

**East Nottingham Township
Planning Commission Meeting Minutes
May 22, 2006**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on May 22, 2006 at 7 pm. Those present were: Chairperson, Joseph R. Bauer, Jr., Vice-Chairperson, Clifford Lee, Planning Commission Members, Gene Turns, Walt Leis, Marianne Russo, Mike Rebert and Planning Commission Secretary, PJ Scheese. Absent was John Wallace.

Chairperson, Joe Bauer, called the meeting to order at 7:01 p.m.

Vice-Chairperson, Clifford Lee, led the Pledge of Allegiance.

A motion was made by Cliff Lee, seconded by Marianne Russo, to approve the agenda. The motion carried.

Aye: 6 Nay: 0

There was no public comment on the agenda.

A motion was made by Gene Turns, seconded by Walt Leis, to approve the April 24, 2006 minutes. The motion carried.

Aye: 4 Nay: 0 Abstained: 2 (Mike Rebert & Marianne Russo)

Comprehensive Plan

The discussion was on the Questionnaire sent out in 1993. Joe Bauer noted that the questionnaire was completely anonymous and was returned to the Chester County Planning Commission (CCPC). Joe Bauer asked if anyone had questions or comments about it. Marianne Russo asked if anyone had spoken to David Ward of the CCPC yet. Joe Bauer said that he had and that David was willing to help the ENT PC with doing a new comprehensive plan.

Marianne stated that before any questionnaires were sent out that the PC should get together with David Ward to discuss it. She believes this questionnaire is outdated, as ENT has already revised its Zoning Ordinance. ENT's comp plan should reflect the new ordinance. Marianne also stated that she thinks the PC needs the help of professionals since ENT is going about it a differently. She feels the PC needs David Ward to explain the most effective process that would serve the township now.

Walt Leis said that the questionnaire seems as if it was written for another place, not ENT. Walt said "how can we ask developers to kick in land and then not give anything back for it?" He said that checks and balances need to be reflected in the comp plan regarding the quality of items such as the water coming from the Chester Water Authority.

Someone asked if the county had a survey. Joe Bauer stated he would contact David Ward to see if he is available the week of June 19th for a workshop. Marianne Russo asked if the workshop would include the Board of Supervisors. Joe Bauer said that it should.

Ordinances

Noise Ordinance – Joe Bauer stated that he had put this ordinance together from various other ordinances and it ended up becoming quite voluminous. He then read some of Winnie Sebastian's (twp solicitor) comments aloud. Joe then asked the PC if they would like him to rewrite the ordinance again, taking those comments into consideration.

Cliff Lee said it should be written so that only in egregious circumstances should it be enforced. Marianne said she thought it should be civil, not criminal enforcement. Joe Bauer suggested the PC review it some more and come back with some recommendations. Cliff Lee suggested that PJ Scheese, Zoning Officer, put together a list of situations that are egregious where the noise ordinance should be enforced. The PC agreed to pick this up again next month.

Water Supply Ordinance – Walt Leis said is has been in Winnie Sebastian's hands and asked for permission to contact her. **Joe Bauer made a motion, seconded by Cliff Lee, for Walt to contact Winnie to see where she was at with this ordinance. The motion carried.**

Aye: 6 Nay: 0

Stormwater Management Ordinance – There is a draft version of something with the BMP that is in process. However, Jim Gade said this it would be ready no earlier than the end of this year. The Chester County Conservation District had adopted Chester County's ordinance and is using it now. ENT is currently covered by the county plan, until we have our own.

Subdivisions & Land Development Plans

Joe Bauer reviewed the PC meeting Protocol for Township Engineer Review Letters:

Township Engineer Review Letters

Meadowview Estates – Preliminary Plan – Component 4A of Planning Module

Ron Ragan stated that this is a 117 lot subdivision, of which 37 lots are in ENT. The other 84 lots are in Oxford Borough. They are proposing a wastewater treatment plan and drip irrigation field. This is included in the engineers' needs assessment for both ENT and the Borough. Everyone wants this to hook up to the public Oxford Area Sewer Authority (OASA) system. Chester County Health Department says the applicant needs to provide a backup field for the drip irrigation field. The applicant proposes the system to be owned and operated by Aqua PA.

Ron then reviewed the Component 4A with the PC. He said that #14 was the biggy, as the module is not consistent with ENT's Act 537 plan. Ron anticipates a review letter from the OASA. DEP has asked any PM that impacts public sewer authorities be reviewed by all member municipalities of the sewer authority. ENT will be attaching many comments when this goes to DEP. Ron told the PC that by signing this, they are only saying whether or not it is consistent with the township's ACT 537, Zoning Ordinance, etc.

Numbers 9 and 11 were changed from yes to no. Joe Bauer asked about comments being added when he signs the Component 4A. Ron relayed that Ed Lennox, OASA Executive Direct, had said that his recommendation to the OASA would be not to take ownership. Walt Leis said we need to be consistent with Act 537 and OASA.

A motion was made by Walt Leis, seconded by Marianne Russo, to have Joe Bauer, Chairman, sign the PM. The motion carried.

Aye: 6 Nay: 0

A motion was made by Walt Leis, seconded by Marianne Russo, for the PC to recommend to the BOS to state that this PM is inconsistent with our Act 537 and the OASA Get Well Plan and to deny this PM, when it gets forwarded to DEP. The motion carried.

Aye: 6 Nay: 0

Williamson – Preliminary Plan

Jim Gade reviewed his letter. The applicant still needs to submit an application for a Conditional Use Hearing (CUH) to see if the BOS will allow this property to be used for further residential use. There are a number of waivers requested that should not be acted upon until after the CUH.

One big issue is the separate slice of land that is actually part of the property from across Little Elk Creek Road. This is an existing non-conformance. One solution is to make it part of the piece of ground on the same side of the road, which is also owned by Mrs. Williamson.

Ken Crossan, representing the applicant, did not wish to discuss any technical issue yet. He first wants to go through the CUH. He stated that this subdivision is a mechanism for Mrs. Williamson to dispense two parcels, one each to her son and daughter. They are actually add-on lots. He was looking for a positive recommendation from the PC to the BOS for the CUH. Ken Crossan stated that the applicant had no control over the existing non-conformity and that they would consider attaching it to the piece of property on the same side of the road. He was also looking for some guidance on the wetlands issue and right of way.

Jim Gade and Ken Crossan are meeting next week to discuss those issues.

It was also brought up that PennDot may not be eager to issue a driveway permit for the parcel bordering Oxford Road, and that they may need to make it a flag lot with the driveway on Little Elk Creek Road.

Nothing will be acted on until after the CUH. **A motion was made by Marianne Russo, seconded by Gene Turns, to take no action. The motion carried.**

Aye: 6 Nay: 0

Tom Swift Estates - Preliminary Plan

Jim Gade reviewed his letter. There was one waiver request. There are a number of issues to be addressed, such as the sidewalk requirement, how the forced main will be connected to each residence, Open Space management, cartway widths, and density calculations.

Jim Fritsch, of Regester, represented the applicant. He said he has set up a meeting with Jim Gade to discuss the open issues.

- Section 1716 of the Z. O. – Stormwater from roof drains/pipes shall discharge water into a stormwater runoff dispersion and absorption control device, not into the storm sewer or upon open ground. All lots should have a downspout seepage beds according to this regulation. Jim Fritsch said he will request an exception to this from the BOS.
- Section 402.05.I of the SALDO – A letter from the US Corps of Army Engineers is required. Jim Fritsch said he will request a waiver.
- Section 502.08 of the SALDO – Per Ordinance 8-2000, the minimum right-of-way is to be 120 feet and the minimum paved cartway is to be 100 feet for permanent cul-de-sacs. This plan proposes 100 foot right-of-way, and an 80 foot cul-de-sac. There was some discussion by the PC as to if there have ever been waivers on cul-de-sacs. Joe Bauer stated that the township has been strict on cul-de-sacs.
- Section 508.08 of the SALDO – A wetlands delineation report is required. Jim Fritsch says they will request a waiver.
- Section 511 of the SALDO – The Township BOS shall determine if streetlights are required, especially in light of the common access drives and new street intersection. Jim Fritsch asked if the Township really wanted street lights.

The Planning Commission requested a footprint of the townhouses. **A motion was made by Cliff Lee, seconded by Marianne Russo, to take no action. The motion carried.**

Aye: 6 Nay: 0

Developers Requesting to be on Agenda

England – Preliminary/Final Plan

Ed Jefferis presented. This is an add-on lot from a farm parcel.

A motion was made by Walt Leis, seconded by Marianne Russo, to grant a waiver from Section 402.05.I of the SALDO, from having to obtain a Wetland Jurisdictional Determination. The motion carried.

Aye: 6 Nay: 0

A motion was made by Marianne Russo, seconded by Walt Leis, to grant a waiver from Section 402.03.E from having to put on the plans certain man-made features. The motion carried.

Aye: 6 Nay: 0

A motion was made by Marianne Russo, seconded by Gene Turns, to grant a waiver from Section 402.03.C from having to put on the plans certain environmental & topographic features. The motion carried.

Aye: 6 Nay: 0

A motion was made by Joe Bauer, seconded by Cliff Lee, to sign the non-building waiver. The motion carried.

Aye: 6 Nay: 0

Hostetter/Shepherd Property – Final/Preliminary

This plan is specifically to remove Mr. Shepherds' ten acre farm from the large lot, as well as add on a couple of small pieces to two other lots.

A motion was made by Walt Leis, seconded by Gene Turns, to grant a waiver from Section 302.02 of the SALDO requiring this to be a Major Subdivision. The motion carried.

Aye: 6 Nay: 0

A motion was made by Walt Leis, seconded by Cliff Lee, to grant a waiver from Section 502.11.A & B from improving the street. The motion carried.

Aye: 6 Nay: 0

Tigue Farm / Jordan Manor – Preliminary Plan

Jack Wuerstle presented for the applicant. There were two issues he wished to discuss:

1. SALDO requirement for sidewalks. In the current plan there is a pathway system that gives better access for the open space areas. They will enhance it to hopefully eliminate the need for sidewalks, which is allowed by the SALDO.
2. The net out calculations for the open space. Specifically regarding the drainage swales and ditches. Jim Gade uses the calculations from the ROSD ordinance, while Jack Wuerstle uses the definition of drainage facility from the SALDO. Jack said he would take another look at this.

A motion was made by Marianne Russo, seconded by Mike Rebert, to take no action. The motion carried.

Aye: 6 Nay: 0

Hickory Hill Road Tract Phase I – Final Plan

Shaun Gallagher and Dan Wright represented the applicant. They gave a brief update and said they would be back in June. Jack Wuerstle said that the treatment plan is at 100% design

A motion was made by Cliff Lee, seconded by Marianne Russo, to take no action. The motion carried.

Aye: 6 Nay: 0

Liz Miller Property – New Idea for a Plan

Dianne Frame, Keystone, and Matt Demaico and Keith Sullivan, RGS, presented some ideas and pictures for Traditional Neighborhood Development (TND). They are considering using TDRs. They have no real plans yet, just ideas.

They told the PC that there are some model TND ordinances and suggested the PC Google "Smartcode" and printout the National Design for TNDs. **A motion was made by Mike Rebert, seconded by Gene Turns, to take no action. The motion carried.**

Aye: 6 Nay: 0

Letters of Extension

A motion was made to request letters of extension for:

- Wicklow – Preliminary Plan
- Cook Bros. (Meadow Creek) – Final Plan
- England – Minor Plan
- Hickory Hill Subdivision – Phase I – Final Plan
- Hostetter Shepherd Farm – Preliminary Plan

by Walt Leis, seconded by Marianne Russo. Letters are to be date specific with August 15, 2006 as the specific date. The motion carried.

Aye: 6 Nay: 0

A motion was made by Cliff Lee, seconded by Mike Rebert, to take no action on the following subdivisions:

- Elizabeth Miller – Preliminary Plan
- Elkdale Green – Preliminary Plan
- Cooper Farms / Greenpoint Farms – Final Plan
- Hickory Hill – Phase II – Preliminary Plan
- Hickory Hill Treatment Plant – Final Plan
- Lewis Tract – Final Plan
- Tom Swift – Minor Plan

The motion carried.

Aye: 6 Nay: 0

Correspondence

- Pamphlet on "Current Issues in Stormwater Management" held on August 3, 2006 in Philadelphia. Walt Leis said he was going
- Pamphlet on "Discovering the East End" in West Chester on June 1, 2006 at 7pm. It is a tour.

PC Members

Walt Leis gave some feedback on the new stop signs at Waterway Road & Baltimore Pike and Waterway Road & Mount Pleasant. He said the batteries are running down on the lights. Mike Rebert said he would take a look at the one on Baltimore Pike. PJ was requested to talk with Bill Weaver, Roadmaster, about it.

Mike Rebert said that West Bradford has impact fees and they love it. They require on-site improvements and impact fees. Mike said they are notoriously tough and so far no one has challenged them.

Old Business

None

Recognition of Visitors

Ken Knapp had some questions regarding stormwater management and Hopewell Ridge. He is wondering what will happen if his property is affected.

Joel Brown stated that he has done some soil studies on the properties who are selling their TDRs and he said that traditional development of those farms would end up having more houses than what the TDRs net.

A motion was made by Marianne Russo, seconded by Cliff Lee, to adjourn the meeting. The motion carried.

Aye: 6 Nay: 0

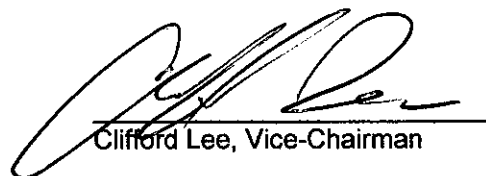
The meeting adjourned at 10:09pm.

Respectfully Submitted,



PJ Scheese
Planning Commission Secretary

APPROVED:
Date 6/26/06



Clifford Lee, Vice-Chairman