



P.O. Box 1, Pocopson PA 19366
Office: 610.793.2151 Fax: 610.793.1944
www.pocopson.org

**Planning Commission (PC) Meeting
Wednesday, July 7, 2022, 7:30 p.m.**

In-person attendance: Commissioners Gary Summers, Matt Murphy, Mickey Bailey, John Hess; Consultants - Kristin Camp, Solicitor; Craig Kologie, Zoning Official. Rob Miller participated via GoToMeeting Platform. Commissioners Sean Rafferty and Paul Cardell did not attend.

Public in-person attendance: 0

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment Non-agenda Items:** none
1. **Application for Residential Variance/Appeal from Decision of Zoning Officer; Applicant: Saurabh Sarker, 552 Clearview Road, West Chester, PA 19382; Tax Parcel 63-3-65:**
Commissioners noted that an engineered survey plan has not been submitted by the Applicant as requested during discussion at the June meeting. This agenda item will be relisted when an engineered plan is received by the Township.
2. **Application for Appeal from Decision of the Zoning Officer Dated 5/18/2022; Applicant Don DeNenno; Tax Parcel 63-4-1.1; 27 Wawaset Farm Lane, West Chester, PA 19382:**
James Tupitza, Attorney for the Applicant, presented that Mr. DeNenno's property includes several buildings such as a main house and spring house that are not part of the discussion. At issue is the denial of a building permit to reconstruct the barn that was destroyed by fire that included 2 apartments. The Township records do not include a conditional use decision that would have been previously issued approving the apartments as accessory dwellings. Tupitza noted that over time, Township records have been housed in basements and various sites and it is possible such documents may have been lost. He presented that he is in receipt of sewage permits issued by the County for the apartments as well as a letter from the Township assigning 9-1-1 addresses to all structures on the farm including the apartments. Camp pointed out that the matter should be handled administratively as the use of the barn-apartments represent a nonconformity that may or may not have pre-dated the ordinance. She noted the burden of proof is on the Applicant to document the use. Mr. DeNenno offered that 2 property owners before him constructed the improvements and it is not likely that documents beyond what has already been shared exist. Following discussion, Camp and the Commissioners agreed that the Application presents legal issues and not planning issues. For this reason, the Commissioners took no position on the Application.
3. **Required Update/Adoption of Township's Stormwater Management ("SWM") Regulations Triggered by PA DEP Update of State's Model and Subsequent County Model for Countywide Act 167 SWM Plan - Subcommittee Report:** Camp provided a brief background on the genesis of Act 167 amended in 2013. During the June meeting, the Commissioners reviewed a number of documents including a Summary of Changes Table, Matrix of Minimal Mandatory Ordinance Standards, and the County-wide Act 167 SWM Ordinance calling out new or modified language and deleted language highlighted accordingly. The Subcommittee (Murphy, Summers, Kologie, Camp) went through the documents which include stringent provisions and responsibilities for stormwater management. A red-lined copy of the proposed ordinance was distributed for discussion. Particulars for which feedback was requested follows:

- a. New Section for Modified Requirements for Agricultural Structures - this is a new exemption that will allow for review under the modified approach rather than full engineered plan review. Commissioners agreed to the edits as discussed.
- b. Definitions - some definitions have been updated within the ordinance that were not clearly defined. Kologie noted the definition of impervious does not include a deck surface or water surface of pools. The Subcommittee recommends continuing that definition. Bailey asked for clarification as to County approval on all the changes. Camp noted that the County adopted the new model in February and will be re-adopting the model based on recent additional edits identified by the DEP. Kologie commented that Pocopson is a community that holds an MS4 permit and must adopt the amended ordinance by September 30, 2022. Going forward, new projects in the Township will be required to comply with the impervious cover sections of the amended ordinance.
- c. Post-construction responsibilities/Section 706 - Subcommittee found that this presents the greatest challenge as inspection of the initial installation of a stormwater facility is overseen by the township engineer as part of the permitting process. Equally important, the Township oversees the recordation of the stormwater management best management practices agreement. In Section 706, the County provides 2 options for required inspections going forward - the Township inspects or the owner of the facility inspects. Commissioners understand that the frequency of the inspections, in keeping with the ordinance, will be annually for the first 5 years, once every 3 years after the first 5 years, and during or immediately after the cessation of a 25-year or greater storm. Discussion included the following: how the Township might proceed in requiring landowners to reimburse the Township for the inspections completed by the appointed township engineer; the volume of inspections; modeling the program after the program in place by the Borough of West Chester; and hiring an engineering firm for the single purpose of tracking these inspections. Kologie noted that each inspection plan will be different for each municipality. Commissioners agreed that it makes sense to have the landowner complete the required inspections and submit the reports to the Township.
- d. Section 803/Pet Waste - this is a new section and is not currently provided for within the Township ordinance.

MOTION: Hess moved, Bailey seconded, to recommend submitting the Amended Proposed Stormwater Management Ordinance as discussed and reviewed by the Subcommittee to the Board of Supervisors for referral to the Township Solicitor and for subsequent adoption; motion carried.

4. **Approval of June 1, 2022 Meeting Minutes:** Murphy moved, Bailey seconded, to approve the Minutes as distributed; motion carried.
5. **Adjournment:** at 8:00 p.m. Hess moved, Murphy seconded, to adjourn the meeting.


Susan Simone, Secretary


Gary Summers, Chairman