



Pocopson Township

P.O. Box 1, Pocopson, PA 19366

Office: 610-793-2151

Fax: 610-793-1944

www.pocopson.org

Planning Commission Meeting Minutes Wednesday, 7:30 P.M., January 15, 2014

Commissioners in attendance: Meg Johnson, Barney Leonard, Rob Miller, Steve Simonson, Sean Rafferty, Gary Summers.

Commissioners absent: Suzy Breiseth, Mickey Bailey.

Guest: Richard Jensen, Zoning/Code Enforcement Official.

1. Call to Order and Election of Chair and Vice Chair: Rafferty called the meeting to order at 7:35 P.M. Miller moved, Simonson seconded, to nominate Gary Summers as Chairman; motion approved. Miller moved, Rafferty seconded, to nominate Breiseth as Vice Chairman; motion approved.

2. Secretary's Report: Breiseth and Rafferty were reappointed to the Planning Commission with terms to expire December 31, 2017.

3. Public Comment: no public comment.

4. Zoning Hearing Board Application: Corn Maze/Haunted Woods, Tax Parcel 63-3-70/1880 Unionville-Wawaset Road: Michael B. Murray, Jr., Attorney for the Applicants Samuel Wickersham, George Wickersham, Jr., and Matt Herzog, appeared before the PC to discuss the Application appealing the Zoning Officer determination. Secretary distributed a letter dated January 15, 2014, submitted by the landowner at 1860 Unionville Wawaset Road (adjacent to Wickersham Farm), setting forth observations regarding the scope of the corn maze operations and its effect on his property. The landowner was not available to attend the meeting.

DISCUSSION: Commissioners discussed the Zoning Hearing Board Application dated November 13, 2013, submitted by Attorney Murray to preserve the right of the Applicants to appeal the October 16, 2013 decision of the Zoning Officer. Secretary indicated that the Application was sent to the Township Engineer for comment and review on December 18, 2013. Jensen noted that comment and review is most likely not forthcoming from the Township Engineer, to his knowledge, as the enforcement is related to use regulations and not engineering or stormwater management. Secretary reported no response to date from Township Committees (Parks, Recreation and Trails and Historical).

Applicants answered various questions posed by the Commissioners, including but not limited to, questions regarding noise, lighting, traffic control, food service, use of electrical generators, the number of patrons to the facility during the Halloween season, and hours of operation. Commissioners desire additional information generally regarding conditions imposed by other municipalities for the overall operation of Halloween attractions in their

jurisdictions. Jensen will provide a copy of the conditions that were imposed for a similar facility in Delaware County which may be considered as an informational guide. Murray noted that several state and county agencies (including the Pennsylvania Department of Agriculture) routinely inspect the amusement facility as required by law. Herzog explained that the corn maze has operated for 10 years and its seasonal operation provides supplemental income for the farm. He noted that approximately 5,000 to 7,000 visitors attend the seasonal amusement during its operation. Commissioners are aware of the current timeline for the zoning hearing board hearing and the MPC requirements, but just the same, while recommending support for the Application generally, they believe it would be beneficial to list the matter for the February 19th regular PC meeting for further discussion of proposed recommended conditions.

Murray indicated that he is working with the Township Zoning Hearing Board Solicitor to determine a hearing date that will accommodate all parties and allow for the matter to be heard by a 3-member panel. The original February 6, 2014 hearing date has not yet been advertised and the property has not been posted.

Motion: Miller moved, Rafferty seconded, to recommend to the Board of Supervisors and to the Zoning Hearing Board that a variance be granted to allow continued operation of the amusements subject of the discussion here and that reasonable conditions be placed upon those uses to include consideration of noise, lighting, safety, electrical and water usage, and building code compliance such as they apply; further, that the Planning Commission wishes to contribute additional guidance with regard to the terms of recommended conditions if the proceedings are delayed to allow the Planning Commission to do so; motion approved.

5. Ordinance revisions:

- a. DRAFT Farm-based occupations** – PC reviewed draft version 11.1.2013. Secretary is directed to incorporate the edits from the discussion and circulate the document for the February 19th meeting.
- b. Proposed Ordinances Wireless Facilities:** Johnson explained that the issue of regulating installation of wireless facilities in the right-of-way was raised during a recent meeting of the West Chester Regional Planning Commission. Townships are seeking ordinance amendments that will allow management control over the Township's rights-of-way, particularly in view of new wireless technology. A wireless facility ordinance would coordinate wireless provider activities. Leonard and Simonson suggested that the Secretary obtain more information, perhaps from the County PC and the state association of township officials regarding this topic.
- c. Alternative Energy Ordinance:** Secretary indicated that the County PC review and comment letter supports passage of the second revision of the legislation as submitted. Presumably, a public hearing will be scheduled by the Board of Supervisors to adopt the ordinance during 2014. The language in the ordinance remains prohibiting energy in excess of 125% of the estimated energy need of the principle use of the property.

Motion: Simonson moved, Rafferty seconded, that the Planning Commission does not support the Alternative Energy Ordinance limitation on the capacity based on percentage of historical use as it is inappropriate and subjective; motion approved.

6. Call for any other business: no action required.

7. Correspondence and announcements:

- a. **PC representative to the Kennett Area Regional Planning Commission:** Miller agreed to serve as the PC representative.

8. Approval of Meeting Minutes: Johnson moved, Rafferty seconded, to approve the Meeting Minutes dated October 16, 2013; motion approved. Summers moved, Rafferty seconded, to approve the Meeting Minutes dated November 20, 2013; motion approved. PC tabled approval of the Meeting Minutes dated December 18, 2013.

9. Adjournment: At 10:00 P.M., Summers moved, Rafferty seconded, to adjourn the meeting; motion approved.

Susan Simone, Secretary

Gary Summers, Chair