

**East Fallowfield Township  
Planning Commission Meeting  
Approved July 2, 2018 minutes  
6:35 pm**

**Attendees:**

Dennis Crook, Chairman  
John Nielsen, Vice Chairman  
Michael Domboski  
Joe Perzan

**Not Present:**

Stephanie Saxton  
Sue Monaghan  
John Schwab

Dennis Crook called the meeting to order at 6:35 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.

**MOTION:** John Nielsen made a motion to proceed in the order of the agenda. Michael Domboski seconded.

**VOTE:** 4-0

**Rental Units Ordinance.**

The Planning Commission reviewed and discussed various sample rental unit ordinances which included samples submitted by Township Solicitor Mike Crotty, West Whiteland Township and the Borough of Shippensburg. The Commission discussed how to best proceed with developing a rental unit ordinance for East Fallowfield Township. Michael Domboski asked if the Commission needed to review the International Property Maintenance Code prior to moving forward with a rental unit ordinance. Dennis Crook stated the Blighted Property Ordinance recently approved by East Fallowfield Township's Board of Supervisors covers some of the same issues that the International Property Maintenance Code addresses. There was a discussion regarding the International Property Maintenance Code. Mr. Crook said that the Township does not have the International Property Maintenance Code in place. Mr. Crook stated that the benefits of adopting a rental property ordinance is ensuring safety of rental units for emergency responders and increased property values.

The Planning Commission members discussed Township Solicitor Crotty's Rental Unit Draft Ordinance. The members noted that Solicitor Crotty's Rental Unit Draft Ordinance has International Property Maintenance Code referenced on page 3 of the Draft Ordinance. The last three pages of Solicitor Crotty's Rental Unit Draft Ordinance, after the signature block, includes Section 4 entitled "Interior Property Maintenance – Rental Properties Only."

The West Whiteland Township Rental Ordinance Draft was discussed. Dennis Crook said he likes the Rental Inspection Requirements Section 250-7 – Exterior, Interior, and General Life Safety, of the West Whiteland Township Rental Property Ordinance. The requirements are clean and concise. Mr. Crook stated he also likes Section 250-11 entitled "Multiunit Residential Inspection Option" because it is closer to the conditions of East Fallowfield Township.

Dennis Crook also commented that he likes Section 901.3 "Registration of Rental Units" in the Shippensburg Ordinance because it is very simple and easy. We could change it slightly to better suit East Fallowfield Township. He commented that the Shippensburg Ordinance covers group homes, group housing, and nursing homes or convalescent homes.

Joe Perzan said that the Planning Commission should work on fine tuning Solicitor Crotty's Rental Unit Draft Ordinance and utilize the additional sample ordinances to further educate themselves on what options are best for regulating rental units. There is a need

to address standards, registration numbers, and a system to track rentals. Mr. Perzan said we do not want to over regulate or over inspect properties. John Nielsen stated there should be required safety standards for rental units. Dennis Crook stated as far as occupancy rules, there should be some standard requirements to avoid extreme occupancy situations such as a two-bedroom house with 12 people residing in it. They also discussed the safety concerns that could arise from a basement rental unit. After discussion, the Planning Commission determined to proceed with reviewing the sample ordinances, pull out the parts they like in the various sample ordinances, and have Solicitor Crotty incorporate any additional clauses to create a completed Rental Unit Ordinance for East Fallowfield Township.

#### **Planning for Multi-Use Zoning District & Office Industrial Zoning District.**

The Planning Commission members discussed the Multi-Use Zoning District and the Office-Industrial Zoning District which are in the northern area of the Township along Route 82. Mr. Crook said the Multi-Use Zoning District includes the entire Newlinville area as well as the PECO property. Sisk's property is in the Office-Industrial Zoning District. Mr. Crook stated that if the Township wants to bring in more revenue per acre, it would be most likely in the Office-Industrial and Multi-Use Zoning Districts.

There was a discussion regarding the "Appendix 27-301-1 Table of Uses" in the Township Code of Ordinances. Mr. Crook said that some of the newer business and institutional uses that should be included in the "Table of Uses" are not addressed. He said the Planning Commission should review the Table of Uses and add or remove uses as appropriate. They need to consider what type of businesses and uses would be desirable to have in the Township. They also need to address how uses are permitted in various zoning districts such as by conditional use, special exception, accessory use or, use by-right. If a use is not addressed in the Township, it could be challenged. There was a discussion regarding medical cannabis use and whether to address it in the Township Ordinances. The members discussed where in the Township medical cannabis should be permitted and felt that the Office-Industrial and Multi-Use Zoning Districts would be the most acceptable. They also discussed whether cannabis could be permitted under the Rural Agricultural Zoning District. Dennis Crook also discussed having a facility such as a retirement home or nursing home in the Multi-Use Zoning District.

The Planning Commission members discussed ideas on how to bring new business into East Fallowfield Township. Joe Perzan suggested speaking to the County regarding businesses that are interested in Chester County. John Nielsen stated they could work with the Western Chester County Chamber of Commerce to find businesses interested in locating in East Fallowfield Township. Dennis Crook said that Gary Smith, Director of the Chester County Economic Development Council is working on ideas for the Township. Mr. Crook discussed the "Table of Uses" Appendix 27-301-1 and using the "Table of Uses" to attract desirable businesses into the Township. They briefly discussed some of the uses listed on the "Table of Uses." There was also a discussion regarding the Use Regulations 27-1102 under the Office-Industrial Zoning District.

They discussed the difference between the Office-Industrial Zoning District and Multi-Use Zoning District. They also discussed combining the two zoning districts because some of the uses overlap in the two zoning districts. Dennis Crook stated under the Office-Industrial Zoning District, "Administrative, professional and/or medical office building," are uses permitted by-right. However, nursing homes and hospitals are permitted under the Multi-Use Zoning District by Special Exception. Under the Multi-Use Zoning District, "Administrative, professional, and business offices" are uses permitted by-right. Dennis Crook said he would like to see the harsh industrial businesses only be permitted in the Office-Industrial Zoning District. They discussed Chapter 27-1102 "Use Regulations." The Commission spoke about business types they would like to see in the Township in the future. They discussed having a gas station in East Fallowfield and what the incentives are to a business owner for opening a gas station in East Fallowfield Township. Dennis Crook discussed the concept of clustering to generate more municipal revenue per acre while also maintaining more open space. John Nielsen spoke about Brook Crossing, Branford Village, the Community Park, and the immediate area as a walkable community that could potentially be an area of slight commercial or meeting places. Dennis Crook discussed the Route 82 corridor from the Township border to Strasburg Road.

#### **Review of Comprehensive Plan.**

Joe Perzan asked if the Commission wants to focus on combining the Office-Industrial Zoning District and the Multi-Use Zoning District which is a "Plan for Land Use" recommendation listed in "Table 4 – Implementation Plan" in the Comprehensive Plan. The recommendation states "combine existing Office-Industrial and Multi-Use districts in to one Multi-Use district for non-residential uses." Dennis Crook stated this is a high priority recommendation in the Comprehensive Plan. John Nielsen recommended combining Multi-Use and Office-Professional uses together and keep Industrial in a separate area. Dennis Crook said he would like

the Planning Commission to look further into combining the Office-Industrial and Multi-Use districts. John Nielsen asked what the motivation is to combine these districts. There was a discussion about the pros and cons for combining the two zoning districts. John Nielsen said he would get copies of the Office-Industrial and Multi-Use area zoning maps for further discussion.

The Planning Commission discussed the following recommendations in "Table 4 - Implementation Plan" in the Comprehensive Plan.

1. **Plan to Meet Housing Needs** - The Planning Commission discussed the following recommendations listed under "Table 4 – Implementation Plan - Plan to Meet Housing Needs."
  - a. **Continue to accommodate current housing mix** - Dennis Crook stated that under the "Plan to Meet Housing Needs" there is a high priority recommendation which is "continue to accommodate current housing mix." Affordable housing would fall under this. Mr. Crook said that "Rental Unit Permits," which is a medium priority, is also under "Plan to Meet Housing Needs."
2. **Community Facilities & Services Plan** – The Planning Commission discussed the following recommendations under the "Community Facilities & Services Plan" under "Table 4 – Implementation Plan."
  - a. **EFT admin. hire Township Manager** - Dennis Crook stated this goal has been achieved.
  - b. **Create/adopt Official Map** – John Nielsen stated they have almost completed the Official Map.
  - c. **EFT – admin. improve communication with residents** - Dennis Crook said the Township office has improved communications and is continuing to make improvements in communicating with residents. This is an ongoing process.
  - d. **Recycling - improve composting facility and access** - Dennis Crook stated this would fall under the Public Works Department. This recommendation has not been achieved.
  - e. **Complete Township Park per Master Plan** - Dennis Crook stated the Township has recruited some members for the Park & Recreation Committee and hopefully that committee can work on this goal.
  - f. **Septic systems strategy to address potential on-lot system failures on small lots** – Dennis Crook stated the Township is working on this recommendation. Mr. Crook stated he will contact the Penn State Extension Program to set up another water testing event. Dennis Crook also briefly discussed a public meeting held regarding the Act 537 Plan. The minimum requirement under Act 537 is to implement a Septic Management System. The Township will need to implement this if additional public sewer is not going to be added to the Township. Mr. Crook said that the Township should plan for the need for additional public sewer and future pump station locations.
  - g. **Identify new township revenues** – Dennis Crook stated the both the Township and the Planning Commission are working on this recommendation.
3. **Transportation & Circulation Plan** - The Planning Commission discussed the following recommendations under the "Transportation & Circulation Plan" under "Table 4 – Implementation Plan."
  - a. **Pursue the design and construction for three intersection improvement projects** – There was a discussion about improving the intersections that have three stop signs at a four-way intersection. There was a discussion about various intersections in the Township.

#### **Official Map.**

Dennis Crook stated there is a response from Solicitor Mike Crotty regarding the Official Map Draft Ordinance in the meeting packet. Ray Ott's Draft Ordinance is also in the meeting packet. Dennis Crook stated Solicitor Crotty removed "Section 600 – Violations" on page 7 with the following notation: "I don't believe an Enforcement provision is warranted or permissible under the official map portion of the code. Instead any violation would be covered by another ordinance, i.e. the zoning ordinance." Dennis Crook stated that on page 3, Solicitor Crotty took out "Township Planning Commission" and added "Board of Supervisors" because the Board of Supervisors make the decisions. John Nielsen stated there is a final Official Map meeting on June 16, 2018. There was a discussion about whether this meeting is needed. John Nielsen will check with Mark Gallant and Solicitor Crotty to determine if the June 16 meeting is necessary.

## Old Business.

1. **Deeds for Township Owned Properties** – Michael Domboski reviewed the deeds for Township owned properties to determine if there are any restrictions.
  - a. **Brinton Station Subdivision Open Space** – Michael Domboski reported that the only restriction for the Brinton Station open space is that it is labeled as open space. They discussed the definition of open space. Dennis Crook stated the best use for this property is a park. The Planning Commission felt it made sense for the Township to retain this property.
  - b. **Goosetown Road Property** – Michael Domboski stated the Goosetown Road property is a “u” shaped property on Goosetown Road just east of Modena and South Coatesville. Michael Domboski said he did not see any restrictions on this deed. Dennis Crook said that the assessed value of the property is approximately \$130,000 and the market value would be higher. They discussed holding on to the property versus selling it. They discussed liability insurance and whether owning the property is a liability. They also had a conversation about holding on to the property to preserve open space versus selling the property. They spoke about possible uses of this property. The Planning Commission felt there were benefits to keeping this property as well as benefits to selling it.
  - c. **17 Newlinville Road & 19 Newlinville Road** – Michael Domboski stated these properties have one deed with two separate parcels. The previous owners of these two properties have right of first refusal if the Township puts the properties up for sale. They discussed the properties which are two empty lots located between row homes. Michael Domboski said that these two properties are the most restrictive of the Township-owned properties. The Planning Commission did not feel that it made sense for the Township to keep these two properties.

## New Business.

1. **Old Cluster Developments/Section 1300 of Township Code** – Dennis Crook discussed a recurring problem with properties in cluster subdivisions not having enough space to add patios or pools to their property under the current Township Code. He said that a recurring problem could indicate a problem in the Township Code. He said that when home owners living in the cluster developments apply for permits for a patio or shed, they are not able to meet the stormwater impervious surface requirements in the Township Code. These residents have been required to submit a Zoning Hearing Board application. Dennis Crook stated that these residents do not have enough room on their properties to do what they want. The Commission members discussed whether these residents are being penalized for living in a cluster development. They also debated on whether the Township Code should be amended to address this recurring issue.

## Adjournment.

MOTION: Dennis Crook made a motion for the July 2, 2018 Planning Commission meeting to adjourn at 9:25 pm. Joe Perzan seconded. VOTE: 4-0.

Respectfully submitted,



Lisa Valaitis

Township Secretary