordinance. John Schwab asked Wilson Lambert if there is Supervisor interest in pursuing the regulation of rental properties and blighted properties. Mr. Lambert stated there is interest.

Next Meeting: The Planning Commission cancelled the January 15, 2018 meeting. The next meeting will be on February 5, 2018.

Adjournment.

MOTION: Dennis Crook made a motion for the January 8, 2018 Planning Commission meeting to adjourn at 9:30 pm. John Nielsen seconded. **VOTE:** 5-0.

Respectfully submitted,

Lisa Valaitis
Township Secretary