



Planning Commission (PC) Meeting Minutes
Wednesday, May 2, 2018, 7:30 P.M.

Commissioners in Attendance: Gary Summers, John Hess, Matt Murphy, Paul Cardell, Rob Miller, Sean Rafferty. Commissioners Absent: Mickey Bailey, Sam Kanjula.
Consultants in Attendance: Kristin Camp, PC Solicitor; Craig Kologie, AICP, Zoning Official.

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment:** Summers recognized Scouts from Boy Scout Troop 31 of Chester County in attendance to observe public dialogue on local issues as a requirement of the merit badge program.
3. **Ordinance Discussions:**
 - a. Pre-draft Chapter 250 Floor Area Ratio/C-1 and Limited Industrial - on June 10, 2016, Township Zoning Hearing Board (ZHB) Solicitor Edward Foley identified an inconsistency or anomaly in Section 250.D(3). Camp led the discussion regarding a pre-draft of Chapter 250 sections as follows:
 - i. Pre-draft addresses conflicting language for floor ratio in Sections 250-29.A.(7); -45.E; and -49.A.(3)(g).
 - ii. PC discussed nonconformities as referenced in Section 250-84.D.(1). Camp noted that it is not an easy task to address nonconformities given that a nonconformity today may have been lawfully created in the past. She reviewed the types of nonconformities such as setbacks, structures, use of a property/expansion, and parking requirements, noting that there are legislative and judicial provisions that identify how a municipality honors or adheres to nonconformities. Just the same, a municipality can subsequently apply code sections regarding pervious and/or impervious coverage, stormwater management, and other regulations that did not exist, say, 10 years ago during original construction. PC discussed scenarios that might apply to a nonconformity such as area and bulk requirements, standards for health and safety components, and the expansion of a building for the same continued use. Kologie noted that landowners can always apply for a ZHB variance and that such matters are then resolved on a case-by-case basis. Camp pointed out that the genesis for amendments to the code often stem from policy decisions. By example, a municipality receives an application to add a greenhouse to an existing historic home and must consider whether the greenhouse is within an existing nonconforming setback. An amendment to the Code Chapter should identify under what standards an expansion would be allowed by identifying such components as safety, stormwater, parking, etc. Summers asked to relist this agenda item for the June 6th meeting in order to continue the discussion regarding the ambiguous references as well as the percentage of allowances for building expansion.
 - b. Chapter 35, Burning Preliminary Comments - Secretary indicated that the Township Office receives calls regarding burning and that such calls are referred to Kologie for investigation under the provision of Code Chapter 35. Kologie noted the number of calls referred to him are indicative of a township transitioning from rural to suburban. Burning is permitted with conditions for recreational fires and emergency storm clean-

up. John Horan, PA DEP, in responding to a request to investigate a burning concern, noted in an email that aspects of the Code Chapter might be clarified. Kologie discussed enforcement challenges particularly the code official witnessing the burning and the 30-day appeal process. PC discussed at length that Code Chapter 35 enacted in 1997 and amended in 2008, does not adequately take into account, the potential for hazards when materials such as Styrofoam or polystyrenes are burned. These materials emit toxic substances during the burning process. PC recommended supporting an amendment to Chapter 35 to include further defining marketable plastics, recyclable materials, and household hazardous wastes as well as addressing the degree to which backyard burning is a harmful practice to the health of all life forms and the environment.

- c. Chapter 158, Rental Units AirBnB Compliance - Camp led the discussion by distributing a document discussed during the April 23rd PSATS Conference titled, "Vacation Rental and Other Hot Zoning Topics". PC discussed a current concern as published on philly.com regarding an intent to rent the Margera Residence on Hickory Hill Road for short-term rentals. The discussion included but was not limited to consideration that the municipality not look for a problem that doesn't exist, the definition of a single-family dwelling, the parking and traffic components associated with any mixed use or transient lodging arrangements, and the extent to which an on-site septic system is monitored for a potential increase in usage. Other considerations include a defined single-family home that is not built with the intention of it being a permanent residence, but rather as a transient dwelling for families who are not related. Camp noted that there are current cases before the Pennsylvania Supreme Court. Kologie reported that a home located in the Red Bridge Farm subdivision is currently listed as an AirBnB. The current Rental Unit Chapter of the Code does not prohibit an AirBnB. PC agreed to review the document Camp provided and list the matter for the June 6th agenda to continue the discussion.

4. **Public Meeting Schedule:** Commissioners noted that the Board of Supervisors work session, if needed, is May 15th and the regular public meeting is May 21st. The next regular PC public meeting is June 6th.
5. **Approval of Meeting Minutes:** Summers moved, Rafferty seconded, to approve the April 4, 2018 Meeting Minutes as submitted; motion carried.
6. **Other Business:** Cardell and Miller inquired as to the approvals issued by the Township to allow the County to install a chain link fence on the County property for the purpose of training K9 partners for the County Sheriff's Department. Kologie and the Township Secretary indicated that they were not aware of any permit applications or approvals provided by the Township. Kologie will investigate the installation.
7. **Adjournment:** At 8:27 p.m., Summers moved and Rafferty seconded, to adjourn the meeting; motion carried.


Susan Simone, Administrative Secretary


Gary Summers, Chairman