

**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**

**February 5, 2007 Planning Commission Meeting Minutes**

**The meeting was called to order by Deborah Rush @7:30 p.m.**

**IN ATTENDANCE: Chairperson; Deborah Rush, Vice-Chairman Roger Brown, Members: Jim Durborow, John Schwab, Jim Weeks and Linda Hart, Secretary.**

Deborah Rush made motion to approve minutes from the January 08, 2007 meeting. Second: Roger Brown Voted: Deborah Rush, Jim Durborow, and John Schwab. Vote: Unanimous.

Deborah Rush made a motion to table minutes from the December 04, 2006 meeting. Second: Roger Brown Voted: Deborah Rush, Jim Durborow, and John Schwab. Vote: Unanimous.

**PLANNING COMMISSION DISCUSSION**

Deborah Rush had a couple of things that she wanted to run by the Planning Commission members. The first one is current issues in stormwater and wetlands regulations developing and creating common interest communities in Pennsylvania. If any of the Planning Commission members want to go to any of these meetings the Township will reimburse you for them. Another one is Land Use Institute with new tools and opportunities in advancing sound land. Deborah rush passed the information out to the Planning Commission for their review.

Roger said he isn't sure if anyone saw that Senator Andy Dinniman has a show on at night and one of the most recent ones was on stormwater management and they had a panel. Roger said that he called Senator Andy Dinniman's office and that they are going to send a DVD of that program. Deborah said that once it comes in they can leave it in the Planning Commission box in the Township and they can each check it out from there. Roger said that it was a very interesting concept and that retention basins are obsolete. Roger said that the show has been repeated on Channel 78. Roger said that it has some very valuable information and Mayor Buno from Downingtown speaks from personal experience what happens when being on the receiving end of stormwater and a Professor from Villanova and another person who is a specialist in stormwater management.

John Schwab said that he would like to talk about the information that he brought in about The Pennswood Village Stormwater System located in Newtown, Bucks County. John said the information is about the award winning stormwater model that was designed and installed in 1999. John said the information that he handed out is summary of their findings 6 years later. John Schwab read the

following is a summary paragraph out of the pamphlet he handed out. The functional design of the Pennswood Village stormwater management system mimics that of a natural riparian stream corridor channel. It uses a number of BMPs linked in a specific series of passive operation. The efficiency of individual BMPs was increased by creating a routing system that integrated a series of hydrologically linked BMPs, thereby creating a pollutant removal train. John said what they basically did is use this model at the Pennswood Village Retirement project to solve a flooding problem and pollution problem from runoff from a major roadway. John said that they had water testing results prior to installation of this model and they have been testing consistently for the last 5 to 6 years: there are dramatic improvements not only in stormwater runoff but also the quality of the water.

Roger Brown said he would like to make a recommendation to the Board of Supervisors to rezone as soon as possible the property known as the Beagle Club since the Township was notified by Dilsheimer and the Wyncliffe Organization that they no longer have a equitable interest in the property. Given the history of that property that was rezoned to mobile home from R-1 zoning. The property should be rezoned to R-1 to prevent anyone else from taking advantage of the plans that Dilsheimer presented. Roger said that he thinks that everyone recognizes that it has some serious problems with it.

At the Planning Commission session on 02/05/07, Roger Brown made a motion to recommend to the Board of Supervisors that they rezone The Beagle Club property from MH (Mobile Home) to R1 (Low Density Residential).

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

Deborah Rush asked the Planning Commission who was in favor of this recommendation. Sharon Scott asked what about the public and their comments. Deborah Rush said this is just a Planning Commission recommendation to the Board of Supervisors and if Sharon wants to respond to the Board of Supervisors when this recommendation comes in front of them, they can listen to her comments at that time.

Deborah Rush said that the Planning Commission just makes recommendations and Sharon Scott said that it could affect their votes and Deborah Rush said no it wouldn't affect their votes. Deborah Rush said the bottom line is the Board of Supervisors because they are the ones that have the clout. Deborah Rush said that they are making a simple recommendation to the Board of Supervisors regarding their feelings as a Planning Commission from their experience of this particular property. Deborah said to Sharon Scott that her feelings are definitely the place to be heard is the Board of Supervisors meeting.

### **Deborah Rush opened the meeting up for discussion to the public.**

Roger asked Garth if he could help regarding the following issue. Roger said that he received a copy of sheet entitled East Fallowfield Watchdog Committee. Roger asked Garth Monaghan if he is familiar with this in any way. Garth said yes he has seen it. Roger said that there is a website and newsletter also. Roger said that his concern is that everyone has the right to express opinions but it appears that people are calling the Township and filing complaints anonymously and identifying themselves as members of the watchdog committee specifically to zoning problems. Roger asked Garth if he is aware of this. Garth said as far as he knows people who contact the township do not do so anonymously if they have a question they identify themselves to Denise or Linda who takes the calls and it is passed onto the appropriate person. Roger said what he would like and that it would be a good policy and it worked for Roger when he was Zoning Officer for 15 years. He said he had some difficulty in the very beginning when people would call to register a complaint and for some understandable reasons for not wanting to identify their selves and Roger said once he made it clear to them that the information was confidential and would not be released to the Supervisors without their permission. Roger said that his record stood and the people honored that and he never had a complaint about it. He said unless they gave their names he had no idea if they were a resident a West Bradford Township filing a complaint. Roger said he had to have some way of verifying that they were a Township resident before he would take any action.

Roger said that worked out very well for 15 years and he said what he has heard recently at least one person has called the Township and has simply identified himself as a member of the Watchdog committee complaining about a zoning problem. Roger said he thinks it would be nice if the Supervisors considered some kind of policy that would be uniform with anyone who answers the phone at the Township that would be the policy. Deborah Rush said that they would have to state who they are and Roger said yes. Deborah Rush asked Garth if he had any comments and Garth said it was a very good idea. Deborah asked Roger if that was a motion and Roger said no it was just a comment to Garth Monaghan, Chairman of the Board of Supervisors.

Roger Brown brought up about the petition for the International Property Maintenance Code. Roger Brown asked Garth Monaghan if he was aware of it and Garth Monaghan said yes. Deborah Rush said to Roger Brown about clarifying it to the rest of the Planning Commission. Roger Brown asked the Planning Commission members if any of them have seen it. Jim Durborow said yes and Roger Brown asked him if he has read the ordinance and Jim Durborow said yes. Roger said there is going to be meeting on this issue so it might be premature. Roger Brown asked Garth Monaghan if he could summarize. Garth Monaghan said that he could tell a very brief history of where this came from. Garth Monaghan said the Township belongs to the Association that proves sample ordinances, documents or guidelines whichever you prefer for the enforcement of Township ordinances. The Township has them for the fire code, structure code, and Garth Monaghan said that the Township has adopted them and he said the last Township meeting the revised version of that is up for advertising and will be acted upon in the February meeting to adopt the changes so the Township is current with the 2007 addition to the correction. Garth said the Property Maintenance Code is also provided to the Township by International Code Counsel for consideration of adoption if the Township feels that the terms there in would allow our Code Enforcement Office or Building Inspector to better serve the safety of the members of our Community which is the intention of the code. Garth Monaghan said that he has spoken to Don McDermott about and Don asked why is the Township is so late in getting around this all the other Townships have picked up on it. Garth said what it really benefits is new residents coming into an existing dwelling that's the intent of the use of this whether it be a rental or outright sale. Garth said the Township has talked about having resale inspection and Garth said the Township hasn't taken action on that for a couple of reasons. Garth said that Don McDermott and Vince Pompo are suggesting that we consider doing this for the protection of new residents to the Township and for those residents who rent within the Township to make sure that the properties that they are renting or the properties that are purchasing are safe and up to code. Garth said what it will do is anybody who is considering purchasing existing property in the Township it will eliminate the need for them to hire at their own expense an inspector to come through prior to settlement, it would require the Township to go through and make sure that the properties are safe and up to code. Deborah Rush asked who would pay for the Township to inspect the properties; Garth said it would be the owner of the property. Garth said that the Township doesn't have the way to identify properties that are being rented unless the Township is notified by the owner. Garth said that this would enable us to let the Realtors know by publication of the Ordinance that East Fallowfield will now begin resale inspection.

Jim Durborow asked if there have been a lot of complaints about the current rules and regulations that people aren't happy with them. Garth said the difficulty has been with enforcement. Garth said that we have some situations in the Township where there is clear violation of the Township present codes which are common sense standards which the Township has identified and tried to contact the owners to get some relief to the point where the Township has gone before the District Justice on many occasions where we get the same result that the finding is for the Township and the person is ordered to make necessary repairs to clean up the site and they say I don't have enough money and they won't do it and Garth said that is the end of it and that the District Justice has no authority to carry it further and the

Township has no authority at all to do anything unless it is a clear safety or health hazard. Garth said that there are some properties in the Township that are in very bad shape but not structurally unsound where we can condemn them. Garth said that Township can't force a homeowner to do the necessary repairs under the present ordinances that we have. Garth said that 2nd class Township doesn't have the authority to lien a property but we can obtain a judgment which when the property sells the judgment will be satisfied and Garth said the judgment really doesn't amount to anything it's about \$50.00. So when the house sells the Township will get a check for \$50.00 but it doesn't take care of the brush that is piled up, the unsightly conditions and the stormwater running off the property. Deborah Rush asked Garth Monaghan if there is a way to adjust the code so that it is little more relaxed.

Garth said that at the present time we have an application before the Township that the homeowner would like to take a single family home and divide it into a duplex. Garth said that the owner has contacted the Township and has asked for proper inspection to make sure that the work is done correctly and will be a safe environment for them to rent. Deborah Rush asked if it's in the code where the house is to change a single family home into a duplex. Deborah Rush said that a home has 4 foot high grass and dead brush and it's July and they are taken to court and the court says yes the Township is right and the homeowner has to cut it and then from there on isn't there a way the Township can write something that if after the court justice or is this a county level or court level that the Township can't say after a certain period of time after it's been handed down by the court that the Township will come in and mow the grass if it hasn't been done and the Township will charge the homeowner. Garth said that the Township has done that before: went in and cut the grass and charged the homeowner. Garth Monaghan said that the International Property Maintenance Code will go on the Supervisors' agenda at some point for discussion. Roger said that he has 4 pages of questions regarding International Property Maintenance Code and the current problems we have now with code enforcement.

Ed Porter of residents of the Township said that it is on the website for February 28th Board of Supervisors meeting for motion for adoption of advertising the International Property Maintenance Code. Ed Porter said that he spoke with Nancy Gill last week at the Republican committee: the maximum fine that you can receive through property is listed in the 2nd class Township book is \$1000.00. Ed Porter what this does is bring things that already in the 2nd class Township code book has for liens there is a way for liens to happen on a property. Nancy Gill said that she will look into and she said that all the powers are there for the Township and what this does is funnel this into property maintenance. Ed Porter said if you look through the 2nd class Township code you will see this information there. He said all the pieces are there and this ordinance brings it together with property maintenance.

Roger Brown had a question regarding the property maintenance code: has the Township surveyed the surrounding municipalities to see how many of them have adopted the ordinance. Garth said that he has had some input from East Bradford Township with positive contacts and from Don McDermott who feel this is a positive thing. Garth said what is on the February 28th agenda is the adoption of the revised international code which was advertised to act on at the February meeting, not the property maintenance code.

Roger Brown had a contact regarding the home that Garth mentioned that is going to be converted from a single family home to a duplex. Roger Brown said that the property is located in R2 zone and according to the ad that Roger saw in the newspaper they are seeking a special exception pursuant to Section 1723 in order to permit the conversion of their single-family home into two separate living units. Roger said that in that section, our Township zoning ordinance states the following provisions shall apply to the conversion of a single family dwelling or barn to a dwelling containing a greater number of

dwelling units, when permitted by this Ordinance. Roger said that when you look under the R2 zoning and the uses by special exception under Section 602.3 the following uses are authorized as special exceptions Church and Religious Institutions, Cemeteries, Commercial greenhouses, Temporary carnival, fair, and circus or other temporary outdoor social affair, Day Care Center, and Bed and breakfast. Roger said that there is no mention whatsoever of about conversion from a single family dwelling to two family dwelling. He asked what he is missing regarding this. Garth said he doesn't think Roger is missing anything regarding this issue, Garth said he could take a wild guess that they would come in with one of the issues. Garth said that the Supervisors only received it for review but no approvals have been given. Roger said that their application states very clearly that they are applying for the conversion and it doesn't appear to be authorized under any of these categories under those heading issues by special exception. Garth said that one of the things that they have mentioned that there is other properties that are adjacent to where this property is located are rentals and have multiple families in them. Roger asked why their application was even accepted and authorized. Garth said that it has not been accepted it's just a query. Roger said that there been a formal announcement in the Daily Local twice now. Garth said that he thinks Vince Pompo said the Township was obligated to do that.

Buddy Rhoades said that the City of Coatesville uses the International Property Maintenance Code and that they can't enforce it and that East Fallowfield Twp won't be able to force everything either. Buddy Rhoades commented on Cardinal Drive since Garth brought it up. Buddy Rhoades said that you can just go down the road and look at the wood that has been sitting there. Buddy Rhoades said it doesn't matter if East Fallowfield has the maintenance agreement or not and if everything still has to go to Nancy Gill or what ever District Justice is up in Parkesburg. Buddy Rhoades said that Roger Brown, Jim Durborow or Buddy Rhoades has a right to appeal it and she will find you guilty. He said that you won't do away with a poor system and it will go to West Chester and he said that he can assure that everything up on West Chester Rd is already going through the Court system and he said it's just not \$50.00 and said he can tell us how much East Fallowfield will get because he sent Ben Slider out there and it's \$450.00 that Township did to correct the erosion problem on the Cardinal Drive property and they were guilty of it and eventually the Township will get their money when the property is sold and it will be divided between R&K ,R&H, Township and the dumpster people and so on.

Sharon Scott wanted to thank Roger Brown & Jim Durborow for stating that the International Property Maintenance Code which would be another level of bureaucracy. Sharon Scott wanted to add that it would infringe upon her rights as a homeowner. Sharon Scott said that we started out by talking about confidentiality and how Roger held the confidentiality but she said that in Township with this staff and this police force there is no confidentiality and the whole reason everybody and this whole government is for health, welfare and safety of its residents. Sharon said for 10 years her health has been poor, her welfare has been poor and her safety has been poor because of Chief Mango in this Township and she said he wouldn't want him to have the power or his assistant to have the power to come in her home. Sharon Scott mentioned what Garth Monaghan said that Vince Pompo and East Bradford were with the International Property Maintenance Code and he also said that he got it from an Association. Deborah Rush said yes it's an Association that the Township belongs to. Sharon Scott said that she has been calling Townships to see if they have gotten it and she said that the one that she called was Sadsbury Township and they do not have it and one Supervisor that she spoke to would not even think about having it. She said that Vince Pompo is their Solicitor. She told the Supervisor to be on the look out because Vince Pompo might slide that paper in. Sharon Scott that Vince Pompo is the Supervisor of East Bradford and Don McDermott our Zoning Officer she not sure how long he has been on board or how he got hired or if there was application or what. Sharon Scott said she not sure that he would be looking out for her health, welfare, or safety. Deborah Rush said that she has to stop Sharon Scott at this point because she is not sure if this

information is really Planning Commission business. Roger Brown said that no it's supervisor business. Debra Rush said to Sharon Scott that this information is solely for the Supervisors, like the recommendation that the Planning Commission made earlier in the meeting and that everything goes to the Supervisors and that is the place where she really needs to be talking to your elected officials. Debra Rush said that the Planning Commission is totally voluntary and they deal with housing developments and other related issues.

Sharon Scott had a question regarding another issue has she looked at the January 8th, 2007 minutes. It says IN ATTENDANCE: Chairperson; Deborah Rush, Vice-Chairman Roger Brown, Members: Jim Durborow, John Schwab, Paul Daniels and Linda Hart. Sharon Scott asked if Linda Hart was a resident of the Township. Debra Rush answered that Linda Hart is the secretary of Planning Commission. Sharon Scott said that in attendance it should just say board members and then Linda's name and the minutes aren't even signed secretary what ever.

**Adjournment: Deborah Rush motioned to adjourn the Planning Commission meeting. Roger Brown 2nd. Vote: Unanimous.**

**Respectfully submitted,**

**Linda Hart, Secretary**