

**EAST NOTTINGHAM TOWNSHIP  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
MARCH 3, 2010**

**\* Call Meeting To Order**

**\* Pledge of Allegiance**

**\* Approve Agenda**

**\* Public Comment On Agenda**

**1)- TDR's**

**\* Recognition of Visitors**

**\* Adjournment**

**MINUTES  
EAST NOTTINGHAM TOWNSHIP  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
MARCH 3, 2010**

A Special Joint Meeting of the Board of Supervisors and Planning Commission of East Nottingham Township was held in the Township Building on March 3, 2010. Those present were: BOS Chairman Leo M. Levandowski, Supervisors Charles D. Shelton, Gene Turns<sup>1</sup>, John P. Coldiron, PC Chairman Joseph R. Bauer, Jr., PC Vice-Chairman Cliff Lee, PC Member Janice Gavin, Township Solicitor Gene Twardowski, Township Engineer Jim Gade, PC Secretary PJ Scheese and various guests

The meeting was called to order at 7:03 pm.

BOS Chairman Levandowski then read the public notice into the record.

The Pledge of Allegiance was led by Supervisor Turns.

A role call was taken. Those present are listed above.

**A motion made by Supervisor Shelton seconded by Supervisor Turns to approve the agenda as submitted. The motion carried.**

**Aye: 4      Nay: 0**

Public Comment On Agenda. There was none.

The only topic on the agenda was Transferable Development Rights (TDR). BOS Chairman Levandowski set some ground rules. The public should feel free to participate by raising their hands if they have something to say and to speak respectfully.

Solicitor Gene Twardowski started off by stating that a subcommittee of PC members was created to review the current section in the Township Zoning Ordinance relating to TDR, specifically Article 14. Approximately six months ago the committee gave a PowerPoint presentation to the BOS and proposed some changes in concept. They continued to work on this with Solicitor Twardowski, coming up with some calculations to put in front of the Board. Those are being presented tonight for the Board's consideration. Three specific items are included in this. They are:

1. An amendment to the Zoning Map;
2. A proposed new Zoning Map; and
3. An amendment creating a TDR overlay district in residential, the R-2A District.

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<sup>1</sup> Also a member of the Planning Commission

Cliff Lee, head of the PC subcommittee, presented on behalf of the subcommittee. He stated that they have been meeting together over the last 14-16 months. Their charter was to make sure the TDR ordinance appropriately reflects the township's desires, Chester County's Landscapes Program, and would enable the township to help manage the used of land and plan for the future to come into compliance with the official Pennsylvania policies. They have followed the following tenets:

1. To preferentially preserve high quality soils and forests in the sending areas;
2. Send the TDR to lower quality soil areas;
3. Restructure the TDR ordinance that drove tenets 1 & 2; and
4. To make the priority receiving areas C-1, C-2, & I-1 districts and draw a circle in areas to make the higher density areas closer to those districts.

The approach taken was to:

1. First calculate the current sending area to be approximately 3,600 acres;
2. To determine that the acreage in the receiving areas do not contain good soils, and
3. They want to provide priority incentives in the I-1, C-1, & C-2 districts to be the receiving areas.

Joe Scheese asked if consideration was given to the needs analysis the township has given to the Oxford Area Sewer Authority, as well as the impact to the Oxford Area School District. The answer was "no", but that the receiving areas are greatly diminished by this amendment, compared to the current ordinance. There was some discussion about why there would be incentives to build more homes. It was suggested that receipt of TDR be completely eliminated from the receiving areas. How does the township benefit from creating more homes? Mr. Lee went on to say:

1. This will preserve agricultural areas in the R-1 sending areas, rather than have by-right development; and
2. It focuses more on development within a tighter radius around the Borough of Oxford, and thereby shrinking the current receiving area.

There was further discussion about this.

Mr. Scheese cited a township in Lancaster County where TDR are only used for industrial and commercial purposes.

Supervisor Coldiron asked why the R-2A area on the east side of the township goes all the way to Frog Hollow Road. Mr. Lee stated that they followed the contour of the road. No magic formula was used.

There was some discussion about the fact that there is not enough incentive to use TDR for industrial and commercial use in the current ordinance. The proposed changed will give more incentive. However, even more incentive should be given for these uses. It was suggested that the township could buy TDR and hold for future use. There was some unfavorable discussion about this.

Supervisor Turns said that the PC had done a good job, but that he thinks TDR should only be used to incentivize only commercial and industrial build up.

Supervisor Coldiron stated that the current R-2 & R-1A districts should not be included to receive TDR because there are farms in these areas, why invite more houses? He is more inclined to allow TDR use in the I-2 district. The only way we will be able to deter tax increases in residential is to incentivize TDR use in the commercial and industrial districts. The general consensus of the BOS is to do away with TDR use in all residential districts.

**A motion was made by BOS Chairman Levandowski, seconded by Supervisor Coldiron, for Township Solicitor Gene Twardowski to do some checking to be sure we can completely eliminate the use of TDR from residential districts. The motion carried.**

**Aye: 4      Nay: 0**

Mr. Twardowski said he would have an answer to the Board by this Monday, March 8, 2010. This is to be put on the March 15, 2010 BOS work session agenda. Also the BOS wants to look at changing the pie shaped I-2 District in the north to I-2A in order to receive TDR. Solicitor Twardowski said he will check on that as well.


Cliff Lee thanked the Board for their consideration and feels that the direction they are heading is a good one.

A motion was made by Supervisor Turns, seconded by Supervisor Coldiron, to adjourn the meeting. The motion carried.

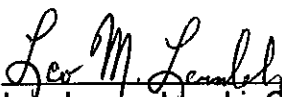
**Aye: 4      Nay: 0**

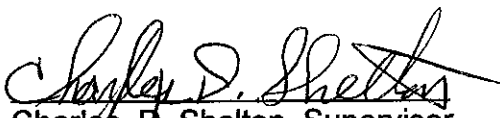
The meeting adjourned at 8:23 pm.

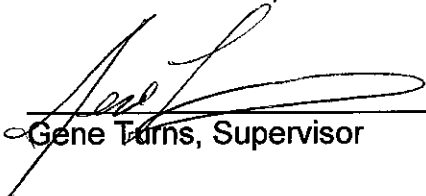
Respectfully submitted:

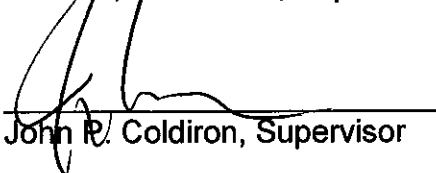
  
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PJ Scheese

3/8/10  
Date

  
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Leo Levandowski, Chairman

  
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Charles, D. Shelton, Supervisor

  
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Gene Turns, Supervisor

  
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John R. Coldiron, Supervisor