



Planning Commission (PC) Meeting Minutes
Wednesday, February 6, 2019, 7:30 P.M.

Commissioners in Attendance: Gary Summers, Mickey Bailey, Sean Rafferty, Paul Cardell, Matt Murphy.


Commissioners Absent: John Hess, Rob Miller.

Consultants in Attendance: Kristin Camp, Solicitor; Craig Kologie, Zoning Official.

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment Non-Agenda Items:** none.
3. **Special Events Ordinance Enacted December 26, 2018:** Camp and Kologie led a second discussion regarding amending the new legislation including but not limited to the following: (a) revising the total number of participating attendees; (b) legislation adopted by other municipalities that provides for reimbursement for costs incurred as a result of the event; (c) provisions within the current Code that can be applied for compliance issues, by example, the Nuisance and Noise Chapters; (d) a private cause of action for harassment, trespass or private nuisance that might be raised by property owners; and (e) criminal matters are the responsibility of the state police. Commissioners agreed that they understand the frustration of the Board of Supervisors when the public asked that the Board of Supervisors address a viral social networking phenomenon. Just the same, the Commissioners are in agreement that the ordinance enacted in December will not stop an event and raises questions on how it would be enforced when the Township doesn't have its own police force and special events typically occur off hours. Murphy noted that issuing fines after the special event in and of itself may not stop the activity from occurring. Rafferty acknowledged that it is reasonable for a municipality with a police department to adopt legislation to allow for reimbursement of costs incurred for an event; however, he noted the current legislation appears to deprive a landowner from use of private property. **PUBLIC COMMENT:** Jim Jordan, Brandywine Red Clay Alliance (BRCA) commented that he attended the January 28th Board of Supervisors meeting and discussed the PC recommendation that the Township officially recognize that the activities of BRCA do not meet the definition of a special event, and therefore, the BRCA does not require a permit to host the typical educational and fundraising events that it has held in the past. Jordan commented that BRCA is in a quandary as events for BRCA begin in March and he has not received a response from the Board of Supervisors regarding the request for a waiver or guidance from the Township on how to proceed with the application process. Commissioners recognize that they are merely a recommending body and that under the MPC they are limited to reviewing zoning and SALDO ordinances. **MOTION:** Summers moved, Murphy seconded, to direct the PC Solicitor to send a letter to the Board of Supervisors asking the Board to repeal the Special Events Ordinance in its entirety and that if the Board is unwilling to repeal the ordinance that formal notice for the record be entered that the events that occur at the Brandywine Red Clay Alliance do not meet the definition of a special event in the ordinance; motion carried.
4. **Federal Communications Commission (FCC) Declaratory Ruling and Third Report Order:** Commissioners reviewed suggested edits to amend Zoning Chapter, Section 250-6 and

250-92 that will align the Township Code with the FCC Ruling. Camp noted that the Township should review the Omnibus Fee Schedule Resolution for permit fees that parallel the actual cost incurred by the Township to review the permit application. Commissioners discussed at length the use of distributed antenna systems (DAS) by communication providers throughout the County. Generally, the DAS devices improve carrier cellular networks but there is little data by way of assessing the health risks as well as community aesthetics. The installation is dependent in part on topography and tower communications. Commissioners agreed to add Pocopson Road and Route 926 to the list of public rights-of-ways. MOTION: Rafferty moved, Cardell seconded, to recommend to the Board of Supervisors that they authorize submission of the amendments as discussed to the Township Solicitor and the Chester County Planning Commission and to proceed with a public hearing to adopt; motion carried.

5. **Regulating Short-term Rentals:** Commissioners reviewed the sample ordinances provided for the meeting. Commissioners agreed that amending the current Code Chapter on Rental Units would be appropriate in addressing provisions for Airbnb use; pending, of course, on an expected PA Supreme Court ruling on Airbnb. Commissioners agreed that focus on such an amendment might define accessory use as well as uses allowable as an accessory use that is incidental and subordinate to the principle use.
6. **Approval of January 16, 2019 Meeting Minutes:** MOTION: Cardell moved, Murphy seconded, to approve the January 16, 2019 Meeting Minutes; motion carried.
7. **Other Business:**
 - a. Update on zoning files and concerns - Kologie reported that Bragg Hill Road/Mock zoning hearing board hearing was held and the decision is forthcoming. He also reported that West Creek Road/Chetty Builders hearing, while having been held, has not concluded.
 - b. Notice of Adoption of Chester County Planning Commission Landscapes3 Comprehensive Plan - Secretary circulated the Executive Summary published by the County. Camp noted that Landscapes3 was a collaborative process. Going forward, it identifies critical components for the County in planning what may be an anticipated population growth.
8. **Adjournment:** at 8:20 p.m. Rafferty moved, Cardell seconded, to adjourn the meeting; motion carried.



Susan Simone, Administrative Secretary



Gary Summers, Chairman