

**East Nottingham Township  
Planning Commission Meeting Minutes  
August 28, 2006**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on August 28, 2006 at 7 pm. Those present were: Chairperson, Joseph R. Bauer, Jr., Vice-Chairperson, Clifford Lee, Planning Commission Members, Gene Turns, Marianne Russo, Mike Rebert, Walt Leis, John Wallace and Planning Commission Secretary, PJ Scheese.

Chairperson, Joseph R. Bauer, Jr., called the meeting to order at 7:05 p.m.

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

**A motion was made by John Wallace, seconded by Gene Turns, to approve the agenda. The motion carried.**

**Aye: 7      Nay: 0**

There was no public comment on the agenda.

**A motion was made by Marianne Russo, seconded by Walt Leis, to approve the July 24, 2006 minutes. The motion carried.**

**Aye: 7      Nay: 0**

**Comprehensive Plan**

Joe Bauer referred to Helen Esbenshade's (township solicitor) letter dated August 7, 2006, about the Draft of Request for Proposal/Planning Consultant to work on the Comprehensive Plan. Walt Leis said that he wants to be sure that the person or people who present the proposals are the same individuals who will be doing the actual work on the comp plan. He would also like insurance reports and certifications from the consultant, as well as references. Walt also would like an anticipated schedule, and the "Scope of Work" in this proposal to be reworded to be more exact on what the township wants.

Marianne said she had written many notes on her copy and thought these would be handed to the solicitor to make some changes. She suggested everyone's comments should be given to the solicitor to incorporate them into the proposal.

The anticipated date of getting this out is November – December of this year. All comments should be given to PJ Scheese, who will forward them all to the solicitor.

**Definition of an Agricultural Building**

Joe Bauer reviewed the draft ordinance written by the solicitor. Walt Leis would like the ordinance to address whether this applies to new buildings only. He also said he thinks it should be a stand alone ordinance, with no ambiguities. Walt thinks "grandfathering" should be addressed. His concern is for when farms are sold. A motion was made by Walt Leis, seconded by Gene Turns, to take no action. After some discussion the motion and second were rescinded.

**A motion was made by Walt Leis, seconded by Marianne Russo, to send the ordinance to the BOS, with the recommendation that existing buildings, and any agricultural buildings that are reconstructed on the same footprint, are grandfathered in any future property transfer.**

**Aye: 7      Nay: 0**

**Historic Commission – Ralph Denlinger, Chairman**

Ralph Denlinger expressed his and the Commission's concern that demolition of buildings with potentially historical significance is happening in the township WITHOUT township permission. He gave several examples of sites, including one that had been burned and another dismantled without permits. He also passed around some artifacts for ENT sites. This is the very reason that the Historic Commission is seeking quick approval of the draft ordinance.

With an ordinance in place, the Historical Commission can intercede to delay demolition at least until the history of a property can be surveyed and its history documented and perhaps some historical items rescued.

**A motion was made by Marianne Russo, seconded by Walt Leis, to submit the draft of the Historical Ordinance to the solicitor to review to be sure no redundancies exist with the current Zoning Ordinance, and to ask the solicitor to view it with an eye to whether it is legally strong enough to delay demolition or destruction while the site is under review.**

**Aye: 7      Nay: 0**

There was further discussion about whether this ordinance will be strong enough to delay construction, if necessary. It was also suggested that it should be very expensive, in the way of a fine, for developers who destroy a building without benefit of a permit or the right paperwork.

### **Subdivisions & Land Development Plans**

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

#### ***Township Engineer Review Letters***

##### **Jim Mark & Sam McMichael – Preliminary Plan**

Jim Gade, township engineer, reviewed his letter. This is a simple add-on lot on Wedgewood Road/Baltimore Pike. There are four waiver requests; 302.01.A.5, 502.11.A&B, 506.01.B, & 508.08. Jim Gade of Vollmer, township engineer, does not oppose any of these waiver requests.

No other issues exist. Nothing has been heard from the Borough yet. Ed Jefferis, representing applicant, said this plan is being reviewed by the Borough.

**A motion was made by Joe Bauer, seconded by John Wallace, to approve the following waiver requests:**

- 302.01.A.5 – from having to do both a preliminary and final plan;**
- 502.11.A&B –from having to improvement cartways;**
- 506.01.B – from having to install concrete markers and instead use iron pins to mark corners;**
- 508.08 – from having to do a wetland delineation**

**The motion carried.**

**Aye: 6      Nay: 1 (Gene Turns who disagreed with the waiver from 506.01.B)**

**A motion was made by Joe Bauer, seconded by Walt Leis, to sign the Non-Building Waiver and send it on to DEP. The motion carried:**

**Aye: 7      Nay: 0**

**A motion was made, by Marianne Russo, seconded by Walt Leis, to recommend approval of the plan to the BOS. The motion carried.**

**Aye: 7      Nay: 0**

##### **OASA – Wedgewood Road Tract - LDP**

Jim Gade reviewed his letter with the PC. This is the same property as the Jim Marks & Sam McMichael subdivision. It is going to be a drip irrigation field with a small unoccupied building on approximately 62 acres. Jim said he would like more information about the building.

This is a public utility with the capacity to dispose of 215,000 gallons of effluent a day. The property will be used for the disposal of effluent. The applicant is willing to improve Wedgewood Road. Screening will be required. Other issues relate to the design itself. The permittee will be the OASA.

Joe Bauer indicated concern of the watercourse and if there was a riparian corridor on either side of it. Wetlands must be identified and put on the plan.

Mike Shiring, representing the OASA, introduced Fred Ebert, mechanical engineer who designed the drip field, Ed Lennex, Executive Director of the OASA, and Ed Jefferis, engineer who surveyed the property. They are not sure how large the building will be. DEP determines that. It will be a control building with storage for effluent under it. The drip fields will not be near any watery areas. Mike Shiring is meeting with Jim Gade and some experts to give Jim an understanding of how it will work. They have already met with the Locksley Glen HOA.

Fred Ebert passed out samples of the tubing to be used. He showed pictured of another drip irrigation field and explained the process to the PC. It will be an orchard grass field. The tubing will then be installed. Grass will be maintained 6 to 14 inches high. The building will be a nondescript masonry building with a garage door access. There will be monitoring wells. There will be at least four feet of soil between the tubes and the top of the water table. There will be storage underneath the building in case the system needs to be taken down for a while. It will have a 650,000 gallon tank.

Walt Leis asked if a fence is required. DEP does not require a fence. But it should be considered a view shed and not active open space. OASA must do a vegetative management plan, per DEP. Ed Lennex said that it would be at least 2.5 years before this will be in use.

There was some discussion about planting trees as a landscape buffer. Ed Lennex said that the Locksley Glen residents seemed to prefer the view shed and not the trees. Joe Bauer said he would like to see some shrubs around the building and /or the parking area.

Mick Shiring asked the PC to consider moving the plan on to the BOS, with the condition that they will meet requirements that Jim Gade states in his review letter. Mike suggested a conditional plan approval. There was some discussion about this.

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

**Aye: 7      Nay: 0**

A break was taken at 8:55pm.

The meeting reconvened at 9:03 pm.

Stoltzfus Tract – Preliminary Plan

Jim Gade went over his review letter. They are subdividing two acres with the remaining lands to be used as TDRs for Reserves of Dunlap. This is in an R1 zoning and two acre lots are not allowed to be subdivided. Five acres is the minimum lot size. But there is a stipulation in the zoning ordinance that if the lot fulfills certain requirements, then two acres can be subdivided off.

No structures are being shown on this plan. There was some discussion regarding the proximity to existing structures and if these setbacks would make it a more non-conforming lot.

**A motion was made by Joe Bauer, seconded by Gene Turns, to take no action. The motion carried.**

**Aye: 7      Nay: 0**

Hickory Hill Phase II – Preliminary Plan

Jim Gade reviewed his letter. There is a waiver request regarding the loop roads. The open space calculations have still not been done. The applicant doe not believe that sidewalks are necessary, though required by the SALDO.

Walt Leis stated that there are so many open issues, he would call it administratively incomplete. He suggested shutting down the review process until these issues are addressed. Jim Gade said that a lot of these issues are current open space problems, as the calculation moves a lot during this process. Joe Bauer said he sees a lot of design issues, which he feels are quite substantial. Walt Leis asked about an E&S plan. Dan Wright, applicant's engineer, said that one was sent to the Chester County Conservation District. He also said that the majority of the significant issues have been resolved. There are many smaller issued. They are looking for some direction on things like sidewalks. Does the PC feel sidewalks are required for both sides of the road. John Wallace said that if you have houses on both sides, then sidewalks should be on both sides.

Active recreation area -- Jim Gade asked that these areas be identified. Dan Wright showed the PC one area over one acre that could be active recreation area. He showed the PC another area that he thought could be a ball field. Parking at these areas was questionable.

The loop roads are to provided access to the townhouses. The Fire Marshall has approved the current configuration acceptable. They will put signs on these roads to say there is no street parking. Walt Leis stated that people will do what they want, as we have no police force.

Dan Wright said he would send information to PJ Scheese regarding the location of another subdivision, to pass on to the PC member if they wish to drive out to look at one.

Waiver requests on the plans included one from the loop road requirements, and from the distance requirement between two driveways. Dan Wright suggested the loop roads be one-way to help the traffic pattern.

The purpose of the eyebrows in the road is to make sure each townhouse has enough space to provide the required street frontage. Dan said he wants to work with the PC.

The curbs will be rolled. There was some discussion about the fencing required around the detention basins. He would like to see split rail fences, with wire fencing on it as well. Dan also made it clear that he was not looking for any decision tonight.

**A motion was made by Marianne, seconded by John Wallace, to take no action. The motion carried.**

**Aye: 7      Nay: 0**

Williamson – Preliminary Plan

Jim Gade reviewed his letter. There was some discussion about the dedication of the right of way of Little Elk Creek Road and that it would create a lot that could not be developed. Therefore, the remaining lands should be kept as a single parcel.

A conditional use hearing is required, according to the Zoning Ordinance. Seven waivers have been requested. They are: 402.05 – Jurisdictional Determination for all wetlands; 403.03.C – Wetlands delineation; 403.04.I & 502.11.A – improvements of cartways; 506.01.B – requiring concrete monuments at corners and angle points; 508.03.A – requiring the relationship of post versus pre-development runoff rates for two and five year storms; 516 – requiring a fence; and 403.03.A – using Contours plotted from the USGS. Vollmer supports all of these. There was some discussion about the fence waiver request.

Dave Shelton, visitor and BOS Vice-Chair spoke up about the conditional use hearing. He said that it was not the intention of the Zoning Ordinance to make it difficult for a resident to give property to a family member. Mrs. Williamson asked what this meant. Mr. Shelton told her that she may not need a CUH.

**A motion was made by Marianne, seconded by Walt Leis and Cliff Lee, to take no action**

**Aye: 7      Nay: 0**

Tom Swift Estates – Preliminary Plan

Jim Gade reviewed his letter. Waiver requests are: 402.03.C&E and 403.03D – features within 100 feet on the tract to be put on the plan; 402.05.I – wetland jurisdictional determination from the US Corps of Army Engineers; 503.02.A – sidewalks; and 508.08 wetlands delineation report. Vollmer supports all waivers except 503.02.A, in which case Jim recommends that at a minimum sidewalk should be installed along Wickersham Road.

There will be no curbs, but instead swales. Applicant proposes a forced main. **A motion was made by Mike Rebert, seconded by Gene Turns, to take no action.**

**Aye: 7      Nay: 0**

**Developers Requesting to be on Agenda**

Wicklows – Preliminary Plan

Spence Andress represented the applicant. There will be two entrances on to Baltimore Pike. The access road in West Nottingham, connecting to Christine Road, PA Route 272, has been removed. They have changed the open space. The lower lot is the active adult community. There will be 161 houses. Details will be given at the next meeting

Shepherd/DeCarlo Property – New sketch for CUH

Laura Swiski represented the applicant. A new sketch was shown, which now excludes the Shepherd's ten acre farm as open space. They have decreased the number of houses from 274 to 254, two of which already exist. She said they will ask for a re-advertisement of the Conditional Use Hearing.

Liz Miller Property - Sketch

Presenting were Dawn Lynn, Diane Frame & Julia Patrick. This is in the R2 district. It has 182 lots in 80 acres. Two of the lots have existing houses. There are 28 acres of open space. It is a "Traditional Neighborhood Design." There are linkages to active and passive open space. They just wanted to show the PC this sketch before they move on with the Conditional Use Process.

**Letters of Extension**

**A motion was made to request letters of extension for:**

- Reserves of Dunlap
- Wicklow
- Timothy Bishop

**by Cliff Lee, seconded by everybody. Letters are to be date specific with December 15, 2006 as the specific date. The motion carried.**

**Aye: 7      Nay: 0**

**No Action was taken on the following Plans:**

- Elizabeth Miller – Preliminary Plan
- Elkdale Green – Preliminary Plan
- Hickory Hill II – Preliminary Plan
- Meadowview Estates – Preliminary Plan
- Cooper Farms – Final Plan
- Hickory Hill I – Final Plan
- Hickory Hill Treatment Plant – Final LDP
- Lewis Tract – Final Plan
- Tom Swift – Minor Plan
- Clifford Lee – Minor Plan
- Cook Bros (aka Meadow Creek) – Final Plan

**Correspondence**

- Delaware Valley Regional PC letter & Brochure
- newPA news
- CCPC newsletter (copy for all members)
- Chester County Water Ways brochure (copy for all members)

Joe Bauer also referred to an article in the **Daily Local News** about Elk Township updating its ordinance so that private flood insurance can be provided to the residents. Jim Gade said that he would get a hold of the FEMA requirements and email them to Joe. There was some discussion about our ordinance covering this area well.

**PC Members**

Mike Rebert suggested the PC find a way to move things more quickly through these meetings.

**Old Business**

None

**Recognition of Visitors**

Joel Brown said he would like to see the Agricultural Building Definition written in the Zoning Ordinance, rather than a reference to another document. There was some discussion on this.

**A motion was made by Walt Leis, seconded by Marianne Russo, to adjourn the meeting. The motion carried.**

**Aye: 7      Nay: 0**

The meeting adjourned at 10:39 pm.

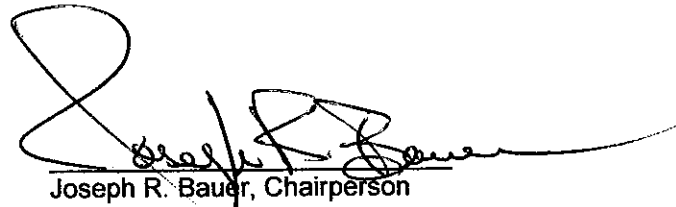
Respectfully Submitted,



PJ Scheese  
Planning Commission Secretary

APPROVED:

Date 9/25/06



Joseph R. Bauer, Chairperson