

East Fallowfield Township Planning Commission

2264 Strasburg Road
610-384-7144

Chairman: Deborah Rush
Vice-Chairman: Roger Brown

Member: Paul Daniels
Member: Jim Durborow
Member: John Schwab
Member: Jim Weeks
Member: Bernard Beegle

June 04, 2007 Planning Commission Meeting Minutes

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

IN ATTENDANCE: Chairperson; Deborah Rush, Vice-Chairman Roger Brown, Members: Jim Durborow, John Schwab, Bernard Beegle, Paul Daniels and Linda Hart, Secretary.

Roger Brown made a motion to approve minutes from the May 07, 2007 meeting. Second: John Schwab. Voted: Paul Daniels, Deborah Rush, Bernard Beegle and Jim Durborow. The motion was passed.

PLANNING COMMISSION DISCUSSION

Deborah Rush made a statement regarding Bernie Beegle's reference to his place of employment in regards to the Training Facility. Bernie Beegle said that he became a shareholder in January 2007 and Deborah Rush said that Bernie does have contact with the work that is being done by his company for the Training Facility but he is not running the project. Deborah said that Bernie is abstaining from all votes having to do with the Training Facility and that there was a note from Mr. Makely stating that he felt that Bernie shouldn't be privy to or involved in whatever the Township is doing with regards to the Training Facility. Deborah Rush said any conversation which has to do with the Training Facility during the Planning commission which is public and any information that is in the meeting anyone can hear no matter if they are a shareholder or not of the company and anything he hears will not affect what he is doing for his company or the Township. Deborah said that Bernie is abstaining from all votes when there is a consensus that there is no conflict or a problem from Vince Pompo, Garth Monaghan and Deborah Rush.

Bernie Beegle said that he is a resident of the Township and that he could side with the rest of the residents and make comments for being a resident but for the best of the community he will abstain from any discussion.

Deborah Rush said that Denny Howell Sr. has written a letter to the same effect abstaining from any projects that Denny Howell Jr. does in the Township. Deborah Rush said that it might be a good idea that Bernie would write a letter to that effect regarding the Training Facility.

Deborah asked that Roger give a brief summary on the meeting that they had with George Broadbent, and Vince Pompo regarding the Training Facility and the process that the Training Facility should go through. Roger Brown said at the last Planning Commission meeting they didn't come to consensus to make any one recommendation to the Supervisors. One option was to allow the amendment ordinance that was proposed by Chester County Economic Development Council group to amend the ordinance to allow this use by right. Second option was to permit this by conditional use which would require hearings and would involve a great deal of public participate with the hearings. Third option was to include this under a separate section as permitted use in the Township but not as an extension of the conditional use.

Roger said that in his opinion the conditional use process might not be the timeliest but the most beneficial to allow the maximum public participation to gather information and rise questions and concerns and possible to see some thing that the Planning Commission has overlooked or the group from the County. Deborah said that after going through the meeting that Conditional Use would be the way and certainly the way so that everyone could get a say and it doesn't have to take nearly as long as some have taken going through Conditional use hearing and Deborah said that the other concern is that the National Guard hasn't done anything and that the Township can't go and change the ordinance for the Training Facility and then have the National Guard come in later and say that they need to change the ordinance for them. Deborah Rush said that she pushed that both parties have to get together and do some things together. The Conditional Use would cover all best possibilities but there would be underlying amendments during the process.

John Schwab said that he is comfortable with the Conditional Use hearing and that by the County having the meeting on June 7 goes a long way to honoring the content of the Conditional Use.

Jim Durborow has a concern with the entrance way onto Doe Run Rd and doesn't know how much say we have as a Township but that the Planning Commission should ask for a turning lane heading south and a deceleration heading north that the Township is being responsible.

Chris said that the Township could make a recommendation to Penn Dot regarding this since it's a Penn Dot road.

At the Planning Commission session on 06/04/07, Deborah Rush made a motion to recommend to the Board of Supervisors that the Conditional Use process is best used in consideration for the National Guards and the Chester County Training Facility. This motion was seconded by John Schwab. Vote: Jim Durborow, Deborah Rush, Paul Daniels and Roger Brown. Abstain: Bernie Beegle. The motion was passed.

At the Planning Commission session on 06/04/07, Deborah Rush made a motion to recommend to the Board of Supervisors that the Planning Commission has concerns with regards to Penn Dot road access to and from the site especially for the larger vehicles that they are expecting to use at the Chester County Training Facility and the Planning Commission suggests acceleration and deceleration lanes. This motion was

seconded by Jim Durborow. Vote: John Schwab, Deborah Rush, Paul Daniels and Roger Brown. Abstain: Bernie Beegle. The motion was passed.

THE JOHNSTON PROPERTY

Denny Howell Jr. presented the Final plans to the Planning Commission regarding the Johnston property. They have received their permits for the driveways from Penn Dot. The property will have 6 lots and 1 of the lots already exists. Lot #6&5 will share a driveway and Lot #1 & 2 will share a driveway. Lot#3&4 will have their own driveways. Denny Jr. is hoping for final approval by August. Chris DellaPenna said Denny wants to create lots and sell them and each individual lot will comply with requirements of the ordinance. Chris said that the disturbance is going to be more than is allowed per the ordinance.

Deborah Rush asked that the following Zoning Ordinances be put on record regarding this site.

1402.7 B – Resource Protection Standards

2. Disturbance Allowance for Woodlands and Hedgerows

- c.** When proposed development necessitates woodland disturbance, the criteria of Section 629.B.4 of the Township Subdivision & Land Development Ordinance shall be used for guidance in selecting vegetation for retention or clearing.

1403.1 – Plan Information and Delineation of Protected Resources

- A.** A site plan which identifies the limits of all natural resources on the site, including areas of woodlands or other vegetation to be preserved, and the proposed use of the site including any existing or proposed structures.
- B.** The limits of all encroachments and disturbances necessary to establish the proposed use of the site, including a grading plan showing existing and proposed contours.
- D.** Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculations shall be shown on the plan as indicated in the following Table.

1403.1 – Plan Information and Delineation of Protected Resources

To ensure compliance with the natural resource protection standards of this Article, the following information shall be submitted by the applicant when applying for a zoning or building permit, conditional use or special exception approval, zoning variance, or subdivision and land development approval where land disturbance is contemplated.

Deborah Rush said if the wetland & woodland disturbance is per lot and if he is subdividing and selling them as individual lots that the Planning Commission does not

ok a subdivision that later on a lot is sold to someone that comes into the Township and says that they spent hundreds of thousands of dollars on a piece of land that they can't build on because of Township requirements.

Deborah Rush said that if Denny does wetland and woodland disturbance for the entire site that will satisfy the ordinance. Chris DellaPenna said that maybe Denny could give Lot#6 as much of the woodland disturbance as you think it needs and then on other lots a allowance and put a note if they go over woodland disturbance allowance they are required to prove the required replacement plantings. Denny said that he wouldn't be against that he just doesn't want to see lot#6 put all the trees back in just to put their house back there. Chris said to let Lot#6 have the bulk of the woodland disturbance and then the other lots where they have open areas have them do the woodland replacement as long as the buyers know they are required to do that. Deborah asked if Chris was saying that Denny should take the whole site and do the calculations and split the 20,000 square feet for woodland disturbance where it's heavy on the more wooded lots and less on the other lots and do the same for the wetland disturbance. Deborah asked Chris if this can be done and he said yes you just put the restriction on each lot.

Bernie asked about the shared driveways and who would have the responsibility of putting all the construction cost into doing the driveway. Denny said that there will be a shared access easement and that they will get reimbursed a share of the driveway cost when the second lot sells for that share driveway.

Deborah Rush said that she strongly recommends that Denny Jr. go to the Historic Commission in regards to this plan since a historic house is located on the property.

Chris DellaPenna and Deborah Rush said that Denny should put on the plans so when someone buys a lot they know what they will need to get a permit, and it was agreed that he should put that they must get all applicable permits.

RUSSELL A. SCHAIBLE

Larry Leisey presented Final Plans to the Planning Commission board regarding the subdivision of Russell A. Schaible land. Russell Schaible had to apply for a variance to be able to subdivide, and they applied to the Zoning Hearing Board and had their meeting on April 9, 2007 and that variance was granted to allow the subdivision of 2 lots. Mr. Leisey said that they will comply with Chris DellaPenna letter that they received on May 24, 2007. Mr. Leisey said that he will add the waivers that they are asking to the final plans that will need to be signed after final approval from the Board of Supervisors.

Mr. Leisey had a question regarding comment 2.8 on Chris letter (Section 604.D - The Township should decide if additional right-of-way would be required along Strasburg Road. Currently the plan notes the existing right-of-way to be 25 feet from centerline however the subdivision plan for the Real Estate Finders LLC land

immediately to the west is offering an increased right-of-way width of 30 feet from centerline. Since Strasburg Road is classified as a Major Collector road, a minimum right-of-way of 60 feet (30' from centerline) would be required. Mr. Leisey said that the plan shows a 50 feet right-of-way and he said that they have no intention of any building or changes by this plan and therefore they don't see to have to widen the right-of-way and show it on a plan because Penn Dot won't accept the additional right-of-way if it is on the plan anyway, Penn Dot does not accept right-of-ways until they actually need right-of-way and then they will go through the process of taking it. Mr. Leisey feels there is no need to show the additional right-of-way on this plan just for the purpose of showing the right-of-way. Deborah Rush asked Chris comment on this and Chris said that it is Ordinance requirement by Township not Penn Dot. Chris said that they could just show a line on the plan saying ultimate right-of-way and not do the area calculation that would be fine.

At the Planning Commission session on 06/04/07, Deborah Rush made a motion to approve the final plans for Russell A. Schaible with recommendation to the Board of Supervisors regarding Chris DellaPenna's letter dated May 24, 2007 regarding the three waivers listed below. This motion was seconded by Roger Brown. Vote: John Schwab, Jim Durborow, Bernie Beegle and Paul Daniels. Vote: unanimous.

[First waiver](#) request is regarding [Section 504 \(2.7 on Chris's Letter\)](#). This section requires a Conservation Plan to be included with any preliminary or final plan. The applicant has requested a waiver from the requirements of this section since the houses are existing on each lot and no new construction is proposed. Due to the nature of this proposal I have no objection to this waiver request.

[Second waiver](#) request is regarding [Section 507D \(2.7 on Chris's Letter\)](#). The subdivision results in the creation of one (1) additional and therefore this section requires payment of a fee in lieu of providing land for Park, Open Space and Recreation Areas otherwise required by section 507 (C). The Board should determine if this would be appropriate for this subdivision since no additional houses will result.

[Third waiver](#) request is regarding [Section 625 \(2.9 on Chris's Letter\)](#). The applicant is requesting waiver from the requirement to install concrete monuments around the tract being subdivided and will set iron pins around at all lot corners instead. I have no objection to this waiver request.

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

Respectfully submitted,
Linda Hart, Secretary