

Planning Commission (PC) Meeting Minutes
Wednesday, June 6, 2018, 7:30 P.M.

Commissioners in Attendance: Gary Summers, Sean Rafferty, Santhosh Kanjula, Mickey Bailey, Paul Cardell, Rob Miller, and John Hess. Commissioner absent: Matt Murphy. Consultants in Attendance: Kim Venzie, Esquire, for 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:** no comment.
3. **Zoning Official Report:** Kologie reported that the County submitted the permit application for the chain link fence and it was denied. The permit application included the construction of canine agility elements, a shed, and a parking lot. For these reasons, the denial letter included notice that both zoning hearing board and conditional use approvals would be required by the Township. The County Solicitor asked for time to review their options as the project is not financed by County dollars but from a Sheriff's Office fund. The County Solicitor indicated that no further work would occur at the site. To use a cliché, it's the County's turn "up to bat" and they must decide if they want to remove the fence or relocate it on the property. However, even relocating will require zoning hearing board and conditional use approval based on what was presented in the permit application. Bailey asked for clarification if the K-9 unit was part of the prison facility or programs. Kologie indicated that it is not. Summers noted that residents had inquired as to whether the County, generally, installed the fence preemptively assuming that they were exempt from code requirements. Consultants noted that that is not the case and the County is required to seek relief for the project.
4. **Ordinance Discussions:**
 - a. Pre-draft Chapter 78, Fireworks - Venzie led the discussion regarding amending Chapter 78 given passage of House Bill 542 which was signed into law effective October 30, 2017 repealing and replacing the 1939 state fireworks law. She provided the following collateral material: (i) Memo on the new fireworks law; (ii) current Township Code Chapter 78; (iii) unofficial copy of Act 43 of 2017; and (iv) Upper Uwchlan Township ordinance. Commissioners recognized that although there have been changes to the law, enforcement is an issue in Pocopson Township which is without a local police department. PC discussed the legal and administrative expenses in updating Chapter 78 given the enforcement issues but recognized that there is a benefit in paralleling the local ordinance with that of the state statute. For this reason, Venzie proposed and the Commissioners agreed to a draft of a "slimmed down" version of Upper Uwchlan Township Ordinance as a framework for a working draft of an update to the Pocopson Ordinance. Commissioners recognize that the current Chapter 78 addresses permitting and provisions for professional display fireworks, but at the same time, the new law allows for explosive material in consumer-grade fireworks and that the law has changed as to who may buy and sell fireworks. Rafferty noted that while the PA Department of Agriculture oversees issuance of permits for facilities, it is still the State Police or a local police officer who shuts down illegal facilities. For this reason, he expressed that it is difficult for him to support

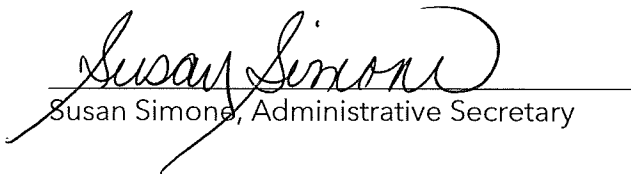
amending the current Township Code. Miller and Cardell suggested that the proposed Upper Uwchlan ordinance appears to be quite stringent with focus on storage and permitting that may not be relevant to Pocopson. Enforcement concerns aside, Venzie and Kologie offered that there is benefit in updating the Pocopson Code Chapter 78 so that the language mirrors the state statute so that it can provide a form of guidance for the general public. Kanjula added that the Code update may be helpful to the consumer particularly when the state law provides specifics in defining fireworks, permitting, and regulation of sales. PC discussed the advantages of the current liability and indemnification requirements of the Pocopson Code as related to potential damage due to a fireworks display. MOTION: Miller moved, Kanjula seconded, to recommend that the Board of Supervisors adopt a condensed version of the Upper Uwchlan Township Fireworks Ordinance as presented by the Planning Commission Solicitor; motion approved with 6 Commissioners in attendance voting in favor; Rafferty cast a dissenting vote.

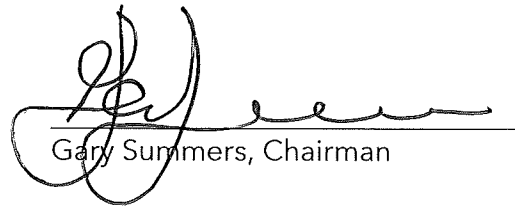
- b. Pre-draft Chapter 250 Floor Area Ratio/C-1 and Limited Industrial - Commissioners reviewed the revised iteration of the draft that was discussed during the May 4th public meeting. The genesis of the amendment is from the Zoning Hearing Board Solicitor's identification of an inconsistency or anomaly in Section 250.D (3). PC would like to address nonconformities generally in order to save taxpayers time and money in having to go before the zoning hearing board. PC Solicitor will provide sample text for addressing non-conformities. MOTION: Rafferty moved, Cardell seconded, to approve recommending to the Board of Supervisors that they authorize submission of the amendment to Chapter 250 Sections to the Township Solicitor and the Chester County Planning Commission as presented and discussed during the June 6, 2018 meeting and to proceed with a public hearing to adopt; motion approved.
- c. Discussion Chapter 158, Rental Units AirBnB Compliance - Kologie reported that the Township received a rental unit registration form for the Margera residence on Hickory Hill Road for short-term rentals. He indicated that the Township Building Inspector will process the registration form by completing the rental inspections in accordance with the Township Code. Commissioners discussed at length the effect of short-term rentals/vacation rentals on the quality of life, safety, noise, and privacy. The current Code Chapter requires listing the names of individuals residing in a rental unit. This may prove unwieldy in view of short-term vacation rentals as far as enforcement and compliance. The purpose of listing the name of the renter-resident, per the current Ordinance, is to provide accurate records for collecting earned income tax and for alerting emergency services. Kologie noted that a number of boroughs and cities have just recently adopted AirBnB ordinances; however, no municipalities to date have adopted such ordinances. Commissioners agreed to revisit the PSATS handout from the April 23rd Conference and continue the discussion during the August public meeting.
- d. Chapter 35, Burning Preliminary Comments - Venzie noted that previous comments, including comments from Pocopson Township Recycling Coordinator, have been incorporated into the current iteration. Township resident Tony Musacchio attended the public meeting to express his concern regarding deficiencies in the current ordinance that represent health and safety risks to the community. The Commissioners were most appreciative and thanked Mr. Musacchio for taking time to attend the meeting and offer his comments publicly. Talking points to be addressed in the current pre-draft of the Burning, Chapter 35 pre-draft ordinance included but were not limited to the following:
 - i. The intent of the pre-draft is to protect property owners (both the one burning and the neighbors). Consideration may be given to lot size and setbacks.

- ii. The pre-draft needs to address the burning and releasing of toxic substances which the current ordinance does not address.
- iii. Legislating a required minimum distance between a dwelling and an open fire with a minimum amount of property is achievable; however, what, if any, is the consideration for burning at the very edge of a property line while citing that the distance criteria is met in terms of the dwelling.
- iv. Given safety, quality of life concerns, and in some instances, close proximity of adjacent homes per lot size, there is merit in drafting legislation that identifies a required minimum lot size.

Commissioners agreed to continue the discussion during the August public meeting and passed an interim motion based on the discussion as follows: Rafferty moved, Hess seconded, to consider an amendment that will limit open burning to a one acre minimum; motion carried.

5. **Bylaw Amendments:** Secretary indicated that Township Resolution 2014-7, PC Bylaws, requires updating given that Article VI references meeting on the "third Wednesday of each calendar year". MOTION: Miller moved, Rafferty seconded, to amend the PC Bylaws to reflect that meetings are held on the first Wednesday of the month as approved by the Board of Supervisors; motion carried.
6. **Meeting Dates:** Commissioners noted for the record that the Board of Supervisors Work Session, if needed, will be June 19th and the regular public meeting will be June 25th. The Planning Commission will not meet in July in observance of the 4th of July holiday. The next regular public meeting of the Planning Commission will be August 1st.
7. **Approval of Meeting Minutes:** Hess moved, Miller seconded, to approve the May 2, 2018 Meeting Minutes; motion carried.
8. **Other Business:** no other business.
9. **Adjournment:** At 8:55 p.m., Rafferty moved, Miller seconded, to adjourn the meeting; motion carried.


Susan Simons, Administrative Secretary


Gary Summers, Chairman