

**LONDON GROVE TOWNSHIP
BOARD OF SUPERVISORS
MEETING MINUTES
June 26, 2018 – 7:00 P.M.**

MEMBERS PRESENT:

Richard Scott-Harper
David Connors
Stephen Zurl

STAFF PRESENT:

Ken Battin, Township Manager
Dawn Maciejczyk, Township Secretary
Wayne Grafton, Grafton Associates
24 Audience Members

PLEDGE OF ALLEGIANCE

Mr. Scott-Harper led the audience in the pledge of allegiance.

CALL TO ORDER:

Mr. Scott-Harper called the meeting to order at 7:00 p.m. He announced that the next regular scheduled meeting will take place on July 11, 2018 at 7:00 p.m., the deadline for agenda items will be noon on June 27, 2018.

I. Zoning Ordinance Proposed Changes Discussion

Mr. Scott-Harper reviewed that approximately five (5) years ago the Board of Supervisors started the process of reviewing the Zoning Ordinance. A Board was created and made up of members from the Board of Supervisors, residents, business owners, code officials and the Township Manager. This Board reviewed the entire ordinance with Mr. Wayne Grafton, Grafton and Associates, and recommended the changes that are being presented to you.

Mr. Scott-Harper stated that there are going to be some ground rules for tonight's meeting. There will be a five (5) minute time limit for each person that is speaking. This is to allow everyone a chance to speak. After everyone has had a chance we will go around the room again to allow everyone a second chance to speak if they did not get all their information out the first time.

Mr. Scott-Harper introduced Mr. Wayne Grafton, Grafton Associates. Mr. Grafton explained the changes that have taken place through out the ordinance and why these changes are being proposed. He explained that there are a couple main areas that the proposed changes take place. Proposed changes to the text as well as to the Zoning Map. Mr. Grafton explained that the Code Official explained the challenges they were having or seeing and gave some insight as to how we can make things a little easier on the residents. We also had to follow other regulatory agencies such as, FEMA, and the FAA. The last time this ordinance was revised in total was in 1995. Mr. Grafton continued to review the changes part by part. Mr. Scott-Harper announced that he would be starting in the front right and working his way around the room to give everyone a chance to speak as he had explained in the beginning.

Mr. Robert Cusatis, 540 Baker Station Road, commented that his property is less than a third of an acre. Why would you even go through the trouble of changing the zoning on it? Right now, it is zoned Industrial and it is proposed to change to the Commercial District. Why? Mr. Scott-Harper explained that a lot of the thought process that went into changing some of these smaller properties was just cleaning up some of the district lines.

Ms. Joyce Wilcox, 105 Lake Road, 425 E. Baltimore Pike, commented that her properties are currently zoned Industrial and are proposed to change to Commercial. She has two properties that have been for sale for some time but is having trouble selling them because the water and sewer do not come down that far.

A resident commented that his property is currently zoned Industrial and is proposed to change to Commercial. This should change the property value as well as the taxes on all the properties proposed for a change. Mr. Connors said, in his opinion if change entices redevelopment then its not going to change your taxes, especially right out the gate. Mr. Zurl stated that this is just

about creating districts.

Ms. Chris McNicholas, Worthington Drive, said, she prefers that the Township not change to Commercial because of two main reasons, signaling and encouraging development is 1 and commercial redevelopment is 2. Most people moved here to get away from over development and strip malls. Those properties that are proposed to change are not that big. There is the Lowes property that is not even completely developed and now you are going to add more commercial property possibilities for people to come in and start building when we haven't even maxed out some of the commercial areas that we already have.

Section 2212 Scoreboard signs, I live behind the Little League field and the scoreboard signs shine into my backyard. They don't ever shut them off. There is a proposal for lights for the ball fields, and adding the commercial development is going to add to the light pollution which in turn will make the stars disappear.

Mr. Battin commented, just so everyone can get an idea of the changes, when you break it down it is less than 2% of the total area of the Township that was changed out of the commercial district there are 60 parcels that are proposed for change.

Mr. Jim Thomas representing Ms. Nancy Truitt, commented that he would like to commend the Board of Supervisors for what they are doing here with this ordinance. Mr. Thomas reviewed and cleared up some definitions with Mr. Grafton. Mr. Thomas also had some questions pertaining to driveways and multiple uses. Mr. Thomas will send Mr. Grafton a note to follow up with him regarding those issues.

Mr. Wayne DiFrancesco said, he finds this ordinance to be complicated. He was completely lost since he did not have a copy of the old and the proposed new to compare to one another. Mr. DiFrancesco asked, in the definitions there was a new definition created for spent mushroom substrate? He did not see it referenced in the areas of the ordinance. Is there any intent to stop the spreading of spent mushroom growing substrate as a fertilizer? Mr. Scott-Harper said, not that he is aware of, his understanding is to stop stock piling and leeching. Mr. DiFrancesco said, this could become impactful to other farmers. Mr. Grafton stated, that did not change from the 1995 version of the Zoning Ordinance. Mr. DiFrancesco stated, that the K9 competition facility located on Guernsey Road would be more appropriate in the Commercial District. There is a combination of attendees and vendors so there is an active sales area. Mr. Grafton stated, that there were standards added for less or larger than 10 acres for animals, cattle, K9, Kennels, Poultry, Swine. There is a limitation. Mr. DiFrancesco requested that the Board take another look at this, it is not conducive to the Agricultural Preserve District.

Ms. Chris McNicholas, Worthington Drive, said that the Township should go back and look to see that all the changes are highlighted in the DRAFT online.

Mr. Michael O'Brien asked, that the proposed zoning map with roads be added to the website. Are there any changes to the Zoning of Township property? Mr. Grafton answered, the Township properties lay in many Districts. We do not zone for the user of the Township. Mr. Connors stated, that they added municipal use to some of the Districts.

Mr. Wayne DiFrancesco said, he would like to discuss the AP District. He understands that the Board is trying to do everything they can to help farmers and encourage farming. The proposed ordinance changes the bulk regulations and setbacks. Mr. DiFrancesco commented that right now they grow corn. In December, the market for corn is below the production cost. We do not control our markets, they are dictated to us. Farmers need the ability to account for rough spots, and the way they accomplish that is to sell off an acre lot and use that money to buy a tractor or fund retirement. The ordinance, as proposed, completely devastates the ability of the property owner to achieve any value out of the property. Mr. Scott-Harper asked, how so? Mr. DiFrancesco said, the change is bulk regulations from 10 to 20 acres. There used to be a cluster division in the Ordinance. He said, he could have taken his farm and put several houses on a small portion of it, preserved the farm and continued to operate it. That has been taken away. We've gone from a smaller lot size to a larger lot size to now double that lot size. As you increase the size of your lot you are losing value per acre. A 1-acre lot sells for x a 10-acre lot does not sell for 10x it will sell for maybe 3x. There is limited marketability. There is also a distinction between the two sides of Route 41. By doubling

the lot size, you are removing a farmer's ability to generate a sale from his farm and taking away his acreage. These large parcels you did not need to change the setbacks.

The goal of the Township is to keep the north open and you have achieved that. A large portion of our Township is preserved, developmental rights have been sold. How many parcels remain developable? Mr. Grafton answered, 4,700 acres in the AP District, of the 4,700 acres 70% of the farms are already deed restricted, and 10-15% of that land acre was already developed, so the remaining lots were unrestricted. There are a handful being 10-15 of the 4,700. Mr. DiFrancesco said, exactly the point I was making, you've accomplished your goal. Mr. Connors said, one of the first things we did was develop a spreadsheet, we were at 7,000 residences in the previous census and the most recent one we were at 8,800 residences. Our zoning the way it currently is we are zoned for 28,000 residences. This is part of the process. Mr. DiFrancesco said, that does not occur in the AP District. The AP District is preserved. Mr. Grafton said 70% of it is deed restricted. Mr. Grafton also said, in March 2013 is when this all began, there is an excess of residential lots to be built on. When you look at the holding capacity it far exceeds the projection. You try to bring a balance. Mr. DiFrancesco said, I understand but the balance is by putting the burden on the shoulders of the handful of property owners in the AP District, its selective oppression. Mr. Connors said, I apologize but I find that comment mildly offensive, when we went through this, your acting like no other zoning was impacted as we just discussed the medium density numbers coming down.

Mr. DiFrancesco said, my comments are direct to the AP District. Mr. Scott-Harper said, what Mr. Connors is trying to say is there are multiple zoning districts that have densities and you are suggesting value of the land. It is not just the AP District. Mr. DiFrancesco said, I'm sorry that you took offense that was not my intent. In my own personal situation, I don't know how my kids are going to generate enough money to pay estate taxes on my farm. It's scary, fortunately I'm in good shape. I'm asking that you give this some serious thought.

Ms. Lauren DiFrancesco said, I would like to discuss the Agricultural Preservation District. It is a fundamental right the property owners has, a constitutional right to enjoy their property. Certainly, there is a lot of benefit that we all realize from Zoning Ordinances. A Zoning Ordinance may be reasonably limited to and substantially related to and furthermore advance the public health, safety, morality, and welfare. First, I would like to ask what is the advancement of the public health, safety, morality and welfare that is being achieved by the change in ordinance as to the Agricultural Preservation District? Mr. Scott-Harper answered to try and keep densities down. Ms. DiFrancesco asked, how does keeping densities down specifically and substantially protect the health, safety, morality and welfare? Mr. Grafton said, in section 301 that specifically identifies for you the purpose and specific content of the AP District and all Districts. That lays the groundwork on why this is being done officially.

Ms. DiFrancesco said, to orient it towards Agricultural activity to preserve farming as an economic feature and maintain a viable farmland as an irreplaceable asset. I understand that certainly it's your concern and that's a concern of ours as well. Specifically, can you articulate how these specific changes further advance that intent? Mr. Grafton said, the preservation of agriculture, you have to go back and read the Comprehensive Plan, as to the importance of agriculture as a economic driver in the economy for Central and Western Chester County, that lays the ground work for the specific intent of this. Ms. DiFrancesco said, changes to ordinances must further advance that intent. Mr. Grafton said, this is tracking what is going on in the region; for example, you can go to one of the neighboring municipalities and see that they made the shift probably ten (10) years ago, we are a little behind. Ms. DiFrancesco asked, which municipalities are you referring to? Mr. Grafton said, you can go to West Marlboro, East Marlboro, and Pocopson Township. There is nothing going on that has not been in the zoning market place in Western and Central Chester County relative to Agricultural Preservation that is different from what's being suggested here.

Ms. DiFrancesco said, she would like to note that specifically the preservation of agriculture and the promotion of agriculture is not further promoted by the restrictions that have been placed by the changes of this ordinance. Our farming will be farming whether there is bulk changes or setback changes, whether or not there are limitations on permitted use. Mr. Grafton said,

you are looking at this strictly from a land owners responsibility, the Township has to look at it a little differently. The Township is confronted by other uses in the agricultural area. As a community evolves you must protect all uses, such as residential and agricultural uses. This is one way that's being suggested in this region. Ms. DiFrancesco said, I would like to note those specific changes that were made do not further promote or protect farming because they are not substantially related to the public health, safety, morality or welfare. I would also note that, these are unduly restricted and exclusionary, and they deprive the economic values and landowner of there rights. They are not reasonable in light of the public purpose to be achieved that I know is important to you as a Township. I would further note that, the desire to keep density down is a private desire more so then a public desire, the purpose of this is to balance the public rights with the private rights. Those private rights must support substantial difference in the preservation. Mr. Grafton said, we thank you for your opinions, I don't think those opinions are shared based upon the adopted comprehensive plan and you used certain words there that are problematic. I think from a regulatory prospective and I don't think this is the forum to respond to them. I hear your comment and I thank you.

A resident commented that the Township changed the lot size setbacks to allow for decks to be added on the back of properties, do you look at what trees are being planted? Mr. Scott-Harper said, the landowner has the right to plant whatever tree they want, we can not regulate that.

II. Public Comment

Mr. Scott-Harper called for public comment. There was none at this time.

III. Resolution No 698 Amending the Professional Services

Mr. Scott-Harper reviewed Resolution No 698. Mr. Connors made a motion to approve Resolution No 698 Amending the Professional Services, seconded by Mr. Zurl and approved by a vote of 3-0.

IV. Earned Income Tax Proposal from the State

Mr. Scott-Harper reviewed the Earned Income Tax Proposal from the State. He then instructed Mr. Battin to construct a letter expressing that the Board of Supervisors, London Grove Township are not in favor of this happening.

V. Public Comment

Mr. Scott-Harper called for public comment. There was none.

VI. Adjournment

A motion was made by Mr. Zurl to adjourn the meeting at 8:30 p.m., seconded by Mr. Connors and approved by a vote of 3-0.

Respectfully submitted,

Dawn Maciejczyk
Township Secretary