

**LONDON GROVE TOWNSHIP
BOARD OF SUPERVISORS
SPECIAL MEETING MINUTES
JUNE 27, 2022 – 6:00 P.M.
Monthly Meeting**

MEMBERS PRESENT:

Stephen Zurl
David Connors-Phone
Kevin Runey
Lee Irwin

STAFF PRESENT:

Ken Battin, Township Manager
Robert Weer, Assistant Twp Manager
Dawn Maciejczyk, Township Secretary
2 Audience Members

CALL TO ORDER:

Mr. Zurl called the meeting to order at 6:00 p.m.

ANNOUNCEMENTS/PRESS RELEASES/FUTURE MEETINGS

Mr. Zurl announced the next regularly scheduled meeting will take place on July 13, 2022 at 7:00 p.m., the meeting agenda deadline is July 6, 2022 at noon.

I. PUBLIC COMMENT

Mr. Zurl called for Public Comment on agenda items. Mr. Wayne DiFrancesco asked Mr. Zurl is this meeting regarding the AP District. Mr. Zurl answered yes. Mr. DiFrancesco asked is this intended to be a discussion or to finalize and adopt the zoning. Mr. Battin stated this is a discussion, we still have to go through the Planning Commission and the rest of the process. This is the final meeting that we promised for the AP.

Mr. DiFrancesco stated I would like to address a couple of things if I can. Mr. Zurl stated and while we are here I would also like to announce that Ms. Kim Venzie, Buckley Brion McGuire & Morris, LLP, is here as well. She can offer some comment and help on this. Mr. DiFrancesco stated, I was just provided notice of a proposed document Friday afternoon June 24, 2022 and of course tonight is the 27th so I really haven't had much time to review this document thoroughly, but I do have some thoughts that I would like to discuss regarding this. We have had a series of meetings up to this point, before I make comment on the document. I would like to ask that since the nature of this meeting is a give and take discussion between the Board and the people that are effected by the proposed change, if you could depart from the process where you prohibit discussion with audience members during the course of the Boards discussion of the proposed document. I think it is important to have timely comments from the audience members, particularly myself, when we are talking about specific portions of the meeting for the proposed ordinance. I ask your permission to be able to speak during that period also. Mr. Zurl commented, okay. Mr. DiFrancesco stated thank you.

Mr. DiFrancesco stated we have had multiple meetings on this over several years and there was particularly at one point that we sat together and tossed some ideas back and forth on comments that I had. I was surprised to see that this latest copy does not reflect the results of some of those discussions. Particularly, some that we had agreed on have either passed over or changed or neglected from the revised AP revisions of June 2022. I received this in the mail, without a cover letter or anything like that. I mean that's not a big deal but I don't know if this is the latest. Mr. Battin stated, that is the latest. You asked for the latest and you got the latest. Mr. DiFrancesco stated, okay, so I am going to reference my letter of August 23, 2021, items that, I was asked by Dave Connors, Chairman at the time to put my thoughts into letter format and I did that prior to a Township meeting and then we took up these topics at the meeting. If I can reiterate those in order as they appear in this letter.

The first one is 27-303-1A- Lot area minimum, we talked about the percentage of lot area becoming unencumbered by natural constraints and that is because the word net was included in

that phrase. I suggested the word net should be deleted because we were discussing a portion of the area being impaired by natural constraints. At one point it was suggested that at least 10% could be encumbered by natural constraints. That was reflected in the previous draft. I don't know when I got his. Mr. Battin you gave me this at the beginning of a Township meeting sometime around August 2021. This draft had included 10% of the proposed lot could be impaired and we discussed at the meeting that should be an increased number specifically 85% could be impaired and that, doing the math on that gives you 1 ½ unconstrained acres in a 10 acre lot. Which is coincidentally by design the same as the minimum 1 ½ acre lot size for single family in what was then numbered as 9d and 10a. We talked about that back and forth and were all on the same page and I don't think that we ever came up with a final number on it, but we can agree that 10% is not enough. I look in this document and on 27-303 A1 there is no discussion at all of any impaired. It refers to a net lot area and there is no provision for any of the impaired acreage to be included in that. That's the first item that I would like to talk about.

Ms. Venzie stated, if I could just comment and let you know where I'm coming from. If you see language that was talked about before that wasn't carried over it wasn't because the Supervisors or the Township Manager told me to leave that in or take that out. It has been a working document. I'm glad you're here so if there is something that needs to be tweaked at this point it can still be done. I think what happened was we got to somewhere here that we put 10 acres of net lot area and that's how we addressed that. If the Supervisors want it done differently then we can handle it differently. I don't want you to think there are certain things they didn't pull through if we need to look back at them and change them we can certainly do that. Mr. Battin stated that is accurate the other thing Mr. Zurl as a Board we never did come up with a consensus on the net area on what we wanted to do with that. So that was left out of there. Our zoning ordinance across all the districts net is used in every one of them. If we change the net in AP then we should change net everywhere else as well. Mr. Zurl stated I do not want to do that. Mr. DiFrancesco stated, I respectfully disagree with you because the term net is defined in the definitions. It means just that it's without any impaired conditions. Mr. Battin stated, a residential lot would have impaired conditions if they are in wet lands, and steep slopes. Mr. DiFrancesco stated, obviously and that net lot if its 1 acre or 20,000 square feet, means that you have to have a net 20,000 square feet for that particular lot. However, when you get up to the large acreage we are talking about we are including those impaired conditions in the sub dividable lot. The minimum subdivided lot is 10 acres a portion of which can be impaired, it is not a net 10 acre lot. Mr. Battin stated the definition is the definition, no matter where we use it. Mr. DiFrancesco stated if we use.....Mr. Battin stated Wayne I'm on your side I think that net is terrible, I think we should go by gross across the board and be done with it but it's the way it's written. Mr. DiFrancesco stated I understand that the intent of the Board is to have a certain portion of the lot be unimpaired and that's fine, and it's defined in each of the other areas as, for example 20,000 square feet net. It could be a 2 acre lot but a portion of it 20,000 square feet must be totally unimpaired, and I think we are confusing the issue when we are saying a net 10 acre lot where a portion of it can be impaired, it's not following. Mr. Zurl stated I don't know that I agree with that 100%. Mr. DiFrancesco asked, ok why not. Mr. Zurl stated I'm thinking, I just don't know... what you're saying makes sense, but I'm trying to think back to why we did this in the first place. I don't want to blindside you but Mr. Connors what was our thoughts on that.

Mr. Connors stated net out is the standard that we use and it has been a standard for available acreage. There was a discussion Larry Maul was a part of it... I can't remember the specifics and I apologize for drawing a blank on this one. Mr. Irwin asked what is our standard zoning language, not AP just regular. Mr. Battin stated we will net out. Acre and a half net. Mr. Irwin asked are you suggesting that is what we should do here. Mr. Battin stated I think we should consider or clean up what net actually means. Ms. Venzie stated when you use the term net it makes sense when you're trying to build something like a house on it cause then you want to net out steep slopes, storm water, basins, etc. I don't know that net is applicable on a large 10 acre farm. You might have steep slopes and why wouldn't you have steep slopes on 10 acres, but it that relevant, because you're not building a development in there. I can see why you do want to

have the net out when you have smaller lots because you're trying to figure out your buildable area within that lot. You could just take out the word net in the AP District, and just have 10 acres. Mr. Irwin stated so it would be a little inconsistent with the rest. Mr. Battin stated yes, but it would meet Mr. DiFrancesco's intention, there would be no other things to worry about besides do you have buildable area or not and that will come into play would be the well and setbacks for septic and things like that to make sure there is suitable area that size of the buildable lot would be driven by those other things. So that 10 acre gross lot and only an acre of it is buildable you're still going to accomplish the same thing. Mr. DiFrancesco stated another way you could address it would be to say lot area minimum 10 acres at least one acre of which would be net, or one and a half acres, to be consistent. Ms. Venzie said so you want to just net that out right away. Mr. DiFrancesco said well what I'm saying is of a portion of the 10 acres at least an acre and a half has to be net. Mr. Battin stated do we even care at that point, why don't we just get rid of the word net and whatever it comes out to. Mr. DiFrancesco stated well then that would make it perfectly clear. Mr. Battin stated then if it's a half acre lot that's all you can build on but you still have the overall 10 acres. Mr. DiFrancesco stated but then you want to say somewhere in there that a portion of the 10 acres can be impaired. Ms. Venzie stated it wouldn't matter because then you're just doing by gross now. Mr. DiFrancesco stated ok I'm fine with that. Ms. Venzie stated if we take the word net out though I want to clarify and make sure ten years down the road someone isn't going to look at this and be like oh they forgot to add net in this section. Mr. Battin asked can you put a footnote in. Ms. Venzie stated yes.

Mr. Connors stated I would leave an acre and a half being the minimum buildable land in that area. We can't go through all the different scenarios and in all the different lots recently a couple different properties in the Township you have to have your well, septic and you have to perk. If your only able to net out an acre and a half on a ten acre parcel that means you have a lot of wet lands and so forth and you're going to need at least an acre and a half to put a house and a well and septic to conform, so that should be a minimum. Mr. Battin asked but we can leave that to the engineers to figure out right? Mr. Connors stated well we have seen how that has worked out. Mr. DiFrancesco stated I'm with you on that. Again I would say ten acres a minimum of which one and a half acres should be net. Mr. Connors stated I like that because at least that specifies. It's hard not to find a place for the house, well and septic on one and a half acres in that situation. Mr. DiFrancesco stated there would be no need for a footnote then. The Board agrees. Mr. Weer stated should there be something in there about it being contiguous, because if you net an acre and a half I can put a half of an acre here and half of an acre there. It has to be contiguous. The Board agrees. Mr. Irwin stated so instead of it saying ten net lot acres it will say ten acres of lot acre in which one and a half contiguous should be net.

Mr. DiFrancesco stated item 2 lot width at the building set back line. The proposed ordinance calls for 400 feet and according to my notes we agreed to reduce that to 100 feet. Again that's a minimum. Mr. Battin stated was that when we were talking flag lots or was that when we were in AP talking regular lots. Mr. DiFrancesco states that was for the regular lots the next item was the width area at the street line, which is what I think you are referring to. Mr. Zurl states I don't remember it being 100 feet do you Mr. Battin. Mr. Battin states no I don't remember that either. He said I do know we are running into a problem now in the AR District with a triangle piece because of the weird shape lot they can't meet the setbacks so they are trying some hocus pocus to make that work. There are projects out there that were having problems with. 400 does seem extreme but I do believe that you were trying... AP is the farming area so you wanted to have the bigger lots so with a ten acre piece. Mr. Zurl stated that's what I seem to remember too as well as down at the street. Mr. DiFrancesco stated we are all trying to look at this to consider the worst case scenario the minimum. Ideally you have a rectangular lot that has a good ratio between width and depth, in many cases 400 may not be an issue but the absolute minimum that's a big number when you're talking about the possibility of triangular lots. The balance is you are trying to provide enough area to make it viable to farm. If you put the house way back to a point that you can achieve that 400 feet, your using up the farmable land and could possible make it so your brining horse pastures to the front of the house. It would be ideal to set the house closer to

the road and have a wider bigger area to the back. The average size house 100 feet gives you plenty of space on both sides plus you have side yards and we are not adjusting those. It's just making the possibility of the envelope bigger. Mr. Zurl stated, I'm trying to think of what the down side to that is, there is a reason we established that at 400 feet. Mr. DiFrancesco stated I think that was just a carryover from the 20 acres. There was not a specific reason that was reflected. Mr. Zurl asked is that possible? Mr. Battin stated it's possible, I can certainly look at that, one minute please. Mrs. Schlachtner asked how would that affect my neighbor. Does he have to go by the old what's was already there or... Mr. Zurl commented I'm not familiar with who your neighbor is. Mrs. Schlachtner stated I'm at 681 Guernsey Road and he is 645 the Anderson property. Ms. Venzie stated whatever he has there it's legally non-conforming. Mrs. Schlachtner stated he has nothing there, he is working on trying to get... Mr. Weer stated it's an approved plan. Mr. Connors stated he is grandfathered in. Mr. Weer stated he has to go with whatever the approved plan is, this would not affect it. Ms. Schlachtner stated so whatever changes you make doesn't matter, he could move it closer to the road so the 400 foot setback he's already setback as far... Mr. DiFrancesco stated I have two points. The lot width at the street line is what we are talking about and so he has more width at the street line by multiple, and secondly that is already an approved plan. Mr. Battin stated the old one with the ten acres is exactly the same 400 feet at the building setback line and the street line 200 feet. Mr. Zurl stated ok so that just transferred over from 10 to 20 to 10 acres. Mr. DiFrancesco, stated was that also for the 20 acre. Mr. Battin stated yes, it is exactly the same. Mr. Battin stated it has never changed.

Mr. DiFrancesco stated that is extremely constricting and I don't think you are giving up anything by making it 100 feet. Mr. Irwin asked making which one a 100 feet? Mr. DiFrancesco stated we are talking about the lot width at the building setback line, we will still retain the side and rear yard this is just a minimum, if there lot were somewhat triangulated it would permit you to put the house a little closer to the street and have more available acreage in the back for horses. Mr. Irwin stated I seem to remember talking about this in the context of trying to avoid flag lots, right, so we didn't really want to have narrow openings at the street and then have slightly narrow openings at the front line. Mr. Battin stated, right, and we addressed that with the flag lots, we didn't address it here but I guess it's what the Board feels, it's me thinking out loud, if you reduce the 400 foot down to 200 and the 200 foot down to 100, now is that going to promote more development, it's less constrained then that enhances the development possibilities there. I think that is something to consider, being more restrictive that constrains, like Mr. DiFrancesco points out it does constrain but that reflects what you want to do with the northern part of the Township. Mr. Zurl states yes, but it still goes on lot size so I'm not sure how that would increase the density. Mr. Battin said for subdividing some of those lots out. Mr. DiFrancesco, I think you fear a little bit, we have all heard from the consultant that this only affects a handful of properties. There are not 50 properties out there that are all of a sudden going to be changing this. It happens that three of the properties that are in that handful are mine, as part of White Horse Farm. Mr. Zurl stated how does that constrain you though. Mr. DiFrancesco stated I just tried to explain that to you, when you have a lot, that is triangulated or comes out and is not a perfect rectangular piece you can put the house closer to the road by reducing it to 100 feet, and leave more area in the back for pastures or whatever use, growing small produce operation. You wouldn't want to have that come all around the sides and up to the front of the house. You would want to have it in the back in a parcel you could work with a small tractor. Mr. Zurl asked, that doesn't increase the density does it. Mr. Battin stated, well not necessarily but it gives you the option. To go back, in the AP Zoning District there are 218 parcels up there, of those 218 parcels 98 of them are 20 acres or greater. Those are the ones that could potentially be subdivided. Mr. DiFrancesco stated, of those 98 how many have already had the development rights sold. Mr. Grafton sat there and said on more than one occasion that there were only a handful of parcels that were affected by this.

Mr. Irwin stated, here is my concern, on the one hand when we talked about 27-303-A1, we talked about 10 acres only one and a half acres had to buildable and we agreed with that and we are moving forward with that. Now we are saying someone is going to start a hobby farm

which sounds to me like you would want to have most of the 10 acres to be unencumbered by wet lands or steep slopes or things of that nature. I feel like we are inconsistently approaching this are you wanting to subdivide so that people can build hobby farms or so people can just build a house, cause what I am seeing here is theoretically you could have a person take a piece of land that is not a rectangle that is mostly in cumbered have one and a half acres put the lot in that 100 foot front and 200 foot building setback line and just have a house there and nothing else cause everything is in cumbered. Then you have another piece of land that is not in rectangle form it is also triangular which would have no hobby farm capabilities, without knowing exactly what we are talking about here I feel like we are spot zoning to suit needs. A minute ago we just said we want 10 acres and an acre and a half has to be buildable, and now we are saying it all has to be open to create a pasture. Mr. DiFrancesco states I sympathize with what you are saying but clearly to me we are talking about two different things. I don't have a specific vision in my mind that I am trying to create or anything like that. These are minimum values we are talking about and what I am trying to do is create some flexibility in the ordinance. I don't think it is the desire of the Board to create such difficult terms that someone couldn't meet this. I am trying to suggest things that would allow flexibility. For example, I am trying to explain to you how, what applying these minimums it may not ever come to 100 feet. It may when an engineer is designing it may come to something greater than that. For example, I'm pulling stuff out of the sky, if a portion of the lot were impaired with slopes and let's say, I'm not sure what the ordinance is with steep slopes. There is no reason that the slope cannot be farmable or a pasture. That is a different a condition that moving the house back further from the front of the lot could force someone to put a pasture in the side yards or in front of the house. I'm just trying to foresee better planning. Mr. Zurl stated I'm trying to think of scenarios where this could actually hurt and I'm not thinking of any.

Mr. Connors stated I have a comment, I do recall having this conversation the last time we reviewed this, and we made so many compromises at the various points. I think we all agree that, Mr. DiFrancesco we have made it friendlier through those other compromises and we agreed at the time, my notes differ from Mr. DiFrancescos that we had agreed that with all the other concessions, or compromises that we felt pretty good with the 400 foot setback. Matter of fact, we did make some concessions on setbacks on that time. I don't know if Mr. Battin can confirm those changes for me. Mr. Battin stated for the side yard, front yard and rear yard, we did. Mr. Connors stated, yes, I remember having this same exact conversation and we just moved on because we had made so many concessions and we just spent a lot of time cycling back and cycling back and cycling back. Personally, I would like to just move on and leave it at the 400 feet. Mr. DiFrancesco stated I am curious what concessions were made, because we didn't change the front yard, side yard or rear yard. That was not even in my letter. Mr. Battin stated that might not have been changed for you but other people it was changed for. Mr. Connors stated I am not necessarily only talking about concessions for the front and side but I do believe we did, but perhaps the net out concession that we just literally made. Mr. Battin stated so the front yard was 100 feet and reduced to 75 feet, side yard was 50 feet and reduced to 25 feet. Mr. Zurl stated I am inclined to let that stand. Mr. Irwin stated I think we are doing a good thing here. Mr. Battin stated there is an avenue that if someone wants to appeal it they can go to the Zoning Hearing Board and there has not been since those numbers have been in place been a Zoning Hearing Board appeal for any of that.

Mr. DiFrancesco states, moving on the next item is the lot width at the street line. This was a 200 feet figure that was compromised, but I don't have in my notes what we talked about. Mr. Connors I think in my notes you suggested 50 feet. I was looking for something in the order of 25 or 35 feet and he said go with your number. Do you recall the number that you brought up, was it 50 feet. Mr. Connors stated, I do not recall that but that should be easy enough to figure out by checking the changes. I mean I know that my notes show 50 feet I believe. Mr. Battin stated that was on the Flag Lots. Mr. Connors stated yes. Ms. Venzie stated, I do see a change were under the 200 feet there was an exception that says lots being subdivided for single family residential use in accordance with section 303.9D may be permitted one lot of 50 feet lot width at

the street line. Mr. Battin stated yes that was in one version, that was when you compromised if you were going to do a multi-lot and one could go down to 50 feet. The County Planning Commission that was the minimum that they would want to see. Ms. Venzie stated I did not carry that language over into this final version. I don't know if that is something that you want me to carry over. Mr. Zurl stated I'm not sure what the changes were that were submitted. Mr. Battin stated they were the ones that a year and a half ago when Mr. Grafton was in here and we were talking about all the different scenarios and that was one of the scenarios that he worked up. We talked about that and the flag lots at the same time and that is when we got into the discussion about multiple flag lots in close proximity and putting the small lots in the middle and hugging those lots with the flag lots that we didn't want to see. That is why we went ahead with the flag lot provisions. So now they have to be at least a 1,000 feet apart from one flag to the other. Mr. Zurl said okay, so we will leave that at 200 feet then. Mr. DiFrancesco stated, I'm not sure what you are saying. Mr. Zurl stated we are leaving that at 200 feet. Mr. DiFrancesco said you left that at 200 feet, no we compromised. Mr. Zurl said no, just like Mr. Battin said that was with the flag lots. Mr. DiFrancesco stated, it would be a flag lot at 50 feet and it can still be a flag lot at 200 feet so you are wasting all the length of a driveway making less farmable area, less pasture area, less... Mr. Zurl stated, I think the intent though was to get away from the flag lots we made a provision for the flag lots. We originally did not have that in there. Mr. DiFrancesco stated, well how, the flag lot refers to a single lot, one single lot. Mr. Zurl stated for the frontage yes. Mr. DiFrancesco stated so you are suggesting that there can only be one flag lot in a subdivision? Mr. Battin stated no that is not it at all, the flag lots can be there. There cannot be flag lots within a 1,000 feet of each other, within that subdivision. Mr. DiFrancesco stated, these are larger parcels why would it be concerning, I don't understand the concern about flag lots. In any case, you are talking larger parcels here. The point is to make as much usage of those parcels as possible. Mr. Zurl said right and it is also to minimize the flag lots. Mr. DiFrancesco, stated why? Mr. Zurl stated one of the down sides to them is a developer will come in and it relieves them from doing any kind of roadwork by putting in individual driveways. Mr. DiFrancesco states I think the discouraging part of a flag lot is the fact that you have to put an expensive long driveway in so it is not an optimal situation. Mr. Zurl stated, right but that is on the homeowner not the roadway. Mr. DiFrancesco stated, yes that is correct. Mr. Zurl said that is what we are trying to discourage. Mr. Zurl stated I don't understand what we are hurting really with the 200 feet. Mr. DiFrancesco stated ok let's use for example, 4 blocks on the floor coming all the way back to a point where you have a larger parcel. Envision yourself to be a person who has a horse, you have to use all that width to put in an 8 foot driveway and take away from your horse pasture in the back. You're making a parcel unusable. You don't have enough acreage in accordance with the ordinance to have a horse pasture. Mr. Zurl stated what is the down side to narrowing it. Mr. Battin stated I think right there you are talking about an interior lot, a flag lot. Mr. DiFrancesco stated yes. Mr. Battin stated that is already done, that can go 50 feet, that is not 200 feet at the street, that is 50 feet at the street. Mr. DiFrancesco stated so why can't you change that in this portion to reflect 50 feet. Mr. Battin stated because it is already in the ordinance, why do we... Mr. DiFrancesco stated it isn't it is constricting... Mr. Battin stated no Mr. DiFrancesco, it's in the section for flag lots/interior lots. If we are talking flag lots/interior lots that's a separate section that was done by ordinance back in April and that's where that is. If you remember we stripped a lot of the things out of the AP Zoning District to make them easier. Flag lots was one, special events was another, to keep the AP District simple, and so we wouldn't have this confusion. The 200 feet that you are looking at is a standard lot. Not a interior lot, but a standard lot, it could be triangle, rectangular, octagon, whatever it is but not an interior lot that is something different. Mr. DiFrancesco stated okay, could we say in this paragraph where it says 200 feet, in the event that it is a flag lot is should be 50 feet. Mr. Battin stated that is duplicating what is already in the ordinance. Mr. Zurl stated it is already in there. Mr. DiFrancesco stated then it shouldn't hurt anything. Mr. Battin explained, it just makes it more cumbersome when changes happen again that is part of the problem that we have especially with zoning ordinances and subdivision land development ordinances, when you put something in over and over again and you make a change and do not

reflect it on all the pages, then we get someone who comes in and takes advantage of that. Mr. DiFrancesco states, I am trying to expedite this because I have not seen or have any knowledge of any ordinance that you did specifically relating to flag lots. I think it creates a conflict. I can see someone depending on the flag lot portion of the ordinance and trying to subdivide a piece in the AP District and the Planning Commission would object to that lot because it is not 200 feet wide at the street. Mr. Battin stated, no I don't think that is the case at all. That is what the Zoning Ordinance is for we have multiple things, Chapter 18 which is the general has everything from lighting, glare, interior lots/flag lots. That will not be one of the scenarios. Mr. DiFrancesco stated honestly I would be happy to have the 50 feet put in here and depend on that then to have to find another paragraph in the ordinance that says, because I think there is potential when you have it two different places at two different numbers. Mr. Weer commented, and that is what Mr. Battin's point is that if it is in one spot in flag lots as 50 feet then you only have to change that one spot if there are changes. Mr. Battin stated, we can put in there for interior lots see section 1833 or whatever it is, so that way it is in there, but we are not putting specifics on it. Mr. DiFrancesco stated fine, I'm good with that. I have not seen a flag lot ordinance. Mr. Battin stated, Ms. Venzie that is 1843. Mr. DiFrancesco stated can I get a copy of the flag lot ordinance. Mr. Battin stated yes, it is online. Mr. DiFrancesco said okay, I can get it online if I can figure out how to work the computer.

Mr. DiFrancesco stated, we already discussed a couple of the other items I brought up in August so I won't ask you to go back and do those again. In 27-302 I saw that farm stands were eliminated and I am wondering why. Mr. Battin stated, I believe we put them as a stand-alone, I believe they are somewhere in there. We just had this discussion with a non-farmer that wanted to put up farm stands and the stand has to be on the farmer's property and I believe the majority of whatever is sold there has to be grown on the farm. Mr. DiFrancesco stated would it be appropriate to have it in the permissible uses. Ms. Venzie stated I think we made it so the definition of agricultural use covers that. Mr. DiFrancesco stated, I didn't see any definition changes so... forgive me for not understanding. Ms. Venzie stated, yes, agricultural or agricultural uses that's been made a new definition, it follows the definition in the right to farm act. Mr. DiFrancesco stated, so a farm stand is permitted in that area. Ms. Venzie stated correct, I don't know if we have a separate section for that. Mr. Battin stated, we used to but we will look at that. Ms. Venzie stated you have to allow for that, but you have to put some restrictions on that, like parking is going to be an issue, put some controls in place. Mr. Battin stated we do not have any that goes that deep into it. Ms. Venzie stated okay. Mr. Battin stated, why don't we have Ms. Venzie look at that and put some constraints on it, especially the parking. We don't want people parking on a road, or stopping on a road for a farm stand. There has to be adequate off street parking. Ms. Venzie stated, that would be applicable in any zoning district not just the AP. Mr. Zurl stated, when we talked about it originally we provided for it, but I don't think we ever took it further than that. Ms. Venzie stated, if you have another property in the Township that is by right there you have to make it so they can have the stand there as well. Mr. Battin stated 18 is our General so we would have to put it in there. Mr. DiFrancesco stated I find this really challenging to sit there and try to develop something taking in to consideration the kid that wants to grow some strawberries and sell a couple boxes on the side, and yet they also have to take into consideration a major farm stand that has to have parking and stuff like that, try to put that on the poor little kid selling strawberries. Mr. Zurl stated then Mr. Weer will just have to come down on them... Mr. Weer stated first we have to get the kids on the Golf Course selling Golf Balls. Everyone giggles... Mr. Zurl stated it is hard to find something that is a one size fits all. Mr. DiFrancesco stated oh yea. Mr. Zurl said that is what we are trying to do and that is why we have these open discussions, but I have to tell you another thing, I feel blindsided because I didn't know these were coming up and I am having to research and ask Ken and remember what happened in August of 2021 and I don't even remember August of 2021. I am not talking about the meeting or anything but if I could have at least sat down and read some of these beforehand I would have researched it a little bit. Mr. DiFrancesco stated I am at exactly the same point I got this Friday afternoon. Mr. Zurl stated so did we. Mr. DiFrancesco stated and I was away for the

weekend and I would have done like I did before had I had time and written a letter. Mr. Zurl states I am sitting here trying to jog my memory because I know we discussed that and they are legitimate concerns that you have. Mr. DiFrancesco stated thank you. Mr. Connors stated sorry to interrupt but could in the meeting minutes we please put the specifics that Mr. DiFrancesco went over and the results so that the next time around we can just reference that, so when it comes back to us in a few months we are not doing groundhog day, we can just refer to the meeting minutes and we don't all have our individual notes. Mr. Zurl stated I think we can do that Mrs. Maciejczyk has been paying attention. Mrs. Maciejczyk stated yes I can do that. Mr. Connors stated I apologize Mrs. Maciejczyk. Mr. Zurl asked Mr. DiFrancesco any other thoughts. Mr. DiFrancesco responded with that's all my thoughts for the moment.

III. PUBLIC COMMENT (Non-Agenda Items)

Mrs. Schlachter stated the only question that I had on this whole process, and I saw it on Friday as well in my email, in the email it was nothing just stated a special meeting. Who knows it could have been that the world was going to end who knows... Mr. Zurl stated we have a cut off for the agenda and the last business meeting it was announced, we determined a date for tonight at the last business meeting. Mrs. Schlachter stated, okay but a special meeting like this doesn't it have to be advertised. I remember with the conditional use for the dog training that whole process but does it go out in the paper, no one reads the paper anymore. Mr. Battin stated, yes, it gets posted on the website, it goes through the proper channels it gets posted in the paper. Mrs. Schlachter said so this meeting did go in the paper. Mr. Battin stated absolutely, we have notice here, there are requirements that we have to advertise. Mrs. Schlachter stated it amazes me that walking in here there is no one here, I feel like this is important. Mr. Battin stated yes but that is no different than any of the other meetings. Mrs. Schlachter stated yes, I am sure.

Mr. Zurl stated I don't have anything else and I do want to thank you for bringing all of that up. Ms. Venzie stated, if I can comment quickly, so you understand the mindset when I got involved in this, really the way that AP District reads now is definitely more farmer friendly that's the intent and to make them comply with all the right to farm laws that are out there. When I went through it you had terms like intensive and extensive agricultural. The AG office has already said you cannot separate ag out like that so I went in and took the definition of agricultural and it now just matches the right to farm laws definition which is really what it should do, so now if they amend it, the state amends it ours will comply with whatever the state defines as being agriculture. We cannot define what that is, that is up to the state. The only thing that I tried to make sure that we did is commercial composting, so when composting becomes for of a commercial activity, which means they are not producing something on their land, they are bringing stuff to a sight and composting there and then moving it off, what we did with that is we moved that to the industrial district where it made more sense, other composting is allowed in the AP as it should be because it is agricultural. We tried to make sure it was more compliant with the right to farm laws in Pennsylvania then it was so we could tighten things up. Mr. Connors stated I have a comment on that I was around when we did that part in the zoning and we delineated intensive and extensive agriculture. We actually took the Penn Township zoning model which had already been challenged by the Pennsylvania Attorney General and Penn Township won. I am curious to know what changed since then that has reversed that because we modeled that specifically because it had been run by the Attorney General and the Township prevailed. Ms. Venzie said I can look at that and get you that law, I don't know off the top of my head but I can certainly send that over. That is my understanding of where the law stands presently. Mr. Connors stated it is a really big deal to me personally, because when you get to composting on a scale of two acres or more it is scientifically proven that it has a significant effect on surrounding properties and that's a big deal. Mr. Zurl stated then you get into the recycling of compost which is really waste management. Mr. Connors stated I thought we had some really state of the art proven ordinances in regards to composting, and that comment there just kind of shattered my beliefs, so I would like to know more about that and learn more about that and why we are moving away from that because I feel like we had a pretty good set of ordinances when it came to

intensive agriculture. Ms. Venzie said yes, I will follow up with some more information on that for you. Mr. Connors said thank you. Ms. Venzie said certainly.

Mr. DiFrancesco said I would like to touch on something that has been a bit of a continuing problem, SECCRA has the field on West London Grove Road where they are removing some soil, they put a fence up around the area they are working in and they have made marvelous strides getting the thistle under control in the area that can be cut with the tractor mower, but there is a tremendous thistle problem in the fence under the wire, it is growing up through that. Is that fence there because of a Township requirement? Mr. Battin stated I don't know why the fence is up unless it is dividing the construction area and non-construction area. Mr. Weer asked is that where they are stripping the dirt and were going to put in ballfields? Mr. DiFrancesco stated yes. Mr. Weer stated I will look at that tomorrow because I can agree with Mr. DiFrancesco that they need to do something with it. Mr. Connors stated yes it is bad over there Mr. DiFrancesco is completely right, it's bad the whole fence line is one foot on either side. Mr. Weer stated unfortunately that whole area seems to be an issue that the Township should probably look a little further into. Mr. DiFrancesco stated I really appreciate it, I feel like I am being a pain in the neck, asking them to get the thistle out of there.

Mr. Battin stated Mr. Zurl we will have Ms. Venzie make the changes and get it back to the Board you can decide what you want to do after that. Mr. Zurl asked okay then it has to go back to the county correct. Mr. Battin stated once we get to the point when you are ready to go we will send it to the County Planning Commission our Planning Commission and then back to you guys for adoption.

ADJOURNMENT

A motion was made by Mr. Runey to adjourn the meeting at 7:09 p.m., seconded by Mr. Irwin and approved by a vote of 4-0.

Respectfully submitted,

Dawn Maciejczyk
Township Secretary