



# ORPC Oxford Region Planning Committee

Chair: Albert Jezyk Jr. Vice-Chair: Charles Fleischmann Treasurer: Robert Ketcham

## June Meeting Report

**Date/Time:** Wednesday, June 26, 2024 - 7:00 pm via Zoom

**Zoom Recording Link:** <https://www.youtube.com/watch?v=vKTz7t7tRrg>

**Meeting Recording:** Just a reminder that we have included a reference to the time in the meeting when topics were discussed (ie, **1:08**). Please click on the Youtube link above and scan to the meeting time to hear additional content/more details.

**← Homework:** This symbol identifies homework that has been assigned to a member of the ORPC, the secretary, or the entire membership.

**Reported By:** Mark Gallant, ORPC Secretary (with help from David Ross)

**ORPC Representatives:** Joe Marra – East Nottingham Planning Commission; Albert Jezyk, Jr. – Elk Township; Noël Roy, Joel Brown – Lower Oxford Township; Robert Ketcham, Kathryn Cloyd, Pauline Garcia Allen – Oxford Borough; Charles Fleischmann, Scott Rugen – Upper Oxford; David Ross – West Nottingham Township. All six municipalities were represented!

**Guests:** Marc Arot – East Nottingham Planning Commission; Donna Crossen – West Nottingham Democratic Committee; Blair Fleischmann – Upper Oxford; Matt Adams - ?.

**Chester County Planning Commission (CCPC) Staff:** Mark Gallant, Elise Davis, and Patty Quinn.

**Chair's Report** None at this time.

**Treasurer's Report:** No activity this month. Checking account balance: \$13,615.05. **0:28**

**Introductions 1:08:** David suggested that we introduce ourselves as there were several new folks in attendance.

**Transportation Outreach to Rural and Agricultural Communities** *Patti Quinn, CCPC*  
Patti is with the CCPC's Multimodal Transportation Planning Division and she re-introduced a project (Patti met with the ORPC when this project was in its infancy) that grew out of concerns shared by residents in an agricultural survey regarding safety on rural roadways. The primary goal of this program is to identify areas that are unsafe for all user types (drivers,

farmers, pedestrians, cyclists, etc.) on rural roadways. Transportation planners have a lot of data but they want to hear from residents that use these roadways on a daily basis. There are a lot of opportunities for funding out there to address maintenance as well as education. The project began with key stakeholder interviews (including Charlie Fleischmann) and attendance at Chester County Farm Bureau meetings. The end result: a guide that will identify funding sources and references to available resources.

Patti asked that all members of the ORPC take a one-page survey. ←Homework The survey link is included below. Patti asked that we forward the survey link to roadmasters and public works Directors as they would probably provide the most feedback. ←Homework

Rural Road Safety Survey link: <https://www.surveymonkey.com/r/RuralRoadSafety>

The full presentation is worth listening to and begins at 3:57.

#### □ Municipal Updates *Planning Committee 14:27*

*East and West Nottingham* – David asked the East Nottingham representatives (Joe and Marc) about a recent Zoning Hearing Board (ZHB) meeting concerning a potential solar energy farm. Joe and Marc said that they did not have any current information but would follow-up with the ORPC. ←Homework Further, David shared that West Nottingham has been developing a solar ordinance for a couple of years. Joe was aware that property owners that lived adjacent to the potential solar farm were concerned about the impact to their property values.

*Upper Oxford* – A property owner, who would like to develop a use with an event space in the Township, has threatened to challenge Township zoning because it does not permit such a use. The Township is basing their defense on the adopted Multimunicipal Comprehensive Plan (MMCP) and the Implementation Agreement which enables the Region’s municipalities to share uses on a regional basis. (Please see the section of the MPC referenced below) This will be a critical test the applicability of the MMCP. Homework for ORPC → Charlie asked his fellow ORPC municipal representatives if they could let him know what event space(s) they have in their communities and if they permit related uses in their municipal zoning ordinances.

**Meeting Follow-up (MPC Section 916):** Carol Stauffer (CCPC Assistant Director) searched out this section of the Pennsylvania Municipalities Planning Code (Section 916.1(h) ) which clearly says they can share uses and doesn’t seem to have any qualifiers that the region doesn’t meet: (h) Where municipalities have adopted a multimunicipal comprehensive plan pursuant to Article XI but have not adopted a joint municipal ordinance pursuant to Article VIII-A and all municipalities participating in the multimunicipal comprehensive plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating municipality involving a proposed use, then the zoning hearing board or governing body, as the case may be, shall consider the

availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged.

**Oxford Borough** – The Borough hired the Center for Watershed Protection to update their Stormwater Ordinance to be compliant with the Chester County model ordinance developed by the Chester County Water Resources Authority (WRA). The Borough accepted a request for a 60-day extension for review of the preliminary plan for the Moran tract. While the Borough supports PA House Bill 1632 (PTSD affecting 1<sup>st</sup> Responders), they will be writing a letter to state representatives to ensure that local municipalities would not be overburdened by a mandate. David suggested that a draft of this letter should be forwarded to the other member municipalities and the ORPC, as a whole, for their consideration. ← **Oxford Borough and ORPC Homework**

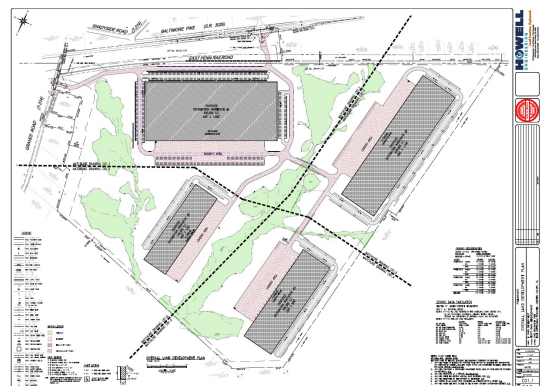


Municipal updates are often the most interesting part of the ORPC meetings. They are worth listening to and begin at **14:27**.

□ **Preliminary Land Development of the Herra Property** *Mark, Joe, Marc, and Membership*

**Project Summary and Proposal**

<b>Site Acreage:</b>	123.2 (approximately)
<b>Lots/Units:</b>	One/Four
<b>Parcels/UPI#s</b>	69-6-177, 69-6-179
<b>Address:</b>	2470 Baltimore Pike
<b>Existing Land Use:</b>	Agriculture
<b>Proposed Land Use:</b>	Industrial
<b>Total square footage:</b>	1,120,000
<b>Sewer /Water Service:</b>	Public/Public



Please note: Before we began the discussion, Joe Mara shared that the developer is planning to submit another preliminary plan for the Herr’s property. Why? Because the letter from the township engineer identified several issues that need to be addressed. In the interim, East Nottingham received the County Act 247 Review for the preliminary plan. Joe also noted that the Township Planning Commission (PC) has been working on an update to their Industrial District (I-1), a fact that the developer was aware of, that is with the Township Board of Supervisors (BOS) for their review. The developer submitted the first preliminary plan before the BOS completed their review or had a chance to consider adoption.

Joe continued and identified concerns that have been shared by residents that live near the proposed warehouse development regarding the developer’s request to raise the

building height maximum above the current 35' (to 50'). In turn, the developer has expressed concerns regarding the viability of such a use with the 35' height limit. It is turning out to be a hot button issue. Mark asked Joe if the Zoning Ordinance (ZO) amendment would be adopted before the preliminary plan is re-submitted. Joe could not be sure but doubted it given the timing.

The Township has a long list of concerns that range from the ability of the local fire company to provide fire coverage, security given the Township's reliance on State Police coverage, and impacts to natural resources such as the Serpentine outcroppings located on the subject property. The Township's concerns seem to be shared by their engineer and the County Planning Commission given the number of issues that were identified in their letters.

Charlie shared a cautionary tale that focused on broken promises from Walmart as they agreed to provide funding for training and necessary apparatus when they opened their store on Route 10 in Lower Oxford Township.

Marc Arot added that the PC had just received a copy of the County letter that afternoon. This proposed development identified vulnerabilities in the Township's I-1 district and that is why the PC moved forward to update it. The County Act 247 review letter also identified concerns about trucks entering from Graves Road. Joe added that the County letter strongly recommended that the developer should work with East Penn Railroad whose rail line bisects the property. The developer claims that it would cost prohibitive to grade the property to provide access to East Penn's services. I believe Joe said their wording was "ridiculously expensive." The developer claims that East Penn is not being cooperative. East Penn has shared their concerns which focus on possible truck-stacking on the rail bed when exiting the site onto Old Baltimore Pike.

While the ORPC will not submit a review letter until the preliminary plan is revised and resubmitted, we went over the project summary and Mark's preliminary comments (including in a letter submitted to the ORPC membership on June 24<sup>th</sup>).

This discussion continued for more than an hour and covered multiple topics related to the proposed use and the preliminary plan submission including concerns and perspectives expressed by neighbors that live near the proposed use, potential strategies and funding to promote coordination with East Penn Railroad, and shortcomings of the Traffic Impact Study (TIS). I recommend listening to the full discussion that begins around **27:10**.

An interesting idea was brought up by David Ross. Working with East Nottingham, can the ORPC identify an appropriate use or uses for those parcels that would benefit the tax base without the negative impacts associated with the distribution warehouses.

#### **←Future Homework**

Marc Arot shared news about House Bill 1960 (sponsored by John Lawrence) which will essentially require a public referendum every time a warehouse is proposed in a given

municipality. Marc will forward a link to House Bill 1960. ← **Homework** Apparently, this bill was born from concerns regarding abandoned warehouse facilities and their impact on the surrounding community.

Joe said that he would share the draft Industrial District if he got the go ahead. ← **Homework**

#### □ **ORPC Subcommittees** *David and Mark* 1:41:45

**Regional Volunteer EAC** – David referred to the June First Friday event as the most successful for the EAC since they started participating in 2019. Under the theme “June in Bloom,” the EAC partnered with the Brandywine Conservancy and the Octorara Plant Nursery and gave away 200 trees and shrubs (collecting contact information from all who participated). This included 70 people who had pre-ordered at the May First Friday. About 30 trees and shrubs were donated to the Oxford Area Recreational Authority (OARA). The EAC does have plans for the August and October First Fridays. David also reminded everyone about the fishing tournament being held at Glenroy Preserve on Saturday, June 29<sup>th</sup>. The EAC is also working on ideas to improve social media outreach and improve communication on the ORPC website and raise the visibility of volunteer opportunities. Lastly, Kathryn shared some boots on the ground activities including the native planting at the former People’s Bank of Oxford on Locust Street in partnership with OMI and Penn State Extension and repairs to the native plant beds on 3<sup>rd</sup> Street that were damaged during the fire mitigation.

**Riparian Rangers Training:** On June 1<sup>st</sup>, working with the Alliance for Chesapeake Bay and Master Watershed Stewards, there was a training session to enable volunteers to inspect and review tree plantings to ensure that they are being adequately maintained. The training session took place at 8<sup>th</sup> and Broad Streets (Chamberlain Nature Park) in the Borough where the first riparian buffer planting took place in 2018.

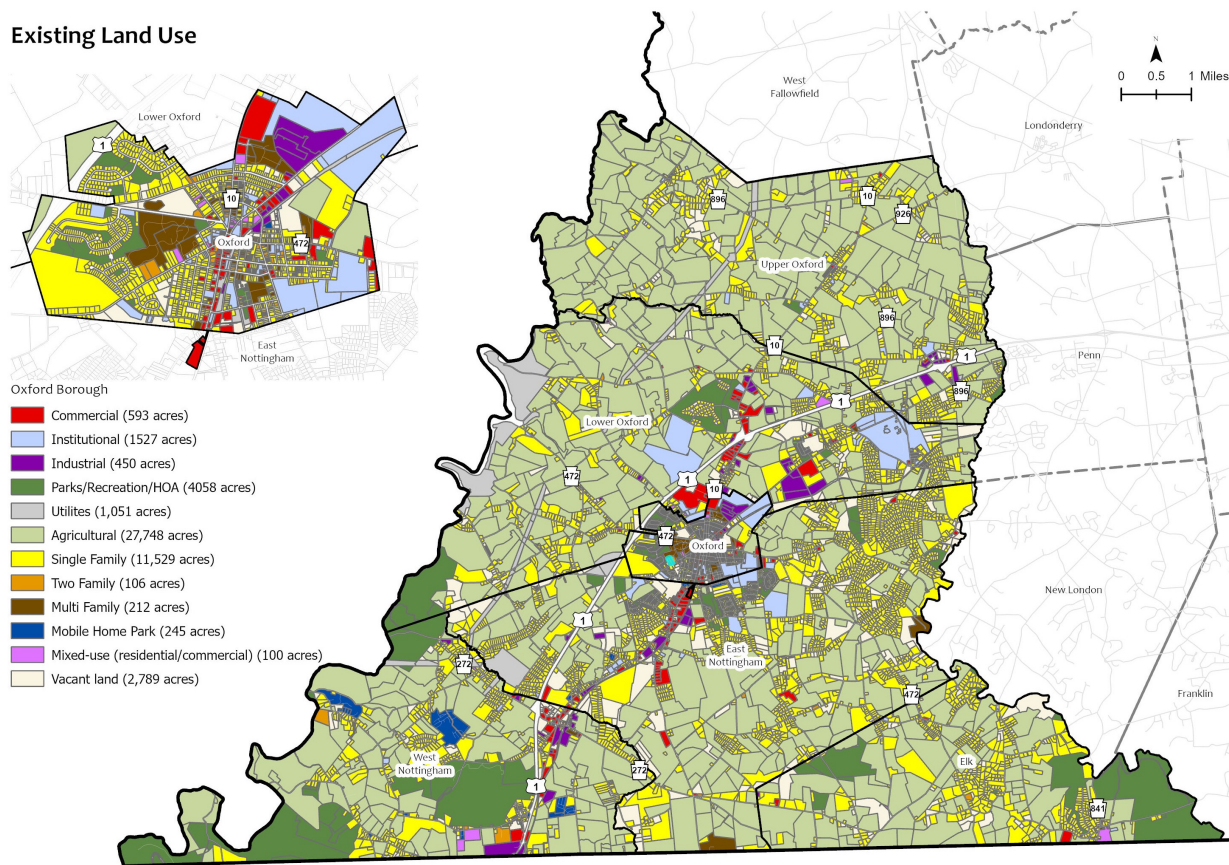
**Historic Preservation Sub-Committee** – Krys Sipple and Don Cairns presented at the CC 250<sup>th</sup> Committee Summit on June 7<sup>th</sup>. The very successful presentation was on behalf of the Oxford Region regarding our goal to represent the Agricultural Theme as part of the 250<sup>th</sup> celebration. They were the only presenter to receive a round of applause from the attendees. The summit was attended by many VIPs with the goal of raising awareness and money to fund 250<sup>th</sup> activities. The acquisition of OAHA headquarters on 5<sup>th</sup> Street in the Borough was the primary ask for Krys and Don. The H-Sub has been meeting to zero in on three interpretive sites that will tell the story of the evolution of agriculture in the Region: Glenroy Preserve, Old Stone Cider, and Lincoln Village. Representatives of the H-Sub will meet with Miller Design Works to visit the three sites and provide estimates for informative signage.

☐ **Multimunicipal Comprehensive Plan update** *Mark and Elise 1:49:13*

Mark presented the 2<sup>nd</sup> draft of the Existing Land Use map which has been revised based on feedback from the Region’s municipal planning commissions and ORPC members at the April ORPC in-person meeting. While this map is pretty close, Mark shared that an existing land use map is never 100% accurate and includes a +/- of up to a couple hundred acres.

Mark presented the maps, the land use category break-down (acreage, parcel count) and a draft description for each land use category. As a follow-up Mark will send out the Existing Land Use Handout. ← **Homework**. Mark asked the ORPC membership to look over the draft mapping and land use categories and let him know if anything needs to be revised. ← **ORPC Homework**.

**Existing Land Use**



Mark finished the Comp Plan discussion by presenting a revised project schedule. Mark shared that while there have been some delays, the project is still on track to be completed by the end of 2026. Mark will forward a copy of the revised project schedule. ← **Homework**

**Next ORPC Meeting:** July 24, 2024 via Zoom.