

A. Hodge stated that he made a comment on this before, is the overhead lighting really necessary because none of the other developments in the area have overhead lighting. T. Comitta stated that they think there should be selected locations for the overhead lighting to provide minimal amount of illumination during storms and snow plowing just for navigational purposes. A. Hodge stated that they've had issues with overhead lighting in other developments. R. Griffith stated that the lighting poles seem very tall, she feels they could be shorter. T. Comitta stated that his comment regarding the overhead lighting is mainly for safety reasons. R. Griffith stated that the overhead lighting could also be on timers. R. Griffith stated that there will also be a paved path, so the lighting would be helpful for that as well. C. Ricardo asked C. Splendor for a visual lighting plan with the next submission. C. Splendor stated they can provide different lights and styles for them to choose from.

A. Hodge stated asked who will care for the emergency road on the church side. C. Splendor stated that they will work with the church and discuss it with them about the maintenance. R. Roeger stated that he is not a fan that every house looks the same in this development. C. Splendor stated that Toll has not completed the array of the way the homes will look, not every home will look the same. R. Roeger asked if there is a variation in the model of the house. C. Splendor stated that he will know shortly, he does not have that information at this time. R. Roeger stated that he would prefer some variations of the homes. R. Griffith stated that she agrees with T. Comitta on the white garage doors.

A. Hodge asked if we have any plan for connecting the trail to the 724 trail? C. Ricardo stated that we do not at this time. R. Griffith stated that if there is a future plan of connecting that trail, what are the steps? C. Splendor stated that they will be making contributions to connect the trails. A. Hodge stated Road A should continue to be "Tiffany" to avoid confusion. A. Hodge asked if there will be mail boxes at each home or a central mailbox location. C. Splendor stated that it is proposed to have a central mailbox location.

R. Griffith stated that in general she doesn't feel there is a great use of open space. R. Griffith stated that Open Space C is the closest to being usable open space, but it is being made into a hill. C. Splendor stated that they will level out that hill and make it more even. R. Griffith stated that she doesn't feel it will be clear where open space begins, and someone's backyard begins. R. Griffith stated that there is a lot of lawn, she would like to see it be more of a "meadow". C. Splendor stated that he will take a look at all the open spaces and make it more of a meadow.

N. Keegan asked if each lot has useable space, is it flat? C. Splendor stated that they are fee simple lots and they are flat usable areas. C. Splendor stated that it will depend on the declaration documents if they will be able to have a shed or not. R. Roeger stated that if sheds are not the intent, that it be spelled out in the declaration documents so there are clear expectations.

Public Comment:

- Christine McNeil of Nottingham Drive – C. McNeil stated that no overhead lighting is what keeps everything rural, a lot of other developments do not have them and have made out good without them.

- Elaine Milito of Hallman Mill Road – E. Milito stated that she wants to support R. Griffith’s comments.

B. 446 Stony Run Road Preliminary Subdivision & Land Development and Conditional Use Application

Present: Adam Brower, P.E., Applicant’s Engineer

A. Hodge stated that the Applicant was scheduled to be present at the October 18, 2022, Planning Commission meeting, but chose not to attend. A. Hodge stated that the Planning Commission still discussed this application and sent a letter with comments requesting the Applicant revise the plans to address concerns around traffic, recreational amenities, sewer, and others. A Hodge stated that the Applicant has not made a revised submission since the last Planning Commission meeting, but instead has requested through their attorney that the Planning Commission make a recommendation on the Conditional Use application this evening.

A. Brower stated that this is the first review of the plan since they were submitted. A. Brower stated that the Open Space was added onto the plan in the middle of the development. A. Brower stated that there are 47 units that are being sent to this tract. A. Brower stated that they are in the process of revising the review comments, the project is subject to Conditional Use and is scheduled in December. A. Brower stated that they hope to have a second refined plan before the Planning Commission next. A. Brower stated that they met with the Township to talk about offsite intersection and design, they came up with a couple different ways to improve it. A. Hodge stated that he would like to see all the comments addressed in the next submission. C. Ricardo stated that she does not believe the applicant is preparing to install the trail plan section, A. Brower stated that is correct it is TDRs being used for this property. R. Roeger asked what changed. A. Brower stated that it just is not part of the application. A. Brower stated that they hope to resubmit within the next week. A. Hodge stated that since the plans haven’t really changed, they cannot comment on much. A. Brower stated that the purpose of tonight was coming to discuss, not looking for a recommendation. C. Ricardo stated that the Planning Commission has to take action before the timeclock expires, that is what has to happen this evening.

Motion to recommend denial of the Conditional Use application for 446 Stony Run Road & 1241 W. Bridge Street consisting of 67.9 gross acres for eighty-five (85) single-family detached dwellings and one (1) existing farmhouse and its accessory structure to remain on a historic estate lot as shown on plans prepared by E.B. Walsh & Associates, Inc., dated June 24, 2022, consisting of fifty (50) pages, as follows:

Failure to satisfactorily address the outstanding review comments from the following Township Professionals:

- Township Engineer Review dated October 11, 2022
- Township Sewer Engineer Review dated October 11, 2022
- Township Land Planner Review dated September 30, 2022
- Township Traffic Engineer Review October 14, 2022

And further recommending denial based on failure to demonstrate compliance with the Conditional Use criteria set forth in the Zoning Ordinance as follows:

- §27-1901.3.B requiring the Applicant to demonstrate evidence of adequate water supply and sewage disposal.
- §27-1901.3.D requiring the Applicant to provide a Stormwater design in compliance with the Subdivision Land Development Ordinance.
- §27-1901.4.D failure to submit a traffic study that suggests actions to mitigate potentially unsafe conditions and levels of surface existing prior to the proposed development and any anticipated reduction of level of service or other negative impact to traffic conditions resulting from the development as proposed to be reviewed and approved to the satisfaction of the Township and PennDOT.
- §27-1901.6.K failure to incorporate two points of access to Stony Run Road to provide sufficient roadway access and emergency access as recommended by the Township Traffic Engineer.

Public Comment:

- C. McNeil stated that she wanted to elaborate on a few things, and the impact of bringing sewer to this property will be. C. McNeil stated that it is not in the 537 plan or the existing development area. C. McNeil stated that she wants to bring to mind what Chester County Landscapes3 has to say. C. McNeil stated that this project is inconsistent with Landscapes3, they are saying don't extend the sewer into the rural area. C. McNeil stated that sewer expansion has a much bigger impact than just this tract. R. Griffith stated that in the 537 plan it is mistakenly included. C. McNeil stated that it only says existing, not the proposed. C. McNeil stated that the Ruth Farm is not included in any of the plans. R. Griffith asked C. Ricardo and C. VanHise if she is mistaken in saying that it is mistakenly included in the 537 plan? C. Ricardo stated that it is shown in the 537 plan as the whole parcel. C. McNeil stated that it has been reiterated over and over again and in correspondence by Pat DiGangi that it is not included in the 537 plan. A. Hodge stated that it is only 400 feet that is being expected to be expanded. A. Hodge stated that they will do more research.
- Dana Ciaffone of Hearthstone Circle – D. Ciaffone stated that she is not sure what the next step is once the application is denied. A. Hodge stated that they did not deny the application, they are recommending a denial of the conditional use, it will then go to the Board of Supervisors for a Conditional Use Hearing, it is their decision. A. Hodge stated that the Conditional Use Hearing will be a Special Board of Supervisors meeting. D. Ciaffone asked about the waivers that were on their plan, C. Ricardo stated that will be apart of their preliminary plan, along with the TDRs. D. Ciaffone stated that she is confused about the TDR calculations. C. VanHise stated that they still need to provide the calculations.
- Amanda Cooper of Nottingham Drive – A. Cooper asked about the process for denial and the next steps. A. Cooper stated that she saw a letter from Green Valleys Watershed, and Stony Run is a protected watershed, and Delaware River Keeper Network which states the Stony Run has already suffered from existing development within East Vincent Township. A. Cooper asked what they would want the developer to do to repair the watershed, the state obligates the developer to restore the watershed and protect it. A. Hodge asked A. Cooper to send those documents to Catherine. C. VanHise stated they would have to meet the Stormwater Management Ordinance and the NPDES requirements.
- E. Milito stated that they are voting against the preliminary plan. A. Hodge stated that they are not voting against the plan, they are recommending denial of the Conditional Use. A. Hodge stated that there is a time clock that they have to follow, and they have to take action

within that time frame. A. Hodge stated the preliminary plan is still under review, and there are no new comments. E. Milito stated that she does not agree with the calculations and they received a letter from John Snook stating he does not think the calculations are correct either. E. Milito stated that they are coming in with way over the amount that is allowed. A. Hodge stated that one they see the calculations they will be able to figure out what is allowed.

- Bill Fields of Stony Run Road – B. Fields stated that relative to the TDR calculations, he implores that the developer go back and look at the calculations very carefully. B. Fields stated that 90 houses on that size of an area, that is making for a very small lot, which is out of character for the surrounding community.

C. AP & RC Zoning Districts – Zoning Text Amendment

A. Hodge stated that the Township is in receipt of a variance request and substantive validity challenge from the property owner at 91 Bertolet School Road who is seeking to subdivide a 1.5-acre lot from an approximately 11.8-acre tract which contains an existing home. A. Hodge stated that the substantive validity challenge calls into question Section 27-403.2.A in the Zoning Ordinance found in the AP and RC Zoning Districts that requires a multiplier of .10 applied to the acreage of the property to pursue subdivision. A. Hodge stated that no ZHB meeting has been scheduled at this time.

A. Hodge stated that at its November 2, 2022, meeting, the Board of Supervisors motioned to send this matter to the Planning Commission for review and recommendation. A. Hodge stated that draft text has been prepared by Chester County as part of the overall Zoning Re-Write process and is provided this evening for discussion.

R. Griffith asked if the Township thinks there is a validity problem with the way the text is written. C. Ricardo stated that the Board has evaluated the concerns of the applicant and agrees that there are some legal issues with the way the ordinance is written. R. Griffith is curious to see what the legal issues are. C. Ricardo stated that they are talking about residential lots and uses, not agricultural uses. C. Ricardo stated that the applicant's attorney stated that the text is overly restrictive. A. Hodge stated that what the Planning Commission is to do is evaluate the text, the Board will handle the issue itself. A. Hodge stated that the .1 multiplier is too restrictive, and they are tasked with looking at that information. R. Griffith and N. Keegan stated that they do not see how it is restrictive. R. Griffith stated that she does not know how they can make suggestions if they do not know the legal issue. C. Ricardo stated that the reason this is before them now is because, it is putting the Township on notice, and it's been determined it is the best option for the Township to look at this text.

A. Hodge stated that they did take a good bit of verbiage out regarding soil, because it is included in another section. R. Griffith stated that conditional uses are referring back to a section that does not exist, C. Ricardo stated that maybe it can just be taken out at this time. C. Ricardo stated that they can take a look at some figures for the percentages for lot size.

Public Comment:

- Mike Trachtman of Traber Lane – M. Trachtman stated that he studies this and the applicant cannot subdivide his lot at all. M. Trachtman stated that the Township could chose to deal with this property individually instead of making the change for the whole

Township. A. Hodge stated that he is challenging the validity of it, and they have to deal with it now. M. Trachtman stated that if this property owner wins this challenge, it will only benefit his property. M. Trachtman asked that the public be provided with what the Township is looking at and allow the residents to comment. M. Trachtman stated that there are residential uses that fall into the AP district, so this change will drastically change the way the residential areas look and allow for many more subdivisions. C. Ricardo stated that there is a section on the website and these sections are posted there for the public to review. C. Ricardo stated that a lot of the parcels in the AP district are deed restricted. M. Trachtman stated that policy should be uniform across the board.

- C. McNeil stated that there are still 2,00 acres in East Vincent Township that are on the line. C. McNeil stated that the residents of the Township have repeatedly stated they want a Township that is rural. C. McNeil stated around this property on Bertolet School Road there are many, many farms, there are over 19 different agricultural uses going on in the Township. C. McNeil stated that they should put all their energy in defending this ordinance. C. McNeil stated that she feels this is a disastrous plan, as residents they believe in the last election to keep East Vincent rural. C. McNeil is asking the Township to have courage to say no to this change. C. McNeil stated that she is asking the Planning Commission to do everything within their means to oppose this.
- E. Milito stated that she agrees with everything Christine and Rachael said. E. Milito stated that October 13th the County sent out an article about how important preserving land is. E. Milito stated that the AP district is to protect and preserve agricultural soils, and to minimize loss to non-agricultural uses. E. Milito reviewed what the ordinance says for the AP district. E. Milito stated that where the property owner wants to subdivide it is prime farmland. E. Milito stated that East Coventry's multiplier is .1. E. Milito stated she does not think this would hold up in court. E. Milito questioned why the Township would change everything, and how much more density it will produce in the Township.
- Dana Ciaffone of Hearthstone Circle – D. Ciaffone stated the 2,000 acres which is targets for developers, that is 820 dwelling units, 7.4 million dollars in school taxes. D. Ciaffone stated that with because of Jones Motor there is a lot of more children projected. D. Ciaffone asked if they are the governing body making the decision. A. Hodge stated that they are not the governing body, they are just making a recommendation to the governing body which are the supervisors. R. Griffith stated it is not sitting well with her, if it wasn't a rush maybe the Planning Commission would feel differently about it. R. Griffith stated that she is wondering if we could do something with a lighter touch that would still take care of the legal issue. C. Ricardo stated that the Planning Commission should make comments on the text, and the legal argument is the multiplier situation. A. Hodge asked if we could get a list of other similar ordinances from the county. D. Ciaffone read excerpts from the Municipal Planning Code.
- Mark Brancato of Barton Drive – M. Brancato stated this is unfortunate, but this is only one resident. M. Brancato stated that this is not a basis for changing the ordinance, he thinks they are entitled to know the summary of the legal basis. M. Brancato stated that the Planning Commission needs to go back to the Board and tell them they are not going to do this.

- M. Trachtman stated they seem to be in fear of an adverse legal affect, and this seems to be the motivation. M. Trachtman stated that until there is some proven reason to change what is being suggested, the public is entitled to know the reason for it.

Motion to the text with the Planning Commission comments to Chester County Planning Commission for their comments and get a list of other ordinances around the county.

Moved: A. Hodge

Second: R. Roeger

Vote: Unanimous

R. Griffith stated that effectively the current ordinance does not allow for less than 10 acres. A. Hodge stated that they are looking at this as a whole, and they can make better educated comments in December after they receive more information. N. Keegan stated that this has to do with the character of the Township as well, not just the text.

Public Comment:

- E. Milito stated that this ordinance is not going to fix what the property owner wants, he wants 1.5 acres; he will lose his tax relief if it is more than that.
- C. McNeil stated there is a publication that Chester County put together called Return on the Environment, which East Coventry did a study and how it relates to their economy; she recommends that everyone reads it. C. McNeil stated that it is very important that things stay the way they are, and to remember the purposes. C. McNeil stated by 2030 we will meet the housing demand. C. McNeil stated that she hopes the boards and commissions will keep things rural.
- D. Ciaffone stated that twice residents voted for open space, they want to keep things rural.

Motion to adjourn the meeting at 9:20 PM.

Moved: A. Hodge

Second: R. Roeger

Vote: Unanimous