

**East Fallowfield Township
Planning Commission
2264 Strasburg Road
610-384-7144**

Chairman: Deborah Rush

**Member: Paul Daniels
Vice-Chairman: Roger Brown**

**Member: Jim Durborow
Member: John Schwab**

January 08, 2007 Planning Commission Meeting Minutes

The meeting was called to order by Deborah Rush @7:40 p.m.

IN ATTENDANCE: Chairperson; Deborah Rush, Roger Brown, Jim Durborow, John Schwab, Paul Daniels and Linda Hart

BROOK CROSSING TRAILS

Vince Pompo asked for the Planning Commission to review the plans that Dilsheimer submitted regarding the Final Minor Subdivision of Brook Crossing creating the open space that will be deeded to East Fallowfield and give him any feedback regarding this issue. John Schwab asked if the trails are going to be macadam. Jim Durborow said they are not. Jim asked about the letter from Chris DellaPenna dated 01/08/07 says about repairs to the walking trails but it doesn't say what repairs.

Ken Hanson, who is a member on the Park and Recreation committee, said that he could explain the repairs that needed to be made. He said the Dilsheimer Association came to the Park and Recreation committee and asked if they would look at the trails. Ken said that they walked the trails and made notes of some changes that they thought should be good and brought it to the Park and Recreation committee and everyone decided on the changes that needed to be done. One was a railing on one of the slopes over by the dam in the park that they wanted changed to a more maintenance free material not just wood. Several of the trails material needed protection from washing out and things like that. Ken said the Dilsheimer did fix the items and they did another walk through of the trails and they made their recommendation to Chris DellaPenna and he said that is where Chris DellaPenna letter comes from. Jim Durborow asked how he corrected the erosion. Ken said the biggest part of the erosion was over where they are planning Phase 2 of the park. He said they came through and scraped it and cleaned things up a little bit. Ken said the Park & Recreation will go through there when they start their park project in the spring or summer. Most of the dirt that gets moved out of Phase I which is over by where the barn used to be will go over to Phase II and they will put in the proper drainage at that time.

Deborah said that the Planning Commission in the past used to discuss with developers regarding trails. Deborah said that she was informed by Garth Monaghan that the Park & Recreation would be responsible for all the trails from now on. Deborah Rush said that the Planning Commission is in the process of writing a letter to the Board of Supervisors on what their suggestions are on what trails should be based on their experience. Deborah Rush said that the Board of Supervisor and the Park & Recreation can do or not do it. The Planning Commission board would like to see macadam trails across

the board. Deborah Rush said to Ken her understanding was that when the Park & Recreation did the walk that the trails were really overgrown and a pretty big mess. John Schwab asked is the intention to have the trails go to the Township instead of the Homeowners Association. Garth said yes everything will go to the Park & Recreation Commission that is in the dedicated area, but the trails within the Brook Crossing Development will go to the Homeowners Association. Jim Durborow said the repairs that were made were pretty cosmetic because it won't stop the vegetation from coming back up again. Deborah said that there is nothing the Township can do. John Schwab asked whether the Township really wants to accept future responsibility for the walking trails system. Jim Durborow said it will continue to have erosion problems. Deborah asked Ken if the Park & Recreation has money in their account are they expecting to pay to have it fixed. Ken said yes, the worst parts of it will be fixed and are proposed to be macadam.

Deborah asked Garth since Dilsheimer Association no longer has any ties to the Beagle Club, but what if they decide they want to start again, will the new ordinances regarding the request to extend sidewalks to minimum width of 5 feet apply to them and Garth said yes it will.

EAST FALLOWFIELD TWP PROPOSED PARK BUILDING

Ken Hanson, who is a member on the Park and Recreation committee, was here to present to the Planning Commission what they are proposing the new Park building will look like. Ken said the original plan called for a pavilion and a lawn area but instead a building structure will be placed there. Deborah asked instead of the pavilion the building will be placed and Ken said actually it will work both ways; it will have a building and 12 foot patio around 3 of the sides of the building with 8 ft. overhang in height. The building size will be 50ft. x 120 ft. The height of the ceiling inside will be 16ft. The front of the building will have open timber frame entrance way and the entrance will be a sliding glass door. On the South side of the building there will be 3 sets of double doors that they will be able to open up for people to come and go. On the East side of the building there will be a 16x16 foot roll up door so that if anything big needed to go in and out of the building they could use this area. Deborah Rush asked Ken about the door placements being irregular and if that was because there is division of rooms inside of the building. Ken said yes. Ken said that they came up with a standard stick barn building with no amenities at this time. Ken said it will just be a large open space at this time and in the northwest corner of the building is where the bathrooms will be and there will be the ability to open them during the daylight hours to use them while visiting the park. They will get locked at the end of the day and there will be an extra door inside so when they have events they will be able to access them from inside the building also.

Deborah Rush asked while they are moving stuff will they be putting in their leach fields and Ken said they will do all that and he said Simone/Collins comes in on Tuesday 01/09/07 they will have their plans for all of the grading and what the grading will be where the barn is going to be. Ken said that he and Jim Sisk made a spec sheet and gave it to Chris DellaPenna and Don McDermott for their feedback and also gave a copy to Vince Pompo for his feedback regarding the legal part of it. Ken said once they get all their feedback they can move forward. They have gotten a few estimates between \$95,000.00 to \$140,000.00 to build the building. Ken said once they get the information from the Park landscape designer he said they will know what kind of grading they can do and he said that they have someone who is willing to volunteer their time to do the grading on the portion of where the building is going. Ken said that Chris DellaPenna made a recommendation instead of a leach field they should use a grinder pump. The Park has an easement with Branford Village to hook into the public water and sewage. The object of designing the building they did is so that it will look like it has always been there to fit in with the area.

Deborah Rush asked the Planning Commission if they were all comfortable with what they saw regarding Brook Crossing and the Park.

At the Planning Commission meeting on 01/08/07, Deborah Rush made a motion to recommend to the Board of Supervisors the Park goes forward as planned. At the moment and the Planning Commission members have no concerns.

This motion was seconded by Roger Brown. Vote: Jim Durborow, John Schwab and Paul Daniels. The motion was passed.

OPEN DISCUSSION

Deborah Rush said the other order of business is that Jim Weeks is here tonight at the Planning Commission to join the Commission. Deborah said that the Planning Commission members have spoken to Jim Weeks previously about becoming a member. Ken Hanson said that he was interested in the second vacancy that is available. Deborah said that they will get Ken's address and phone number and call him at a later time. Deborah asked the Planning Commission if they had any questions for Jim Weeks. Deborah Rush said the Planning Commission members that the vacancy does not need to be advertised in the paper. John Schwab said that he just has one comment regarding the representation within the Township. He said at one time that the members talked years ago about trying to get people from different areas of the Township. John Schwab said that he sure that Jim Weeks would make a great addition to the Planning Commission, but that would put three of them very close to each other at the East end of the Township. Deborah said that the other vacancy will be in the newsletter so maybe they will get more people who are interested in the seat.

At the Planning Commission meeting on 01/08/07, Deborah Rush made a motion to recommend to the Board of Supervisors the nomination of Jim Weeks as member of Planning Commission to fill Bernie Beegle's position.

This motion was seconded by Roger Brown. Vote: Jim Durborow, John Schwab and Paul Daniels. The motion was passed.

Deborah asked Planning Commission members if they wanted to discuss the information they had received in their packets about residents being unhappy about the ordinance for the fee in lieu of. Roger said he gave it just for information. Deborah Rush said we took care of it. Deborah asked if anyone remembers that they removed it in the case of Dr. Elkins where he separated some of his property for his children but they weren't going to build. They removed the fee in lieu to be placed on the property when they were going to build. John Schwab brought up about the Regional Breakfast Meetings that the Chester County Planning Commission was having on January 24, 2007 regarding Landscapes. Roger said that he hopes he will be able to attend and John Schwab said he put it on his calendar. John Schwab said to Jim Weeks for his information that the Chester County Planning Commission is holding a series of Breakfast meetings concerning Landscapes at the Inn at Chester Springs. Deborah Rush went over the minutes for December 2006 and said that the last paragraph needs to be deleted regarding Dennis O'Neill. Deborah Rush said there is another correction about where it says a minimum additional area of twenty thousand (20,000) square feet it should say 2,000 square feet. Roger said it is for additional issues not for the area of the building and he thinks it is correct. Deborah Rush said that is not what she said that Durand J O'Meara said because he had a formula that he tried to get the things. Deborah Rush said that it is an interesting formula that he had and she thinks that it would be worth looking at. Deborah Rush said the minutes for December will be tabled until February meeting. Jim Durborow said he was curious about the State Ethics Commission form that he was given. Deborah Rush said that everyone is to fill them out. Roger Brown asked the Planning Commission if they read his letter and he will explain it. Roger said that he as of yet hasn't had anyone correct his interpretation of the State

Ethics Commission. Roger said going back to 2001 the State Legislators appealed to the State Ethics Commission and the Commission complied that they would be exempt from the ethics law while they perform official lawmaking functions. Roger said because of that ruling the State Ethics law now applies to all public officials in the state – except lawmakers. Roger said that he also included in his letter the comment that he wrote to the Office of Attorney General, Roger said that he referred comment on that and passed it on to the State Ethics Commission itself. Roger said that he has been declining this for years on that basis since 1991. Roger said that he hopes that more and more people would do this and he hopes that somebody in Harrisburg would challenge our rights to do this. Roger said that there was an example where a Legislator is part owner of a car dealership and voted on legislation that directly affected in a positive sense independent car dealers in the state of Pennsylvania. He didn't have to disclose this information but he voted on legislation. Roger said if that's not a conflict of interest then I don't know what is. Roger asked Garth Monaghan if he could enlighten the Planning Commission members on the David Weaver issue. Roger said maybe because he was Zoning Officers for 15 years he still doesn't understand the situation with The Weaver Mulch how he can be grandfathered today for a new building. Roger said he understands the whole concept that if zoning changes for a given area any existing use in that area can be continued under the concept of grandfathered. Roger said also with that if the nonconforming use lapses for a year and day then it would revert to whatever the current zoning would be. Roger said if something exists as Commercial use that becomes rezoned residential and that the business ceases to function for year and day you can no longer continue or reactivate commercial use on that property. Roger said regarding the Weaver situation he still doesn't understand how a new structure can be considered under the concept of grandfathering a structure. Roger said that he thinks that they would have to comply with new zoning since it's a new structure. Garth Monaghan said that he can give us some information while the Township waits for David Weaver to provide the Township with documentation that his property was zoned Commercial in 1985 or 1986. Garth Monaghan said that he hasn't seen the documentation and that the Township has requested in writing that David Weaver provide it to us. Garth said that David Weaver said his property was zoned Commercial and has been in Commercial use since that time and Intensive Agricultural Use that falls under that category and according to Don McDermott and Vince Pompo regarding this matter that it is in fact Commercial and we changed the zoning to Village Commercial since he has been operating Commercial enterprise for a number of years that the construction of that building is not affected by current zoning that may be more restricted. Roger said that is where he is confused because he can not recall in 15 years an instance where an entirely new structure where you have non-conforming use because it has been rezoned Village Commercial and I would think the new zoning would be applicable to any new structure on that property. Roger said that he would like to get Vince Pompo's written opinion regarding this issue. Garth said that Vince is waiting for the documentation from David Weaver. Roger said in writing. Roger said having him supply documentation that it was zoned Commercial back then he really doesn't think it directly relevant to any new structure on the property. Garth said once the documentation is supplied by David Weaver and once Vince Pompo can verify it and then at that time Vince Pompo will render his opinion. Garth said that it was given the green light based on the information that was available at the time. Jim Durborow said that something doesn't make sense because David Weaver was going through the proper process and all of a sudden he stopped. Jim Durborow asked who can tell him stop and issue him a permit. Garth said the person who told him that he didn't have to do it was Art Hershey and when that information was provided to the Township it was like this is the right to farm issue and this is something that the Township doesn't get involved in. Garth said that he may well be Commercial and in fact that he could well be then he could do pretty much what he wants to do there anyway. Deborah said that he has 6,000 square foot building up on the word of Art Hershey that he is Commercial but there is no legal document to prove that. Deborah Rush said what happens when he comes in and says that he can't find the documentation showing he is zoned Commercial. Deborah Rush said then the Township will just let him have a 6,000 square foot building that is in 2,000 square foot zoned area. Garth said it would have to come down. Deborah Rush asked do you think you will get David Weaver to take it down. Garth said if it's necessary sure. Deborah Rush said do we have any Commercial zoning left in

the Township, Roger Brown said no, they are zoned Village Commercial now. Deborah Rush said what upsets everyone is that the building is up and David Weaver came in front of them and now it's all done. Deborah wanted in the minutes that the Planning Commission was promised that David Weaver said he would come back in front of them to deal with issues that the Planning Commission had with him and that they were assured that they could do all that later on and that he would back in front of them and next thing they knew he was all done. They wanted to deal with chemical waste, air quality & other things that were concerns of the Planning Commission members and residents who came to them individually complaining about Weaver's Mulch regarding these issues. Roger said Ann Pickering who writes for the Daily Local News did an excellent series recently on stormwater management. Roger said that he corresponded with Anne Pickering and her response was that she was wondering if we had any specific stormwater issues that might be interesting to write about. Roger said if any of the Planning Commission members for Board of Supervisors have her come and meet with us to discuss some of the issues. Roger said that he was concerned about the detention basin on West Chester Road in the Providence Hill Development and that it is at the point of breaching again. Roger said that she had some really good articles in that series. Roger said the drastic consequences of some builders coming in particularly the one down in Caln Township for example, where they clear-cut without putting up the silt fencing and destroyed one person's house and the estimated damage was close to \$200,000.00. Garth said that the Township has had contact with Anne Pickering as well. Garth said some of the issues that Roger mentioned the Township will be discussing them with Ann Pickering whether it's in a larger meeting or one on one. Garth said that there are some issues in the Township that do need to be addressed. Garth said one prompted him to ask if the Township could limit the amount of land clearance on a site to workable amount to a percentage of the lot instead of bringing in the site prep crew who clears the entire site even though that entire site won't be developed for another 2 years. Garth said that Vince is helping them draft an ordinance that will limit the percentage of clearing that can take place on the larger site. It might not stand up. Deborah said that most of our clearing is dealing with developments. Deborah said she is wondering being the neighbor of someone who wants clear cut 150 white pine trees which the Brandywine Conservancy has an easement but they don't care because they are white pines. Deborah said is there anything that the Township can do she is not sure if the Township can or if the Township would want to go about trying to control clear cutting or massive by private property owners. Deborah Rush said besides Chris DellaPenna trying to prove that there is going to be huge erosion issues when the Township can step in without an ordinance denying them. Garth said that we do have a tree Ordinance that speaks to the removal of trees. Deborah said that Chris said it only applies to land developers. Deborah said that is why she is mentioning it so that it clearly includes single or multiple family dwellings.

The meeting was adjourned at 8:30 p.m.