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BEFORE THE BOARD OF SUPERVISORS
OF THE TOWNSHIP OF WILLISTOWN
CHESTER COUNTY, PENNSYLVANIA

IN RE:

Public hearing held to consider passage of An Ordinance Amending Chapter 139 of the Code of Ordinances of Willistown Township, being the Zoning Ordinance, in order to create new definitions, amend existing sections for proper referencing, eliminate inaccurate sections, and create new standards under supplementary regulations concerning the keeping of animals.

Hearing was held at the Sugartown Elementary School, 611 School Lane, Malvern, Chester County, Pennsylvania, on December 11, 2017, beginning at 7:00 o'clock, p.m.

BEFORE: WILLIAM R. SHOEMAKER, Chairman
GEORGE J. MCHUGH, IV
ROBERT T. LANGE

ALSO PRESENT: DAVID R. BURMAN,
Township Manager
NEIL D. VAUGHN,
Township Zoning Officer

APPEARANCES:

MARK THOMPSON, Esquire
on behalf of the Board of Supervisors

ELEANOR J. SCHWANDT, RMR
COURT REPORTER

1 THE CHAIRMAN: Good evening.
2 I'm going to call the meeting of the
3 Willistown Township Board of Supervisors
4 for Monday, the 11th of December, 2017, to
5 order. We will start with the pledge to
6 the flag and a moment of silence for our
7 service personnel.

8 (Pledge of Allegiance takes
9 place.)

10 THE CHAIRMAN: Thank you all
11 for being here tonight. Sorry about the
12 lights. We don't know why they went out.
13 We are hoping they will come back on again.
14 Can you hear me in the back?

15 A VOICE: Barely.

16 THE CHAIRMAN: We will do the
17 microphone. Is that better?

18 A VOICE: Yes.

19 THE CHAIRMAN: I'll try not to
20 blow you out of here.

21 Good evening and thank you for
22 all being here. The purpose of this public
23 hearing is to review and consider potential
24 changes to the township's ordinances

1 concerning the keeping of animals. The
2 Board is here tonight to get your input on
3 some suggested changes and take your
4 comments back to the Planning Commission
5 for further review and work on the proposed
6 ordinance itself.

7 The Board will not be taking
8 any action tonight on the proposed
9 ordinance. We are here to gather your
10 input. To that end, we have a court
11 reporter here who will record everyone's
12 comments to avoid confusion and
13 misunderstanding. I am going to ask each
14 person wishing to have their comments
15 recorded to stand, come to the microphone,
16 identify themselves by name and address.

17 There are many people here
18 tonight, and we want to give everyone who
19 wishes to speak on the record the
20 opportunity to do so. However, in the
21 interests of keeping this meeting from
22 running until all hours, I will also ask
23 that everyone try to limit their comments
24 to three minutes each. And if you are

1 speaking to go on the record to agree with
2 comments made by another person earlier,
3 please try not to repeat too much of what
4 that earlier person has said.

5 A brief history of how we
6 arrived here tonight may be helpful to
7 those who have not been involved until
8 recently.

9 This all began in the summer of
10 2015 with an issue in a residential
11 neighborhood, and I emphasize residential
12 neighborhood, concerning chickens, donkeys,
13 manure storage and various related
14 buildings, chicken coops, etcetera. One
15 thing led to another, and the issue ended
16 up in front of the Zoning Hearing Board.

17 We are not here tonight to
18 rehash the particulars of that situation.
19 But the Zoning Hearing Board decision on
20 the matter had a number of important
21 comments about the township's ordinances
22 concerning the keeping of animals,
23 ordinances that remain in full force today.

24 The Zoning Hearing Board's

1 comments are as follows. And obviously, I
2 have extracted them from a 15-page
3 decision.

4 First, the fact that Willistown
5 lacks limitations on residential,
6 quote-unquote, farms does not mean that
7 limits are unnecessary. The Zoning Hearing
8 Board is concerned over the fact that
9 livestock and poultry are permitted without
10 limitation as to numbers. There appear to
11 be no requirements for screening for manure
12 management and no standards for animal
13 pens, sheds or barns. The township is not
14 checking on the welfare of animals and
15 enforcing appropriate living conditions, as
16 some of the current conditions are
17 appalling. Animal-related uses should not
18 be offensive and a nuisance to neighboring
19 property owners.

20 After the Zoning Hearing Board
21 decision, this Board and the Planning
22 Commission committed to working through the
23 issues raised by the Zoning Hearing Board
24 comments and having results to the public

1 within the calendar year of 2017.

2 There have been numerous public
3 open meetings where a great deal of work
4 was done, and this Board is pleased that we
5 have been able to live up to our commitment
6 to have this here for you tonight.

7 We are also very pleased to see
8 many of you here tonight who have been
9 unable to attend any of our earlier open
10 public meetings.

11 A couple of further comments.
12 Any changes that we end up enacting, and we
13 are not enacting anything tonight, any
14 changes must comply with all current state
15 and federal laws, including the
16 Pennsylvania Right to Farm Act and the
17 Agricultural Security Area regulations.

18 What this means is that under
19 the Pennsylvania Right to Farm Act many, if
20 not most, of these proposed changes will
21 not generally apply to any agriculture
22 activity on parcels of ten contiguous acres
23 or more, or on parcels of less than ten
24 contiguous acres where expected

1 agricultural revenue is \$10,000 a year or
2 more. That is, generally speaking, where
3 agriculture was conducted as a principal
4 use.

5 I will also say that a great
6 deal of information has been circulated by
7 various parties interested in these issues.
8 Some of this information has been
9 incomplete or lifted out of context. I
10 encourage everyone to listen careful to Mr.
11 Gaadt's presentation which should clear up
12 many of these questions.

13 I will note, however, in
14 particular that on lots where agriculture
15 is not a principal use, these proposed
16 changes would specifically prohibit the
17 keeping of crowing roosters or guineafowl
18 or peacocks, all of which can be very noisy
19 and intrusive.

20 I will now introduce John
21 Gaadt, the township's planning consultant,
22 who will review the process that we have
23 gone through so far and the draft ordinance
24 that we are looking at tonight.

1 MR. GAADT: Good evening.
2 Sometimes I think I prefer to yell than
3 talk into one of these things. Anyway, my
4 name is John Gaadt. As Mr. Shoemaker
5 mentioned, I am the township's planning
6 consultant. I have been working with the
7 township for over 30 years.

8 As Mr. Shoemaker stated, the
9 Board and the Planning Commission committed
10 to working through the issues raised by the
11 Zoning Hearing Board. Numerous public
12 meetings were held in this regards, and the
13 Planning Commission ended up looking at
14 ordinances throughout the state and
15 throughout the United States, the nation,
16 and consulted with veterinarian on the
17 standards that were ultimately developed.

18 The Planning Commission
19 recognized that it needed to several
20 things. First, understand that farming and
21 agriculture are important to Willistown and
22 its citizens, and, secondly, that it needed
23 to provide for the keeping of animals on
24 smaller properties that are not farms. In

1 essence, responding to the interests of
2 township residents to do so.

3 What I would like to do tonight
4 is walk you through the ordinances that are
5 being considered, and I think after that we
6 will probably open the meeting up to public
7 comment.

8 I ask the township if we could
9 put the ordinances up on the screen here so
10 that if you have a comment or a question,
11 we can pull it up. But also as I'm walking
12 through it you can be looking at the screen
13 to show you what it is I'm talking about.

14 And I'm not going to take a lot
15 of time here, because I think a lot of you
16 have read this. What I really want to do
17 is just go over what the ordinances say in
18 brief.

19 So we are going to start with
20 the main ordinance that deals with the
21 keeping of animals. And it is broken down
22 into different sections. Section 1 are
23 basically definitions. If you create an
24 ordinance and you use specific terms in

1 that ordinance, it is incumbent upon the
2 township to define them. We wanted to be
3 as clear as we could in the ordinance, but
4 we didn't want to be redundant in terms of
5 the terms that already exist in the Zoning
6 Code.

7 So what we did was we put
8 together a series of recommended
9 definitions for the ordinance. That is
10 Section 1.

11 Sections 2 through 5 are
12 intended to do several things. One, to
13 consolidate and clarify where the standards
14 are. Two, to make the standards easier to
15 understand. And three, to eliminate
16 confusion.

17 What is in the township code
18 today are a series of standards that are
19 spread around in different places. And if
20 you are interested in keeping animals on
21 your property, you don't really know what
22 you are required to do or not required to
23 do. What we wanted to do was consolidate
24 those standards so that if you were

1 thinking about this or you have animals,
2 you could look in one place and find out
3 what you needed to do.

4 So let me just go through those
5 sections. Section 2, again, deals with
6 consolidating everything with animals. So
7 139-12.D in the code talked about farm
8 uses, and it talked about the keeping of
9 livestock, poultry and horses. And the
10 section that was basically taken away, and
11 I think that's up there, the items that are
12 crossed through were replaced with
13 something called the keeping of livestock,
14 poultry and horses shall be subject to
15 139-97.1, Keeping of Animals. So, again,
16 the idea was to consolidate any standards
17 within one area.

18 Section 3, again, is the same
19 type of thing. It actually refers you
20 again under the use regulations of 139-17,
21 it refers you to the Keeping of Animals,
22 again, which is 139-97.1.

23 Section 4, these eliminate
24 references to a chapter that has been

1 replaced. So this is not something
2 necessarily dealing with the keeping of
3 animals, but it is a cleanup of the code.
4 The township had old cluster development
5 standards under 139-102, and those
6 standards have been replaced, so we need to
7 eliminate those standards. That's
8 basically just a housekeeping item.

9 Section 5, that's the next
10 section in the ordinance, it eliminates
11 standards that are consolidated in a new
12 chapter. So, again, what we did here, the
13 old Section 139-97 dealt with prohibited
14 uses, and what we did was to delete all of
15 those uses, and we are incorporating all of
16 that into the new section which is
17 139-97.1.

18 Section 6, that's the real meat
19 of the ordinance in terms of the keeping of
20 animals, and there are essentially two
21 sections of that Section 6. 139-97.1,
22 Keeping of Animals, subsection A, that's in
23 conjunction with a Farm Use Or Agriculture
24 permitted as a principal use.

1 So, in essence, on a farm,
2 farming is considered a principal use. So
3 if you have a farm, and you are running an
4 agricultural operation, and you live on
5 that farm, that's considered a principal
6 use. That's farming, or agriculture. And
7 subsection A deals with anyone who farms
8 their property.

9 What I want to do is emphasize
10 again that a normal agricultural operation,
11 as defined under the Pennsylvania Right to
12 Farm Act, essentially just needs to abide
13 by state law. Now, there are certain state
14 laws that every farmer needs to abide by,
15 and the Right to Farm Act essentially
16 provides for farm uses without municipal or
17 any other activities impinging on those
18 rights.

19 In addition to that, though,
20 farmers also have to abide by other state
21 laws. The Clean Streams Law and other
22 types of laws apply to farmers as well,
23 depending on the type of farm they have.

24 So in this regard we set down a

1 series of standards, generally in keeping,
2 basically things like some setbacks and
3 things like that. One of the things we did
4 as part of the development of this
5 ordinance is send it to the Chester County
6 Planning Commission and the Chester County
7 Conservation District for their reaction to
8 this, and one of the things the
9 Conservation District came back to us with
10 were some suggestions in terms of changing
11 some of these subsections here to more
12 adequately reflect the Right to Farm law.

13 So in this regard we have made
14 some changes, which we can talk about
15 tonight if anyone is interested, but
16 basically we took out things like some of
17 the acreage requirements and some of the
18 setbacks, simply to reflect what the Right
19 to Farm Act says.

20 As Mr. Shoemaker stated, we
21 must comply with state and federal laws,
22 including that act and the Clean Streams
23 Law. So when the Conservation District
24 came back and said, you really need to

1 think about this, we listened to them.

2 So that's where we are tonight,
3 and we can talk about this more in a
4 minute. Let me just finish going through
5 everything.

6 So under the agricultural or
7 farm provisions here, we talk about the
8 keeping of livestock, poultry, horses and
9 other animals as part of a farm or
10 agricultural operation, and we just
11 basically say that they should be kept at a
12 number consistent with the humane treatment
13 of every animal, and that's as far as we
14 went.

15 So the second part of that
16 dealing with the 20-acre gross lot area was
17 deleted. I don't think any farmer would
18 object to that. Every farmer wants to have
19 their animals taken care of properly.

20 Subsection 2 deals with the
21 operations of a feed lot or a pig farm for
22 swine. We took out the acreage
23 requirements there, and basically we are
24 saying that we would like the humane

1 treatment of those animals as well.

2 Subsection 3 deals with the
3 idea that farmers want to limit the
4 excessive noise, unhealthy or unsanitary
5 conditions, pollution of ground or surface
6 water, those kind of things are required
7 under state law, so we are just emphasizing
8 the fact here that those are things that
9 need to be done.

10 Subsection 4 deals with
11 permanent shelter and the desire of the
12 township to have permanent shelter for the
13 health and welfare of animals. And that's
14 really all subsection 4 talks about.

15 Subsection 5 deals with the
16 need to have some fencing or otherwise
17 enclosed outside areas, with the capability
18 of containing animals, which is of
19 sufficient size and properly located for
20 good sanitation purposes.

21 Subsection 6 deals with manure
22 storage. This is another comment we
23 received from the Chester County
24 Conservation District that we needed to

1 make proper referencing. We referenced the
2 Clean Stream Laws, but we need to make sure
3 we have the adequate reference for that.
4 The Conservation District also recommended
5 we reference another subsection of the
6 Clean Streams Law and other laws of the
7 State of Pennsylvania that refer to
8 agricultural operations. So we plan to do
9 that.

10 So if you are a farmer, that's
11 all we are talking about with regards to
12 farming. And I think, in fact, what we are
13 really doing is just acknowledging that
14 farming exists in the township, that we
15 support farming in the township, and we
16 just want you to recognize and we want the
17 citizens of the township to understand that
18 there are federal and state laws that need
19 to be adhered to, and that's simply all
20 that we are saying here.

21 Okay. Subsection B, this is
22 the keeping of animals as an accessory use
23 in the RU, RA and RA-1 residential
24 districts, excluding multi-family housing.

1 Now, this is really I think in
2 large part what the Township Board of
3 Supervisors and Planning Commission felt
4 they needed to respond to when they
5 received the Zoning Hearing Board comments.

6 What we did here was to break
7 out conditions under which farm animals,
8 livestock, and horses, and poultry, could
9 be kept on lots that are not farms, on
10 smaller lots of between one and four acres.

11 So if you are a residential
12 property owner and you want to have
13 livestock or horses, or you want to have
14 poultry on your property, and you have
15 between an acre and four acres of land,
16 that's what these standards are supposed to
17 apply to.

18 Okay. So let's go through that
19 quickly then. Subsection B, again, keeping
20 with animals as an accessory use in the RU,
21 RA and RA-1 residential districts,
22 subsection 1 deals with livestock and
23 horses. This is intended to provide for
24 the keeping of livestock and horses on lots

1 of four acres or more that are not farms,
2 to safeguard the animals and reduce the
3 possibility of nuisances to neighbors. The
4 township has a balancing act here. It has
5 to allow for these types of uses, but it
6 also has to respect the needs of the
7 community and the neighbors of the people
8 that are keeping the animals, and that's
9 the intent. They have to balance the needs
10 of the property owner and the needs of the
11 rest of the township residents, especially
12 those residents that immediately abut the
13 owner of the property keeping the animals.

14 So what we did here was under
15 livestock and horses, again, you have to
16 have a minimum lot area of four acres for
17 the keeping of livestock and horses, and
18 then we have a distinction there in terms
19 of how many animals you can have.

20 Such lots shall contain a
21 minimum of one acre of land, exclusive of
22 buildings, and impervious surfaces, for
23 each horse or cow that are housed or
24 pastured on the lot.

1 And then we go on to say: Such
2 lots shall contain a minimum of one acre of
3 land per two animals, exclusive of
4 buildings and impervious surfaces, for
5 sheep, goats and swine, or other small
6 livestock animals. So we tried to make the
7 distinction between large and small
8 livestock animals. That's the first
9 subsection.

10 The second subsection deals
11 with the desire of the township not to have
12 any animals kept in any structure,
13 enclosure or elsewhere on property which
14 could result in unhealthy or unsanitary
15 conditions for the humans or the animals or
16 pollution of groundwater or stormwater
17 runoff to neighboring properties.

18 So, again, what we are trying
19 to do here is respect the property owner
20 but also the needs of those adjacent
21 property owners.

22 The next subsection talks about
23 the fact that animals need to have access
24 to facilities for shelter, water and food.

1 The next subsection deals with
2 any building used for the keeping of
3 animals shall be constructed and located a
4 minimum of 100 feet from any street line
5 and 50 feet from any side or rear lot line.
6 Again, this setback is really intended to
7 provide for the needs of the adjacent
8 property owners. The adjacent property
9 owners may not want that livestock or that
10 horse right up against their property line.
11 And if you are going to house the animals
12 in a structure, you want that structure set
13 back.

14 The next section deals with the
15 desire or the requirement for fencing which
16 needs to be provided and is capable of
17 containing the animals and is of sufficient
18 size and properly located for good sanitary
19 practices. It talks about the materials
20 for the fencing need to be of sufficient
21 sturdiness, properly designed and installed
22 to prevent the animals from straying off
23 the property.

24 And then finally under the

1 horses and livestock we talk about manure
2 storage and management, and that we need to
3 have management and/or composting no less
4 than 50 feet from any lot line or flood
5 hazard district boundary, no less than 100
6 feet from any stream, wetland or other body
7 of water, unless otherwise regulated.

8 We talk about no manure being
9 stored within a riparian buffer area, nor
10 located so as to drain onto adjacent land.

11 Again, this is really the
12 township's obligation under state law to
13 say to a land owner on a small lot, you
14 can't pollute our waterways and you need to
15 properly manage manure. That is the whole
16 subsection there.

17 The second subsection deals
18 with poultry. These standards are intended
19 to allow poultry keeping on lots of one
20 acre or more in a manner intended to
21 safeguard the animals and reduce the
22 possibility of nuisances to neighbors.

23 So, again, that balancing act.
24 The township wants to permit this, but it

1 also recognizes that neighbors may not
2 always feel so happy about having poultry
3 right next to their residential lot. So
4 the standards are as follows:

5 Subsection (a), as Mr.
6 Shoemaker mentioned, the keeping of
7 guineafowl or peacocks will not be
8 permitted within those residential
9 districts, the RU, RA and RA-1.

10 The keeping of roosters of a
11 crowing species is prohibited.

12 You need to have a minimum lot
13 of one acre for the keeping of poultry.

14 Next subsection deals with the
15 number of poultry per lot, and here is
16 where we get into the idea that on a
17 residential lot, depending on the acreage,
18 you could have so many chickens. Three
19 poultry other than turkeys shall be
20 permitted for the first one acre. One
21 additional poultry other than turkeys shall
22 be permitted for each additional quarter
23 acre, up to a maximum of 20 poultry per
24 lot.

1 So you need to have the land in
2 order to get 20 poultry. You are not going
3 to get 20 poultry if you have a one-acre
4 lot, believe me. It is very specific in
5 terms of how many poultry you can have.

6 And for turkeys, since they are
7 larger birds, we have a slightly more
8 strict standard. Two turkeys, rather than
9 three poultry, two turkeys shall be
10 permitted for the first one acre, and an
11 additional one shall be permitted for each
12 additional half acre, not quarter acre.
13 Larger bird, half acre. Up to a maximum of
14 20 turkeys per lot.

15 So here we are, again, we are
16 talking about a number conditioned on the
17 amount of land you own. If you have a
18 small lot you are not going to get 20
19 turkeys or 20 fowl. You have to understand
20 that and read the ordinance carefully.

21 The next section deals with
22 setbacks, and there are some setbacks with
23 regards to poultry on residential lots.
24 Poultry runs, pens, henhouses and coops

1 have to be set back from all adjacent
2 residences, that's your neighbors, that are
3 not occupied by the applicant, by not less
4 than 75 feet and not less than 50 feet from
5 any lot line.

6 The henhouses and coops have to
7 be set back not less than 20 feet from the
8 applicant's residence, so the actual owner
9 still has to have the 20-foot setback. All
10 structures relating to poultry shall be
11 located to the rear of the residence, so
12 not in your front yard. You can't keep
13 fowl or turkeys in your front yard.

14 And no facility for storing
15 manure or feed shall be located within a
16 hundred feet of any adjacent residence not
17 occupied by the applicant, and not less
18 than 50 feet from any lot line.

19 So, again, it is a balancing
20 act for the township. The setbacks are
21 intended to protect both the neighbors of
22 the poultry owner and the poultry owner
23 themselves.

24 The next section deals with

1 structures, poultry pens, runs and coops.
2 What the ordinance requires is that poultry
3 shall be penned at all times, so that means
4 they have to be in an enclosed structure.
5 That can be a fenced structure, and within
6 that structure they can roam freely.

7 We've all heard about
8 free-roaming chickens and how good they
9 are. What the township didn't want to do
10 is say you cannot have your chickens run
11 free. But what it did want to say is you
12 can't let your chickens run free anywhere
13 they want. They have to be fenced in. And
14 owners have to take adequate precaution to
15 insure the animals' safety.

16 The next series of sections
17 deal with those structures. What we wanted
18 to do is make sure that any structures
19 people had on their properties were
20 predator-resistant, that they used proper
21 construction materials, that there be
22 precautions taken for animals that could
23 possibly burrow underneath a fence and get
24 at the chickens.

1 We wanted to have henhouses and
2 poultry coops elevated for the same reason,
3 protection of the poultry themselves.

4 We talk about external
5 illumination, and we wanted to minimize
6 that. We understand that there may be
7 instances in the evening where somebody
8 needs to run out to check on their chickens
9 under an emergency situation. But we
10 wanted to be clear that we didn't want
11 illumination at night, and so we actually
12 put something in about lighting can be used
13 for monitoring or emergency purposes for
14 short duration only and turned off no later
15 than 11:00 p.m.

16 Okay. The minimum area per
17 poultry in hen house or coop, so in the hen
18 house itself, we believe that there should
19 be a minimum amount of square footage per
20 bird. That's for the safety of the birds
21 themselves. So we put in a standard that
22 is recognized throughout the State of
23 Pennsylvania.

24 The minimum area per poultry

1 run or pen, and we talk about having a
2 certain amount of open run area per bird so
3 that the birds are actually kept in a
4 healthy and safe environment.

5 And, you know, we ask that
6 adequate feed and water be continuously
7 provided, and, finally, we say that the
8 ducks, where you have ducks and geese they
9 need to have adequate water for bathing
10 purposes. Ducks and geese need to bathe.

11 The next section deals with the
12 conduct of the owner. So if you want to
13 own fowl on your property, this is conduct,
14 this is requirements for you as the owner.
15 First, the township is going to require a
16 permit.

17 What has happened in the past
18 is a lot of people have kept animals
19 without acknowledging the needs of their
20 neighbors, and the township decided it
21 needed to monitor that.

22 There are some very basic odor
23 and noise standards. You know, please
24 understand your neighbors may not like the

1 smell of your chickens or your horses. Try
2 to be as courteous as you can, and take
3 care of those animals and clean up after
4 them.

5 Waste and manure storage,
6 again, the township is requiring a written
7 waste storage and removal plan be submitted
8 to the township for review. Any stored
9 manure shall be placed within a fully
10 enclosed container. No more than three
11 cubic feet of manure shall be stored.

12 And basically, we are talking
13 about the proper way to take care of your
14 animals on a residential lot so that you
15 don't jeopardize the animals themselves and
16 the needs of your neighbors.

17 We talk about the mortality and
18 the slaughtering of animals. When animals
19 die the township believes they should be
20 promptly disposed of. With regards to
21 slaughtering of poultry, they should be
22 conducted in a fully enclosed structure, or
23 when done outside, slaughtering shall not
24 be visible from any property line. Not

1 everyone likes to see the slaughtering of
2 animals.

3 As part of the application
4 process the applicant is asked to describe
5 how the poultry will be cared for and
6 elaborate on the following: How the
7 facility will be maintained on a routine
8 basis, how often the eggs will be
9 collected, you know, basic things about the
10 care and feeding of the animals.

11 There is the potential for
12 township inspections on residential lots.
13 The township is basically saying that it
14 may periodically inspect, it doesn't have
15 to, but with reasonable notice it can.

16 Additional reasonable
17 conditions may be attached to any permit,
18 and at no time may the keeping of poultry
19 be allowed to be a nuisance.

20 The final section of the
21 ordinance deals with nonconformities.
22 There are three. Any nonconformity which
23 results in pollution of groundwater or
24 surface water shall be eliminated.

1 The second item deals with any
2 existing building which is used for the
3 keeping of animals and which does not
4 conform to setbacks or other standards may
5 continue to be used but may not be
6 expanded.

7 And finally, owners of animals
8 not meeting the standards set forth in this
9 chapter at the time of its adoption may
10 continue to operate an existing site, but
11 animals may not be replaced. There was
12 some concern about that one. And we heard
13 some questions about that.

14 This does not apply to farms.
15 If you are a farmer, if you have an
16 agricultural operation, we are not talking
17 about farms. We are talking about
18 primarily residential settings, where you
19 have animals, you are not consistent with
20 the township code and you are not doing
21 anything to mediate those inconsistencies.

22 And basically what this does is
23 sunset your operation. The township's
24 perspective is if you can't abide by the

1 simple requirements of this ordinance and
2 by state law, then you don't deserve to
3 have those animals. So that's basically
4 where that was coming from. Whether we
5 need it, you know, that's why it is there,
6 anyway.

7 Okay. So that is the first
8 ordinance. And we have two, actually.

9 MR. BURMAN: We are not going
10 to --

11 MR. GAADT: Okay, I'm sorry,
12 going to table the other one.

13 THE CHAIRMAN: We are going to
14 table the other one.

15 MR. GAADT: We are not going to
16 talk about the other ordinance.

17 THE CHAIRMAN: We are going to
18 stick with this.

19 MR. GAADT: So thank you for
20 your patience, and I'll turn the microphone
21 back over to Mr. Shoemaker.

22 THE CHAIRMAN: Thank you very
23 much, John.

24 Now what we would like to do is

1 to open this up for comments and questions.
2 As I said earlier, we are going to try to
3 keep a little bit of control on the time,
4 because this is I think the largest
5 interest group we've had ever, including
6 sewer rates, which is remarkable.

7 The only way this is going to
8 work is if people are going to come up and
9 use the microphone. As I said, if you
10 would please give your name and address.
11 We are going to have, Mr. Burman is going
12 to have a timer running for three minutes,
13 so we will give you a wave at two, because
14 otherwise we will be here until midnight
15 and I don't think anybody wants to maintain
16 their interest for that long.

17 But I'm going to put the
18 microphone up front here. And if people
19 would raise their hands and come forward
20 that would be great.

21 MS. BATCHELOR: Don't be shy.

22 THE CHAIRMAN: I'm trying to
23 get the microphone.

24 MS. BATCHELOR: Great. My name

1 is Christine Batchelor. I live at 32
2 Laurel Circle.

3 It has taken 14 months since
4 the Planning Commission first took this up,
5 so I'm really glad that we are here, and
6 I'm glad you are open to hearing public
7 comment.

8 You said you were not going to
9 vote on this ordinance tonight. When do
10 you plan to vote on it?

11 THE CHAIRMAN: The nature of
12 this meeting, as I said earlier, was to
13 gather commentary, and once we have all
14 that commentary in there, we have got to
15 revisit the ordinance to try to work that
16 in.

17 Now, we said we would get this
18 at least to this position in 2017. And,
19 again, it is a whole series of scheduled
20 public meetings. I don't know how much
21 commentary is going to come out of this
22 tonight, so I can't give you a date certain
23 as to when we will be voting on it, and I'm
24 not sure you would want us to decide on

1 something that might not give us proper
2 time for the work. Certainly next year.

3 MS. BATCHELOR: I would like to
4 talk about pig farms. As you are aware
5 piggeries were banned in 2002. Why have
6 you chosen to allow pig farming in the
7 township?

8 THE CHAIRMAN: As I recall, it
9 is one of the items that is protected under
10 the Right to Farm laws. But, again, it is
11 something we can talk about.

12 MS. BATCHELOR: Considering
13 that it will be on four-acre properties, do
14 you know how many properties that might
15 affect in the township?

16 THE CHAIRMAN: As to how many
17 four-acre properties there are in the
18 township?

19 MS. BATCHELOR: Yes.

20 THE CHAIRMAN: I don't know
21 that number off the top of my head.

22 MS. BATCHELOR: There are 407.
23 There is 26 properties over 50 acres.
24 There is more than a thousand properties

1 abutting, neighboring those properties that
2 could have pigs within 50 feet of the
3 property line.

4 What effect do you think that
5 might have on the value, the property
6 values of those neighboring residential
7 properties?

8 A VOICE: Oh, come on.

9 A VOICE: Really?

10 THE CHAIRMAN: Folks, ladies
11 and gentlemen, we are going to try to keep
12 this one person talking at a time, because
13 otherwise this will break down and we will
14 not get anywhere.

15 No, I'm speaking to the
16 audience, not to you, ma'am. I don't have
17 any idea about that. And, again, that is
18 something that has to be looked at as time
19 goes by. But you can look at any piece of
20 any ordinance and say that it has a
21 positive or negative effect on property
22 values.

23 MS. BATCHELOR: I'm sure that
24 that's true.

1 I would like to ask you to
2 consider carefully allowing piggeries
3 anywhere in the township. There was a
4 reason that they were banned in 2002. I
5 don't know why you have decided to allow
6 them to be in the township now. I would
7 like you to reconsider that.

8 THE CHAIRMAN: I personally am
9 not in favor of piggeries.

10 MS. BATCHELOR: So you have
11 specifically prohibited roosters of a
12 crowing species. Why not just prohibit
13 roosters all together?

14 THE CHAIRMAN: Because if
15 someone is involved in the agricultural
16 activity of breeding chickens, then
17 roosters are necessary to that process.
18 But there are some species of roosters that
19 don't crow.

20 MS. BATCHELOR: Well, actually,
21 roosters are not necessary to that project
22 because fertilized eggs or chicks can be
23 purchased.

24 A VOICE: That's not

1 agriculture.

2 THE CHAIRMAN: Thank you for
3 your comment.

4 MS. BATCHELOR: So can you
5 please provide a list of species of
6 roosters that are non-crowing?

7 THE CHAIRMAN: I can't tell you
8 that off the top of my head.

9 MS. BATCHELOR: Do you think
10 you might be able to provide that through
11 the website? Or I can give you my e-mail
12 address if you would like.

13 THE CHAIRMAN: I'm not sure
14 that we can do that research off the top of
15 our heads. But your time is up. But thank
16 you.

17 MS. BATCHELOR: I have two more
18 questions.

19 MR. MCHUGH: I'm sorry.

20 THE CHAIRMAN: I'm sorry, your
21 time is up. Thank you.

22 MS. BATCHELOR: Okay.

23 MR. MCHUGH: Do you want me to
24 bring the thing over.

1 DR. GLUNK: The only things I
2 wanted to comment on --

3 THE COURT REPORTER: Excuse me.
4 Your name?

5 DR. GLUNK: Oh, Richard P.
6 Glunk, M.D.

7 A VOICE: Address?

8 DR. GLUNK: 209 Spring Road,
9 Malvern.

10 I've already discussed this,
11 but I wanted to put it on the record. In
12 Section 6.A(6) it cites Section 5(c)(1) and
13 Section 402 of the Pennsylvania Clean
14 Streams Law. I just wanted to put it on
15 the record that this particular Clean
16 Streams Law has to do with sewage treatment
17 plants and fracking water.

18 I gave -- I'm sorry, I forget
19 your name.

20 MR. GAADT: John Gaadt.

21 DR. GLUNK: John. I gave John
22 the correct legislation that controls
23 agricultural operations. It is 25 PA Code
24 91.36. So I just wanted to make sure that

1 we got the correct legislation in the act.

2 THE CHAIRMAN: Thank you.

3 DR. GLUNK: Oh, the other thing
4 I wanted to comment on is I know we keep
5 saying that farmers are excluded, but about
6 four years ago Willistown zoning office
7 sent out a letter saying that my farm was a
8 residence that was not allowed to have
9 horses. So I just wanted to make it very
10 clear in the law -- because I don't want to
11 have to deal with lawyers again. I
12 actually was sued over this. I would make
13 it very clear that even if, for example,
14 the person that sued me pointed out that
15 the federal government considers my house a
16 residence with a horse farm as an accessory
17 use, the state considers it an agricultural
18 safety area, Willistown has it zoned as a
19 residential area.

20 So there is a bunch of
21 conflicting things. I just don't want to
22 run into having legislation, so I want
23 specific language in there that says that
24 regardless of which branch of government

1 classifies me differently, that the
2 agricultural safety area is excluded from
3 this law.

4 THE CHAIRMAN: Yes. Yeah, I
5 mentioned the agricultural security areas
6 earlier. Yes. Thank you.

7 DR. GLUNK: I don't want to
8 deal with lawyers again.

9 THE CHAIRMAN: None of us want
10 to deal with lawyers.

11 MR. MCHUGH: No offense.

12 THE CHAIRMAN: No offense to
13 any lawyers in the room.

14 Please.

15 MS. GRAHAM: Hello. Christina
16 Graham. I live at Oak Spring Farm, 852
17 Providence Road. I grew up riding in this
18 community on Boot Road, at Fox Run Farm
19 which no longer exists.

20 I lived down in Penn Valley at
21 the time I learned to ride there and was on
22 a two-acre property down in a residential
23 area. My father and I built our barn, my
24 pasture together and barn, and it made me

1 who I am today, being out every day in the
2 horse barn, every morning breaking ice,
3 taking care of the horses on my property.

4 We have moved out to Willistown
5 since that time to be a part of a farming
6 and agricultural community. If you look at
7 the books around this room, it is
8 hard-pressed to find one that doesn't have
9 an animal on the cover.

10 This is something that is
11 cherished, that we are losing in this
12 country, these special places where people
13 can have animals, grow up, surrounded by
14 them. Our farm today would I believe be
15 classified as a farm, but I'm not sure of
16 that because our agriculture is dowel, or
17 however you want to call it.

18 But certainly many of our
19 buildings are nonconforming. We have
20 chickens and horses. And we hope to have
21 other types of animals. And I just hope
22 that this community finds ways of
23 supporting that and pulling the residential
24 properties into the community that we all

1 love and cherish, not isolating them and
2 somehow making them feel like they are not
3 able to encourage this for their families.
4 Thank you.

5 MS. SCHLESINGER: I'm Barbara
6 Schlesinger, 9 Rabbit Run Road, Malvern.

7 THE CHAIRMAN: Speak into the
8 microphone.

9 MS. SCHLESINGER: I'm sorry. I
10 have had chickens for 11 years. And I have
11 a brief thing to read. It will be faster
12 if I read it. One thing got thrown at the
13 end. I'll put it first.

14 We couldn't possibly adhere to
15 your design features for chickens because
16 we have bedrock, rock outcroppings and
17 established trees. We would have to
18 dynamite or jackhammer or cut down large
19 trees. We use electric poultry fencing,
20 which is great for foxes, raccoons,
21 anything there is that might burrow or
22 whatever.

23 It can go up and over and
24 around. And I think you should just let

1 people figure out how to handle their
2 situations.

3 So here is my letter. My
4 comments deal particularly with regulations
5 that would affect rural zoning. Here are
6 some points I would like to make after
7 perusing the proposed amendment.

8 1. It seems to me that there
9 should be greater distinction between
10 regulations for a rural district, RU, and
11 the residential districts, RA, RA-1, which
12 are more populated and generally smaller
13 lots. People in a rural area usually enjoy
14 the sounds of wildlife, even the screech of
15 foxes, and perhaps the sound of a rooster
16 is also appropriate in that setting,
17 question mark.

18 I'm sensitive to noises. I
19 routinely give away roosters that come
20 classified as a little female but turn out
21 to be a rooster. As soon as they start
22 crowing I find them a great home, because
23 I've always been sensitive to whether a
24 neighbor might hear it. But I now have a

1 very gentle crowing rooster. I polled any
2 of the neighbors who are in range and they
3 say we love the sound, it is great, that's
4 why we moved here.

5 A neighbor moved in, next door
6 neighbor moved in. I don't even -- I took
7 a flower to welcome them, and I said, by
8 the way, I have a crowing rooster, and if
9 you don't like it, let me know. And I
10 don't even know the people. But that's --
11 anyway, so I'm not saying they have to be,
12 but at any rate.

13 Whereas, a crowing rooster in a
14 close neighborhood is another matter.
15 Please consider regulations that are more
16 attuned to a rural lifestyle. I think they
17 can be separated a bit.

18 2. The regulations for
19 Livestock and Horses are contained in 22
20 lines of text, whereas those for Poultry go
21 on for three full pages. Why is there such
22 a draconian introspection towards backyard
23 chickens? Everything for horses, cattle,
24 swine, goats, llamas, mules, donkeys --

1 THE COURT REPORTER: Excuse me,
2 ma'am, could I ask you to repeat that for
3 me?

4 MS. SCHLESINGER: I'll give you
5 a copy. Do you still want it repeated?

6 (Discussion off the record.)

7 THE CHAIRMAN: I think we are
8 at time.

9 MS. SCHLESINGER: Please, I'll
10 do really fast.

11 THE CHAIRMAN: If you have a
12 printed text --

13 MS. SCHLESINGER: I do.

14 THE CHAIRMAN: -- if you could
15 give that to the reporter, that will be
16 great.

17 MS. SCHLESINGER: The poultry
18 things are way out of line, and I, for one,
19 will sell up and move before you ever come
20 to inspect on my property.

21 THE CHAIRMAN: Mr. Lindvig, you
22 were next. Thank you. I beg your pardon,
23 Doctor.

24 DR. LINDVIG: Whatever. Kirk

1 Lindvig, 330 Boot Road, 35-year resident of
2 Willistown. We moved here because of the--

3 A VOICE: We can't hear you.

4 DR. LINDVIG: We moved here
5 because of the rural character of the
6 township. And I object to the fact that
7 this proposal is compromising the rural
8 character of the township in deference to
9 the people who moved to the township but
10 object to the rural character. That makes
11 no sense to me.

12 I think a lot of -- I
13 unequivocally and completely object to the
14 proposed ordinances in every respect. I
15 think preservation of water quality, animal
16 welfare are already addressed by existing
17 laws.

18 I noticed that you talk about
19 four acres of parcels, but when you
20 subtract improvements on a four-acre
21 parcel, it doesn't meet the requirements,
22 so even though it might look like it was
23 four acres and you think you are in
24 compliance, you are not.

1 We have a lot of existing
2 structures. There are often historic barns
3 and other buildings that are adjacent to
4 property lines and roadways, and they're
5 useful now according to this permit, but if
6 the property is sold or the animals die and
7 they want to be replaced, they couldn't be.

8 And frankly, the sounds of
9 peafowl, turkeys, crowing roosters, all
10 part of our community. I look forward to
11 it. I have enjoyed it.

12 I've had steers wander on my
13 property from next door, I've had horses,
14 I've had chickens come over, we've had our
15 own chickens.

16 This is an unnecessary
17 intrusion into our private property rights
18 here and the rural character of the
19 township we all love.

20 MS. DAVIS: Hi. I'm Mary Hunt
21 Davis. I live at 728 Providence Road,
22 Malvern.

23 I got a call today from a
24 friend of mine who has been looking in real

1 estate out here, and she somehow got ahold
2 of this business with the ordinances, and
3 she said, "Why would I want to move out
4 here? You are creating suburbia."

5 And that's what I ask you. Why
6 do we even have this ordinance? We are not
7 suburbia. We don't want to become
8 suburbia. That's the uniqueness of our
9 township. We want to maintain it the way
10 it is. You two are exempt from all of this
11 because you have 50 acres or whatever you
12 need to have. The rest of us that are on
13 the four-acre parcels should have the
14 freedom to do what you are able to do. And
15 I just don't understand this ordinance at
16 all.

17 I have a son that works on
18 Capitol Hill, and he works on the rules
19 committee, and he deals with laws every
20 single day. And his comment to me is:
21 Every time you legislate you lose freedoms.
22 And that's what is happening in this
23 township. We are losing the freedom to
24 have our animals the way we want to have

1 our animals. Thank you.

2 THE CHAIRMAN: If I may, if I
3 could repeat what we said earlier, this is
4 a proposal. We are not trying to sell this
5 to you. This is just the result of a work
6 project based on a group of people who
7 object strenuously, particularly to
8 poultry, and when you open that can of
9 worms a lot of stuff gets pulled out.

10 But we are not trying to sell
11 this to you tonight. We want to hear what
12 you have to say. As Mr. Gaadt said, this
13 is the result of pulling together a lot of
14 things, and so many times when you start to
15 pull on a thread you get a lot more than
16 you really anticipate. But we have no
17 interest, this Board has no interest
18 whatsoever in changing the character of
19 Willistown Township in terms of the horses
20 and animals that everybody here treasures
21 as part of what our township is all about.

22 But we were faced with a
23 decision from the Zoning Hearing Board that
24 said: You have issues here in the way your

1 ordinances are written that allow certain
2 animals on certain kinds of lots without
3 limitation.

4 So presently, under the laws
5 and ordinances, as I touched on earlier,
6 you could have a quarter-acre lot with 50
7 chickens on it, which would be intrusive on
8 your neighbors, unhealthy for the
9 chickens -- I'm speaking of chickens --
10 unhealthy for the chickens, intrusive on
11 your neighbors.

12 MS. DAVIS: Do we have that?

13 THE CHAIRMAN: Yes, we do. We
14 have small lots with large numbers of
15 animals, far in excess of what is healthy
16 and humane.

17 MS. DAVIS: Can't those be
18 dealt with individually as opposed to --

19 THE CHAIRMAN: We have no
20 ordinance to do that. We have no --

21 MS. DAVIS: Your noise
22 ordinance doesn't?

23 THE CHAIRMAN: Unfortunately,
24 it does not. The noise ordinances, which

1 is another ordinance all together, has to
2 deal with sustained, they are written with
3 sustained noise in mind. So if you think
4 of living next to an industrial site or
5 office building with a loud air
6 conditioning unit that runs for hours on
7 end, high volume and high pitch, that's the
8 sort of thing the noise ordinance is
9 intended to deal with.

10 But, for example, a loud
11 animal, a braying donkey which is down the
12 road from me, you hear that from time to
13 time, very loud, it is very intrusive.
14 Call the police. The police come out, the
15 donkey is silent. They can't cite the
16 owner because there is no evidence that
17 such a thing is taking place.

18 So the noise ordinances are
19 oftentimes not an adequate way of
20 addressing things like this. But trust me,
21 you know -- I apologize to you, Ms. Davis,
22 but the fact is Mr. Lange and I have no
23 interest whatsoever, both of us I think are
24 personally strongly in your court in terms

1 of we don't want more legislation, we don't
2 want more intrusive regulation into the
3 lives of people in Willistown.

4 But we have to respond to the
5 fact that there are people who feel very
6 strongly about how their lives are being
7 affected by animals nearby on small lots.
8 We are not trying to sell this ordinance to
9 you. It is a framework for discussion. We
10 have addressed all of the things that came
11 out of the Zoning Hearing Board
12 discussions, their comments, as well as all
13 of the kinds of ordinances that other local
14 communities have.

15 We were told by a group of
16 people, well, you have got to outlaw
17 chickens and roosters. Well, we have no
18 power to outlaw existing conditions, but
19 you can grandfather them out to eliminate
20 crowing roosters or guinea hen or whatever
21 in a small environment. That's
22 permissible. I don't like the idea. But
23 it seems to be the only solution in some
24 places where you have very small lots and

1 people with loud animals.

2 But, again, we are interested
3 in your opinion, input. We want to hear
4 your comments so we can make this better.
5 Maybe we will throw out three-quarters of
6 it. We don't know. But we need to hear
7 what you have to say.

8 You all are very vocal. We are
9 hearing a lot from the folks who are very
10 interested in none of this. And I
11 personally am in your ballpark. But we do
12 have to interest the interests and concerns
13 of the other people.

14 MR. MCHUGH: Your three minutes
15 are up.

16 THE CHAIRMAN: My three minutes
17 are up. Thank you. But I'm hoping so
18 that, again, we hear commentary towards --

19 MR. LANGE: We are not the
20 enemy.

21 THE CHAIRMAN: We are not the
22 enemy on this. Please, trust me.

23 A VOICE: Dogs are allowed.

24 THE CHAIRMAN: I'm trying to

1 catch the hands as they go up in order.

2 MR. WILKINS: Good evening. My
3 name is Don Wilkins. I live at 423 Dutton
4 Mill Road in Malvern. And I appreciate
5 your balancing act, Bill. I think that you
6 have to do that. I understand your
7 position.

8 I have a question of you, John.
9 Just the sections on the animal care
10 ordinance, that properties that are farm
11 use as principal use are restricted to
12 subsection A. Is that correct? So that
13 there are no area requirements, no setback
14 requirements, per se?

15 MR. GAADT: Correct.

16 MR. WILKINS: So only the other
17 lots, the four acres, the two acres, the
18 whatever acres, have to comply with
19 subsection B, which has a lot of stuff in
20 it.

21 One, and then your right to
22 farm is defined in Pennsylvania by an
23 economic guideline?

24 THE CHAIRMAN: There are a

1 number of definitions, but, I mentioned
2 them earlier, which is that you have ten
3 contiguous acres or more involved in
4 agriculture, or, if you have less than ten
5 contiguous acres, that the agricultural
6 activity generates an expected revenue of
7 \$10,000 a year or more.

8 MR. WILKINS: Okay. And so --

9 THE CHAIRMAN: There are other
10 pieces. Those are the ones that --

11 MR. WILKINS: Good. I just
12 wanted to clarify that. I read it a
13 different way and I appreciate that.

14 So we are going to let the
15 treatment of animals and how they may
16 affect neighbors to be checked by state
17 law, pretty much, and township ordinance is
18 going to take care of the rest of us,
19 including our conduct, etcetera.

20 One, I think it goes, those
21 regulations go way too far. I don't say
22 that we should not have any. I certainly
23 think they go way too far. And just, I
24 think you mentioned that, well, farmers

1 know how to take care of their animals.
2 Just go to a feed lot out in Nebraska and
3 you can tell me how farmers take care of
4 their animals.

5 So, and please don't tell me
6 how to take care of my animals that I've
7 had for 35 years right in the township on
8 four acres, five and a half acres of
9 ground.

10 I take care of my animals and I
11 don't need the state or you guys to tell me
12 what to do there.

13 So, I'll try to be quick here.

14 So I think that I object to the
15 number of poultry allowed based on
16 available land, because, frankly, they have
17 to be penned anyway according to the other
18 part of this ordinance. So how does that,
19 how does that mesh? To me I don't see how
20 it does.

21 THE CHAIRMAN: Time. Time.

22 MR. WILKINS: Pardon?

23 THE CHAIRMAN: Time.

24 MR. BURMAN: Sorry.

1 A VOICE: The time is up.

2 MR. WILKINS: Oh, time. Well,
3 thank you very much. I don't believe that
4 the township should legislate this
5 behavior. I don't think we should have to
6 pay a permit. I don't think we should have
7 inspections.

8 THE CHAIRMAN: Thank you.

9 MR. WILKINS: You can respond
10 to complaints. Thank you very much.

11 THE CHAIRMAN: Thank you.

12 MR. MCGRAW: My name is Jim
13 McGraw. I have lived in the township for
14 35 years. I live at 1 Wildwood Drive in
15 Malvern.

16 What I'm hearing as I listen to
17 all the commentary is a different set of
18 expectations among the land owners between
19 RU residential districts and RA and R-1,
20 and I think that's one of the problems that
21 I see with this, is that it is very hard
22 for you guys to draw a set of rules that
23 work in both of those groups.

24 And I'm very concerned, being

1 in RA, that my neighbor could go out and
2 build a chicken coupe 50 feet from my
3 property line, with a dozen chickens in it.
4 I think that would be a problem for me as a
5 property owner. I think it would be a
6 problem for the next person I would want to
7 sell my house to.

8 I totally understand the
9 concerns of the people that live in the RU
10 residential district, and that they have a
11 different set of expectations about
12 setbacks and the kind of animals that they
13 might have in that area. It is different,
14 it is different in my residential district.

15 I'm also concerned about how
16 the township would provide oversight. If
17 it comes down to I have to file a
18 complaint, there is no inspections, nothing
19 like that going to be done, I think that's
20 a problem as well for smaller property
21 owners like myself.

22 And I guess that's my basic
23 comments. Thank you very much.

24 THE CHAIRMAN: Thank you.

1 MR. HOFFMAN: Good evening. My
2 name is Chris Hoffman, 19 Laurel Circle.
3 Regarding --

4 THE CHAIRMAN: Little closer so
5 the folks in the back can hear.

6 MR. HOFFMAN: Good? Thanks so
7 much. Thanks for coming.

8 Construction materials of
9 structures, poultry pens and coops uses the
10 phrase "good appearance," which I believe
11 is too vague and should be better defined.
12 My request is the township include specific
13 tasteful images in an appendix that clearly
14 support and define the phrase "good
15 appearance."

16 Regarding nonconformities, the
17 expected lifespan of some of these animals
18 ranges from ten to 25 years. That's a long
19 time for a nonconformity. And the
20 recommendation is that this be limited to a
21 period of nine months to a year.

22 Thank you very much for coming
23 in. Thank you.

24 THE CHAIRMAN: Ma'am.

1 MS. BLOCK: Hi. Davida Block,
2 6 Sugarbrook. I would just like to know
3 what happens to homeowners who have been
4 warned by the township that the keeping of
5 their animals is in violation of the
6 riparian buffer zone and that they have to
7 move some of their animals to a different
8 location and nothing is complied with.
9 Because we have a situation like that.

10 I love the animals. I'm a
11 volunteer with MLAR. I would not like to
12 see fewer animals. But no Tobacco Road.
13 What happens?

14 THE CHAIRMAN: I'll look into
15 it. There is an enforcement process in
16 place for issues of that nature. Some
17 times you can't get an instantaneous
18 response through the majesty of the law,
19 and we as a Board are oftentimes frustrated
20 by egregious violations where we take
21 action and then spend years in court.

22 But we are very, very conscious
23 of particularly the riparian buffer issues,
24 of issues where neighboring properties are

1 being intruded upon, and we like to take
2 the best action we possibly can on existing
3 regulations.

4 MS. BARCHI: Alexandra Barchi,
5 21 Laurel Circle. Thank you very much,
6 first, for all the hard work you have done
7 on this.

8 I am not in favor of this
9 change. And the couple of comments I have
10 is what if somebody has a pot belly big
11 that lives in their house and is house
12 broken? Where does that fit in?

13 Second, the external
14 illumination, we have lots of neighbors who
15 light up the world, all night long, so --

16 THE CHAIRMAN: Some folks are
17 afraid of the dark.

18 MS. BARCHI: I'm one of those,
19 but I don't light up the neighborhood.

20 And the other thing is during
21 the time of this whole thing that went
22 before the Zoning Board, two of my goats
23 died very mysteriously. The veterinarian
24 felt that they were poisoned. And I live

1 on 2.3 acres. I really at some point might
2 like to get more goats. And I would like
3 to have that right. So thank you.

4 MR. SHARKAN: Keith Sharkan,
5 110 Grubb Road.

6 I just wanted to second what
7 the other gentleman said. I'm fine with
8 four or more acres. I'm concerned about
9 people like myself that have 1.3, depending
10 on the shape of the properties. My house
11 happens to be close to the property line.
12 The setbacks may not work for me. So it is
13 more of like a smaller lot issue for me
14 than a four-acre lot issue.

15 THE CHAIRMAN: Thank you. You,
16 then you, ma'am.

17 MR. HIGGINS: Dan Higgins, East
18 Boot Road --

19 THE CHAIRMAN: Dan, could you
20 come forward, please. Come up to the
21 microphone, please. Everybody has got to
22 come up to the microphone.

23 MR. HIGGINS: Thank you. Dan
24 Higgins, East Boot Road. I'm in Willistown

1 for a long time.

2 MR. LANGE: Talk into it.

3 MR. HIGGINS: I got to talk
4 into it. There you go.

5 Anyway, Willistown is about us,
6 the animals, the nature, everything. Okay.
7 It is a beautiful township. That's why a
8 lot of us moved here. If there is problems
9 with, I have a quarter acre and I have a
10 hundred chickens on it, my neighbors don't
11 like it, let them complain. Maybe you can
12 put a ordinance, like a complaint
13 ordinance, where then you can come after us
14 and our animals and our property.

15 But if we are okay with it and
16 nobody is really complaining, let us be.
17 All right. If it is healthy, if the
18 property is healthy, the animals are
19 healthy. I mean we all have vets. All our
20 vets know what is going on.

21 I mean, I had animals. My vets
22 love me. My Great Danes lived to be 12
23 years old. I mean that's unheard of.
24 Because we took care of them. Most of the

1 people in Willistown take care of their
2 animals.

3 If the neighbors complain about
4 my quarters acre with a hundred chickens
5 and all my neighbors are complaining, then
6 you can do something, maybe write an
7 ordinance about, complaint ordinance or
8 something. But we should try to leave us
9 alone. I mean that's what makes it
10 beautiful here.

11 THE CHAIRMAN: Just have a
12 suggestion, we turn the microphone around
13 so you don't have your back to the
14 audience. Maybe that makes you feel
15 better.

16 MS. CRYSTAL: Thank you. Hi.
17 My name is Michelle Crystal. I live at 3
18 Laurel Circle.

19 I'm not going to pretend that I
20 have any answers. I have only been in
21 Willistown for less than three years. But
22 I love Willistown. It reminds me of where
23 I grew up in Exeter Township, in Berks
24 County. 600 acres was my backyard, Daniel

1 Boone Homestead. It makes me happy to see
2 cows, donkeys. A donkey carried mother
3 Mary.

4 I will say this, I'm trying to
5 take the temperature of the room and try to
6 get a feel for both sides, all sides, and I
7 don't envy the work that you have in front
8 of you. But I will say this, we expect
9 children to come into this very school
10 every day and find a way to get along and
11 work together, like it or not, and they do.
12 My daughter goes here. It is a wonderful
13 place.

14 I think that we can find a way
15 to work together to solve this. Giant
16 issue for everyone, because it sounds like
17 there is a lot of different things
18 colliding here. And it is not going to be
19 an easy journey and not everyone is going
20 to be happy. But some people might be.
21 And I hope that in the spirit of the
22 township that we look at, forget the
23 financials, and to set a good example.
24 Thank you.

1 MR. BUEHLER: Kyle Bueler, 633
2 South Warren Avenue. I lived in Malvern
3 for 50 years. It is a long time.

4 And when I listen here, I love
5 Willistown, I love the rural areas, but we
6 got to consider residential areas too.
7 There are a lot of people who are moving in
8 here who are looking for a nice community,
9 and they know when they move in that this
10 is their surroundings, and they don't want
11 to all of a sudden have a neighbor who
12 starts a farm, because that's not what they
13 moved into.

14 They moved into an area where
15 people pay big money for nice houses, quiet
16 neighborhoods.

17 So my suggestion is let's
18 grandfather whatever farms we have here,
19 what people did, because those people have
20 been doing that for a long time and the
21 neighbors are used to it. But if you now
22 all of a sudden open this up for anybody
23 that has an acre or more, and now I have a
24 neighbor on both sides who decide to start

1 a farm, I'm not what I'm used to, what my
2 surroundings were when I moved here and
3 everybody else who is moving here.

4 If a Realtor tells you right up
5 front, by the way, you may have a neighbor
6 who starts a pig farm, what do you think
7 the chances that this guy is going to buy
8 this house?

9 So I think we can help both
10 sides. But I think we ought to grandfather
11 what we have. People are used to it. But
12 don't let people all of a sudden start
13 little farms in areas, I mean, I have two
14 and a half acres, so it is not small, but
15 even there, you know, if all of a sudden --
16 we are used to dogs. You know, we are used
17 to chickens. I have no problems with
18 chickens. Maybe roosters a little more
19 because that carries across whole
20 Willistown Township, I mean literally. And
21 I grew up near a farm, so I'm used to
22 roosters.

23 But, nevertheless, get my
24 point, I am saying let's keep things the

1 way they are for people who have had their
2 farms, where people around them are used to
3 that. Let's not force that on the people
4 who lived here maybe only five or ten
5 years, who bought in a nice, quiet
6 neighborhood, and all of a sudden they are
7 surrounded by farms. That's all. Thank
8 you.

9 THE CHAIRMAN: You, sir. And
10 then you.

11 MR. CLOHECY: Hi. I'm David
12 Clohecy from 37 Laurel Circle. I have
13 lived on the circle with my wife for about
14 37 years. We have two and a half acres.

15 When we first moved to Laurel
16 Circle we were allowed to have chickens,
17 horses, other animals. I did not have
18 chickens or horses. I was busy. Now I
19 would like to have a few chickens.

20 Currently, with the law, as I
21 understand it, unless we were grandfathered
22 in we could not have them. So I'm in favor
23 of the part of the law --

24 THE CHAIRMAN: No. As of right

1 now you can.

2 MR. CLOHECY: I can, okay.

3 Then I misunderstood the law.

4 But in any case, I guess I'm in
5 favor of, I love the people in the circle
6 that have roosters and chickens. I enjoy
7 the sounds. We moved here because of that.
8 We would like the character of the more
9 rural residences, those with two and a half
10 acres or more to remain the way they were
11 when we first moved here.

12 And I guess I second what one
13 gentleman said about overly restrictive
14 regulations. I don't want to have to build
15 a 10,000 dollar chicken house if I decide
16 to have chickens. I want to do it
17 humanely. But the other thing is, unless I
18 misunderstood the regulation, under horses
19 and all it mentioned composting, but under
20 poultry, I didn't see any mention of that.
21 It sounded like I might have to haul the
22 manure away.

23 Well, if I have chickens, I
24 want to compost it. I want to do it

1 properly.

2 But, so I guess I'm in favor of
3 allowing the residents to have animals
4 within proper limits, but making the
5 restrictions as limited as possible so that
6 they are able to do it economically and
7 properly.

8 The other thing I would like to
9 mention is when we moved here 37 years ago,
10 and for much of that time we were allowed
11 to burn. And I know it is a little off
12 topic, but in the line of too restrictive
13 regulations, we have a lot of trees, and
14 when I haul it off to the chipper I have to
15 rent a Home Depot truck and make eight
16 trips, whereas before I could burn it.

17 So I think that I would like it
18 to go back to the way it was, we are
19 allowed to burn, we are allowed to have
20 some chickens, we are allowed to have a
21 horse, that type of thing, and to keep the
22 regulations as minimal as possible, and
23 maybe to make a distinction between the
24 more residential areas closer to the, in

1 the town of Malvern, versus the people that
2 are rural residential. Thank you very
3 much.

4 THE CHAIRMAN: I'll respond
5 just quickly to the point that you raised
6 off the subject of the burning ordinance.
7 The burning ordinance was imposed upon us
8 by the Commonwealth. There are certain
9 unfunded mandates that the Commonwealth
10 imposes upon the township, one of which is
11 to have a recycling program, which is a
12 very pricey piece of work. If we did not
13 impose the burning ordinance, the
14 Commonwealth was going to withdraw our
15 environmental grants that pay for the
16 recycling program.

17 So we were put in the position
18 of either having a burning ordinance or
19 having a hundred thousand dollar hole in
20 the budget of the township where we would
21 have had to raise taxes, because we are
22 legally required to have a recycling
23 program.

24 Personally, I find that the

1 heavy hand of government of the worst sort,
2 because, yes, I live in a large piece of
3 ground, but we are not allowed to burn
4 sticks or leaves or anything of that sort.

5 Burning leaves in a small area
6 where you are throwing off a lot of smoke,
7 I can understand that. But burning
8 generally, I don't really believe -- that
9 said, I don't believe in global warming --
10 I don't believe it creates a huge issue for
11 the community. Thank you.

12 I thought there was somebody
13 over here. Yes, sir, thank you.

14 MR. CORSON: Ken Corson, 15
15 Rambling Lane, Malvern.

16 I'm just going to hold my
17 comments to acreage up to an acre. Those
18 above four acres and above, I totally
19 respect your opinion on your right to have
20 your farms the way you see fit.

21 But up to an acre, having your
22 neighbors with a farm, starting up with
23 small farms is quite intrusive.

24 We need to talk about the

1 private nuisance law that you have in place
2 right now. The loss of enjoyment and use
3 of our properties. The ordinances do not
4 talk about trespassing actions, when other
5 animals do enter our property, if you
6 should pass this.

7 We are not talking about health
8 and safety and welfare of children that are
9 walking around. We are not talking, we
10 haven't mentioned anything about the type
11 of fencing. So if you are including barbed
12 wire fencing or something that might be
13 hazardous to young kids, that could be an
14 issue.

15 Also, subsection 139-126, there
16 is a section that talks about unduly
17 altering the character of the existing
18 neighborhood. And to this gentleman's
19 point, I mean, I moved in this neighborhood
20 18 years ago. It is quiet. I like that.
21 I don't want to have a neighbor that has
22 donkeys and chickens and everything going
23 on when I'm trying to relax and enjoy my
24 weekend or evenings. So that's something

1 that I would like to carry forward and
2 continue to have.

3 You know, there is a lot of
4 things in this ordinances that need to
5 refer, those that are going to read this,
6 apply it back to the different subsections.
7 There is not a lot of definitions. You
8 talked about definitions in this. This
9 does not clearly define what ordinances
10 that you want to put in place. You have
11 referenced things, but you don't show where
12 people should go and read up on --

13 THE CHAIRMAN: It is a draft
14 format. That's part of that.

15 MR. CORSON: I understand. But
16 you have to also provide some, you know,
17 the ability for people to go and look for
18 more information regarding this, because
19 there is a lot of conflicts in this
20 ordinance.

21 If you look through all of your
22 ordinances, which I did a great deal of
23 reading today, there is some ordinances
24 that do not apply to this, and then you

1 have to retroactively go back and figure
2 out if it actually applies, and you will
3 find that it doesn't apply. And now you
4 are -- it is not clear.

5 At the end of the day, when
6 somebody wants to understand all of these
7 ordinances that take place, it is not clear
8 enough. And you have to reference people
9 to where they can gather more information.

10 THE CHAIRMAN: Thank you. This
11 lady, then this lady, and then. Okay.
12 Please.

13 MS. BRUTICO: I'm Susan Brutico
14 from 728 Hillview Road.

15 I don't have anything prepared,
16 but I do want to say that I think if you
17 are going to enact an ordinance you need to
18 have a distinction between miniature
19 animals, I have African pygmies and
20 Nigerian dwarf goats, there is a big
21 difference between a miniature animal and
22 large animal.

23 I wanted to say, if you are
24 going to enact something you really need to

1 talk about that, because I feel on a
2 two-acre property someone could easily have
3 two small goats, or, I don't know, I never
4 had donkeys, but the goats are wonderful
5 animals, and after dark they don't make any
6 noise, and after dark when I go outside to
7 turn my dog out at 10:00 o'clock the whole
8 neighborhood, all the dogs are barking.

9 So usually after dark, even
10 people complaining about donkeys, normally
11 after dark there is not a lot of noise. So
12 that's all I wanted to say.

13 THE CHAIRMAN: Thank you for
14 your patience.

15 MS. SPRAGINS: I'm Jody
16 Spragins, 773 Hillview Road in Malvern.

17 I wanted to ask: How many
18 animal-related complaints do you think you
19 had in the past year or so?

20 THE CHAIRMAN: I would be
21 hard-pressed to give you a number, but it
22 is fairly small. You have to understand,
23 as I said before, this was in response to
24 legal action that came up in front of the

1 Zoning Hearing Board.

2 MS. SPRAGINS: Okay. All
3 right. And I wanted to ask John, I was
4 really confused about the acreage
5 requirements, especially regarding horses.
6 And I wanted to ask you if, now, first of
7 all, you said that you are revising the
8 acreage requirements that are currently
9 listed in the proposed ordinance because of
10 the conflicts with the PA-133.

11 MR. GAADT: Yes.

12 MS. SPRAGINS: So the copy we
13 have right now, you have already agreed
14 that the acreage has to be revised.

15 MR. GAADT: For farms.

16 MS. SPRAGINS: For farms, okay.
17 So does the boarding of horses ever, is it
18 ever defined as a farm use if it is less
19 than ten acres? Or is it ever defined as
20 farm use, the boarding of horses? It is
21 not, it is not raising them to be marketed
22 as meat or anything.

23 MR. GAADT: The ordinance, the
24 law that Mr. Shoemaker referenced is the

1 Right to Farm Act.

2 MS. SPRAGINS: Yes.

3 MR. GAADT: And that defines
4 agricultural operations, ten acres or
5 greater. If under ten acres, then income
6 generated from the agricultural activity of
7 \$10,000 or more. So that's the distinction
8 in state law.

9 MS. SPRAGINS: But does that
10 include the boarding of horses?

11 A VOICE: We can't hear you.
12 Can you use the mic?

13 DR. GLUNK: The \$10,000 covered
14 the boarding of horses.

15 THE CHAIRMAN: The boarding of
16 horses is considered an agricultural
17 activity.

18 DR. GLUNK: If you do \$10,000 a
19 year or more of revenue. You don't have to
20 make a profit. \$10,000 of revenue.

21 MS. SPRAGINS: No matter how
22 many acres you have?

23 DR. GLUNK: No matter.

24 MS. SPRAGINS: If you have ten

1 acres or more it is by definition a farm
2 use?

3 MR. GAADT: It is by definition
4 a farm use. If you have an agricultural
5 operation, it can still be a farm use if it
6 is under ten acres, provided you are making
7 an income --

8 MS. SPRAGINS: 10,000, okay.

9 MR. GAADT: Yes.

10 MS. SPRAGINS: I just wanted to
11 point out that there are many communities
12 that support the horse competition world,
13 where the management of horses is the focus
14 rather than the number of horses per acre.
15 You can look at many Florida, you know,
16 communities, California, where horses are
17 not turned out to pasture as much, but they
18 are in intense training situations. There
19 are small training operations in Akin,
20 South Carolina, where there will be like 25
21 race horses on a three-acre property.

22 THE CHAIRMAN: Time.

23 MS. SPRAGINS: It is a
24 management issue, and I think you should

1 think about that, just like letting people
2 manage their chickens and not dictate how
3 many just on a straight acreage basis.

4 THE CHAIRMAN: Thank you.

5 Ma'am.

6 MS. GALILEA: Hello. My name
7 is Gloria Galilea, 772 Hillview Road.

8 I just want to say I'm a
9 hundred percent for the animals. When I
10 hear people say that they classify it as
11 noise of animals, to me it is like music
12 when I hear a donkey or I hear a chicken or
13 I hear any animal. It is the whole reason
14 why I think most of us live out here in
15 Willistown Township. If not, we would live
16 in Gladwyne or Bryn Mawr or Wayne. We
17 would go there in instead.

18 THE CHAIRMAN: You, sir,
19 please. I'm trying to get everybody. If
20 I'm not catching you, wave at me, please.
21 Throw something.

22 MR. DAVIS: My name is Paul
23 Davis. I live at 736 Providence Road. I
24 live by Babbie.

1 I just want to say something
2 real quick. I know you guys have a hard
3 job, but I have been living beside Babbie
4 on one side and Tim Rubin on the other
5 side, and we have more animals than we can
6 count. And if I have a problem, I go to
7 Tim and say, hey, your goat is in my yard,
8 what can we do to fix this problem, or I
9 talk to Babbie and say, you know, how are
10 we going to fix this problem.

11 I do not want you guys coming
12 and telling me what I got to do.

13 THE CHAIRMAN: We don't want to
14 do that either.

15 MR. DAVIS: It is ridiculous.
16 You need to leave us alone. You need to
17 figure out a way to respond to complaints
18 and leave us alone.

19 THE CHAIRMAN: This gentleman
20 here, and then you ma'am. Three minutes,
21 Dave.

22 MR. RAWSON: Hi. I'm David
23 Rawson. I have been a 48-year resident of
24 the township, and I live on actually Crum

1 Creek Drive, which delivers my mail.

2 I am in sympathy with I think
3 most of the people here that we don't want
4 to have our personal rights circumscribed.
5 On the other hand, I have to say that I had
6 a neighbor some years back who would turn
7 his dog out every night, and the dog would
8 bark all night long, with the longest bark,
9 loudest bark I have ever heard. My kids,
10 nobody could sleep.

11 And every time we call the
12 township, cops would come, the dog would
13 temporarily stop barking, and then he went
14 on again, hour, after hour.

15 Now, I don't know what the
16 situation is with our noise ordinances or
17 how they are handled. As far as I'm
18 concerned, you can't keep people awake in
19 the township at night. I think we
20 definitely need -- I don't know what our
21 situation is with the ordinances. Do we
22 have noise ordinances that are for barking
23 dogs as well as machines?

24 A VOICE: Ten minutes of noise.

1 A VOICE: Ten minutes sustained
2 at night, it says call the police.

3 MR. RAWSON: I think that
4 probably would solve many of the complaints
5 if we just had better drawn noise
6 ordinances, rather than tell people how
7 many chickens they can have. If the
8 chickens make so much noise and they are a
9 health hazard, I trust we have ordinances
10 to deal with those. Thank you.

11 THE CHAIRMAN: This lady, then
12 you, sir.

13 DR. PARKMAN: Hi. I live on 24
14 Smedley Drive. And --

15 THE COURT REPORTER: Your name?

16 DR. PARKMAN: Oh, I'm sorry.
17 Amy Parkman. And I actually am a
18 veterinarian. And there is a lot of good
19 points being put out there today.

20 Obviously, I'm going to lean a
21 little towards the animal side. But in
22 particular with regards to the poultry, I
23 must agree, I don't really want you making
24 a call on how I should be managing my

1 animals. And, I mean, I'm in a little bit
2 of a different situation.

3 However, who are you going to
4 send to my property that has got animal
5 experience? Are you going to have a
6 veterinarian on board? Are you going to
7 have a veterinarian on staff? So even if
8 you come out to my property, how are you
9 going to know what is humane or not humane?

10 And to the point of factory
11 farming, I don't think -- I have to agree
12 with that, I think that it is going to be
13 very subjective from a residential
14 standpoint if you are not already
15 understanding of those type of issues. So
16 I don't think we can just look to farming
17 and say that's okay.

18 The other thing is I'm hearing
19 a lot about how you need to regulate on a
20 very base level. There are already
21 regulations in place. The Pennsylvania
22 Department of Agriculture has very clear
23 guidance, they have very clear ordinances,
24 laws, that tell you how many animals are

1 allowed on a property.

2 I don't understand why it is
3 that the township itself would actually get
4 involved in that.

5 How are you making these
6 judgments as to how many animals are being
7 humanely kept on a certain area?

8 THE CHAIRMAN: We consulted
9 with a veterinarian actually with the
10 University of Pennsylvania, particularly on
11 the poultry.

12 DR. PARKMAN: Then why are they
13 different from -- I must admit, I found out
14 about this meeting very last minute, and I
15 didn't get a chance to research it as much
16 as I would have liked. But there are
17 already Pennsylvania guidelines in place,
18 so I don't understand why we had to change
19 it here.

20 And again, to the environment
21 and community here, we are very animal
22 friendly. So I think being more
23 conservative in the larger properties in
24 particular. I don't understand why we need

1 to do that. I think that was it.

2 Oh, and to the woman with the
3 sheep and goats, actually the numbers are
4 different. I don't know if they are
5 different in your ordinance or if they are
6 for the Pennsylvania state laws, but they
7 are different depending on the weight of
8 animal units that you have. So keep your
9 goats. Thank you.

10 THE CHAIRMAN: You sir, yes.
11 Thank you.

12 MR. HURTADO: Howdy. Ray
13 Hurtado, 36 Laurel Circle.

14 And I believe that that is
15 probably the epicenter of this issue. And
16 I grew up on the eastern part of the Main
17 Line, in Bryn Mawr, and moved out here
18 about four and a half years ago exactly for
19 what is being described here, for the rural
20 nature of it.

21 However, having said that, it
22 just is obvious that there are issues as
23 the community has changed. You know, it is
24 changing. There are people that are moving

1 here for residential purposes, not
2 farm-related, you know, reasons. And so
3 I'm in favor of some type of ordinance, if
4 that is the way that this is going to get
5 resolved. I don't know how it is going to
6 get resolved otherwise. But I would just
7 personally encourage some resolution.

8 And when I see something in
9 here that says if we are going to
10 grandfather people, which I think is a
11 great idea, but then you are going to say
12 but animals may not be replaced. How are
13 you going to do that? Are you going to get
14 death certificates for goats?

15 So I would just encourage, if
16 we are going to put something, whatever it
17 is, if we decide not to do anything, okay
18 by me. If you decide to put an ordinance
19 in place, some way then it needs to be
20 enforceable. To have something on here
21 that is not enforceable is just, it is just
22 asking for more conflict. And I moved out
23 here to reduce conflict, to get just -- and
24 I have neighbors all around me that have

1 varying differences of opinion on this
2 issue. And I would just like some peace,
3 finally, on this. So please, please, let's
4 find a way to get along. Thank you.

5 THE CHAIRMAN: You, ma'am. And
6 then you.

7 MS. BARTLETT: It is Ellen
8 Bartlett, 6 Smedley Drive. I moved out
9 here 16 years ago. I have one of the
10 smaller lots, two and a half acres. I have
11 a two-stall barn, presently have a horse on
12 there. I have chickens and ducks.

13 I have raised three boys
14 without video games, you know, which today
15 is not always the easiest thing to do. And
16 my biggest concern is if you put in place
17 this ordinance that animals cannot be
18 replaced, which that gentleman was just
19 talking about, my horse is 31 years old,
20 and, you know, inevitably that's going to
21 happen, and that really concerns me.

22 I've had other animals. I've
23 had alpacas. And my barn is my sanity, and
24 I keep it very clean. My neighbors love

1 the roosters. And when I won't have them
2 around, they are actually upset with that.

3 So, but for resale also, that
4 if you put the ordinance in, and say down
5 the line if we do sell the property, I'm
6 going to have a two-stall barn, with
7 running water and electricity, that's not
8 going to be able to have a horse. I mean
9 it just sounds ridiculous.

10 MS. LINDVIG: Good evening.
11 I'm Jeannette Lindvig. I live at 330 Boot
12 Road, and I have been a resident of
13 Willistown for 37 years.

14 I don't ride horses. When my
15 husband and I moved here people asked us,
16 we have 28 acres, they said: Why would
17 you, why would you have so much land if you
18 don't have horses?

19 Well, because we love the open
20 space and the rural nature of Willistown.
21 I have served on the environmental advisory
22 council, I am on the ag preservation board
23 in the township, and I'm on the historic
24 commission.

1 And the very last line in this
2 ordinance actually upsets me a lot, which
3 is that, let's just read, next to last, any
4 existing building which is used for the
5 keeping of animals and which does not
6 conform to setbacks or other standards may
7 continue to be used but may not be
8 expanded.

9 One of the things the historic
10 commission does is try to preserve the
11 antique nature of the stone buildings that
12 we have, the stone walls, the stone houses,
13 and especially now the stone barns. And
14 one of the things we hope that will happen
15 is that not every stone barn gets turned
16 into a wine tasting place. Maybe it could
17 be a place where you keep farm animals and
18 you continue to keep farm animals and you
19 expand it because you want to have a more
20 modern use for that barn. But we want it
21 to continue to be used as a barn.

22 Willistown is a beautiful
23 place. I have seen a lot of our trails
24 disappear because people put their lamp

1 posts down where the trail used to go
2 across their driveway, and now they have
3 turned it into this sort of grand entrance
4 to their palace that, let's be honest, it
5 belongs in Bryn Mawr. I don't mean to be
6 so judgmental, but I really do worry about
7 not being allowed to use barns anymore as
8 barns because they don't conform with the
9 modern setbacks. A lot of the old
10 properties are right on the road. So thank
11 you.

12 THE CHAIRMAN: Sir.

13 MR. WYNNE: Hi. My name is
14 Christian Wynne and I'm a Willistown
15 rookie. I've only been here three years.
16 But I don't want to be here 30 years from
17 now and say, I remember when there were
18 animals, I remember when it was so
19 beautiful, I remember when it used to be
20 the reason I moved here.

21 I love where I live. I love
22 the people that I've gotten to share this
23 area with. And most of the animals that
24 are here are treated better than most

1 people. So please be gentle.

2 MR. MCHUGH: Your address?

3 MR. WYNNE: Oh, 201 Dutton Mill
4 Road. Thank you.

5 MS. SCHWARTZ: Hi everyone I'm
6 Missy Schwartz, 17 Laurel Circle. And
7 first of all, I want to thank you guys for
8 putting up with this, because I know I have
9 been through hell, because I have a
10 neighbor that has decided, and I'm sure, we
11 won't mention any names --

12 MS. BATCHELOR: That's me.

13 MS. SCHWARTZ: But you know how
14 hard it is to be doing what you do and
15 taking care of your animals that are my
16 family, and you look over and someone is
17 taking a picture of you when you are
18 upside-down doing something, or they are
19 complaining just constantly.

20 When I sold them ground, and I
21 said, I'm not sure if this is where you
22 should be. I'm a Realtor. That's right.
23 And you know what I say about Willistown,
24 we don't have streetlights, we got stars.

1 We don't have sidewalks, we have got open
2 space. If you want sidewalks, go to Wayne,
3 go to West Chester. But leave Willistown
4 to be an area where, somebody said to me,
5 isn't that a sanctuary township, the other
6 day. I said, it could be, because 35
7 percent of it is under some kind of
8 conservation or deed restriction or
9 parkland.

10 When you look at a map of
11 Willistown what do you see? Open space.
12 Farms. People being happy.

13 You go around our area, you
14 don't know somebody and you are stopping
15 with a flat tire, and people stop to help
16 you. You know, I have a problem, I can
17 call any, almost all of my neighbors.

18 But, you know, when I said to
19 those people, I said, you know, maybe this
20 isn't where you need to build your mixed
21 chateau. Maybe you should build it
22 somewhere else where there is other mixed
23 chateaus.

24 Laurel Circle on the tax map

1 says Laurel Ridge Farms. That's what it
2 says, guys. I didn't write the tax maps.
3 This is what happened in the 1700s when the
4 area was developed. Everybody bought their
5 property and built their own house.
6 Nothing is alike. My mom calls us
7 mish-moshy.

8 You know what? My rooster
9 doesn't crow, five neighbors call me and
10 say: What happened to the roosters?

11 Let me tell you what happened
12 to the rooster. Somehow or other somebody
13 got into my chicken coop the other day,
14 took the latch off, and the chickens got
15 out, and the roosters and three chickens
16 got killed because somebody decided that
17 they figured out how to get rid of Missy's
18 rooster.

19 And, no, I didn't tell you
20 that. But I'm getting to the point where I
21 feel like it is a constant harassment, and
22 at what point does it become harassment
23 that somebody moves into Willistown, which
24 we love as Willistown. I would like to say

1 I would think that it is probably 99
2 percent of the people here want Willistown
3 to be Willistown and to stay the way we
4 are.

5 You are right. You guys, you
6 are right. We should regulate it. And
7 like somebody said, I don't want to move
8 into a property and have a chicken coop
9 come up. So continuing use, going forward,
10 yeah, we probably need some regulations.

11 But when I told somebody, why
12 move in next to me, I don't think you are
13 going to be a good neighbor, boy I nailed
14 it. Didn't I?

15 Sorry for the hassles,
16 everyone. But long live Willistown and
17 protect open space.

18 THE CHAIRMAN: Do I see any
19 other hands?

20 It actually took a lot less
21 time than I was expecting. Thank you all
22 very much.

23 As you obviously concluded, the
24 origin of this was a legal situation, which

1 I had hoped we were not going to have to
2 hash out and we are not going to go any
3 further. But the township did spend
4 considerable time and money, emphasis on
5 money, defending the existing situation in
6 the township, and the result of that were
7 comments from the Zoning Hearing Board.

8 Some of those comments I
9 personally found difficult to deal with,
10 such as the township should be regulating
11 how people take care of their animals.

12 As has been said here by any
13 number of speakers, there are existing
14 regulations, Pennsylvania Department of
15 Agriculture, the SPCA. I can't tell you
16 the number of times that people have lodged
17 complaints against our farm because we have
18 American Saddlebred horses, which are
19 fairly lean, thoroughbred built horses.
20 They are used to heavy built hunters, so
21 they call the SPCA and say we are starving
22 our horses.

23 The SPCA arrives, goes, it is a
24 Saddlebred, never mind, and they walk away.

1 There are plenty of eyes on
2 what is going on around here. But we all
3 have to be conscious that we have to live
4 with our neighbors, and where we are doing
5 something that's a thumb in the eye of our
6 neighbors, we have to think about how do we
7 live and be better neighbors without simply
8 sticking our thumb in their eye.

9 And there are situations which
10 are difficult to deal with, in small
11 residential areas, where people have a
12 certain expectation of a certain quiet
13 enjoyment.

14 On the other side of the coin,
15 there is a growing movement in this country
16 towards small-scale backyard farming,
17 particularly poultry. So we wanted to be
18 conscious of that. We spoke to experts,
19 one of whom is here tonight, about poultry
20 and how many chickens are good chickens on
21 how much ground, square footage and inches
22 and so forth. So there was a lot of expert
23 advice that went into this.

24 I'm really very encouraged by

1 everybody's input tonight. I have a
2 feeling we have some more work to do in
3 terms of working with this document before
4 we would bring it back to you again, and I
5 guarantee you we will bring this back to
6 you again in this kind of an environment,
7 to talk about it again before we would even
8 think about acting on it.

9 But I really do encourage
10 people to come to the meetings. The
11 Planning Commission meets twice a month,
12 once a month in June, July and August, but
13 twice a month, on the first and third
14 Wednesdays at the township building. The
15 agendas are online and available. Whenever
16 this subject comes up, please come to the
17 meetings. If you don't have something to
18 say, just come to listen.

19 Because, as I say, we worked
20 through this, as was pointed out, more than
21 14 months and nobody came to the meetings.

22 MS. BATCHELOR: Not allowed to
23 speak at the meetings.

24 THE CHAIRMAN: Of course you

1 are. They are open public meetings. Well,
2 whoever told you that was wrong.

3 MS. BATCHELOR: You told us you
4 don't take public comments at the Planning
5 Commission meeting.

6 THE CHAIRMAN: Because we are
7 not a body of record. "Public comment" is
8 a term of art.

9 But come to the meetings. We
10 want input so we don't spend 14 months
11 producing something like this and then
12 having everybody arrive with torches and
13 pitchforks on both sides of the issue.

14 Come to the meetings. Follow
15 the minutes on the township website. All
16 of this information is available to you.
17 This is not a secret. This is an open
18 process and we want it to be an open
19 process.

20 I personally have no interest
21 whatsoever in changing a thing, but I do
22 understand how intrusive chickens and
23 roosters can be, so we have to weigh
24 everybody's interests to try to produce a

1 balanced result.

2 So thank you all very much for
3 being here. We have got a lot of
4 information here. We have got a lot more
5 wood to chop. We will be back to you.
6 Thank you very much.

7 (Discussion off the record.)

8 MS. HUNDT: Just so you all
9 know, Mr. Shoemaker mentioned the website,
10 if you go on to the website, on the lower
11 left hand there is a button that says
12 "notify me," and you click on that and you
13 can sign up for a number of different
14 announcements for different types of
15 meetings, as well as routes of getting
16 them, like e-mail or text. And these
17 agendas become available and they are
18 announced. So please visit the website so
19 that you are informed about what is
20 happening, when. Thank you.

21 MR. THOMPSON: Because it is a
22 public hearing, I want to identify four
23 exhibits. Exhibit T-1 is the ordinance
24 that was referred to tonight concerning the

1 Commonwealth of Pennsylvania)
2 Chester County)

3

4

5

CERTIFICATE OF REPORTER

6

7

I, Eleanor J. Schwandt, Registered
Merit Reporter and Notary Public, do hereby
certify that the foregoing record, pages 1 to
102 inclusive, is a true and accurate
transcript of my stenographic notes taken on
December 11, 2017, in the above-captioned
matter.

14

15

16

17

IN WITNESS WHEREOF, I have hereunto
set my hand and seal this 19th day of
December, 2017.

18

19

20

21

Eleanor J. Schwandt

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