

**East Fallowfield Township
Planning Commission Meeting
Approved September 16, 2019 minutes
6:40 p.m.**

Attendees:

Dennis Crook, Chairman
John Nielsen, Vice Chairman
Joe Perzan
Alfred Wright
Sue Monaghan
Solicitor Mike Crotty
Township Manager Scott Swichar
William Stevens, Executive Director at Chester County 2020
Mr. Doutrich, Agricultural Security Area Applicant

Not Present:

John Schwab
Michael Domboski

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.

Agricultural Security Area Application - Tax Parcel 47-4-6.6 - Ruth Doutrich/Scott Farm Estates.

Solicitor Mike Crotty answered questions the Planning Commission had submitted to him regarding the Doutrich Agricultural Security Area Application. The first question the Planning Commission had was what the timing requirement of the Planning Commission's review is. Solicitor Crotty explained that Agricultural Security Area Applications go through a two-step process at the Township level. When the Township receives an Agricultural Security Area Application, the first requirement is that the Township Board of Supervisors notes receipt of the application and puts notice in the newspaper to inform the community that the Township has received an Agricultural Security Area Application. The public notice states that if any additional property owners would like to piggy-back off the Agricultural Security Area Application, to let the Township know within 15 days. Solicitor Crotty stated the Township received the Agricultural Security Area Application on June 10, 2019 and was recognized as received by the Board of Supervisors at their June meeting. At the July Board of Supervisors meeting, the Board of Supervisors approved advertisement of a hearing date which falls under the second step requirement. Additionally, under step two, the Township is required to send the Agricultural Security Area Application to the various planning bodies: Chester County Planning Commission, Chester County Agricultural Preservation Board, Township Planning Commission, and Township Agricultural Security Committee. John Nielsen asked if the clock starts at the Board of Supervisors meeting or when the Township received the application. Solicitor Crotty stated the first clock date is 180 days. If the Township does not act on an Agricultural Security Area Application within 180 days of receipt of the application, the application is deemed approved. The second clock date requirement of 45 days starts from when the Planning Commission receives the application. Solicitor Crotty stated at this point, the Planning Commission is right around the 45-day clock date. However, the Planning Commission has previously voiced its concerns and reservations regarding this Agricultural Security Area Application, so the Planning Commission has technically responded within the 45-day requirement. Therefore, the Agricultural Security Area Application is not deemed approved. Ultimately, the decision is made at a Board of Supervisors hearing. The Planning Commission can change or modify their response up until the hearing date. The hearing date has not been set but the hearing is expected to be in October.

Solicitor Crotty stated that the factors under the Agricultural Security Area Law are relatively narrow. He discussed the Agricultural Security Area Law. He stated it is not "Clean and Green". It is a recognition of certain properties in a township that will get certain protections. Owners are not bound to farm the property. The Law covers properties that are being farmed and those that are conducive for farming. They get additional protection from eminent domain and condemnation once their property is accepted into

the Agricultural Security Area. By being in an Agricultural Security Area, the property owner is eligible for conservation grants for farming activities.

For this Agricultural Security Area Application, the primary things the Planning Commission needs to consider are as follows:

1. The agricultural use or availability of a piece of property must be considered. If the property is over 10 acres, it is presumed to be available for farming. The definition of a farming activity is broad under the Agricultural Security Area Law.
2. Categories of soil on the property must be acceptable for farming.
3. The property suitability for agriculture from a zoning prospective and/or comprehensive plan prospective. The State, in its interpretation, believes that agriculture should be a present and appropriate use in every zoning ordinance. The Comprehensive Plan notes and promotes agricultural uses. Dennis Crook asked if intensive agriculture operations are included. Intensive agricultural uses are typically defined as high concentrations of hogs, pigs, sheep, or an operation that creates a lot of noise and/or smells. They are not prohibited; however, townships have more leeway to regulate intensive agriculture operations than normal agricultural operations. Al Wright stated that the Township Ordinance prohibits intensive agricultural uses. The Planning Commission questioned intensive agriculture use to do due diligence to ensure approving the application did not undermine the Township Ordinances.
4. Is the property being actively farmed or it is conducive to agriculture.

Solicitor Crotty stated the overall property was subject to a subdivision application in 2004-2005. The subdivision never gained final plan approval from the Township. However, lot 44 in the subdivision was carved off the subdivision plot of land. Someone was able to get lot 44 approved and recorded with the County. The lot has been in separate hands ever since. Solicitor Crotty stated that this is something the Planning Commission may wish to note when issuing a recommendation. For the Agricultural Security Area Application, they are not approving the individual layout of the property and lot 44 is separate and apart from whether the property meets the Agricultural Security Law requirements. Solicitor Crotty discussed the details of the irregularity of lot 44's recorded deed. Solicitor Crotty stated this does not impact the Agricultural Security Area Application and the Township cannot deny the Agricultural Security Area Application because of lot 44.

Dennis Crook reported that he attended the Township's Agricultural Security Committee meeting and they were also concerned with lot 44. Dennis Crook stated that the intensive agricultural possibility was a concern of the Planning Commission as well. John Nielsen stated they were concerned this land could become an extension of Weaver Mulch. Solicitor Crotty stated that approving the Agricultural Security Area Application would not be an approval of any particular use of the property. The property owner would need to obtain zoning permits for any change in use. Solicitor Crotty discussed the "Right to Farm Act." Al Wright stated that at the last meeting, the applicant Mr. Doutrich stated that his intent is to obtain approval of his Agricultural Security Area Application and then move forward with obtaining a conservation easement. Dennis Crook stated that the Agricultural Security Area was not a County Category for the Comprehensive Plan. Sue Monaghan stated that the Agricultural Security Area is not a zoning district, it is an act that governs agriculture. Al Wright asked if the Agricultural Security Area is ever included in a Comprehensive Plan. Solicitor Crotty stated that the Agricultural Security Area properties are typically in the Agricultural Zoning District which is in the Comprehensive Plan. Solicitor Crotty stated the State's belief is that municipalities should allow farming in all zoning districts. Dennis Crook asked if the property borders any other farms. Solicitor Crotty stated that is relevant if the property is under ten acres.

MOTION: Al Wright made a motion that the Planning Commission's recommendation to the Supervisors is that we have no objection to the Doutrich Agricultural Security Area Application as submitted. We bring to the Supervisor's attention that lot 44, while not part of a recorded subdivision, was nonetheless deeded out. John Nielsen seconded.

QUESTIONS AND COMMENTS:

1. Joe Perzan asked if the Planning Commission received answers to all their questions including the soil data that was requested. Al Wright stated that they received the soil data and the property has the correct soils. Dennis Crook noted that the only information they did not receive was information from the Township Engineer regarding the Township Ordinances.

VOTE: 5-0

QUESTIONS AND COMMENTS For Solicitor Crotty:

1. Sue Monaghan asked Solicitor Crotty about a resident concern over a property that is potentially adding apartments into a non-apartment area of the Township. Solicitor Crotty instructed Sue Monaghan to send the information to the Zoning Officer.
2. Al Wright asked about the possibility of moving forward with putting ordinances in the books regarding a sewage management program. He said that this is being done in many townships. Al Wright asked if this was a huge undertaking. Solicitor Crotty stated this is a huge task because a sewage management program is part of the Township's Act 537 Plan. The Act 537 Plan must be prepared by the Township Sewer Engineer and ultimately reviewed by the DEP. As part of the process, there is an evaluation to determine if there are areas of the Township with failing septic. If there are areas in the Township with failing septic, then the Township must address these issues. Al Wright asked if the Township could pass an ordinance addressing a sewage management plan or if this must be addressed as part of the Township's Act 537 Plan. Solicitor Crotty explained how a sewage management program would function. Al Wright stated the intent was to give residents incentive to perform regular maintenance on their septic systems.

Discussion on Multi-Use Zoning District, Overlay District and Newlinville Village Master Plan.

Dennis Crook stated the Planning Commission is leaning more towards putting an Overlay District into the Township Code for the Multi-Use Zoning District. They are looking at Caln Township's Overlay Zoning District as an example. Dennis Crook stated that Overlay District Zoning would help raise property values in East Fallowfield Township's Multi-Use Zoning District. He said the cost of getting Conditional Use Approval or Special Exception Approval would cost more than the value of the property. Dennis Crook stated that 63 out of 100 properties in the Multi-Use Zoning District are non-conforming lots (lot size does not conform to Township Ordinance). Caln Township waived fees for Conditional Use and Special Exception as an incentive to bring in business. Solicitor Crotty stated that an Overlay District allows additional use opportunities. Additional use opportunities can be offered either through allowing additional uses beyond those permitted in the Zoning District or allowing more uses by right instead of through Conditional Use or Special Exception Approval. Solicitor Crotty stated that the fee component of Conditional Use and Special Exception are not the driving force impacting chosen uses. It is the time frame involved and uncertainty of these processes. Al Wright said that they are trying to allow those non-conforming lots that do not fit into the current zoning for the purpose of allowing those properties to be developed. He asked Solicitor Crotty if an Overlay District is the right tool to address this situation. Solicitor Crotty asked if there are parts of the Multi-Use Zoning District that they would not want to allow for expanded uses and reduced area setbacks. If not, then the Multi-Use Zoning District Ordinance may be changed. If there are parts of the Multi-Use Zoning District that they do not want changed, then creating an Overlay is the best course of action. With an Overlay, you may allow extended uses in part of the zoning district but not the whole zoning district. An Overlay is used when the uses don't line up with the zoning district lines. The PECO owned property of 89 acres does not fit with the geography of the rest of the Multi-Use Zoning District. Al Wright stated that it is more straight forward process to amend the existing zoning versus getting Overlay Zoning District approval. Solicitor Crotty discussed different types of Overlay Districts such as geography based, or historic resource based. For a geography-based Overlay District, you would need to change the Township's Zoning Map. A Historic Resource Overlay District would not require changing the Township's Zoning Map. Solicitor Crotty stated that changing the Zoning Map is what requires notice to individual landowners. Dennis Crook stated the purpose is to bring in additional businesses to increase tax revenue for the Township. Dennis Crook said that changes would affect the entire Township. John Nielsen stated the tax assessments for the Multi-Use Zoning District are off. There was a discussion about assessment values and laws. Solicitor Crotty stated it is important to engage the population to find out what uses they want in the Multi-Use Zoning District. The goal is to make property owners aware of zoning changes, so they take advantage of the changes.

Solicitor Crotty left the meeting at 7:47 p.m.

Chester County 2020 - Community Conversation "Goals for Wanted Businesses in an Overlay District".

Dennis Crook stated a Community Conversation would help inform the public. Will Stevens, Executive Director at Chester County 2020, spoke about how he could help run a Community Conversation for the Township. We would ask the guests/residents what they visualize in Newlinville and what they want in that part of the Township. The Planning Commission determined they would like both landlords and renters from the Multi-Use Zoning District to attend a Community Conversation. Dennis Crook stated that there are 100 properties in Newlinville. Mr. Stevens estimated that 50-100 people would attend the Community Conversation. Dennis Crook would like to have the Community Conversation held this calendar year. Will Stevens said the general topic idea is "Mixed Use

opportunities for Newlinville.” Will Stevens discussed what level of information to provide, format, and other details about how to organize a Community Conversation. Township Manager Swichar stated that a Community Conversation will be done as part of the Newlinville Village Master Plan Project under the Chester County Vision Partnership Program Grant. Township Manager Swichar asked if Will Stevens was talking about doing an additional Community Conversation on the topic of Newlinville. Dennis Crook stated that the Planning Commission has been planning to hold a Community Conversation on Newlinville since before the grant was awarded to the Township. Township Manager Swichar said that this sounds like the same thing that the Township will be doing under the grant. He explained that part of the grant is to do community workshops with the residents and owners that are in the Newlinville area to determine their vision for the area. Township Manager Swichar said with the timing of the Newlinville Project, the Community Conversation will probably happen next year. He is concerned because it sounds like the Community Conversation the Planning Commission is organizing is the same as the public workshops to be done under the grant. Dennis Crook explained that holding this Community Conversation could provide more precise topics for additional public workshops based on concerns raised at the first Community Conversation.

Township Manager Swichar said the grant covers both the Multi-Use and Office-Industrial Zoning Districts. Part of the grant is making specific zoning recommendations for those Zoning Districts. There will be public meetings as part of the project. Township Manager Swichar is concerned that the public might get confused by holding a public meeting now and again later to discuss the vision of Newlinville. Al Wright suggested letting the grant define the scope and work of Chester County 2020 for the public workshops. Will Stevens said he is happy to go in either direction. He said he could see how two similar public meetings in rapid succession could be confusing. Dennis Crook stated the scope of work under the grant includes the people of Newlinville, Valley Township, and South Coatesville Borough. Township Manager Swichar said that representatives from those municipalities will be on the project’s task force. Township Manager Swichar said there are connecting trails included in the grant. Dennis Crook stated they have been planning a public workshop for a year for just the East Fallowfield Township residents. Township Manager Swichar said they would not be inviting residents from Valley Township or South Coatesville Borough to attend the public workshops. Township Resident Ellen Kuehner asked about the property characteristics of the area. Dennis Crook stated that less than 10% of the properties do not have buildings on them. Township resident Ellen Kuehner said that she felt that all East Fallowfield Township residents should be invited to public workshops. Township Manager Swichar stated that the public workshops will be open to all residents of East Fallowfield Township. Township Manager Swichar discussed concept plans and streetscapes. John Nielsen said that abandoned buildings in the Newlinville area need to be addressed.

Will Stevens stated that when you have an area with a high concentration of absentee landlords, it is challenging to get decision makers to come to public meetings. They may send a property manager in their place. Ellen Kuehner suggested live streaming a public meeting for those property owners that don’t live locally. Will Stevens stated this would be the Township’s decision. Al Wright suggested contacting the absentee owners by mail to see what response the Township receives.

Will Stevens left the meeting at 8:13 p.m.

The Planning Commission determined that Township Manager Swichar should lead the project and let the Planning Commission know how they can help reach their mutual goal. Township Manager Swichar said that the Planning Commission will be involved in the Newlinville Master Village Plan Project. He discussed the task force and said there will be at least one Planning Commission member and one Strategic Planning Steering Committee member on the task force. Township Manager Swichar said the grant is not an intermunicipal grant. Al Wright suggested estimating how much additional revenue the revitalization will bring into the Township. This could be used as a selling point for the project. Sue Monaghan said it is a prime economic development area when taking into consideration the direction that South Coatesville Borough is moving with improvements.

Sue Monaghan suggested that Township Manager Swichar come up with a plan and come back to the Planning Commission with how to move forward.

Discussion on West Chester University Study - Analysis of Retail Market Potential and Multi-Use (MU) Zoning District - Uses by Right.

Dennis Crook discussed the West Chester University Analysis of Retail Market Potential for East Fallowfield Township. The Multi-Use Zoning District was one of the three areas studied. They did a 3-mile radius study and a 5-mile radius study. The study broke down credit card spending by categories in the areas of study. The study also analyzed supply versus demand of specific spending categories in the study areas. The study identified areas of “leakage” which means people are traveling outside the study area for purchases. The results showed that \$22 million is being spent by Township residents on products and services outside of the

Township. Specialty food stores is the one category that does not have “leakage.” Dennis Crook stated this study gives them more incentive to move forward with revitalizing the Newlinville area of the Township.

Al Wright asked Township Manager Swichar if the West Chester University Study helped with obtaining the grant and getting the project done. Township Manager Swichar said he felt the study did help. Township Manager Swichar reported that the presented the Study to the Chester County Economic Development Council. The first step is to show that there is actual demand for business in the Township. The completed Study also shows Chester County that East Fallowfield Township is serious about revitalizing Newlinville.

Dennis Crook said the Planning Commission will address the Weaver Mulch Village Commercial and Ercildoun Village Commercial areas in the future. John Nielsen discussed using an Overlay District to identify historical resources which is a preservation tool. Sue Monaghan said there is a historical area identified in Ercildoun. There are individual properties, scenic byways and Overlay Districts in Ercildoun. Sue Monaghan discussed some of the specific historical properties in Ercildoun. Township Manager Swichar said that the project consultant will help the Township determine whether an Overlay District is the best method. Dennis Crook discussed using an Overlay District to keep the 89-acre PECO lot in the Multi-Use Zoning District from being divided up. There was a discussion about Wawa. Dennis Crook said the current business owners in the Multi-Use Zoning District are isolated. It would help these business owners to have additional businesses in the area. Township resident Ellen Kuehner asked if the Township has considered leasing the PECO properties and putting Township businesses on those properties. Township Manager Swichar said that PECO will not discuss selling or leasing their land to the Township. John Nielsen stated the Planning Commission’s goal is to clean up the Multi-Use Zoning District to make it more attractive to business owners and developers. The main driver is to look at commercial development because it would not be a school tax burden or a burden on services such as fire, police and snow plowing. Township resident Ellen Kuehner spoke in favor of a walkable village layout. Township Manager Swichar stated they need to look at how to make that area walkable.

Dennis Crook discussed uses by right to potentially add to the Multi-Use Zoning District Ordinance such as car washes, restaurants, and nursing homes. Al Wright said that trying to move uses by right from Conditional Use and Special Exception makes the Multi-Use Zoning District Ordinance look like the Office-Industrial Zoning District. He said they have a lot of uses listed in the Multi-Use Zoning District. Accessory uses are covered. There are uses by Special Exception and a handful of uses by Conditional Use. Dennis Crook said he did not see how moving the uses by right by category will help. He feels relieving the setback requirements will help attract commercial uses. The Planning Commission will continue this discussion at the next meeting on October 7, 2019.

Approval of August 5, 2019 Planning Commission Meeting Minutes.

MOTION: Dennis Crook made a motion to approve the August 5, 2019 Planning Commission meeting minutes as presented. Sue Monaghan seconded.

VOTE: 4-1 (Al Wright abstained.)

Adjournment.

MOTION: Sue Monaghan made a motion for the September 16, 2019 Planning Commission meeting to adjourn at 8:55 p.m. Al Wright seconded. VOTE: 5-0.

Respectfully submitted,



Lisa Valaitis

Township Secretary