

Meeting of the Sadsbury Township Planning Commission, December 15, 2021

A meeting of the Sadsbury Township Planning Commission was held on Wednesday, December 15, 2021 in the Sadsbury Township Municipal Building.

Present: Mr. John Lymberis, Ms. Jane Heineman, Mr. Simon Jessey, Ms. Amanda Stewart, Mr. Jeremy Alcorn.

Absent: Supervisor Liaison Mr. John Moore.

Mr. Lymberis called the meeting to order at 7:07pm, followed by a moment of silence and the Pledge of Allegiance. Mr. Lymberis made a motion, seconded by Ms. Stewart, to approve and adopt the minutes of the meeting held on September 15, 2021. With no amendments or questions, the motion passed unanimously.

Philadelphia Mead Company Conditional Use Application

Mr. Johnathan Long, Esq., of Bellwoar Kelly LLP, representing the Philadelphia Mead Company, appeared before the Commission to seek its recommendation of approval for a Conditional Use Application. He was accompanied by Mr. Stephen Kassabian, who is one of the owners of the company. The Applicant proposes to produce and bottle mead, an alcoholic beverage created by fermenting honey with water, in the lower level of the property owned by Penn Rise Properties, LLC, located at 3000, Lincoln Highway, Parkesburg, that was formerly the location of the Black Walnut Winery.

Mr. Lymberis asked why the Conditional Use process was necessary. Mr. Long responded that Penn Rise had received zoning approval for a By Right use of the property to operate a retail office operation. The previous tenant had received an Agricultural use variance to produce and bottle wine from the Zoning Hearing Board and Philadelphia Mead had been given approval to operate under that variance. Pursuant to Section 702.C.3 of the Zoning Ordinance, a Conditional Use process is required when a property within the Sadsburyville Village District has multiple uses permitted by right.

Mr. Long stated that Philadelphia Mead would be using the same equipment previously used by the Black Walnut Winery to produce the mead, with the process being similar to the wine production. Mr. Kassabian said that making mead produces less waste than created in wine production. Mr. Jessey asked if the Applicant was intending to produce carbonated mead that may need CO₂ and pressure vessels, and Mr. Kassabian said that was not in the current plan, but Mr. Kassabian and Mr. Long said they would come back to the Township for approval if that situation changed. The Applicant did not anticipate having a significant quantity of product stored on site.

In response to other questions from the Commission, the Applicant stated the mead would be bottled on site. There would be no changes to the parking lot. There would be no noxious gases or unpleasant odors. Mr. Lymberis asked why retail was being excluded from the Conditional Use process, and Mr. Long responded that while the Applicant would be open to that, the terms of their lease as currently written do not allow for it. Members of the Commission suggested that the Applicant may want to include retail in their application, even if unused, in case the situation changes in the future.

Ms. Susan Bankert, a nearby property owner, expressed concern about amplified music coming from the property, a problem that has been going on for years despite repeated complaints to the Township. Mr. Jessey pointed out that under the terms of the 2006 variance, amplified music was specifically prohibited at that property. Ms. Bankert asked who would enforce the variance, and members of the Commission stated that such enforcement would come from the Township's code compliance officer, as directed by the Board

of Supervisors, and enforced by the Police Department. Mr. Todd Wilson, an adjacent property owner, also spoke about the noise level and how the acoustic properties of the site make noise louder, recommended that such things should be incorporated into the Zoning Ordinance.

Mr. Lymberis asked if the Conditional Use supersedes the zoning variance. Mr. Long responded that the Conditional Use simply attaches conditions to the existing zoning rules and the variance.

Mr. Lymberis made a motion, seconded by Mr. Jessey, to state that the Planning Commission has no objection to the Conditional Use application as presented and that the Commission would not be opposed to expanding the Conditional Use to include retail uses independent of the Applicant's agreement with the property owner; however, the Commission recommends that the terms of the 2006 variance, particularly concerning outdoor events, entertainment, and the prohibition on amplified music, are respected and properly enforced by the Township.

Announcements, Correspondence and Public Comment

Mr. Jessey announced that the Board of Supervisors have directed the Planning Commission to submit a meeting agenda for publication on the Township's website no later than 24 hours before the scheduled start of a meeting. In order to meet this requirement, the Commission must submit the agenda to the Township's web consultant by close of business on the Monday prior to a meeting. As a consequence of this, applicants who wish to appear before the Commission must submit their applications to the Township office no later than close of business on the Friday prior to the meeting (the Friday after a Board of Supervisors meeting).

Mr. Jessey announced that the Board of Supervisors approved the codification of the Township's ordinances, which would eventually become available as a searchable database with online access, with the expectation that the process would take around 18 months.

Mr. Clark Faggioli submitted a copy of a petition he had previously presented to the Board of Supervisors, signed by numerous Compass Road residents, that objects to a proposed plan for housing units on the Mast properties on Octorara Trail north of US-30. He summarized a list of objections that residents of Compass Road have, particularly focusing on the visual impact of the units and the increase in traffic that may result. The Commission made it clear that no actual application for land development had been submitted for its review, and that the proposal presented in the September 2021 meeting had simply been a sketch plan. Members of the Commission stated that they were sympathetic to the concerns of the Compass Road residents, and would certainly give due consideration to these concerns should an application for developing those properties be made in the future. Mr. Jessey noted that the Mast brothers had been very approachable and amenable to discussion, and that concerned residents might consider reaching out to them directly. Mr. Todd Wilson made some suggestions about alternative uses for the land, including a park. Ms. Heineman said that residents could contact Chester County with any ideas they might have about expanding the county's parks.

With there being no further announcements or public comment, Ms. Heineman made a motion, seconded by Mr. Alcorn, to adjourn the meeting at 8:15pm. With there being no further questions, the motion passed unanimously.

Respectfully submitted by Simon Jessey