

**East Fallowfield Township
Planning Commission Meeting
Approved March 5, 2018 minutes
6:44 pm**

Attendees:

Dennis Crook, Chairman
John Nielsen, Vice Chairman
Michael Domboski, Member
John Schwab, Member
Joe Perzan, Member
Mike Crotty, Township Solicitor

Not Present:

Sue Monaghan
Stephanie Saxton

Dennis Crook called the meeting to order at 6:44 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.

Discussion of Township Code/Ordinances.

1. Firing Range Ordinance.

Solicitor Crotty discussed the additions/changes he made to the draft shooting range ordinance as follows:

Section 1: Accessory Shooting Range.

- Added in requirement of 10 acre minimum for accessory shooting range.
- For an accessory use shooting range, the minimum set back is 50 feet from track boundary.
- An accessory use shooting range shall not occur within 50 yards of a public road, into or within a safety zone or across from public or private property without the owner or occupant's prior written consent.
- Under item "C", addition of reference to U.S. Department of Energy's Range Design Criteria.

Section 2: Shooting Range (Commercial).

- Must comply with Part 1 above.
- Parking: Off-street parking shall be provided at the rate of one (1) space per 500 square feet of area devoted to the activity;

- Addition of earthen mound requirement for outdoor shooting ranges.
- Requirement of a fence enclosure of 6-feet height, non-climbable fence.
- Hours of operation – not permitted to operate before 8:00 am or after dusk.
- Storage of live ammunition is only permitted in approved, secure vaults.
- Applicant needs to submit a plan for review by the Township Police Chief.

Section 3: Hunting Club or Hunting Lodge.

- There were no changes made to this section.

Discussion on Additional Corrections:

There was a discussion about the lighting provision. Solicitor Crotty stated a lighting provision is in Section 3.d - Hunting Club or Hunting Lodge. Solicitor Crotty will add a lighting provision under Section 2 – Commercial Shooting Range. There was also a discussion about adding hours of operation under accessory use. The Planning Commission members wanted to limit the use of an accessory use shooting range to the same hours of operation listed under Section 2 - Commercial Shooting Ranges in which the hours of operation are not permitted before 8:00 am or after dusk.

MOTION: Dennis Crook made a motion to accept the draft firing range ordinance with the corrections Mr. Crotty has noted to be presented to the Board at the next Board meeting. Joe Perzan seconded.

VOTE: 5-0

2. Blighted Properties Ordinance.

Solicitor Crotty stated that the purpose of the Blighted Property Ordinance is to capture key provisions that are desired out of a property maintenance ordinance without adopting the International Property Maintenance Code. Solicitor Crotty stated the International Property Maintenance Code is not among the UCC codes that have been adopted. The International Property Maintenance Code is not part of the UCC, but under The Second Class Township Code, townships can adopt the International Property Maintenance Code.

Solicitor Crotty discussed the draft ordinance sections as follows:

Section 3: Exterior Property Maintenance.

- Grass and Weeds – The requirement in the draft ordinance is that grass and weeds need to be trimmed to a height of no more than 12 inches on a property and premises within 50 feet of a home or driveway. Anything more restrictive would not be reasonable due to the varying nature of properties in the township and the fact that some properties are large and may have an open meadow, agricultural, or stormwater basin sections that would not be mowed. Joe Perzan said that 50 feet might be too small. There was a discussion about whether 50 feet was a reasonable

restriction or if it should be less. Solicitor Crotty stated this can be specified by zoning district. After discussion, the Planning Commission decided to change the limit to 100 feet.

- Vehicles and Equipment –The restrictions are the same and there is a list of specifics regarding broken down vehicles that are considered violations. They have been flushed out through the Pennsylvania case law. For a court to uphold these restrictions, the Township would have to document that there is a health, safety or welfare risk.
- Swimming Pools – Swimming pools of more than 24 inches deep require a fence or barrier of at least 48 inches in height.
- Unsafe Structures, Buildings and Equipment – Dennis Crook asked who the Township Code Enforcement officer would be. Solicitor Crotty stated the Board of Supervisors will need to assign these responsibilities either to Rob McLarnon or someone else in the office. They discussed Item number 3 under this section “To the extent that the owner of a property has a permit for improvements to a building or structure and takes appropriate temporary steps acceptable to the Township to address the intrusion of weather, water and rodents, this paragraph shall not apply, except that nothing herein shall abrogate a property owner’s obligation to maintain his/her/its property in a safe manner.”

Section 4: Interior Property Maintenance – Rental Properties Only.

Mike Crotty stated this is only aimed at rental properties. It goes hand in hand with the rental ordinance and the rental ordinance will be the primary control over rental properties. They discussed the need to document conditions with pictures if citing a property owner. Joe Perzan suggested rental properties be inspected initially and then if there is a tenant complaint about the condition of the property, it would be a civil matter. After discussion, the Planning Commission determined they’d like Section 4 to be removed from the blighted property ordinance and added to the rental property ordinance.

Section 5: Right of Entry.

The Code Enforcement Officer may request of an owner the right to enter a property. Unless the Code Enforcement Officer gets a search warrant or otherwise has the right to go on the property, the Township can’t have this ordinance authorizing the Code Enforcement Officer to have permission to enter the property because it creates a Fourth Amendment issue. Mike Crotty explained that with rental properties, the owner does not have to allow the Code Enforcement Officer to enter the property. However, the Township will not grant the owner a rental permit, nor allow them to rent the property, until the Code Enforcement Officer is allowed to enter the property. Courts have stated this is acceptable.

Dennis Crook asked if this blighted ordinance will override the current ordinance covering grass and weeds. Solicitor Crotty stated it would go in the Township Code and override the existing ordinance.

MOTION: Dennis Crook made a motion to present this blighted property ordinance with those stipulation changes (under Section 3, change 50 feet to 100 feet and pull out Section 4) to present that to the Board at the next Board of Supervisors meeting that is convenient. John Schwab seconded.

VOTE: 5-0

3. Rental Unit Permits Ordinance.

Solicitor Crotty stated that townships have regulated rental properties a number of ways. A reason for regulating rental properties is because an offsite owner of a property isn't apt to keep up the property. Some municipalities have limited rental ordinances to address those instances when rental property owners don't live in the township. There was a discussion about this option. The Planning Commission felt it should be the same requirements for all rental property owners.

Mike Crotty summarized the key points in the ordinance. A permit is required annually for a rental property. The owner needs to get the permit by January 31st of the relevant year. It applies only to properties being rented in excess of 25 days per year.

Solicitor Crotty discussed the sections of the draft ordinance as follows:

Section 3. Duties of Owners of Residential Units.

Mr. Crotty stated this section is primarily for ensuring the Township can contact the owner when something is going wrong with the property, and later initiating court proceedings if needed.

Section 4. Occupancy Limitations.

Solicitor Crotty explained that this section is designed to ensure there is enough living space in homes and to make sure that no one is renting a single room in a house on a long-term basis. Joe Perzan asked if there is a minimum rental period. He suggested adding a stipulation that rental periods need to be for seven months or longer to make the time period consistent with the Township Code. There was a discussion about the maximum occupancy requirements.

Section 5: Inspection of Residential Rental Units.

Mike Crotty stated this section addresses the rental inspection requirement of every other year. Solicitor Crotty is adding in a minimum of 6 months rental provision. Section 4: Interior Property Maintenance – Rental Properties Only of the Blighted Property Ordinance will be added into this section.

AIRBNB - They briefly discussed AIRBNB. Dennis Crook stated that bed and breakfast is allowed by Township Code in the following Zoning Districts: R-A, R-1, R-2, R-3 and VC.

Solicitor Crotty stated all the statistics are online and could be monitored by someone in the Township office. Solicitor Crotty looked online and found a property listed under AIRBNB located in East Fallowfield Township.

John Schwab commented on Section 4H which stated the "Lack of at least one window capable of use for emergency egress to outdoors for each habitable space." He asked if a two-story colonial house with a second story window comply with this. Solicitor Crotty stated yes. Michael Domboski stated this is primarily for a basement. Solicitor Crotty stated habitable means bedroom.

Dennis Crook reviewed the definitions in the current Township Code. Solicitor Crotty suggested for the Occupancy Section, they could cross-reference to the Township Code 27-1727 Rooming Houses. The living space limit is at least 150 square feet per occupant. Solicitor Crotty suggested striking it and the Township can address it if the Code Enforcement Officer finds it is a problem in the Township. A discussion ensued about whether or not to strike the occupancy section. Dennis Crook also reviewed 127-1705 Bed and Breakfast Facility. Group homes were discussed. Dennis Crook said group homes aren't listed in the Township Code. Solicitor Crotty stated the Township is preempted by the State on group homes.

Solicitor Crotty stated the rest of the draft ordinance deals with procedures in terms of inspections, getting a certificate for inspections, getting a license suspended for non-compliance, and penalties.

Solicitor Crotty will incorporate the changes discussed and present a new draft ordinance to the Planning Commission for review.

4. Electronic Signs (not allowed under current Township Code).

Solicitor Crotty stated Weaver Mulch recently went before the Zoning Hearing Board to gain permission to install an electronic sign which are not currently allowed under the Township Code. Following the Weaver hearing, at least one Board of Supervisor raised the possibility of installing an electronic sign in front of the Township building. However, the current ordinance does not allow electronic signs or billboards. Billboards are offsite advertising and are differentiated from signs. The criteria for both billboards and electronic signs are listed in the draft ordinance.

Solicitor Crotty stated they would want to limit electronic signs to specific zoning districts and properties with certain street fronts. Solicitor Crotty also suggested the following limitations: no fading, flashing, modulating, scrolling, moving lights, text graphics, and full action videos. Scrolling texts are not always objected to. The main objection to scrolling text is that it takes attention away from drivers for an extended time. There was a conversation about their feelings on having an electronic text only sign in front of the Township building. The consensus is that the current sign in front of the Township building is too difficult to read. Solicitor Crotty discussed the definition of change intervals. The draft ordinance lists two minutes as the minimum change interval in order to be less distracting. A transition interval is how long it takes to transition from one interval to the next. This is set at one second to minimize distraction. A

billboard has to be allowable on at least one parcel in the Township Code. There was a discussion about possible areas of the Township to allow a sign or billboard. Mike Domboski asked if there are setbacks for billboards in the ordinance. Solicitor Crotty stated this is addressed in the ordinance section entitled "General Standards Applicable to All Signs" under "5. Setbacks – Road Right of Way" and is required to be 1.1 times the height of the billboard. The Planning Commission will review this draft ordinance and discuss further at a later meeting.

5. Dumpster/Pod Ordinance.

This ordinance discussion was put on hold. Sue Monaghan has been working on this ordinance and was not present at the meeting.

6. International Property Maintenance Code.

Solicitor Crotty said that you can find versions of it online. Mr. Crotty stated everything they needed to cover from the International Property Maintenance Code is being addressed in the Blighted Property Ordinance.

Municipal Land Use Letter – Dam on Buck Run.

Dennis Crook discussed a Municipal Land Use Letter that the Township recently received regarding work on a dam in the Township. The Municipal Land Use Letter needs a sign-off on whatever the proposed work is, is not inconsistent with the Township Code and Comprehensive Plan. Dams fall into the area of commonwealth and public utilities.

Solicitor Crotty discussed and answered the questions on the letter as follows:

- Question 1. Is there an adopted county or multi-county comprehensive plan? "Yes"
- Question 2. Is there an adopted municipal or multi-municipal comprehensive plan? "Yes"
- Question 3. Is there an adopted county-wide zoning ordinance, municipal zoning ordinance or joint municipal zoning ordinance? "Yes"

Dennis Crook asked if Questions 4 and 5 are for the Zoning Officer to answer. Solicitor Crotty stated that typically the zoning officer completes these letters and passes it to the Planning Commission for approval. He isn't sure that is the process the current Zoning Officer follows. There was a discussion about the dam. If it is a reconstruction of the current dam, then it will be considered a non-conformity even if it is prohibited by the ordinance. Dennis Crook stated he didn't think it is even addressed in the ordinance.

Question 4. Does the proposed project meet the provisions of the zoning ordinance or does the proposed project have zoning approval? "Yes we don't have any information to show they are not in compliance." Solicitor Crotty explained that the dam is already in place and non-conforming, we can't cite them for non-conformity.

Question 5. Have you attached Municipal and County Land Use Letters for the project?

Solicitor Crotty stated any questions on the job can be listed out and sent to Schnabel Engineering in the form of a letter. He suggested the Commission could request an explanation or plan to depict what work is being proposed compared to what is in place today. John Nielsen asked why they were doing work on the dam. Mike Crotty said the letter indicates that it is to meet PADEP Dam Safety criteria.

There was a discussion on how to proceed with the letter. Solicitor Crotty suggested deferring this to Rob McLarnon for questions 4 and 5 for him to advise the Planning Commission, complete the letter or request further information. He recommended the Planning Commission indicate they do not have an opinion on questions 4 and 5 due to lack of information. There was a discussion on which dam in the Township the letter pertains to. They determined it is the dam at the southern end of the Township near Buck Run Road. They will follow-up with the office to obtain additional information.

Historical Resource Guidelines.

Dennis Crook reported that Mike Crotty presented the Historical Resources Guidelines proposal from Frens and Frens to the Board of Supervisors. He said the historical section of the Township Code is confusing and needs to be made clearer. Mr. Crook said the guidelines would only be suggestions and not requirements. The Planning Commission discussed some of the details of the historic ordinance. Mr. Crook said it is a good time to address blighted properties and historic properties and make the code consistent. John Schwab stated the Historic Guidelines would be applicable to historic districts and historic properties listed as a Class 1 or Class 2. The only guidelines the Township currently has for historic districts or historic properties is the Township Ordinance. The Ordinance would carry more weight than the Guidelines. John Schwab asked if the Historic Commission had requested this. Dennis Crook stated this came up as the result of recent complaints about attending Historic Commission meetings. There was a discussion about the historical school house and the octagonal house in the Township. Dennis Crook spoke about the significance of People's Hall and the importance of preserving its history. John Schwab said that a lot of properties would be restricted if the Historic Guidelines were to be adopted. The Guidelines would not enforceable and would serve as a guide for historic property owners. John Nielsen stated that he a safety hazard should trump the historic regulations. Dennis Crook said the blighted property ordinance will address this issue.

2017 Annual Report.

Dennis Crook gave a special thank you to Sue Monaghan for working on the Planning Commission 2017 Annual Report. Mr. Crook reported it has been completed and will be presented at the March 27, 2018 Board of Supervisors meeting. Mr. Crook commented on the Open Projects section. He reported that they are currently working on the official map, the Bawa M. Fellowship application is in its final phase, and the Board of Supervisors have made an offer to someone for the position of Township Manager.

Rental Properties Ordinance.

Dennis Crook stated they had not previously discussed the example ordinances that Mike Domboski had gathered from other townships. Mike Domboski commented that Mike Crotty's ordinance was thorough. No further discussion was needed.

Official Map Meeting Update.

John Nielsen reported he and Dennis Crook attended Chester County's Planning Commission presentation of the extension of the Chester Valley Trail. He made a contact there with someone from the Chester County Transportation Department. The contact sent him a link to the Mill Trail which is in the greenway and follows the Brandywine Creek. A portion of the proposed trail goes through East Fallowfield Township. Mr. Nielsen said he will be meeting with Modena and South Coatesville before the next Official Map meeting and hopes to obtain a draft of the trail to determine if East Fallowfield can link up to the trail. The Township may want to pursue obtaining grant money to obtain the Beagle Club. John Nielsen also commented on Mortonville Road being re-opened one way in one section. They discussed the condition of the road and the problems that the creek is causing. They talked about easements and John Nielsen brought up the idea of a preemptively identifying a possible path for pipelines or infrastructure that may need to run through the Township. Ray Ott will be bringing a rough draft of the official map to the next meeting, which is on March 19, 2018 at 6:30 pm.

Bawa M. Fellowship.

Dennis Crook reported the Township received two new review letters today: one from Herbert MacCombie's office and one from Chris Della Penna. He said Herbert MacCombie's letter is regarding their Sewage Facilities Planning Module missing signatures. The Bawa M. Fellowship has done several Sewage Facilities Planning Module revision including December 2013, June 2015 and November 2017. The Planning Commission did not think it was necessary for the applicant to come before the Planning commission again just to sign the Sewage Facilities Planning Module. John Schwab will confirm with Solicitor Crotty on what, if anything, the Planning Commission needs to do at this point.

Approval of February 20, 2017 Planning Commission Workshop Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the February 20, 2017 Planning Commission Workshop meeting minutes as presented. Joe Perzan seconded.

VOTE: 4-0 (Michael Domboski abstained)

Approval of April 17, 2017 Planning Commission Workshop Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the April 17, 2017 Planning Commission Workshop meeting minutes as presented. John Nielsen seconded.

VOTE: 4-0 (Joe Perzan abstained)

Approval of October 16, 2017 Planning Commission Workshop Meeting Minutes.

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

VOTE: 4-0 (Michael Domboski abstained)

Adjournment.

MOTION: Dennis Crook made a motion for the March 5, 2018 Planning Commission meeting to adjourn at 9:55 pm. John Perzan seconded. VOTE: 5-0.

Respectfully submitted,



Lisa Valaitis
Township Secretary