

**East Fallowfield Township
Planning Commission Meeting
Approved October 15, 2018 minutes
6:40 p.m.**

Attendees:

Dennis Crook, Chairman
John Nielsen, Vice Chairman
Joe Perzan
John Schwab

Not Present:

Stephanie Saxton
Sue Monaghan
Michael Domboski
Wilson Lambert (Alternate Member)

Dennis Crook called the meeting to order at 6:40 p.m.

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.

Sketch Plan Review of the Piper Tract Subdivision.

David Rentschler with JMR Engineering spoke to the Planning Commission about the Piper Tract Subdivision sketch plan. He said that this property was approved for an 11-lot subdivision in the past. Mr. Rentschler stated the parcel is 33-34 acres and is located on Strasburg Road. The Pipers would like to subdivide the parcel into five lots. Mr. Rentschler discussed the narrative that was included with the sketch plan of the proposed subdivision. There are existing structures on lots 1 and 2. The Pipers want each structure to have its own lot. The adjoining property owners to the north of lot 3 currently access their property in the vicinity of this proposed lot because they can't get their farm equipment onto the property by any other route. The Pipers would like to create this lot to possibly be sold to the adjoining property owners. The purpose of lot 4 is to create a conservation lot to be held by the Pipers. The Pipers would like to construct a home on lot 5. The Pipers currently own and live at 55 Carlin Drive. They want to do a land swap with 55 Carlin Drive to allow access to lot 5 off Carlin Drive. The only trees that they want to remove on lot 5 is what is necessary for driveway access.

Mr. Rentschler stated that lot 3 is a flag-lot. Mr. Rentschler said that he didn't find anything in the Township Code regarding flag lots. There was a discussion about flag lots. Mr. Crook stated he did his own flag lot with an easement with a 25-foot minimum requirement. Lots 1 and 2 are almost identical to the prior approved 11-lot subdivision. Lot 4 was given the required 150-foot width. That leaves 27 feet for lot 3.

Mr. Rentschler stated the Pipers are seeking feedback, comments and concerns from the Planning Commission on their sketch plan. John Nielsen asked if there is a dwelling on lot 1 or just a barn. Mr. Rentschler said that lots 1 and 2 have existing dwellings and driveways. John Schwab asked if the property access road for lot 4 would go around the wetlands area to Strasburg Road. Mr. Rentschler said that is one option and another option is a right-of-way access to Sycamore Lane which was approved in the original 11-lot subdivision. There are currently no plans for development of lot 4. John Schwab asked Mr. Rentschler if he anticipated needing any variance requests. Mr. Rentschler stated he did not anticipate requesting any variances other than for the flag-lot if needed. Lots 1 and 2 are existing non-conforming because of their close distance to Strasburg Road. John Schwab asked what the zoning acreage is for this area of the Township. Mr. Rentschler stated this is in the two-acre zoning district. The Planning Commission did not have any concerns with the sketch plan. Mr. Rentschler stated that the Pipers will proceed with a preliminary subdivision and land development application.

Dennis Crook reviewed the Township Code requirements (Chapter 21 – Streets and Sidewalks) for driveway dimensions. The minimum width of a driveway should be 10 feet. For a driveway that has been approved for multiple access, the minimum width requirement is 16 feet. The maximum width of a residential driveway shall be 20 feet. The maximum width of a commercial or industrial driveway shall be determined by the engineer analysis.

Approval of April 16, 2018 Planning Commission Official Map Meeting Minutes.

The Planning Commission members determined there were not enough members present to approve the April 16, 2018 Planning Commission Official Map meeting minutes. Therefore, this was tabled until the next meeting.

Zoning Ordinances – Update and Discussion.

Dennis Crook stated that the purpose of reviewing the Township Zoning Ordinances is to ensure there is no overlap in the ordinances on uses by rights.

1. **Group Home** - There was a discussion about zoning for group homes. Dennis Crook said a family is defined as no more than five unrelated people living in the same residence. Based on the definition of family, the Township cannot treat a group home differently than a private residence. John Schwab stated that group homes could be controlled by specifying how many square feet are required for a bedroom and living area. Mr. Crook said that they could define residence versus group home in a similar manner to the definition difference between a daycare home and daycare center. There was a discussion about permitting group homes in the Village Commercial Zoning District and whether that use would be compatible with the Village Commercial Zoning District. Joe Perzan discussed the Supreme Court findings that Solicitor Crotty had shared with the Planning Commission that specified that individuals residing together with disabilities such as in an institutional group home qualify as a family and therefore cannot be regulated in any other manner than as a standard single family. John Schwab stated that they could build the Township's Ordinances by specifying number of residents for a group home and a group center. A center cannot be prohibited but it is regulated by Zoning District. Dennis Crook discussed the definitions of family and group home as it is defined in the Township Code Section 27-201. This does include community living arrangements but does not include institutional group homes. Mr. Crook read the definition of dormitories as stated in the Township Code 27-201. Dennis Crook said that there are three classifications of group homes in the Township Code: community living arrangements, institutional group home, and disciplinary group home. Joe Perzan said this will take some research due to the state and federal laws. John Schwab discussed Solicitor Crotty's comments in an email regarding the definition of family in the Township's Zoning. Solicitor Crotty had written that it is difficult to try to revise the definition of family to control these types of uses under the ADA and Fair Housing laws. The courts, including the Supreme Court, have routinely stricken down these types of provisions. From a legal prospective, individuals residing together with disabilities, such as in the traditional institutional group home, qualifies as a family and cannot be regulated any way other than regulations for a standard single family. John Schwab commented that group homes could be regulated by the Township through size, neighborhood compatibility, meeting zoning requirements, and square footage of the residence. John Nielsen commented that the Township may also require that septic systems meet the capacity of a group home. There was a discussion about whether the Township could require registration of the residents of group homes or whether this would be considered a violation of privacy under HIPPA or the ADA requirements. Joe Perzan said that addressing group homes will require meeting with Solicitor Crotty for more information.

Dennis Crook discussed the Village Commercial Zoning Districts and the need to blow up the Zoning Map to identify exactly which properties are in the Village Commercial Zoning District. Dennis Crook also said that the uses under the Office Industrial and Multi-Use Zoning Districts need to be reviewed and updated. There was a discussion regarding some of the specific uses that are currently listed in the Township Zoning Code.

The Planning Commission also discussed a draft ordinance regarding group homes. They discussed the ordinance stating that up to 14 people may reside together in a group home. John Schwab said that he felt that a maximum of 14 people is too high. The draft ordinance does not include the definition of family or anything about family. There was a discussion regarding adding a square footage per person requirement to the Township Code. John Schwab said the Township should set a requirement about number of bedrooms and square footage. There was a discussion about the Embreeville property in West Bradford Township property.

John Nielsen will research resources at the County level and state level. He will also research what information is available from other municipalities. Dennis Crook will assist John Nielsen.

Review and Update of Official Map Report.

Dennis Crook reported that the Official Map has been sent out to all the surrounding municipalities and Chester County. He said that the Township received a response from the Chester County Planning Commission. The Planning Commission reviewed the Chester County Planning Commission's review letter and discussed some of the comments in the letter. One recommendation is for the Township to obtain a digital version of the map. Another recommendation is that the approved Official Map be shared with neighboring municipalities. The Board of Supervisors will approve the Official Map at their meeting on October 23. John Nielsen commented that the Official Map is not static and may be changed and updated at any time. They also discussed the corresponding Ordinance. The only issue with the Ordinance was Section 600 – Penalties, which was removed. Solicitor Crotty said that Zoning would take care of conflicts and therefore, no penalties are needed in the Ordinance.

Fieldstone Village Development.

The Planning Commission discussed the cemetery off South Caln Road. The cemetery is a separate parcel number from the Fieldstone Village Subdivision, and it is privately owned. John Schwab asked if there is access to the cemetery. They reviewed the Fieldstone Village final signed plans. They discussed the conditions listed on the final approved plan. It states the applicant will supply an access easement to the cemetery at a location mutually acceptable to the Township and the applicant. Dennis Crook stated they pulled a copy of the plan to determine the dates for approval. He reported the builder is submitting permits with the Township. They discussed the requirements listed on the final plan. There was a discussion regarding the timing of the Park and Recreation Fee in Lieu of for \$1,500 per lot. They determined that the Park & Recreation Fee in Lieu of Fee of \$1,500 per lot should be paid at the time each permit is issued. Dennis Crook stated he was concerned that the developer has not come before the Township with revised plans because he saw on the sale website that they were offering ranch style homes which were not in the approved plans. John Schwab said they discussed the house designs many times with the developer and he did not recall that the housing styles were mandated. John Schwab said there is no reference to house style in the conditions on the final plan. If there was a discussion about housing styles at a Board of Supervisors meeting, it would be in the minutes. There is no new contract with the new developer. John Schwab also discussed a condition that states that officials of East Fallowfield Township and other government officials shall have permission to gain access through the development to the stream for maintenance as needed. He said that he thought there was an agreement that the public would have access to the stream for the trail that was going to be part of a trail system. There was a discussion regarding the ownership history of Fieldstone Village. Dennis Crook stated a written contract is drawn up with the conditions listed on the approved plans. John Schwab will research and obtain a copy of the contract.

Report on Citizen Planner Breakfast.

Dennis Crook stated that the original intent of the recent Citizen Planner Breakfast was to lead into a Community Conversation. They discussed the information covered during the breakfast. John Nielsen commented on the speaker that spoke about property assessment and said he thinks the property that Allan Myers is located on is under assessed. Arcelor Mittal owns the property that Allan Myers is located on. John Nielsen discussed the business history of the property. Dennis Crook discussed the history of Allan Myers. They talked about having the property reassessed. John Schwab asked if a Township is legally permitted to appeal the assessment of a property. John Nielsen said that a Township may go to the Chester County Assessment Office and challenge an assessment if the Township feels that the property is not accurately assessed. There was a brief discussion about business tax. John Schwab suggested the Township look at all of the Township 's commercial properties' assessment values.

John Schwab spoke about implementing an impact fee in the Multi-Use and/or Office Industrial Zoning District as a source of additional revenue for the Township. He said you may designate a seven-square mile area, create an Act 209, and declare a Municipal Capital Improvement Project District. The Township would need to identify traffic improvements desired within the seven-square mile area. An impact fee could be set per property. There was a discussion about the potential cost associated with implementing an impact fee. Dennis Crook stated this could generate decent revenue if planned properly.

Discuss Community Conversation Topics.

Dennis Crook asked the Planning Commission members if they had any ideas for future topics for a Community Conversation. He recommended continuing discussion on the topic of municipal revenue building. The Planning Commission discussed ways to attract businesses to locate in East Fallowfield Township. Joe Perzan suggested someone, such as Township Manager Swichar, join the Western Chester County Chamber of Commerce and attend meetings. John Nielsen said that Supervisor Katja DiRado is a member of

the Western Chester County Council of Government (WCCCoG) and they meet once a month. John Nielsen discussed what the WCCCoG does. John Nielsen has a contact person in the Western Chester County Chamber of Commerce that he will invite to a future Planning Commission meeting. Dennis Crook stated that the Western Chester County Chamber of Commerce is instrumental in bringing in business to municipalities. The Planning Commission agreed that revenue is the best topic for a community conversation. Dennis Crook discussed this year's budget for the Planning Commission. Dennis Crook stated in the 2019 budget, the Planning Commission should do one course and hold a Community Conversation. They discussed the structure of the Community Conversations. Dennis Crook said that Chester County 2020 organizes and facilitates Community Conversations. They also discussed including the cost of an Act 209 in the Planning Commission budget. Dennis Crook stated a Community Conversation costs approximately \$10,000-\$12,000. He said the Planning Commission also needs money for the Township Solicitor in their budget.

New Business.

Dennis Crook stated that Supervisor Katja DiRado asked the Planning Commission to come up with ideas for use of the Township owned 30-acre property on West Chester Road. John Schwab stated that this would fall under the Park & Recreation Committee's responsibility.

Adjournment.

MOTION: Dennis Crook made a motion for the October 15, 2018 Planning Commission meeting to adjourn at 9:02 p.m. Joe Perzan seconded. VOTE: 4-0.

Respectfully submitted,



Lisa Valaitis
Township Secretary