

East Bradford Township Zoning Hearing Board Meeting Minutes November 3, 2022

The November 3, 2022 Zoning Hearing Board meeting was held in the McCardle Meeting Room in the Township Building, 676 Copeland School Road, West Chester. The meeting agenda was posted to the Township website and at the Township Building on October 31, 2022. Copies of the agenda were available for attendees.

Zoning Hearing Board members present:

Kamil Ali-Jackson, Vice Chair
Andy Schaum
Dan Bush, Alternate member

Zoning Hearing Board members absent:

Al Gollatz, Chair

Staff/Professionals present:

Tom Oeste, Esquire, Zoning Hearing Board Solicitor
Andrea Campisi, Director of Planning and Zoning/Zoning Officer
Rich Phifer, Director of Property and Recreation

Others in attendance:

Amanda Sundquist, Esquire, Unruh Turner Burke and Frees
Bruce Laverty, Esquire, East Bradford Township Supervisor
Mark Hagerty, Court reporter
Bird Milliken, 1010 Valley Creek Road

CALL TO ORDER: The meeting was called to order at 6:00 p.m. by Zoning Hearing Board Solicitor Tom Oeste. Mr. Oeste introduced the members of the Zoning Hearing Board and informed the attendees that the board is a quasi-judicial body.

PUBLIC COMMENT: None

MEETING MINUTES:

October 3, 2022 minutes:

Mr. Schaum made a motion to approve the minutes. Mr. Bush seconded the motion. All members were in favor. The motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

1. 1001 Skelp Level Road, East Bradford Township, Parcel #51-2-128, East Bradford Township

Mr. Oeste stated that this is an application filed by East Bradford Township. He explained that the applicant requests the following variances from the Zoning Ordinance and any and all relief necessary to enable a future owner to use the property for by right agriculture uses permitted in the East Bradford Township Zoning Ordinance:

1. Section 115-11D2, to allow the existing barn to be setback from the property line 45' where 100' is required.
2. Section 115-11D3, to allow two homes on the property which consists of 15.8 acres instead of the required 20 acres.

Mr. Oeste entered four exhibits into the record on the applicant's behalf. Mr. Oeste asked the members of the public if they wish to be parties to the proceeding. He indicated that they do not have to become parties to the proceeding to be able to ask questions of the applicant. Bird Milliken, residing at 1010 Valley Creek Road, asked if the application being considered tonight proposes any new structures. Mr. Oeste said there is no proposal to add any new buildings to the property. He said the two issues before the Board are to allow the existing barn to remain in its current location subject to setback relief and to allow the two existing dwellings to remain as occupied residences on the property which is less than the required 20 acres. Ms. Milliken thanked Mr. Oeste and asked that the Board approve the application.

Mr. Oeste asked Amanda Sundquist, who was present on the applicant's behalf, to provide proof of the required mailings. Ms. Sundquist passed out exhibit packages on the applicant's behalf which included proof of mailing and posting of the property. Rich Phifer, the applicant's witness, was sworn in. Mr. Phifer explained that he is the Director of Property and Recreation for the Township and was authorized by the Board of Supervisors to file the application and represent them this evening.

Ms. Sundquist and Mr. Phifer explained the application and the reason for the relief. They presented testimony in favor of the application. Mr. Phifer clarified that the actual request is for a setback of 44.7' from the retaining wall attached to the barn to the rear property line and 56.6 feet from the actual wall of the barn rather than the 45' and 58' that were indicated in the application. Mr. Phifer explained that this is due to the fact that the original measurements were taken by hand off of the plan by Andrea Campisi, the Township's Zoning Officer, and were later measured by the engineer that prepared the plan in more detail.

Mr. Schaum asked why the new lot is less than the required 20 acres for two dwellings. Mr. Phifer responded that it is largely due to the fact that funders are looking for the maximum amount of land to be protected when they review grant applications. Mr. Phifer indicated that the Township submitted several grant applications to the state and county to obtain funding to preserve as much of the surrounding property as possible and was conscious of that requirement in laying out the subdivision plan. He also noted that the Township wished to maintain access for itself to the rear most portion of the property via the existing driveway serving the dwellings. With regard to the two dwellings on the property, Mr. Phifer stated that the hope is that the tenant house can be used for a farm hand or caretaker to assist with the future agricultural use of the property.

Bruce Laverty, a member of the East Bradford Board of Supervisors, stated that the Board felt this plan presented the best use of the property. He commended Mr. Phifer for his presentation. Regarding the two residential uses, Mr. Laverty stated that the Board's hope is that the property will be used agriculturally, and the tenant house will be used to support the farm itself. Mr. Schaum asked if the Board of Supervisors formally supported the application. Mr. Laverty said yes.

The Board deliberated. After deliberating, Mr. Schaum made a motion to approve both variances. Ms. Ali-Jackson seconded the motion. All members were in favor and the motion carried.

NEXT MEETING: The next Zoning Hearing Board meeting is scheduled for December 19, 2022 at 7 pm.

ADJOURNMENT / CONTINUANCE: The meeting adjourned at 6:57 p.m.

Meeting minutes recorded by: Andrea Campisi, Zoning Officer

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