

**East Fallowfield Township
Planning Commission Meeting
Approved May 7, 2018 minutes
6:30 pm**

Attendees:

Dennis Crook, Chairman
John Nielsen, Vice Chairman
Michael Domboski
John Schwab
Joe Perzan
Sue Monaghan

Not Present:

Stephanie Saxton

Dennis Crook called the meeting to order at 6:30 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.

Approval of February 19, 2018 Planning Commission Official Map Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the February 19, 2018 Planning Commission meeting minutes as presented. John Nielsen seconded.

QUESTIONS AND COMMENTS:

1. Dennis Crook requested "Official Map" be added to the title of this meeting. Each "Official Map" meeting will then be identified in the meeting title.

VOTE: 5-1 (Approved with correction.) (Joe Perzan abstained.)

Approval of March 5, 2018 Planning Commission Meeting Minutes.

Discussion: Joe Perzan stated he thought they had changed the grass and weed height limit to 100 feet from a home or driveway. John Schwab stated the issue is that this requirement covers all Zoning Districts from Rural Agricultural to the R-3 Zoning Districts. A discussion ensued about requiring a 50 feet versus 100 feet grass height limit. They determined that the best requirements would be to require 50 feet for driveways and 100 feet around a building. Dennis Crook stated this requirement change did not get into the draft. Dennis Crook stated his latest draft of the Blighted Property Ordinance states "100 feet of an occupied building" and to "within a 100 feet of a driveway access of a property". Joe Perzan asked why the Blighted Property Ordinance discussion in the meeting minutes

starts with Section 3. Mr. Crook stated that Section 1 was the title and Section 2 was the Township Code Enforcement Officer. Mr. Crook stated they did not discuss Sections 1 and 2 at the March 5th meeting and just jumped right into discussion of Section 3. Joe Perzan also said that under the Blighted Property Ordinance discussion, "Section 4: Interior Property Maintenance - Rental Properties Only" doesn't seem to fit. Dennis Crook distributed the newest draft of the Blighted Property Ordinance. Interior Property Maintenance Code and right of entry were pulled out of the Blighted Property Ordinance after the March 5, 2018 Planning Commission meeting. The Commission members decided they'd like the 100 feet weed and grass requirement clarified in the meeting minutes. Dennis Crook also commented that the Blighted Property Ordinance was not sent to the Chester County Planning Commission for review nor voted on by the Board of Supervisors.

MOTION: Dennis Crook made a motion to approve the March 5, 2018 Planning Commission meeting minutes as presented and clarify the 100 feet for grass and weeds. John Schwab seconded.

QUESTIONS AND COMMENTS:

1. John Nielsen asked if the electronic sign was included in the blighted property ordinance. John Schwab stated the electronic sign was mentioned in the meeting minutes but was not in that ordinance. Mr. Nielsen stated in the meeting minutes, it states on page 6 "the Planning commission will review this draft ordinance and further discuss at a later meeting". Dennis Crook reported that Solicitor Crotty brought the electronic sign up and recommended the Township address this in an ordinance.

VOTE: 5-1 (Sue Monaghan abstained)

Approval of April 2, 2018 Planning Commission Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the April 2, 2018 Planning Commission meeting minutes as presented. John Schwab seconded.

QUESTIONS AND COMMENTS:

1. Sue Monaghan asked Dennis Crook if Solicitor Crotty had gotten back to him about the portable storage unit ordinance. Dennis Crook stated that Solicitor Crotty has not gotten back to him yet.

VOTE: 6-0

East Fallowfield Township Manager.

Dennis Crook reported that East Fallowfield Township finally has a Township Manager. The Ordinance was put in 10 years ago. Mr. Crook stated that he hoped that the hiring of a Township Manager would help with communications between departments.

East Fallowfield Township Owned Properties.

Dennis Crook presented a list of Township owned properties. He went through the properties on the list:

1. The first property on the list is open space land in Brinton Station and is 30.6 acres. The UPI number is 47-2-20.

2. The second property on the list is one acre and is the Township Police Station. The UPI number is 47-4-91.2.
3. Property numbers 3 and 4 on the list are the East Fallowfield Township Park. The UPI numbers are 47-4-92.1 and 47-4-92.2.
4. 1642 Goosetown Road - horseshoe shaped property that is 33.7 acres. The UPI number is 47-5- 95.
5. Two small lots on Newlinville Road -17 Newlinville Road and 19 Newlinville Road. Each property is 0.03 acres. The Zoning District is Multi-Use. The UPI numbers are 47-5A-14 and 47-5A-15.

Discussion on Township Owned Properties - Dennis Crook stated that there are three properties owned by the Township that could be sold off: 1642 Goosetown Road, 17 Newlinville Road, and 19 Newlinville Road. The open space land in Brinton Station could be designated for future public use. Sue Monaghan asked if all of these properties are identified on the Official Map. Dennis Crook stated they should be. There was a discussion about the open space in Brinton Station. Dennis Crook stated this land was deeded as open space to East Fallowfield Township before the rules were changed and open space became the responsibility of the Homeowner's Associations (HOA's). Dennis Crook stated there are also a bunch of smaller open space lots deeded to the Brinton Station HOA. John Schwab stated this property was thought to be good for an amphitheater. They also discussed hardships and possibly allowing the abandoned property on West Chester Road with failed septic to use the Township owned property as a drain field. The abandoned property on West Chester Road backs up to the Township owned land which is open space in Brinton Station. John Schwab asked if this property on West Chester Road could be condemned if the Blighted Property Ordinance is approved. Dennis Crook stated yes if the owner has stopped paying property taxes. If the owner is still paying taxes, then the property is not considered abandoned. Dennis Crook stated the taxes are current. Joe Perzan asked why there is an assessed value on Township owned property and if the Township pays property tax. Dennis Crook stated the County assesses all properties. For properties with unpaid taxes, the Township may decide to have the County sell the property.

Discussion on Selling Township Owned Lands - There was a discussion about the Township potentially selling some of the properties. Sue Monaghan stated she hates to see the Township sell open space. She'd prefer to have the Township maintain the properties designated as open space to preserve open space in the Township. The Planning Commission members agreed that it would not be beneficial to sell the Brinton Station open space land. Dennis Crook questioned whether the Brinton Station open space land was included as available land in the Comprehensive Plan. Mr. Crook reviewed the Comprehensive Plan and said it was not included in the available space calculation. He said that over 50% of the Township land is made up of conservation, agricultural preservation, and open space. There was a discussion about 17 Newlinville Road and 19 Newlinville Road, which are in the Multi-Use Zoning District. Dennis Crook stated the minimum lot size for the Multi-Use Zoning District is one acre. This area is close to the city and a great buffer zone. The Office-Industrial Zoning District is next to the Multi-Use Zoning District. These are the only two Zoning Districts that can be used to make up for lost revenue. John Schwab asked Dennis Crook if he could see the two small lots on Newlinville Road being potentially used commercially. Dennis Crook said yes that area would work for

commercial use. Dennis Crook also commented that he is talking to PECO about a possible trail on their property. The PECO owned property is located in the Multi-Use Zoning District. The industrial area of the Township around the junk yard was also discussed.

Discussion on Recommendation to Board of Supervisors - The Planning Commission members discussed making a recommendation to the Board of Supervisors regarding the Township owned lands and whether to sell or retain the properties. The consensus was to recommend selling the two properties on Newlinville Road. They discussed possible uses for the property on Goosetown Road. Dennis Crook stated the Brandywine Conservancy will sometimes buy properties for conservation purposes. The Planning Commission members were split on whether to recommend selling the Goosetown Road property or retaining it. They will discuss the Goosetown Road property again at the next Planning Commission meeting. All of the Planning Commission members agreed not to recommend selling the Brinton Station open space land.

Official Map Issues.

Official Map Project Update - John Nielsen presented an update on the official map project. Mr. Nielsen stated that one thing that came out of the last meeting was that the water and sewer line locations in the Township were needed. Mr. Nielsen discussed the challenges of obtaining this information from PA American Water Company for planning purposes. PA American Water Company will not release franchise area and water line information to the Township for security reasons. Dennis Crook also talked about having the same challenges during the Comprehensive Plan project. Dennis Crook stated the Township doesn't have copies of contracts for anything north of Strasburg Road that has public water or sewer.

Discussion on Act 537 and Future Township Sewer Needs - Dennis Crook spoke briefly about Act 537. He specifically discussed the need for public sewer expansion for the South Brandywine Middle School, the area surrounding the middle school, and the Old Wilmington Road area. This area has a lot of lots that are less than the recommended one acre for functioning on-lot septic. He also described the basic components of a sewer pump station and how it works. Mr. Crook stated the current law requires that a property has a secondary area that perks for a second on-lot septic system in case the first septic system fails. Dennis Crook reported that he asked MacCombie's office for the water and sewer line information in order to identify future sewer pump locations on the official map. They viewed the map from MacCombie's office that identified future sewer location needs and discussed the potential future pump stations that were on the map. Mr. Crook specifically discussed where a potential future pump station location could be for the South Brandywine Middle School area. There was a discussion about how a pump station on a property would impact the value of that property. They felt that public sewer would increase property values. Dennis Crook said that if the same property keeps coming up in the Tax Claim Bureau Sale that that could indicate a failed septic system on that specific property. Joe Perzan stated that MacCombie's office must have a 10-year plan for possible future sewer line needs. He said that they would ultimately select sewer pump station locations and not the Township. Mr. Perzan said it's difficult to identify possible future sewer pump locations at this time. There was a debate among the members as to whether or not to identify potential future sewer pump station locations on the official map. They discussed the possibility of the Township identifying a property that keeps coming up for tax sale as a potential future sewer pump location. By identifying that property on the official map as a future sewer pump station, the Township would have the right of first refusal to purchase that property. John Nielsen asked if PA American Water Company would be the one to own properties with sewer pump stations on them.

Discussion on Misty Patch Road and Stone Creek Development - John Schwab spoke about the newer development (Stone Creek) off Goosetown Road with the sewer pump station in the entrance of the development. When the public sewer was installed in the development, the homes on Misty Patch Road had septic problems due to the creek running behind them. They tried to get public sewer for those homes on Misty Patch Road by tying into the new development. They would have had to put a pump station on the property on the corner of Misty Patch Road. That owner refused. Shortly after the development was completed, the owner of property the on the corner of Misty Patch Road and Goosetown Road sold his property. The homes on Misty Patch Road therefore still have on-lot septic problems. Mr. Schwab stated if the Township had looked at future planning needs, the septic problems on Misty Patch Road could have been fixed. They reviewed a proposed future sewer line map and discussed various septic system problem areas as well as potential sewer lines and pump station locations.

Discussion on Reflecting Future Potential Sewer Pump Stations on the Official Map - John Nielsen asked how they should handle the septic on the official map. One suggestion was to reference MacCombie's sewer map on the official map. Another suggestion was to identify the specific future pump station locations on the official map. Joe Perzan suggested consulting Solicitor Crotty before identifying the potential future sewer pump stations on the official map. Michael Domboski commented that Solicitor Crotty will be reviewing the official map because there will be a required ordinance along with the official map. Sue Monaghan commented that they need to be concerned with not harming any property values.

Discussion on Township Roads on Official Map - Dennis Crook announced the Township office and Public Works Department requested identifying roads on the official map. They discussed Mortonville Road versus Creek Road. John Nielsen stated the correct name of the road is Mortonville Road which runs from Strasburg Road to Modena Road. Dennis Crook stated the office also requested mileage for the roads be put on the official map for Liquid Fuels credit. John Nielsen said he will follow up with the office on whether or not the road mileage is a PennDOT function. John Schwab stated the roads in Fieldstone Village are not dedicated. Dennis Crook stated Consultant, Ray Ott had said he needed to charge extra for adding the road names to the official map. John Nielsen said the township has a contract and he will inquire with Mark Gallant with the Chester County Planning Commission. Dennis Crook said the fire departments are aware of the fire hydrant locations and PA American Water Company tests the hydrants annually for proper functioning.

Ordinance Discussion - Electronic Signs.

Dennis Crook said the electronic sign ordinance draft in the meeting packet is a draft prepared by Solicitor Crotty. Mr. Crook announced the Zoning Hearing Board granted Weaver Mulch's application request to put up an electronic sign. Mr. Crook said the current Township Code under Section 1602-1b "prohibits illumination of flashing, intermittent and moving type" on signs in the Township. The Zoning Hearing Board made the determination that this is not what Weaver Mulch was requesting to put up. Mr. Crook said he is concerned that the Zoning Hearing Board has possibly set a precedence. The Planning Commission suggested changing the current electronic sign ordinance. Mr. Crook said one of the Supervisors wants an electronic sign for the front of the Township building. John Schwab suggested just changing the electronic sign ordinance to what they want and not consider the recent Zoning Hearing Board verdict. Joe Perzan suggested tightening the ordinance if they don't like the verdict on the Weaver Mulch sign. He also suggested that the Planning Commission could suggest to the Board to appeal the Zoning Hearing Board Decision and Order. John Nielsen said the Planning Commission has been

playing catch-up with ordinances after undesirable decisions are made based on what the current Township Code allows. He suggested discussing this with Township Manager, Scott Swichar.

Discussion of U.S. Census Bureau "Boundary and Annexation Survey (BAS)".

The Planning Commission determined the U.S. Census Bureau "Boundary and Annexation Survey (BAS)" should be passed on to the new Township Manager, Scott Swichar.

Township News.

- **East Fallowfield Township Manager** - Dennis Crook presented a press release announcing the new East Fallowfield Township Manger, Scott Swichar. His email address is listed in the press release. Mr. Swichar was a deputy township manager at Bristol Township, in Bucks County, for six years. He managed the following departments: Police, Public Works, Finance and Code Enforcement in Bristol Township. He started at East Fallowfield Township on April 30, 2018.
- **Suspend Ordinance (s) for Review by Chester County Planning Commission (30 Days)** - Dennis Crook stated the draft of the Blighted Property Ordinance is finalized and doesn't need another review by the Planning Commission. However, it was not submitted to the County for review. Joe Perzan discussed the need for spelling out steps to follow to resolve blighted property problems if the property owner does not correct the problems. Dennis Crook briefly discussed a current issue with a property that has 17 cars on the property. They discussed process and procedures for correcting property violations.

Adjournment.

MOTION: John Nielsen made a motion for the May 7, 2018 Planning Commission meeting to adjourn at 9:16 pm. John Schwab seconded. VOTE: 6-0.

Respectfully submitted,



Lisa Valaitis
Township Secretary