

East Fallowfield Township
Planning Commission
APPROVED Meeting Minutes
November 16, 2020

The November 16, 2020 meeting of the East Fallowfield Township Planning Commission (PC) was held via virtual on BlueJeans.

Commission Members Present:

Mike Domboski, Chairman
Susan Monaghan, Vice Chairman
Al Wright, Member
Joe Perzan, Member
Jennifer Wright, Member

Commission Members Absent:

Edmund Davis, Member
Dennis Crook, Member
John Nielsen, Alternate Member and Member of the Board of Supervisors

Staff/Elected Officials/Professionals Present:

Others in Attendance:

Scott Swichar, Township Manager
Ann Morrison, Michael Blair, Brian Nagle, attorney for the applicant/Holland Country Day School, Lisa and Jeff McKnight, Liz Brudowsky, Grace Holland, Jana Osbourne, Laura Kershner, Mora McGuire, Jessica Mangis, Michael Holland, owner of Holland Country Day School, Stephine Bell, Susan McDaid, Tiffany Gibbons, Tim Downs, Zafiirah Hussein, Susan Martin

Call to Order: The meeting was called to order at 6:32 pm by Mike Domboski.

- I. **Agenda Items:** No change.
- II. **Review of Zoning Hearing Board Application for Request for Variance/Appeal from Decision at 1525 S. Bailey Road (Holland Country Day School):**

Township Manager Scott Swichar stated the Township received a Zoning Hearing Board application that was an appeal from of the decision from the Zoning Officer Rob McLarnon and the applicant is requesting a variance with the Zoning Hearing Board. The Zoning Hearing Board is asking the Planning Commission to issue a recommendation regarding the keeping of number of goats and chickens as an accessory use for the daycare center. The recommendation from the Planning

Commission will be reviewed at the next Zoning Hearing Board Meeting on December 9, 2020.

Attorney Brian Nagle, representing Holland Country Day School, stated that Zoning Officer Rob McLarnon stated that the Zoning Ordinance does not allow the keeping of 6 chickens and 4 small goats as an accessory use to the existing daycare. The property is 3.5 acres and has a barn. Attorney Brian Nagle stated that the Ordinance was passed years ago and did allow in a residential district chickens and goats to be kept accessory to the property notwithstanding the fact that it was used for the daycare. The zoning officer disagreed. The applicant is appealing that determination, but in the alternative they requested a variance to allow animals to be kept in a barn and grazing area. The animals will be fenced in and will make sure it is secured.

Al Wright stated that the Zoning Officer Rob McLarnon is interpreting the ordinance as agriculture uses in a residential use setting. There is nothing in the ordinance about commercial use properties having animals. It is hard to anticipate a combination of daycare facility as a commercial use along with animals. Al Wright stated that if the use could go forward, Planning Commission should provide guidance to Zoning Hearing Board from a planning perspective. Mr. Wright stated a variance may not be desired due to the onerous legal process, as opposed to the appeal process which may be more straightforward.

Mr. Nagle stated that they will ask for an appeal of the determination, but in the alternative, they will ask for a variance. The property was set up as residential but was set up as a conditional use for the daycare.

Mr. Wright stated that despite the use not being residential, the Planning Commission should decide that if the property is allowed to have goats and chickens that certain standards are met and how it could work. The Zoning Hearing Board would decide from a legal perspective.

Mr. Nagle stated the property is an R1 residential zone. It is a daycare only. No one lives at the property.

Joe Perzan stated that when this was established the owners lived at the property, no one lives there now.

Susan Monaghan questioned where the goats and chicken would be kept.

Mr. Nagle stated that the fenced area is in front and behind the barn.

Ms. Monaghan questioned the curriculum aspect of the animals. She questioned what hours the daycare operates

Owner, Lisa Holland stated that the animals are used to teach where food comes from, collect eggs, learning about the animals in an observation setting. She stated the daycare operates Monday through Friday.

Jennifer Wright asked who is responsible for the animals on the weekend when daycare is closed.

Daycare Owner Lisa Holland stated that neighbors are the caretakers of the animals. Resident Tracy Crouthamel stated that she is the neighbor of the daycare and is in full contact with the daycare owners and will take care of the animals on the

weekends. Brian stated that the area is fenced in and will comply with the Ordinance in any event needed.

Mike Domboski read emails from Resident Danielle Rafalowski asked for the animals to stay at daycare, Resident Lauren Nickles wanted to state a public comment, she supports the animals coming back due to education. Resident Alicia Downs stated she is a parent and neighbor she recommends the animals come back for education as well. Resident Lisa Cameron stated that this is the best education for her son in the daycare and would like them back. Resident Monica Elmer stated that the animals are instrumental for a child's education. Resident Angela Smith stated that her two children go there, and she loved the animals there for the exposure and learning how to take care of animals. Director Stephane stated that hearing the children talk about the animals and what they learn is a great thing. Resident Timothy Downs neighbor to daycare, whose son goes to the daycare and would like for the animals to come back. Resident Zafirah Hussein stated that her son loves the animals, and it adds to the experience for children. Resident Stephanie Gayman stated the daycare is responsible for not only the children but the animals as well. Neighbor Maura Maguire stated that this is a business in a residential area and is not great for the neighbors. Neighbor Mora Maguire stated there are concerns over who will take care of the animals.

Susan Monaghan stated that she has concerns from a precedent setting perspective.

Al Wright stated that on the recommendation to the Zoning Hearing Board making sure the animals have a seven-day plan for any issues or concerns and applicant provides any information to the Township of any changes being made as a condition. Al Wright stated the applicant should try to address any concerns of neighbors.

Joe Perzan stated that animals are great for the children, but it is an odd situation with neighbors, and he could make arguments for either side.

Jennifer Wright stated that she can see both ways for the need, but it is a conditional use, and the Ordinance is silent, she stated she is a maybe.

Attorney Brian Nagle stated the owners removed the chickens and goats after Zoning Officer Rob McLarnon stated to take them away.

Mike Domboski stated that he will make a recommendation to the Zoning Hearing Board stating that while we understand the benefits of the chickens and goats, the legal ramifications and challenges of a nonresidential use and a plan for a weekend/after hour response, if exists. Sue Monaghan stated that they were given the variance for the daycare center, not for a farm. Mike Domboski stated that he must look out for what is best for the Township. Attorney Brian Nagle stated that instead of making a motion they could make a recommendation with concerns and if this moves forward, we would not like to see a precedence set. Al Wright stated that a vote will not help the Zoning Hearing Board but recommendations and a perspective could. Sue Monaghan stated that the applicant has taken all steps for avenues for keeping the animals safe and the correct fencing and the weekend care of the animals.

MOTION: Mike Domboski made a motion that the Planning Commission send a letter to the Zoning Hearing Board stating that if the Zoning Hearing Board were to proceed with an approval, the Planning Commission has the following notes:

1. Concern of the precedence of a variance for an accessory use in a non-residential in a R-1 zone.
2. Consider a plan for full week of after-hours response.
3. Proper acreage for animals, facilities, fencing, and proper care exists at the site.
4. If it exists, a review of the land development plan and conditional use to be performed.

VOTE: 4-1, Joe Perzan voted nay

III. **Approval of October 19, 2020 Planning Commission Meeting Minutes:**

MOTION: Sue Monaghan made a motion to approve the October 19, 2020 meeting minutes as given. Jennifer Wright seconded.

VOTE: 5-0.

IV. **Status of Scenic Roads Ordinance:** Joe Perzan stated that parts are not adopted per PennDOT. Township Manager Scott Swichar stated that first step is to contact PennDOT, Joe Perzan stated he has and is continuing to work with them. Joe Perzan stated that he will bring PennDOT copies to the office for review. Township Manager Scott Swichar stated that he will reach out to other townships as well regarding the scenic byways.

V. **Status of Coop (Domestic Chickens) Ordinance:** Al Wright stated that most residents have chickens for personal use versus commercial use. Al Wright researched surrounding townships for comparison and knowledge how to make this feasible in East Fallowfield Township. Jennifer Wright stated that she needs to read through the chicken coop paperwork. Al Wright stated that the Township needs a set of rules regarding the chickens. A draft of the domestic chickens ordinance was distributed to the Planning Commission.

VI. **Old Business:** None.

VII. **New Business:** None.

VIII. **Adjournment:** There being no further business, a motion to adjourn the meeting was made at 8:17 PM by Mike Domboski and seconded by Jennifer Wright.

Motion passed unanimously. Next meeting is scheduled for December 7, 2020.