

**East Fallowfield Township  
Planning Commission Meeting  
Approved December 3, 2018 minutes  
6:35 p.m.**

**Attendees:**

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

**Not Present:**

Stephanie Saxton  
John Schwab  
Wilson Lambert (Planning Commission Alternate Member)

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

**Billboards and Electronic Signs Ordinance.**

Dennis Crook reported that the proposed Billboards and Electronic Signs Ordinance has been sent to the Chester County Planning Commission for review. The proposed Ordinance will be advertised and considered for approval by the Board of Supervisors at a future meeting. Dennis crook stated it was helpful to have Susan Elks from the Chester County Planning Commission attend their previous meeting. Dennis Crook said he will request future assistance on additional ordinance changes from the Chester County Planning Commission.

**Review of Ordinances.**

1. **Dumpster/POD Ordinance** - The Planning Commission discussed the draft Dumpster/POD Ordinance. Sue Monaghan commented that the ordinance did not completely address the temporary portable storage units (TPSU's). Sue Monaghan did not agree with item d, "Size," on page 3, which states that a property owner is permitted to have one TPSU per acre and one additional TPSU per every additional two acres of property. Depending how large your property acreage is, a property owner could have a lot of TPSU's. Sue Monaghan said this section seems more applicable to a commercial trash dumpster than a TPSU on private property. Sue Monaghan also stated that under section e, "Content, "personal items" should be added. A discussion ensued. There was a discussion regarding the TPSU currently sitting on the O'Meara property, which is a residential lot with no dwelling on it. Dennis Crook said that in this particular case, the TPSU is on a property without a building which makes it a Township Code violation because the TPSU would be considered an accessory use. They also discussed the thirty-day limit with an additional 15-day possible extension on page 2, under Section a, "Duration." A TPSU being used in conjunction with a building permit is permitted on a property for up to six months. Sue Monaghan asked if they should specify that a property with no dwelling may not use a TPSU as a primary unit. Dennis Crook also discussed non-invasive agricultural uses and customary buildings associated with non-invasive agricultural uses. They discussed the difference between a dumpster and a TPSU. The Planning Commission discussed what number should be set as the limit for the TPSU's "not to exceed" limit (which was left blank) in Section d entitled "Size" on page 3. After discussing, the Planning Commission concluded they should seek clarification on their questions before setting a "not to exceed" number. Sue Monaghan said she would like clarification on page 3, Section e, "Content," regarding whether it is okay to store personal household items in a TPSU. Sue Monaghan said that this section treats TPSU's and dumpsters the same. Dennis Crook asked if they should have separate sections for development and commercial. The Planning Commission will seek clarification on page 3, Section e, "Content," from Solicitor Crotty. They will also seek clarification regarding TPSU's on a property without a primary dwelling (vacant lot and no building permit). They discussed

the statement under “content” that states that dumpsters cannot be used for storage and removal of debris from off-site. They discussed sales trailers on large construction sites and subdivisions with building in progress.

2. **Revised Rental Ordinance** - The Planning Commission reviewed and discussed the revised draft Rental Ordinance submitted by Township Solicitor Crotty. Dennis Crook commented on the value of the chart on page 3 entitled “Minimum Area in Square Feet.” Dennis Crook suggested using a total of open space as opposed to distinguishing between the living room and dining room. Sue Monaghan asked if a rental unit must include a kitchen. There was a discussion regarding Section 12, Item (a), “Residential Rental Unit” and what the definition of a rental unit is. This section stated that rental units do need to have a cooking facility. Dennis Crook stated it would be helpful to know what types of existing rental units are in the Township. Sue Monaghan asked if this ordinance would give Zoning Officer Rob McLarnon the leverage to investigate properties that indicate there may be a rental unit. John Nielsen discussed potential problems with Emergency Management Services not being aware of rental units in the Township. Section 12, item a, “Residential Rental Unit” lists acceptable types of rental units but says, “including but not limited to.” They discussed hotels and the clause that states a rental unit is defined as being rented for a period in excess of 25 days. Joe Perzan stated there should be a clause in the ordinance that references a list (like an appendix) that may be changed at any time by the Board of Supervisors as opposed to changing the actual ordinance when changes are needed. Joe Perzan said that this would make it easier and less expensive to make future changes. Joe Perzan discussed the statement in Section 9, b, which states “except in cases of an immediate threat to the public health safety and welfare, in which case immediate vacation may be required.” Joe Perzan said the wording used should be “shall” instead of “may.” Dennis Crook stated that Solicitor Crotty incorporated the Planning Commission’s proposed changes in this revised ordinance and a lot of progress has been made.

#### **Development Conditional Use Conditions on Recorded Plan.**

Dennis Crook stated that Fieldstone Village, Ridgecrest, and Scott Farm are subdivisions that were on hold and are starting to have activity. Dennis Crook said he is concerned that the builders of these subdivisions may not adhere to the conditions of the approved subdivision plans. Dennis Crook stated that the Fieldstone Village and Scott Farm subdivisions have gone through several developers. These developers may be required to come back to the Planning Commission. Dennis Crook discussed “Findings of Fact” in the “Decision and Order” always having more conditions on them than the conditions listed on the actual plan. There was a discussion about “Findings of Fact.” Dennis Crook said the conditions section on the final plan seems to have combined some of the “Findings of Fact.” There was a discussion regarding item number 9, on page 14, under the “Order” section of the document that states as follows: “Where feasible, reasonable efforts shall be made by the Applicant to make water and sewer service available to existing residences, particularly residences on the north side of West Chester Road.” The Planning Commission members discussed the stormwater problem at the intersection of West Chester Road and South Caln Road. Dennis Crook said there is an escrow fund for fixing this intersection. Joe Perzan asked who enforces all the conditions. Dennis Crook said the Code Officer and the Township Engineer enforce the subdivision conditions.

#### **Zoning Definitions - Family / Group Homes - Group Homes, Group Homes - Disciplinary & Group Homes - Institutional.**

The Planning Commission discussed East Fallowfield Township’s definition of “family” and “group homes” as defined in the Township Code. Dennis Crook reported that Solicitor Crotty was concerned about the definition of “family” in the Township Code which states “The term ‘family’ shall include community living arrangements as herein defined; but shall not include institutional group homes, disciplinary group homes....” Mr. Crook stated the federal law says you may not treat “group home” living arrangements different than “family” living arrangements. Dennis Crook stated that it was Solicitor Crotty’s recommendation to change the definition of “family.” There was a discussion about how to change the definition of “family.” Joe Perzan suggested deferring to Solicitor Crotty to recommend changes to the definition pursuant to current law. Dennis Crook said that the Chester County Planning Commission may of assistance as well.

#### **New Business.**

- **2019 Township Budget** - The Planning Commission briefly discussed the proposed 2019 Township budget. There was also a discussion regarding the Western Chester County Council of Governments which is an organization that allows municipalities to share services.

- **Economic Advisory Committee** - Dennis Crook stated there is a proposal from the Board of Supervisors to form an economic advisory committee to address township revenue and financial planning.

**Adjournment.**

**MOTION:** Dennis Crook made a motion for the December 3, 2018 Planning Commission meeting to adjourn at 8:10 p.m. John Nielsen seconded. **VOTE:** 5-0.

Respectfully submitted,



Lisa Valaitis  
Township Secretary