

**AGENDA  
EAST NOTTINGHAM TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING  
NOVEMBER 28, 2011**

- I. *Call meeting to order*
- II. *Pledge of Allegiance*
- III. *Approve Agenda*
- IV. *Public Comment on Agenda*
- V. *Approve Minutes*
  - September 26, 2011
  - October 24, 2011

VI. *Ordinances*

**AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT SEWAGE DISPOSAL FACILITIES IN THE TOWNSHIP OF EAST NOTTINGHAM, CHESTER COUNTY, PA – Township solicitor Winifred Sebastian**

VII. *Subdivision/Land Development Plans*

**TOWNSHIP ENGINEER REVIEW LETTERS – Jim Gade, Stantec Consulting**

- Herr Foods Inc. – Preliminary Subdivision Plan

**DEVELOPERS REQUESTING TO BE ON AGENDA - NONE**

**REQUEST FOR EXTENSION LETTERS – to be date specific for February 15, 2012**

- Langston - Preliminary Subdivision Plan
- Liz Miller – 2003 Preliminary Subdivision Plan
- Meadowview Estates (Frost) (Option 1)
- Carl E & Lesley L. Mease – Land Development Plan
- Herr Foods Inc. – Preliminary Industrial Subdivision Plan
- Timothy Bishop – Minor Subdivision Plan
- Stephen & Lydia Fisher –Minor Subdivision Plan
- David T. Muehlmatt – Minor Subdivision Plan
- Wicklow – Final Subdivision Plan

**OTHER SUBDIVISIONS & LAND DEVELOPMENT PLANS IN PROCESS (FYI)**

- Wilson King – Final 2-Lot Subdivision & Land Development Plan

VIII. *Review of New London Township's Comprehensive Plan*

IX. *Correspondence*

X. *Old Business*

- Countywide Act 167 Stormwater Management Plan
  
- Christmas Party – Friday, December 16, 2011
  - Confirmation of guests attending
  - Janice Gavin to coordinate the food

XI. *Planning Commission Members*

XII. *Recognition of Visitors*

XIII. *Adjournment*

**East Nottingham Township  
Planning Commission Regular Meeting Minutes  
November 28, 2011**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on November 28, 2011 at 7 pm. Those present were: Planning Commission, Chairman Walt Leis, Vice-Chair Janice Gavin, Members, Rick Orner, Robert Williams, John Wallace, Art Rieck and Planning Commission Secretary, PJ Scheese. Member Tom Faux arrived after the approval of the September 26, 2011 meeting minutes.

The meeting was called to order at 7:01 p.m. by PC Chairman Walt Leis.

The Pledge of Allegiance was led by Vice-Chair Janice Gavin.

**A motion was made by John Wallace, seconded by Art Rieck, to approve the agenda.**

**Aye: 6      Nay: 0**

There was no public comment on the agenda.

**A motion was made by the John Wallace, seconded by Robert Williams, to approve the regular meeting minutes for September 26, 2011. The motion passed.**

**Aye: 5      Nay: 0      Abstain: 1 (Rick Orner)**

**A motion was made by the Rick Orner, seconded by John Wallace, to approve the regular meeting minutes for October 24, 2011. The motion passed.**

**Aye: 5      Nay: 0      Abstain: 2 (Robert Williams & Art Reick)**

**Ordinances**

***AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT SEWAGE DISPOSAL FACILITIES IN THE TOWNSHIP OF EAST NOTTINGHAM, CHESTER COUNTY, PA***

Township solicitor Winifred Sebastian began the discussion with a recap of why this ordinance is now in front of the Planning Commission. She explained that the three (3) page ordinance, enacted in 2008, that is currently in place, was determined by the PA DEP to be unsatisfactory, mostly because of it not including a section about the management of storm water issues. The new ordinance, section VII.F deals with this.

Ms. Sebastian stated that there is really nothing new for the township to do, that was not in the current ordinance, but the new ordinance has more detail about the Chester County Health Department's part in it. The township has already been broken down into three areas associated to when property owners are required to have their septic systems pumped out. She said that she is working with DEP to change the their requirement that all septic systems be inspected within the first two (2) years of enactment of this ordinance, to the first three (3) years, to coincide with the first three (3) year requirement of getting all systems pumped out. She does not believe the law requires an inspection every two (2) years. This ordinance has nothing to do with experimental septic systems.

The Planning Commission had some concerns:

- Is the township responsible for the record keeping? Yes. Ms. Sebastian explained that this was already in the 2008 ordinance. The thought has been that Lower Oxford Township and East Nottingham Township go together to find one individual to handle this job for both municipalities.
- How will the proof of pump out be tracked? The Chester County Health Department is already keeping track of this.
- What is the definition of a "Qualified Person" to do the inspection and can this person be the same one who pumps it out? Ms. Sebastian said that she would do some research on this and clarify.
- Rick Orner asked if the BOS must take this ordinance as written or can it be altered? This is the ordinance that Kelly Sweeney of the DEP wrote.
- Rick Orner expressed concern that this would be putting the township in the "sewage business."
- Walt Leis is concerned about someone just being able to go on someone's property without permission. There is really no reason for the township to send anyone unless there is a complaint of raw sewage being on the ground. In a case such as this the Chester County Health Department would go to assess the situation. If residents get their tanks pumped out and inspected when required, then there is no problem. If they do not, they will receive a letter from the township indicating they are in violation of the ordinance and that this could result in fines. "In violation"

mandates the township take action to make residents comply with the ordinance. There would simply be no point in sending someone out to a property in these instances.

- Who will be responsible for the cost of implementing these procedures? The cost would go to the residents in the form of a fee, to be determined by resolution.
- Art Rieck raised the issue that depending on the number of people in a house and the size of the tank, some residents don't need to pump out as often as every three (3) years, while others may need to do it more often than that. DEP came up with three (3) years as an average requirement.
- Mr. Rieck was also curious if we had an idea of how many systems in the township are malfunctioning. Supervisor Reynolds, who was in the audience, stated that there is a map showing them in the OASA Act 537 Plan.

Ms. Sebastian told the PC that we are bound by the structure of the new 537 Plan for the Oxford Area Sewer Authority, to approve this ordinance. DEP wants the township to be the Sewage Enforcement Officer. Currently the Chester County Health Department has that role.

Jim Gade, Township Engineer, asked to speak. He explained how this has worked in other townships. On every permit it states that the tank needs to be pumped out every three (3) years. If your bed is leaking sewage the township's SEO has the authority to go on the property to inspect.

Ms. Sebastian said that she would do the following:

- Refine and clarify the inspection requirements;
- Ask DEP if the inspection requirement of all systems to be done within the first two (2) year period to be changed to within the first three (3) years to coincide with the pump out schedule; and
- Write the definition of "Qualified Person."

Once that is done she will forward the ordinance to the Board of Supervisors so they can advertise it to be voted on at their closeout meeting the last week of December, 2011.

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

#### **Herr's Foods Inc. – Preliminary Industrial Subdivision Plan**

Jim Gade went over his review letter with the PC. The plan proposes a subdivision of an existing 122.55 +/- acre property into an 8 lot industrial park. This is his second review letter. Open issues are:

- In Zoning 27-403.2.B.2, the applicant needed to correct the General Permit application to indicate the actual SF of wetlands. They say they have done this but still need to supply the township with a copy.
- In Zoning the project entrance will cross the East Penn Railroad ROW. The applicant indicated that the EPRR has been involved in the planning, but needs to submit the correspondence indicating they have authorization to cross the RR to the township.
- In SALDO 22-402.D.11, the applicant needs to submit a letter, from the OASA indicating capacity or inclusion of the development in the Act 537 plan, to the township before preliminary plan approval.
- In SALDO 22-502.14.A, the maximum length permitted for a cul-de-sac is 800 feet. The one on the plan is approximately 1500 feet. The applicant has indicated they would like a waiver, however, needs to supply a formal request to the township.
- In SALDO 22-503.2, no sidewalks proposed. Applicant needs to discuss why they don't think they are necessary.
- In SALDO 22-503.3.D, vertical curbs only for the first 250 feet. The rest (1350 ft) proposed to be rolled curb. Applicant needs to discuss.
- SALDO 22-508.3, 22-508.4, 22-508.5, 22-508.5.D, 22-508.5.F.6 – all stormwater management issues.
- SALDO 22-511 – Applicant shows no street lights proposed for road. Applicant needs to explain.
- SALDO 22-513 – Applicant indicated a traffic study is being conducted as part of Penn Dot's HOP permit. Copies will be provided to the township.

No action taken

***Letters of Extension***

**REQUEST FOR EXTENSION LETTERS – TO BE DATE SPECIFIC FOR FEBRUARY 15, 2012**

**A motion was made by Art Rieck, seconded by Tom Faux, to request letters of extension for the following:**

- **Langston - Preliminary Subdivision Plan**
- **Liz Miller – 2003 Preliminary Subdivision Plan**
- **Meadowview Estates (Frost) (Option 1)**
- **Carl E & Lesley L. Mease – Land Development Plan**
- **Herr Foods Inc. – Preliminary Industrial Subdivision Plan**
- **Timothy Bishop – Minor Subdivision Plan**
- **Stephen & Lydia Fisher – Minor Subdivision Plan**
- **David T. Muehlmann – Minor Subdivision Plan**
- **Wicklów – Final Subdivision Plan**

**To be date specific for February 15, 2012.**

***Other Plans Currently in Subdivision or Land Development Process (FYI)***

- **Wilson King – Final 2-Lot Subdivision & Land Development Plan**

**Correspondence – NONE**

**Old Business- NONE**

**PC Members - NOTHING**

**Visitors**

Audrey McSorley asked about the 537 Plan and the experimental permit for the EnviroServers at Wyndham Creek. Will their septic tanks be covered in the new ordinance discussed at the beginning of the meeting?

Joe Corcoran asked who oversees DEP. Walt Leis indicated that elected politicians are the people to go to when having issues with a government agency. Mr. Corcoran also asked who regulates faulty installations, and who says when one is faulty.

Debbie Pieri remarked that when the first notifications to have septic tanks pumped out at Wyndham Creek that the meeting room will be filled with people.

Carol Dunlap said that their builder, Keystone Custom Homes, told them that the EnviroServers were state of the art and maintenance free.

Jack Dunlap stated that these systems have had multiple system problems.

**A Motion was made by Tom Faux, seconded by Rick Orner, to adjourn the meeting.**

The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

PJ Scheese  
Planning Commission Secretary

APPROVED:

Date \_\_\_\_\_

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Walt Leis, Planning Commission Chairman

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