POCOPSON
ESTABLISHED 1849

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Pocopson Township Planning Commission Meeting Minutes
Wednesday, May 5, 2021, 7:30 p.m.

Implementation of the GoToMeeting Remote Platform for public meetings complies with the Disaster Emergency Orders and Proclamations issued by Governor Wolf to mitigate the spread of the COVID-19 Virus.

Commissioners via remote attendance: Gary Summers, Matt Murphy, Sean Rafferty, Rob Miller, Mickey Bailey, and Paul Cardell. Commissioner John Hess was absent. Consultants via remote attendance: Kristin Camp, Solicitor; Craig Kologie, Zoning Official.

Public in attendance via remote access: 2

1. **Call to Order**: Summers called the meeting to order at 7:30 p.m.
2. **Public Comment on Non-agenda Items**: no public comment.
3. **Board of Supervisors referral to discuss use of unlicensed motorized vehicles**: Supervisor Elaine DiMonte attended the meeting to review concerns discussed by the Board during recent public meetings. DiMonte indicated that the State Police are aware of specific incidents and that the Board reached out to Birmingham Township Police Department for contract coverage. Camp and attorney Kimberly Venzie provided the Commissioners with a few documents to guide the discussion as to sample local ordinances, Commonwealth statute, and provisions of the current Township Code for nuisance and noise concerns. Camp pointed out that a proposed ordinance indicating minimum lot size and property boundary distances may regulate use of All-Terrain Vehicles and motorized vehicles. DiMonte recognized that the State Police have commented that the matter is a regional concern and patrols have been alerted to provide as swift a response as possible. Camp added that a short-term agreement with the Birmingham Township Police Department as an added resource for patrols might serve as a deterrent. Kologie suggested that perhaps a letter referencing code requirements could be sent to those individuals who have been cited by the State Police. DiMonte noted that the Board will continue to alert the community via the Constant Contact platform to call the State Police when they are aware of dangerous encounters with unlicensed motorized vehicles on the roadways. The Board of Supervisors are concerned about the dangerous conditions created by unlicensed motorized vehicles on the roadways. Summers added that his property is adjacent to a Township trail and that he is aware of residents routinely hassled by riders on motorcycles and expensive electric motor-cross bikes. The riders are confrontational and rude. He understands the current Park Ordinance prohibits motorized vehicles on

Township property which includes the trail system, but enforcement is an issue as the official must observe the occurrence. Kologie pointed out that if a matter went to the District Court, individuals may be called as witnesses. There appears to be no commonality of occurrences although most concerns are on the weekends. Miller noted that there is little legislation can do about civility on the trail system. He noted that the motorized electric bicycles include a motor to assist the rider in going up hill and that these hybrid-type vehicles are distinguished by a lack of noise. Kologie pointed out that the current Park Code is written specifically that no motorized vehicles are permitted. Proper signage in the parks and the trail system should point out that there are financial penalties for violations of the Code. Murphy suggested the Board provide information on the Constant Contact platform and in the next newsletter so that the community is aware of the concerns. He also noted that All-Terrain Vehicles have a registration number like a license plate which can be tracked through the state vehicle records.

4. **Proposed Zoning Amendment to Update Uses in Zoning Districts**: Camp provided a 3rd draft iteration based on the discussion from the previous public meetings. She noted a change in the definition of agricultural use to concentrated animal operation as defined by nutrient management regulations. Reference to the state statute has also been incorporated. The Unionville Chadds Ford School District (UCFSD) parcel has been added to the proposed rezoned institutional district. Commissioners discussed the acreage minimums, as it relates to the UCFSD parcel which includes 4 acres in the current Limited Industrial District and 2 acres in the Residential/Agricultural District (R/A). Commissioners are concerned that proposed revisions may or may not impact the approvals for the existing parcel. Cardell's questions regarding the classification of the Chester County Pocopson Home for the Aged prompted discussion as to classification as a government facility, skilled nursing, or nursing home. PA statutes provide guidance in classification as the classification may depend on the licensure. An impromptu check of the County website by Kologie disclosed that the Chester County Pocopson Home for the Aged provides short-term rehabilitation, nursing facility, memory care, and adult care facilities. All agreed that it would be beneficial to check with the County for clarification. Cardell inquired as to classification of the Township Administration and Maintenance Buildings on Denton Hollow Road. Rafferty voiced concern that the proposed ordinance not create an issue for the Township or the adjacent parcels. Miller noted that the proposed uses fall within the governmental classification. Kologie suggested and the Commissioners agreed that perhaps leaving the parcel in the R/A District will give the Township greater latitude for future use if the Township chose to sell the property. Commissioners agreed that clarity is required to identify the ownership, occupancy, and use of a couple of the residences on South Wawaset Road, i.e., are they owned and rented by the County? The dwellings are located near the Township property as well as on the backside of the prison structure. Cardell suggested that, ownership set aside, keeping the parcels in the R/A District versus institutional would also afford the County some latitude with regard to selling. Kologie pointed out that parcels of 2.4 acres can stay residential under any circumstances. Rafferty suggested that consideration be given

to landowners who might choose to subdivide. An informal voice vote determined that Cardell and Murphy would agree to keeping the parcels as R/A and not move them into the proposed institutional district. Miller, Summers, and Rafferty have no objection to classification of the proposed institutional district. Bailey had no opinion. Commissioners agreed to table final recommendation until the June meeting to allow additional time to clarify points discussed this evening.

5. **Approval of Meeting Minutes**: MOTION: Rafferty moved, Murphy seconded, to approve the April 7, 2021, Meeting Minutes: motion carried. MOTION: Murphy moved, Rafferty seconded, to approve the March 3, 20201 Meeting Minutes; motion carried.
6. **Other Business**: no other business.
7. **Adjournment**: at 8:12 p.m., Miller moved, Cardell seconded, to adjourn the meeting; motion carried.

Susan Simone, Secretary

Gary Summers, Chairman