

East Fallowfield Township
Planning Commission
January 12, 2015 Approved minutes
6:35 PM

Attendees:

Dennis Crook, Chairman
John Schwab, Vice Chairman
Richard Agatone
Joe Perzan
Jim Durborow
Garth Monaghan
Joe Pomorski, Board of Supervisors Chairman
Al Wright, Zoning Hearing Board
Chris Della Penna, Township Engineer
Vince Pompo, Township Solicitor
Ray Ott, AICP, Ray Ott & Associates
Susan Elks, AICP, Chester County Planning Commission

Not Present:

Jim Weeks

Dennis Crook called the meeting to order at 6:35 pm.

Discussion: Dennis Crook discussed the order of agenda items for the meeting. The committee decided to change the order of discussion of agenda items and proceeded in the order below.

Section 1300 of the Zoning Ordinance - "Open Space Design": Dennis Crook presented the background on Section 1300 of the Zoning Ordinance – Open Space Design. He said between the 1990 Comprehensive Plan until now, Section 1300 was repealed (taken out). Section 1300 was put back in the ordinance three years later. This caused a lot of confusion and some time to map out. Once they figured it out, they found pieces in the section that changed even more. It was previously only applied to R1, R2, and R3 (R=Residential). When it was changed again, it took out the bonus pieces for different sections. The following additions were made: Section 1304 – 2/A/3 - Mobile Home, Office-Industrial and Mixed Use districts and Section 1304 – 3/A/3 - Maximum Tract Cover – In the R3, Mobile Home, Office-Industrial, Mixed Use and Village Commercial Districts – not more than 20%. Dennis Crook said this will affect the Build-Out Analysis in the Comprehensive Plan.

Ray Ott presented Build-Out Analysis Tables showing calculations with and without Section 1300. He said he looked at what the impact is in terms of total permitted dwelling units under both scenarios. The first table has the zoning districts on it with both the base density and the density under the Open Space Design Ordinance. The only difference in yield is that you are allowing Residential in the Office-Industrial and Multi-Use zoning districts with the Open Space Design Ordinance. Mr. Ott said the main impact on the Township is that it permits residential units in non-residential districts.

Dennis Crook commented that Village Commercial is included in one piece of Section 1300 and not in another. Ray Ott said that the Village Commercial zone is only 36 acres so the development that could occur there is minimal impact. Dennis Crook stated that he spoke to another Planning Commission and they recommended defining how many units Office-Industrial and Village Commercial is..

Dennis Crook was concerned that the lot size could be too small under the Open Space Design Ordinance. John Schwab briefly summarized the history of the Open Space Design Ordinance and how it had changed. He said the current version is more compatible with the Comprehensive Plan, however the additional districts included are of concern. Ray Ott asked if there have been any problems in application. John Schwab and Vince Pompo said the newest version of the Ordinance has not been used.

John Schwab commented on the Mobile Home District in the Township that was developed as residential single homes and East Fallowfield lost this Mobile Home District in the Comprehensive Plan as a result. He asked if someone used the Office-Industrial District to put in all residential, would we be required to rezone another area as Office-Industrial to satisfy the Fair Share Requirement. Ray Ott said there is no Fair Share Requirement for Office-Industrial. The Fair Share is only for Residential. John Schwab stated with the potential new dwelling units of 1,496, without Open Space Design Ordinance, we more than meet our 10-20 year requirement. The 10 year requirement is approximately 800 units. Ray Ott commented that he also included for comparison a new Future Land Use Plan that he amended according to comments from the last meeting.

Ray Ott stated he got a letter from Dennis Crook saying that he wanted Mr. Ott to mimic the existing Zoning Map. John Schwab stated this came in part from comments received at resident meetings. The majority of residents like the Township as it is.

Ray Ott stated on the Future Land Use Plan, he took the Beagle Club off because this has the potential to be a future public land. He also removed the land adjacent to Modena.

John Schwab said due to ambiguity of the Ordinance, the Planning Commission had had a strong sentiment to remove the Ordinance. He posed the question of whether that is still the Commission's recommendation. Dennis Crook asked for the definition of the Multi-Use zoning district. Ray Ott stated the Multi-Use Zoning District allows for a mixture of different types of commercial. He also stated the only way you can build a mixture of residential and commercial is through the Open Space Design Option. This is allowed by including the zones Village Commercial, Office-Industrial, Mobile Home and Multi-Use zoning in the current Open Space Design Ordinance.

Ray Ott said when he did the tables, he assumed in the case of Multi-Use and Office-Industrial Districts, that 100% of the developable area would go to residential. If it was mixed development, the yield would be lower. There was a discussion about Ray Ott's current calculations and assumptions regarding the Future Land Use Map Recommendations and how those calculations would be impacted by the decision on how to handle Section 1300.

John Schwab said the Open Space Design Ordinance allows for an additional 300 dwelling units to be developed. He suggested the Commission discuss Section 1300 on a Comprehensive Plan level and whether or not the flexibility it gives developers and the Township is worth the potential for an extra 300 residential dwelling units in the Township.

Dennis Crook stated he would recommend Village Commercial be added to the section it where it is missing for continuity. John Schwab stated we could also take Ray Ott's recommendation and add a stipulation stating only a certain percent could be used for Residential and not Office-Industrial.

Ray Ott stated that the Comprehensive Plan could be wrapped up by incorporating the Ordinance and then following up with revising the Ordinance unless Dennis sees an urgency to change the Ordinance. Dennis Crook said with development as low as it is right now, it is a good time to review and revise the Open Space Design Ordinance. Ray Ott said that the Ordinance would impact the Mixed Use section. It incorporates the idea that even though you are allowing mixed use in a district, no single use would be permitted. He said we would incorporate the percentages allowed under Mixed Use which is not currently in the Ordinance. Ray Ott recommends including ratios.

Conditional Use Application – Chester County Voice Radio Project (Vermeil Tower): Kim Freimuth from Fox Rothschild, who is representing Chester County, gave an overview of the Chester County Voice Radio Project. The Chester County Voice Radio Project Upgrade involves 25 sites throughout the County that are being upgrading in connection with the County's Public Emergency Services Radio System. One of these sites is located at 775 Fairview Road in East Fallowfield Township. It is an approximately 100.5 acre site and owned by the Richard and Carolyn Vermeil Personal Residents Trust. On that property, closer to Fairview Road, is an existing 140 foot tower which was approved in 2010. There is a 3,000 square foot area on the property that contains the tower. That area is leased by the land owner to Vermeil Tower LLC (company that controls the tower). There are two existing shelters around the tower and at the time the tower was approved, the property was subject to easements favor of the Brandywine Conservancy. The Board of Supervisors granted a conditional use approval to allow construction of the tower. The County would now like to install a new equipment building, some additional antennas and a microwave dish in connection with the upgrade to the system. There will be six foot tower leg extensions which are brackets that attach the antenna. The brackets will allow the antennas to now reach a height of 159 feet. The East Fallowfield Township zoning ordinance requires if you are co-locating on the tower or adding equipment to the tower, you need to have conditional use approval. Ms. Freimuth stated we have a conditional use hearing with the Board of Supervisors at the end of the month. The Brandywine Conservancy limited the number of users on the tower to two. The County went back to the Brandywine Conservancy and got their approval to be a third user. As part of the negotiations, the County agreed to do a reforestation project. There will be 150 small saplings planted around the equipment shelter. They will be doing some additional stormwater infiltration trenching that will accommodate the shelter. John Schwab asked if the tower will still implode if it collapses with the additional height. Ms. Freimuth said it would implode. She said they requested a waiver from the formal land development process subject to the Township Engineer reviewing and approving the plans.

There was a discussion about the view from the road and anticipated feedback from neighboring residents. A public notice has been published in the newspaper and a separate notice to neighboring residents will be sent out.

MOTION: John Schwab made a motion to recommend the Supervisors' approval of the extension of the tower and the waiver of the land use development application pending final sign off of the Township Engineer. Garth Monaghan seconded.

VOTE: 6-0

Township Flowchart: Dennis Crook asked Vince Pompo if his township had a flow chart for when a development submits plans. Vince Pompo said he does not. Vince Pompo said the clock dates (time deadlines) are the most important. Dennis Crook talked about other townships having plans submitted to zoning for review first to determine if a plan complies. Vince Pompo said in his township, a plan will initially go to a designated employee who reviews it for completeness and makes sure all fees are paid. Then that employee sends the plan to the Township Engineer and the Zoning Officer at the same time. Mr. Pompo also said it is important to have time frames and know when to expect comments back. The Planning Commission needs to review the plans in time for a hearing. Dennis Crook said they still need to add the Historical Commission, environmental and stormwater to the flowchart.

Approval of August 18, 2014 Minutes:

MOTION: John Schwab made a motion to approve the August 18, 2014 Planning Commission Comprehensive Plan minutes as presented. Joe Perzan seconded.

VOTE: 6-0

Election of Chairman:

MOTION: John Schwab made a motion to appoint Dennis Crook as the 2015 Planning Commission Chairman. Garth Monaghan seconded.

VOTE: 6-0

Election of Vice Chairman:

MOTION: Joe Perzan made a motion to appoint John Schwab as the 2015 Planning Commission Vice Chairman. Jim Durborow seconded.

VOTE: 6-0

Flow Chart Discussion: Dennis Crook stated in March there is a zoning course which is offered by 20/20 and it is the last course in the Master Planner Series. Mr. Crook said he feels new plan submittals should procedurally go to zoning first. He feels the applications and plans should go to Lisa Valaitis first and then to Rob McLarnon (Zoning Officer) for review. The importance of having the Zoning Officer involved was discussed. There was also a discussion about putting together a guideline of where subdivision plans and conditional use applications go and how many copies are sent to each person.

Township Business Discussion: There was a discussion regarding various Township business such as the Township website, importance of a Township Manager, the need for a real estate tax and services being hurt by not having a tax. There was a discussion regarding the Eastco conditional use application. Well water quality testing was also discussed.

Next Planning Commission Workshop/Comprehensive Plan Meeting: Monday, January 19, 2015.

Next Planning Commission Meeting: Monday, February 2, 2015.

Dennis Crook made a motion to adjourn the Planning Commission meeting at 8:25 pm. John Schwab seconded. Vote: 6-0

Respectfully submitted,

Lisa Valaitis
Township Secretary