

**Honey Brook Township
Planning Commission Agenda
Regular Meeting Approved Minutes
May 26, 2016
7:00 p.m.**

The Honey Brook Township Planning Commission held its regular monthly meeting on Thursday, May 26, 2016, at the Honey Brook Township Building. The meeting was called to order at 7:03 p.m. by Chairperson Susan Lacy. Commissioners present were Gary McEwen, Terry Schmidt, Leslie Siebert, Bob Witters, and Troy Stacey. Township Engineer, Jennifer McConnell, of Technicon Enterprises, Inc. (TEI), was also present.

Absent: Melissa Needles

Guests: Rob Daniels, Brandywine Conservancy

Minutes:

With no additions or corrections, the Chair called for a motion to approve the April 28, 2016, Planning Commission meeting minutes which was made by Troy Stacey, seconded by Terry Schmidt. All in favor. None opposed. The motion carried.

Other Business: (taken out of order to accommodate the guest)

1. **Agricultural Security Area** - Rob Daniels of the Brandywine Conservancy was present in follow up to a previous meeting regarding the defined Agriculture Security Areas (ASA) in the township. Rob referred to a map of the ASA sites. The public notification period has ended and the Township and County Planning Commissions along with the township's Land Preservation Committee who is acting as the Ag Security Area Committee have 45 days to submit comments to the Township on the proposed additions/deletions to the security area. A public hearing is planned for July 13th, which would be prior to a ratification vote by the supervisors. Chester County Planning Commission (CCPC) comments are pending and the Land Preservation Committee has recommended approval of the changes.

Gary McEwen asked whether the listed property owners were in favor of their status. Rob Daniels responded the property owners were notified and for some of the proposed additions, applications have already been received. For the removals, those properties no longer meet the requirements to be part of the Ag Security Area. The proposed additions are consistent with the Comprehensive Plan.

With no further discussion, a motion to recommend that the ASA be amended per the additions and removals list generated by the Brandywine Conservancy and reviewed tonight, was made by Bob Witters, seconded by Gary McEwen. All in favor. None opposed. The motion carried.

Subdivision/Land Development Applications

1. Chester & Rebecca Stoltzfus Subdivision Plan Application 2016-5 (Tax Parcel Number 22-4-76)

~Review Letter from Technicon dated May 18, 2016

~Plan dated March 4, 2016

Chester Stoltzfus was present as the applicant. Jennifer McConnell explained that this was a minor subdivision plan for a parcel on White School and Homestead Roads. The 97 acre property is being divided into two parcels. The engineer sent revisions today from the May 18, 2016 review letter. It appears that the majority of the comments in the review letter have been addressed with only minor drafting and administrative items remaining. The applicant is also coordinating with Chester County to ensure adequate notes are on the plan in relation to the conservation easement. The applicants are requesting a non-building waiver since the proposed use is agriculture.

The applicant is requesting a waiver for scale of plan from 1" = 100 feet for lot sizes over five acres, to allow a scale of 1" = 200 feet; the applicants used the alternate scale so they could show the entire parcel on the plan. There is no proposed development. Upon review of the proposed plan, Jennifer McConnell does not have an objection.

Since there is no change in use and no development planned; Gary McEwen offered no comments on landscaping, members also agreed.

With no further discussion, a motion to recommend to the Board of Supervisors (BOS) that the waiver request from Section 22-503.A.(3) related to scale of plans be granted, was made by Troy Stacey, seconded by Gary McEwen. All in favor. None opposed. The motion carried.

With no further discussion, a motion to authorize Susan Lacy, Chairperson of the Planning Commission, to sign the non-building sewage planning waiver for the Chester & Rebecca Stoltzfus Final Minor Plan Subdivision Plan once approved by the Chester County Health Department, was made by Gary McEwen, seconded by Troy Stacey. All in favor. None opposed. The motion carried.

With no further discussion, a motion to recommend to the BOS that conditional final plan approval for the Chester & Rebecca Stoltzfus Final Minor Plan Subdivision Plan be granted contingent on satisfying the comments of the TEI review letter dated May 18, 2016, was made by Bob Witters, seconded by Troy Stacey. All in favor. None opposed. The motion carried.

Zoning Hearing Board/Conditional Use Applications

1. Conditional Use Application: Aaron King 297 Old Pequea Lane (TPN 22-6-6.8) to operate a kennel (Sweet Water Kennel)

The applicant was not present. Jennifer McConnell explained that this kennel has been operating "for a while". From State records it appears that another kennel was previously operated on the same property under a different name. Kennels are permitted as conditional use in the Agricultural District - where the property exists - subject to the requirement of Section 1604.M of the Zoning Ordinance. When asked about the recent influx of Kennel applications, Jennifer McConnell explained that the township obtained a listing of State-licensed kennels and determined that many did not have Township

permits/approvals to operate. The township is trying to bring all kennels operating in the township into compliance with the ordinance; some have been operating for a while without a township permit.

It was noted that this applicant is meeting the lot area requirement of 20 acres for an agricultural parcel with a 39.6 acre parcel. It was noted that additional information would need to be provided prior to or at the conditional use hearing with regards to exercise areas, trash areas, etc as noted in the review letter. The applicant will also need to verify that permits were obtained for the buildings/structures being utilized. The kennel structure shown is approximately 240' from the "front" property line being that line which runs most parallel to Rt 10 and abuts Old Pequea Lane and more than 300' from all other lot lines.

A member of the public inquired whether approving one kennel means automatic approvals for other kennels. It was noted that each application is reviewed independently and that approving one does not necessarily set a precedent for others.

With no further discussion, a motion to recommend to the BOS that the conditional use be granted to operate a kennel at 297 Pequea Lane, was made by Gary McEwen, seconded by Terry Schmidt. Four in favor. One opposed (LS) based upon all requirements not being met and concerns over future compliance. One abstained (SL) due to opposition to kennels and lack of oversight. The motion carried.

2. Conditional Use Application: Benjamin K. & Sadie K. Stoltzfus 251 Gooseberry Lane (22-11-25-1) - to operate a kennel (Blue Jay Kennel)

The applicant was present. This is a new kennel application for which a State permit was just obtained in 2016. The applicant stated he has been operating in the township for four years but just recently obtained a State permit rather than obtaining individual authorizations each time a dog is sold. The Township notified the applicant of the need to obtain Township approvals and the subject application was submitted.

Jennifer McConnell went over the TEI review letter for this application. The lot is 2.36 acres which does not meet the 10 acre land area requirement in the Zoning Ordinance. The landowner does own an adjacent 3.19 acre lot that contains an existing dwelling and an 0.4 acre wooded parcel. The existing barn being used for the kennel sits approximately 80' and 150' from side lot lines, 100' from the front lot line and 240' from the rear lot line. The Ordinance requirement is a 300' building setback. The applicant also needs to provide additional information about parking, exercise and waste disposal areas.

Susan Lacy asked for an explanation of the applicant's notation that his is not a commercial kennel. Jennifer McConnell reviewed information on the State's website and explained that the State differentiates between commercial and non-commercial kennels and has varying classifications based upon the number of dogs. This particular kennel is listed by the State as a K-2 designation which allows for 51 - 100 dogs. All kennels in the township are treated the same, whether they are commercial or not. The Kennel definition in the Township Zoning Ordinance defines a kennel, in part, as having more than 5 dogs that are over 6 months in age.

Several neighboring property owners were present from 840 Birdell Road, 211 Logging Road, and 125 Logging Road to offer their opposition to the kennel conditional use application. The immediate neighbors were opposed to having a kennel adjacent to their

property due to the noise level from “more than multiple dogs.” The applicant indicated that his dogs are small dogs, two dogs are larger. When barking has been a problem; the applicant plays music in the kennel so that the dogs do not hear the neighbor dogs, which causes them to bark.

One neighbor inquired whether the township inspects the kennels that they permit. Jennifer McConnell responded not at this time – right now the Township is working to identify kennels that are operating in the Township and ensure all have the proper approvals. Gary McEwen informed the applicant that regardless of whether he have come into the Township four years ago when he started, or now, he would not have met the requirements of the ordinance for a kennel.

The applicant stated that he currently had eighteen dogs in the kennel and that his State permit only allows him approximately 55 dogs, not up to the 100 dog limit of a K2 kennel. There was some discussion about what happens when the dogs have litters of multiple puppies, and how to regulate the number at any given time. Leslie Siebert asked what kind of waste plan the applicant is using, and he responded that he builds a pile, and at times moves it to his neighbors property, but when told this was unacceptable, he said that he was looking into getting a dumpster.

A motion to recommend to the BOS that the conditional use application not be granted to operate Blue Jay Kennel at 251 Gooseberry Lane, along with the associated waivers from Section 27-1604.M of the zoning ordinance, due to not meeting the ordinance requirements was made by Leslie Siebert, seconded by Terry Schmidt. Four in favor. One opposed (GM) who felt a position of “no position” was more appropriate to allow discussion on whether imposing limits on number/size of dog was an option, one abstained (TS) due to property ownership in the immediate vicinity of this property. The motion passed.

Pending Ordinances

None

Correspondence of Interest:

None

Other Business (continued)

2. Troy Stacey - Waiver of Paving Requirement for Gooseberry Drive entrance from Baron Hills Farm Subdivision Plan

This item was deferred from last month with new paperwork (a site plan, and Highway Occupancy Permit) included for review this month. The applicant is a Planning Commission member. Jennifer McConnell explained that the Barron Hill Farms was subdivided in 2008 into four lots, and a condition of the plan approval was for the entrance of Gooseberry Lane to be paved for the first 20' from the intersection with Birdell Road. The work falls within the right-of-way (ROW) of Birdell Road, a State Road, and thus required a Highway Occupancy Permit from PennDOT. According to the applicant, the HOP required a concrete island configuration requiring “right out/right in” traffic movement and the paving and entrance work has not been installed yet. He stated that the island configuration makes a “mall-like” entrance and would be difficult for trucks to navigate. He stated that the right in/right out configuration would result in

trucks turning around on other properties along Birdell. As such, he is requesting a waiver for the Township required paving since he believes this would eliminate the requirements of the PennDOT HOP. Jennifer McConnell explained that the paving was not necessarily the only reason a PennDOT HOP was required. When subdivisions / land developments are under review and an entrance onto a State Road is involved, the Township requires applicants to ensure that any existing entrances are permitted and that any proposed development doesn't require modifications to the existing entrance. The Township does not have any documentation showing that Gooseberry Lane ever had a PennDOT HOP legitimizing the entrance or that the proposed subdivision itself did/did not require modifications.

The applicant explained that Gooseberry Lane has existed since the 1950's; the previous owner Demko was there running a business since 1965. They (the applicant) got rid of some old trailers that were on the property when the new lots were added so there was no net increase in dwelling units. Troy Stacey indicated that he's not opposed to paving the entrance, but he is opposed to the configuration that PennDOT imposed. Gary McEwen suggested that Troy contact a traffic engineer to examine whether there are other configurations or options that PennDOT would accept.

According to Jennifer McConnell, the applicant was previously instructed by the Township, at the direction of the manager and solicitor, to obtain written documentation from PennDOT that if no paving is required, then a PennDOT HOP was not required for that subdivision.

Some neighboring property owners on Birdell Road, Wildflower Lane and Icedale Road spoke up to voice their opposition to the waiver request. Some discussion occurred regarding the current use of the properties with multiple associated businesses (including one of the kennels on the agenda tonight, and another business representative, Mr White), resulting in traffic volume that exceeds the use approved in the 2008 subdivision plan. Gary McEwen expressed his opinion regarding the irrelevance of their opposition to the waiver at hand since it was based upon the traffic impacts at the time of the subdivision. Several of the neighbors responded that the increase in heavy truck traffic in and out of the entrance due to business activity would be directly related to the waiver request. There was disagreement between the applicant and the neighboring property owners about the truck traffic. Jennifer McConnell indicated that the Township has a formal complaint process that the property owners may follow.

A motion to defer a recommendation to this action until the applicant receives clarification from PennDOT, was made by Terry Schmidt, seconded by Leslie Siebert. Five in favor. One abstained (TS). The motion carried.

3. Comprehensive Plan Implementation

Jennifer McConnell referred to the document from the Comprehensive Plan that outlines action items and designates them as short term, moderate term, long term and ongoing. The Township is looking for the PC's thoughts on which items should be prioritized. Items can be implemented by the township or by another organization that is responsible for the item. Members were asked to review the May 26th list and offer two or three priorities. Gary McEwen suggested taking this list to the Joint Task Force meeting on June 1st to obtain input from the borough on mutual items before making our recommendations. Members were in agreement with this and will revisit again next month.

Susan Lacy reminded members that this list of implementation items was developed a year ago during the Comprehensive Plan Update, and that per her discussion with Steve Landes, the Township needs to ensure they are moving forward on these items.

Upcoming Meetings - All dates subject to change

June 1st - Joint Meeting of Zoning Ordinance Update Task Force Mtg #3 (7:00 pm)
June 2nd - Board of Supervisors Workshop (7:00 pm)
June 8th - Board of Supervisors Regular Meeting and Conditional Use Hearings (7:00 pm)
June 16th - Parks and Recreation Committee Meeting (7:30 pm)
June 23th - Planning Commission Regular Meeting (7:00 pm)

Adjournment

With no further business, the Chair called for a motion to adjourn which was made by Troy Stacey, seconded by Gary McEwen. All in favor. None opposed. The meeting was adjourned at 8:51 pm.

The next Planning Commission meeting will be June 23, 2016.

Respectfully Submitted,

Leslie Siebert
Secretary, Planning Commission