

# Unapproved Minutes

## 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

### May 07, 2007 Planning Commission Meeting Minutes

The meeting was called to order by Deborah Rush @7:35 p.m.

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

Roger Brown made a motion to approve minutes from the April 02, 2007 meeting. Second: Jim weeks. Voted: Deborah Rush, John Schwab and Jim Durborow. Abstain: Bernie Beegle. The motion was passed.

### THE JOHNSTON PROPERTY

Denny Howell Jr. presented the preliminary plans to the Planning Commission regarding the Johnston property. Denny Howell Jr. said that they are going to try and resubdivide the Johnston property after a year of not being able to sell it. Denny Jr. said that there is a lot of interest by people who just want to buy a larger lot and build their own house. Denny Jr. said that they resubdivided the 25 acre Johnston property into 5 new lots instead of 6 lots. There is an existing home on the property. Denny Jr. said that they are just subdivided lots and that's it and if someone wants to come along and buy one of the lots then they would have to come back to the Township and do a grading plan, stormwater management, erosion control and go to the county. Denny Jr. said that each of the lots have its own approved in-ground septic area. He said that they are getting the PennDot permits for access onto Strasburg Rd. Deborah Rush asked Denny Jr. if he has the perk tests done and he said yes and the only thing would be access and that is all they are doing. Jim Durborow asked if there will be common access to these lots and Denny Jr. said yes lot 1 & 2 would share access and lot 5 & 6 would share access. Deborah Rush said that easement would be drawn up and attached to the deeds. Denny Jr. said that they will place any adequate notes or safe measure to overall state that when someone buys a lot that they have to go to the Township and go to the Conservation District to do a permit.

Denny Jr. said that the driveway width they are proposing is 10 feet. Chris DellaPenna said he spoke with Denny Jr. about not sure if there is an ordinance that will prohibit doing a development that just creates lots without doing any improvements. Chris said that this could be considered a minor subdivision and you can have up to 10 lots for a minor subdivision so there is no public approval. Chris DellaPenna said allowing for this to happen in the Zoning Ordinance there are requirements for the Natural Resource Protection Standards that do require a development plans showing disturbances of resources shall apply before, during, and after construction on a site. Chris DellaPenna made a reference to:

**Section 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.**

Chris DellaPenna said that it would apply to this because it is a subdivision.

Deborah Rush asked if it is something that would go the Board of Supervisors as a special exception or special recommendation. Chris DellaPenna said that maybe it's something that they can render an opinion on. Denny Jr. said that he knows what Chris is getting at saying about buyer beware, but Denny Jr. said if someone bought lot 3 do they know all the requirements that they will be subject to and Denny Jr. said that the ordinances are available at the Township and he has nothing to hide.

Deborah Rush said to Denny Jr. that he should clarify all this with a Real Estate Agent so they can't come back and say that he/she had no idea and Deborah Rush said even though it's all law, she believes that Denny Jr. Deborah Rush said that Denny Jr. should go to the Board of Supervisors for their opinion.

**CHESTER COUNTY ECONOMIC DEVELOPMENT  
COUNCIL/EMERGENCY TRAINING FACILITY**

Theresa R. Lemley presented the proposed amendment for MU - Multi-Use District to the Planning Commission board.

The Ordinance of the Township of East Fallowfield, Chester County, Pennsylvania, amending the East Fallowfield Township Zoning ordinance of 2002, as amended, and the East Fallowfield Township Subdivision and Land Development Ordinance of 1982, as amended, by adding to the MU Zoning District a new permitted use known as the Public Safety Training Facility use and establishing regulations for such use and by providing greater discretion regarding woodland replacement.

Theresa said that the Township has a definition section in the ordinance under Section 201, she said all they have done is add definition for Public Training Facility. Theresa said that it is very thorough and it includes every possible use that they could possibly think of.

Deborah Rush asked Theresa R. Lemley why they are proposing this amendment and Theresa answered to accommodate the Public Safety Training Facility use since our Ordinance doesn't allow as a permitted by-right use.

Section 1. By amending §201 "Definitions" by adding new definition to read as follows:

Public Safety Training Facility: A campus dedicated to multidisciplinary training, exercises, rehearsals and demonstrations involving, but not limited to, the Police, Fire Services, and Emergency Medical Services, that encompasses the following uses: Administration, Classrooms & Training building, Back-up 9-1-1 center, Back-up EOC, Defensive Driving Course, Search & Rescue building, Vehicle Fire/Rescue Area, Helicopter Pad, Firing Range (indoor), Tactical Range (outdoor), Shoot House, K-9 Training area, Burn Building, Drill Tower, Smoke building, HazMat Pad, SCBA Fill Station, Liquefied Petroleum Gas (LPG) Burn Pad, Multi-purpose Static Water Source (drafting, water/ice rescue, hydrant system supply), Tank Car Training Area, Confined Space/Trench Rescue, Utility Pole Prop, Communication Tower.

Jim Durborow said that the part that states "but not limited to," needs to be taken out of the definition because it leaves it to wide open to everything. Theresa said that they will have that removed.

Theresa said regarding Section 2. that the Township has a Table of Uses and the only thing that is being added is Public Safety Training Facility as a BR (by-right) use in the MU District. Bernie Beegle asked if they could add County in front of the Public Safety Training Facility name or Chester County. Theresa said that would be no problem to add.

**Section 3.** Theresa said that the Township has 19 permitted by-right uses under [Section 1202.1](#) (Uses Permitted by Right) and they are asking to add new paragraph S. for the 20<sup>th</sup> to read as follows:

**S. Public Safety Training Facility.**

**Section 4.** Amending [Section 1202.2](#) (Accessory Uses) by adding new paragraph C. to read as follows:

**C. Accessory structures normally associated with a Public Safety Training Facility.**

**Section 5.** By amending [Section 1203.1](#) (Minimum Lot Area or Tract Size) by adding paragraph F. to read as follows:

**F: Public safety training facility: twenty (20) acres.**

Deborah Rush asked Theresa if their facility is 20 acres and the Guard is another added acreage. Theresa said the entire parcel is appropriately 70 acres. The Guard's piece is about 12-15 acres of that. Deborah Rush asked if the Guard is doing their own additions to the ordinances. Theresa said yes they are independent of the Public Safety Training Facility.

**Section 6.** By amending [Section 1203.2](#) (Minimum Lot Width) by amending paragraph B.1 to read as follows:

**B. Lots permitted under Section 1203.1 (2 or more acres):**

1. One hundred fifty (150) feet at street line is the way it reads in our ordinance now. They would like the amendment to be "except for an interior lot, in which case the minimum lot width shall be one hundred fifty (150) feet measured from the property line closest to the street of primary access."

**Section 7.** By amending [Section 1203.3B.1](#). (Minimum Property Line Setbacks) to read as follows:

**B. Lots permitted under Section 1203.1 (2 or more acres):**

1. Front Yard Setback: Sixty (60) feet at street right-of-way is the way it reads in our ordinance now. They would like the amendment to be "except for an interior lot, in which case the front yard setback shall be sixty (60) feet measured from the property line closest to the street of primary access."

Deborah Rush asked if Chris DellaPenna could give his opinion on the amendment changes they are requesting from the Planning Commission Board. Chris said the only question he would really have is that the property really doesn't have any frontage. Theresa said that she didn't see anything in the Ordinance that would prohibited that. Theresa said that we have a definition of an Interior Lot in our Zoning Hearing book that would accommodate this type of situation. **The definition is any lot which only has access to a street by either an easement or right-of-way, or any lot which has limited frontage to a street by virtue of being "flag shaped".**

**Section 8.** By amending [Section 1203.4](#) (Maximum Height) to read as follows:

Three (3) stories or thirty-five (35) feet maximum is the way it reads in our ordinance now. They would like the amendment to be "except when associated with a Public Safety Training Facility, in which case the maximum height shall be

seventy-five (75) feet for structures and two-hundred fifty (250) feet maximum for communications towers.”

Deborah Rush asked Chris DellaPenna if we had an ordinance regarding colors like we do for Wireless Communications Facilities. Chris said that there is a height restriction for the Wireless Communications Facilities where it can not exceed one hundred fifty (150) feet. Deborah Rush asked Theresa why the Communication Tower needs to be two-hundred fifty (250) feet if we have Sprint & Cingular towers that aren't two hundred fifty (250) feet. They said that Sprint/Nextel tower is trying to cover shorter areas and the towers that they would use they wouldn't have as many towers throughout the County, but they have higher powered transmitters on top. They need to have a larger site picture on the ground and they need a line of sight from that tower to the joining towers to complete the microwave network. They said asking for 250 (feet) in the ordinance doesn't necessarily mean that they will need 250 (feet) once the communication line of sight survey gets done. They just thought it would be better just to ask for the maximum height.

Jim Durborow asked Theresa if this building will be able to be seen from the street. Not from Route 82 and there is about 250 feet grade difference from the street line to where the building will be.

**Section 9.** By amending [Section 1806.C](#) to add Public Safety Training Facility Use and Minimum Number of Parking Spaces as follows:

**1 space/ 1000 S.F. GFA (Square foot/Gross Floor Area)**

Theresa Lemley said that the parking area will be 105,000 square feet which would mean there will be 105 parking spaces. Bernie Beegle asked how much of the site will be the planned area compared to the wooded area. They say the current consensus they are coming up with is 35 to 40% of the site being built on.

Theresa Lemley said that they have expanded on the Section 10 to attempt to give the Board of Supervisors a wider discretion on this area. Theresa Lemley said that they plan on complying with the ordinance regarding landscaping, screening, and buffering which will provide for a lot of nice landscaping on the site. The replacement ordinance is very strict.

Deborah Rush said that she spoke with Garth Monaghan about this issue when they came in front of Board of Supervisors. Deborah said that her understanding from the conversation was that this was an option that the Board of Supervisors gave the Public Safety Training Facility. Deborah Rush said that because no one from the Supervisors is here in attendance at the Planning Commission meeting it makes her a little uneasy about commenting on Section 10.

John Schwab said the one part that he isn't comfortable with is the money going into the General Fund account. Theresa Lemley said that she did that for the Township's benefit

so that the Township's hands wouldn't be tied and that it wouldn't be required to spend the funds on a particular item.

**Section 10.** By amending Section 629.C.4. of the East Fallowfield Township

Subdivision and Land Development Ordinance of 1982, as amended, to read as follows:

4. The species, sizes and locations of required replacement plantings shall be acceptable to the Board of Supervisors. The Board of Supervisors at its sole discretion may approve the location of replacement plantings on lots or tracts other than that under application required is the way it reads in our ordinance now. They would like to add the following amendment to Section 10 "the applicant to provide the equivalent monetary value, as agreed upon by the Township and the applicant, of some or all of the required replacement plantings or otherwise modify the requirements of this Ordinance where the Board of Supervisors deems such modifications to be in the public interest. Where applicant provides an equivalent monetary value, the Board of Supervisors may request that said funds be deposited in the General Fund of the Township."

Deborah Rush said the other concern that she has is that the National Guard building is going to be located on this site also. Deborah said that they haven't come in front of the Planning Commission board yet and that they will probably have changes to this ordinance too. Deborah said that she would hate to wait for the National Guard to approve the ordinance changes now for the Public Safety Training Facility and then turn around and make more changes later for the National Guard.

Theresa Lemley said that is why they are acting independently because the National Guard is not on the same time frame as the Public Safety Training Facility. Theresa said that they are not trying to hide anything but they don't want to be delayed by them. Theresa said that she doesn't want to be delayed anywhere from 6 - 8 months because of the National Guard. Theresa said that they can't afford that time.

Roger said that he would be more comfortable in considering the proposal not as a Use by Right but has a Conditional Use. Roger said that he thinks it will give the Township more protection, and give opportunity to the residents to the Township to come and hear in lengthy process which would benefit everybody instead of getting a quick ok from the Planning Commission and endorsement to go to the Supervisors.

Chris DellaPenna said a Use by Right you just go in front of the Planning Commission and Board of Supervisors so long as you have an ordinance. Conditional Use is the process where you have private hearings and notices are posted and the general public is notified. Deborah Rush asked how much longer could be that process. Chris DellaPenna said it could be one hearing if there is no public input and the Township is willing to accept all the testimony or it could involve ongoing hearings for more presentations. Deborah Rush said that the Planning Commission could make some recommendations on either side and send it to the Board of Supervisors and let the Board of Supervisors decide which way they want to go.

Jim Weeks said that he thinks the Conditional Use is a lot more pertinent to the general public. Jim Durborow said that he agrees with Jim Weeks but wouldn't want to see the process delayed. Bernie Beegle said that it sounds like it's a good idea but you will have a radius around the facility that you will have public comments that they don't want it in their back yard.

Deborah Rush said that there an ammunition and a noise issue that people are going to be concerned about and maybe Public Safety Training Facility members could present something that will put people's minds at ease. Theresa Lemley said that is her concern because they would have to present quite bit of testimony and that alone would take several hearings to cover all the particular uses that may or not be a concern of the Township residents.

Theresa Lemley said that there is one option that she wanted to propose that might be a compromise. The Township has Ordinance called Supplemental Land Use Provisions: It sets forth a number of different uses, like hospitals, nursing facilities, and etc. Theresa said that Public Safety Training Facility could incorporate this use into that Section 1700 and incorporate whatever conditions the Planning Commission or Board of Supervisors would like to impose. Theresa Lemley said that way they could avoid the whole Zoning process.

John Schwab asked if any sight distance tests were done for the emergency only access. They said the only reason that the second entrance was designated the emergency access because they have done site analysis studies at the site and it was determined that it was so inadequate at the second access point that they designate it emergency access but the primary access point they have significant site distance. Deborah Rush said is it ok with PennDot that one of the entrances is designated an emergency access only. They said yes.

Deborah Rush & Roger Brown will meet with the Board of Supervisors to discuss the three possibilities and then give their recommendation after the meeting.

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

Respectfully submitted,  
Linda Hart, Secretary