

**EAST NOTTINGHAM TOWNSHIP
BOARD OF SUPERVISORS
SPECIAL HEARING
PROPOSED ZONING AMENDMENTS
JULY 29, 2004**

A public hearing was held by the Board of Supervisors on Thursday, July 29, 2004 at 7:00 P.M. at the Township Building located at 158 Election Road, East Nottingham, Oxford, Pennsylvania. The purpose of the hearing was to present the proposed amendments to the East Nottingham Township Subdivision Ordinance and to receive public comment concerning those proposed changes.

Present were Supervisors Samuel Goodley, Jr., Thomas Olivieri, Charles Shelton, Township Engineer Ronald Ragan, Township Planner, David Sweet, Township Solicitor, Winifred Moran Sebastian and approximately 60 members of the public.

Chairman Goodley opened the meeting at 7:40 P.M. Solicitor Sebastian moderated the hearing from that point on. She announced the purpose of the hearing was to present the content of the proposed Ordinance amendments as well as to receive public comment on them. She provided for the record, a Proof of Publication of the advertising of the hearing on July 15, 2004 and July 20, 2004 in the Daily Local News. The County Planning Commission review letter showing that the proposed amendments were forwarded to the Chester County Planning Commission for their approval on June 8, 2004, which showed the review by the County Planning Commission. Minutes of the East Nottingham Township Planning Commission Meeting on June 28, 2004 were entered into the record showing that the amendments were forwarded to that agency by that date. A letter from the Township Planning Commission Chairman concerning their actions on the proposed amendments on July 26, 2004 was also made a part of the record.

The Chairman, Planner and Engineer for the Township then presented the elements of the proposed Subdivision Ordinance. The hearing was then opened to the public for public comments and questions. The following individuals raised the following questions or made the following comments:

Jack Bachman: 2497 Baltimore Pike, Residential now proposing to change to C2, which doesn't make sense. How much of an appreciation will the township realize from that change from Residential to Commercial? If you leave lots alone that are just road frontage on Barnsley Road, you can put more uses in that area. You can put a bigger building in there and a tax base would really appreciate, plus you would still have the Residential tax base that you have. Has anyone looked at those figures. You say you're all for Commercial and encouraging Commercial to come into the area. Has anyone looked to see what these changes will do for the area? Well, it's going to be better.

George Allen: Waterway Road, previously lived on Limestone Road. When it was changed from Residential to Commercial, no one could refinance their homes or sell them.

Pat Daley: Waterway Road, ten acre horse farm. We are located right in the middle of what's going on. What kind of businesses are going to be around these 10 acres? Will these changes raise our taxes and the value of our property?

Solicitor Sebastian responded: taxes are based on your use, there will be no changes in your assessment. As far as your property and if it will increase, that's a market question. Commercial properties on a per acre basis, are usually worth more, but that's something I can't answer.

Richard Daley: Waterway Road, When you have a C2 zoning, what type of business would you allow as opposed to C1?

Township Planner, David Sweet responded: there are no proposed changes to C1 or C2 to these provisions. The difference mainly, I believe is, C2 provides for a shopping center and that is not so in a C1 use.

Warren Replogle: Baltimore Pike, proposing from Residential to C2. Would I be permitted to open a lemonade stand if I wanted to?

Solicitor Sebastian responded: my interpretation as an attorney for many years is, if you are zoned Commercial on a pre-existing lot and you don't have any adjacent land that you can increase the size of it and you can meet all other requirements, then you are grandfathered and would be permitted to put n a lemonade stand.

Carol Mortimer: off of Little Elk Creek Road on Frieberg Drive, she didn't see their location on the map.

Solicitor Sebastian responded: that area did not change, the name changed. You are now I2 and you used to be Limited Industrial.

Doug Ronallo: 268 Waterway Road, How much land in the Township needs to be Commercial, is there some sort of a percent?

Solicitor Sebastian Responded: There is a need for adequate and there is no formula.

Doug Ronollo: Is it necessary to change all the properties to R1 on Chrome Road?

Township Planner, David Sweet responded: the proposed map now shoes properties now in use. We are trying to protect this land and trying to determine if these changes are necessary

Doug Ronollo: Does anyone have a plan for the Commercialization of this property?

Solicitor Sebastian responded: this is a capitalistic country, we have to wait for people to want to do that.

Doug Ronollo: Mr. Sweet, did you or the County actually recommend against making Baltimore Pike all Commercial? I have a letter stating that the County didn't want to do it.

David Sweet responded: that is what I said earlier

Doug Ronollo: If my land is reassessed will my taxes increase.

Solicitor Sebastian responded: all properties will be reassessed. Your taxes are based on use not assessment.

Margaret Ronollo: What is your vision, I think you're moving ahead with the zoning and we want to be choosy with the Commercial enterprises coming into our neighborhood. I don't see how we're preserving our rural look. You are disturbing the integrity of a well developed

neighborhood.. Your new developments can't touch what we already have. Please come and look at Waterway Road and look at the integrity of what we already have. I really regret the idea that you're going against the proposal from the County to not make that strip down Baltimore Pike all Commercial, that you should have spots of Commercial sights. Please rethink this.

Joe Beckenstrater Jr.: 278 Waterway Road, Route 1 corridor. Why do you have to go from Waterway Road back to Route 1?

Township Planner, David Sweet responded, that's an option.

Richard Hendrickson: lives on Barnsley Chrome Road, C2 changing to R1. If you have a business that's already operating there, can you be changed.

Solicitor Sebastian responded, if you already have a business there, you are grandfathered in.

Richard Hendrickson: two Amish farms and 2 properties in land reserve. Why are we changing the zoning to R1.

Solicitor Sebastian responded, that can't be Commercial and that's why we're proposing to change zoning.

William Blackburn: west side of Mt. Pleasant, I oppose the zoning amendment proposal. It limits my land to Industrial and reduces it. Mr. Blackburn requests that it be reconsidered to change zoning to I2 instead of I1. The proposed change greatly affects him adversely and unfairly .

Margaret Finnigan: 1829 Twin House Road, the traffic flow. I live near Bethany School, there are children walking on the roads to school, there are no sidewalks. If you make this Commercial, you need to rethink this. We don't need more traffic.

Ennis DeFurmo: Woodland Road, changing from C2 to R1. This is going to reduce the value of my property. She is requesting to keep it at C2. Are they going to reimburse her tax money, it should be cheaper.

Mark Hammond: requesting where he can get definitions of proposed changes, C2, R1 etc..
Solicitor Sebastian responded: they are available at the Township Office for purchase.

Robert Hodge: would like to recommend that all documents be available on the Township web site for review

Robert Hodge: he would like to see everything North of Grant Street to be zoned Commercial to match Oxford.

Robert Hodge: he owns most of the property in the triangle between Twin House, Oaks and Shadyside and is requesting that it remain R2. He can't visualize that area becoming Commercial use.

Rick Howell: Lees Bridge Road, driving through Oxford is a nightmare. The section you are proposing to change to Commercial is that section of Baltimore Pike to Herr's where we have the suicide stop sign. Has anyone done an impact traffic study on that road?

Solicitor Sebastian responded, an impact study has not been done on that section of road. But the Board hears your concern.

Jerry Durnan: Shadyside Road, I oppose these changes you are proposing . Lived here for 32 years and has seen 100 businesses leave. If we're concerned about raising money, hit all these new houses with an impact fee

Charles Hayes: For the record, same question as Rick Howell, why an impact study concerning infrastructure and traffic was not done in conjunction with this planning process?

Teri Rigby: Commercial Composting, is that Commercial, Industrial or Agricultural? Can it go into a Commercial area? Can a Commercial Composting area operation go into one of these areas?

Solicitor Sebastian responded, that is not a part of the agenda.

Several visitors expressed they also wanted to know the answer to the question that Teri Rigby asked.

Solicitor Sebastian responded: there are Commercial Compost Amendments ready to go and they are in place, however they are only in Industrial zoning areas. There is no way for any municipality to keep any legitimate business out of their very stringent controls.

Joe Scheese: During presentation, one of the reasons for these changes is to promote Commercial Development and hopefully generate revenue to help the school district. However, along Waterway Road, that's already Residential. A businessman would have to come in, buy the houses and tear them down, in order to generate revenue. On Barnsley Road, you have all that open land, a businessman could come in, put in a strip mall, a gas station & now that's open to a developer with more houses and more children in our schools. I think the Plan is in direct opposition to the intent

Jack Barren: 440 Barren Road, across from Chrome Dairy-17 years ago I was aware of the zoning & aware of the traffic count. Back then it was 1440 cars a day and it will remain that way. That road is known as Truckers Route 10, main road to Maryland. I purchased my property R1 and I pay R1 taxes, your records are wrong. He feels that someone stands to gain significantly by these proposals.

Teri Rigby: how many pages in the proposed changes and how much does it cost?

Solicitor Sebastian responded, the proposed amendments have been available in the Township Office for free. The Ordinance Books are available for a fee, which Solicitor Sebastian was not sure of exact amount.

Jeff Dunlap: what is your web site address

Solicitor Sebastian responded, eastnottingham.org

Jeff Dunlap: I'm in the area being changes from I1 to I2, concerning composting, which area would they apply to.

Solicitor Sebastian responded, I1 for composting. They would have to have a hearing in front of the Board of Supervisors and that gives the Board of Supervisors the ability to put many conditions on them.

Jack Barren: where can you buy zoning ordinances and maps?

Solicitor Sebastian responded, available in the Township Office as well as the zoning maps

Jack Barren: Barnsley Chrome Road, is that legally known as Barnsley Road or Barnsley Chrome Road?

Solicitor Sebastian responded, it's out of habit, legally it is known as Barnsley Road

Rick Simpson: what's the process for these to be adopted, Will it be adopted this evening.

Solicitor Sebastian responded, tonight we are having a hearing listening and considering the residents comments. This will be the only hearing. If this doesn't affect anyone knew, then they will be adopted.

Jim Perkiss: near Bethany Road, if you change that to C2 it will go down and badly affect that area. It's unnecessary to change that to Commercial. Many children that go to that school and it's very well maintained area.

Solicitor Sebastian responded, this is not a part of this hearing, there are no changes proposed in C1 and C2

P.J. Scheese: Will the decision be made at the August Board of Supervisors meeting. Can residents come and voice their opinions at that meeting?

Solicitor Sebastian responded, yes, you can voice your concerns at that meeting. They could table it or adopt it

Jack Barren: You didn't consider this meeting significant? These three men decide this.

Solicitor Sebastian responded, that's how the system works, only the Board of Supervisors vote. You don't vote, you vote at election time.

Teri Rigby: who can tell me how much the zoning ordinances cost?

Solicitor Sebastian responded, it's \$10 or \$15, not completely sure

Teri Rigby: I thought it was \$100.

Solicitor Sebastian responded, no

Rick Howell: township does have a web side, eastnottingham.org and there's another site eastnottinghamtownship.org. these ordinance will be downloaded on to the website for anyone to review.

Solicitor Sebastian responded, the web site or the township is eastnottingham.org not eastnottinghamtownship.org that is Mrs. Rigby's web site.

Jerry Scheese: if the Board choose to leave everything as it is, would the township be in any violation of the laws?

Solicitor Sebastian responded, no

Jack Barren: how many signatures would we need to petition the township to reconsider
Solicitor Sebastian responded, there is no procedure for that

Jim Perkiss: you might all want to but a copy of the ordinances and see what is allowed for the
C2 zoning. I think you'll be surprised what is allowed.

Joseph Bauer: in answer to Mr. Barrens question as to how a citizen protests against these
proposals, section 1713 and section 1714 does explain how to do that
Solicitor Sebastian responded, you are correct

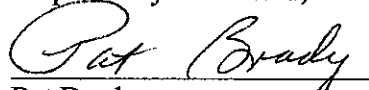
Person Not Named: In any of the affected areas, do any of the Supervisors own land?
Chairman Goodley responded, we do not

David Sweet, Ronald Ragan and members of the Board responded to the questions and
comments as appropriately placed to them. At the conclusion of the public comment period, the
Chairman announced that in accordance with the advertised Notice, the Board would consider
the proposed amendments for adoption at the regularly scheduled meeting of the Board of
Supervisors on August 9, 2004

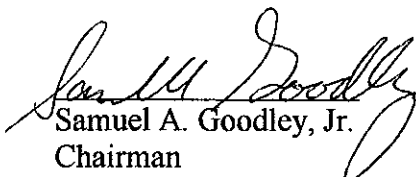
Motion by Chairman Goodley to adjourn meeting at 9:10 p.m., seconded by Vice Chairman,
Thomas Olivieri


Aye: Goodley, Olivieri, Shelton Nay -0-


Respectfully submitted,


Pat Brady

Date 9/13/04


Samuel A. Goodley, Jr.
Chairman


Thomas J. Olivieri
Vice Chairman


Charles Shelton
Supervisor