

**East Nottingham Township  
Planning Commission Meeting Minutes  
March 21, 2005**

**COPY**

The rescheduled regular February meeting of the East Nottingham Township Planning Commission was held in the Township Building on March 21, 2005 at 7 pm. Those present were: Chairperson, Marianne H. Russo, Vice-Chairperson, Joseph R. Bauer, Jr., Planning Commission Members, Percy E. Reynolds, Jr., Clifford Lee, Michael W. Rebert, Gene Turns and Planning Commission Secretary, PJ Scheese.

The meeting was called to order at 7:05 p.m. by Chairperson, Marianne H. Russo.

The Pledge of Allegiance was led by Vice-Chairperson, Joe Bauer.

Marianne Russo introduced Gene Turns as the newest member of the Planning Commission. Gene gave PJ Scheese his signed oath of office for the records. Marianne Russo then introduced the new Township Manager, Gene Boneker, and gave a short explanation of his job responsibilities.

Marianne Russo said that Al Federico would make his presentation on Traffic Impact Study upon his arrival, whenever that happened. Under Old Business the Report from Percy about the Township Engineer's Responsibilities was removed. A motion was made by Joe Bauer to approve the agenda as noted, seconded by Cliff Lee. The motion carried.

Aye: 6      Nay: 0

There was no public comment on the agenda.

Joe Bauer did not have a corrected copy of the January 18, 2005 minutes, but asked if the corrections he asked for were made. PJ Scheese answered in the affirmative. A motion was made by Joe Bauer to adopt the minutes from January 18, 2005, seconded by Mike Rebert. The motion carried.

Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

***Back Up Drain Fields – Ron Ragan Report***

Ron spoke with Ralph Defazio, Chester County Health Department, who indicated all they can do is enforce the DEP regulations. They cannot enforce regulations set by a township. The CCHD serves as the Sewage Enforcement Officer for the Township. Ron will explore what mechanisms permit other townships in other counties to have their own sewage enforcement officers. East Nottingham Township is limited at this point. Ron said that they can not adopt more stringent standards right now. He will report back at the next Planning Commission meeting.

The new Act 537, currently being written, proposes to implement an on-lot disposal system management (OLDS) program – septic tanks to be required to be pumped and systems inspected every three (3) years. The OLDS program would likely start immediately after adoption of the new Act 537 plan. The OLDS program, as currently planned, would require one third of the systems to be pumped/inspected the first year, another one third the second year, the remaining one third the third year, and then start over again. Pump outs and inspections would be performed by private septage haulers and the CCHD would track activity.

***Fire Ordinance – Percy Reynolds***

Percy Reynolds asked the Planning Commission for guidance, as to if the Commission wanted to consider an ordinance that requires sprinkler systems for all new construction.

The Universal Building Code currently takes care of multiple-occupancy buildings by requiring sprinkler systems. The question was asked:

Do we want to pursue sprinkler systems for single family dwellings? Some townships are currently doing this. Question came up if it should be done for those houses with public water and sewage only.

Any new regulations would be for current construction only. Joe Bauer said that regarding the ROSD, with the proximity of the houses to each other, it would be beneficial. Also where age restricted environments existed it would be good.

What about houses on one acre lots? West Whiteland has a system that covers everything. The Planning Commission was impressed by that. Are there alternatives to sprinkler systems? Marianne asked if it made sense to create something for all houses at first and then back off later if the need arose. Joe Bauer agreed. Percy said he would pursue that.

**Noise Ordinance – Joe Bauer & Cliff Lee**

Joe Bauer handed out a template of a fire ordinance. The big question appears to be the ability to enforce a noise ordinance. The Municipal Planning Code authorizes the adoption of an ordinance and provides for penalties. Birmingham and Caln townships both have one. Joe Bauer said he had just received these to compare with the one he handed out to the Planning Commission.

Resident Joe Scheese that instead of putting an actual time for what is day and what is night, using sunrise to sunset. This in reference to those people who cut their grass later in the evenings when it cools down.

The Planning Commission will hear some more on this at another meeting.

**Traffic Impact Fees Study – Al Federico**

Al Federico gave an overview of the steps involved in adopting a Traffic Impact Fees Ordinance. Heworks for McCormick Taylor Engineering and Planning. He gave an overview to the Planning Commission. Act 209 in 1990 was adopted by the state and gave municipalities the authority to implement traffic impact fees. This formalized a way to obtain fees from developers for the impact to township roads. The state modified MPC Chapter 505A (handed out copies to Planning Commission members). The ultimate goal is to collect the money necessary to make improvements where increased traffic will have an impact on the roads. It also gives the developer some amount of cost certainty. However, it also restricts the negotiation of the municipality on levels previously used.

There are four basic elements:

*Land Use Assumptions Report*, done by a combination of residents and developers, determines what the usage of the roads will be based on population growth caused by the developing lands. They will need to project five to ten years worth of changes in the roads. The Board of Supervisors must hold a public hearing and adopt the report before moving forward.

*Roadway Sufficiency Analysis* – the township must retain a traffic engineer to gauge the impact of the existing traffic to establish baselines. Then use the Land Use Assumptions Report to identify where the most impact will be.

*Capital Improvements Plan* – Here the committee must both identify the problems and recommend the solutions. Create a timeline for when things will be done. Capacity-based program - funds can only be used for capacity improvements (lane widening, traffic lights), not for safety improvements. Can only make improvements identified in the plan.

*Transportation Impact Fee Ordinance* – Assign a cost-basis of impact fee. Fee is collected at the time a building permit is issued. Must have a public hearing before it is adopted.

Funds can only be used for off-site improvements. ENT has 54 miles of township roads and 28 miles of state road. For state roads only one half of the improvement project can be funded by impact fees. At the intersections of state and township roads 75% can be funded from the impact fee money.

Most townships start levying the fee at the beginning of the process. If it takes two years to adopt the ordinance and have collected fees, the township must return the first six months of those fees back to the developer. If the township does not make the required improvement in the required timeframe, and the developer asks for the money back, it must be returned, with interest.

The PC decided to think about all of this and go over it again at the next meeting before they give a recommendation to the Board of Supervisors. Ron Ragan suggested a feasibility study. Should someone drive through ENT and see if this should be done before creating a committee? Find out where the biggest impacts will be. Ron said we already have a collection of traffic studies they can review.

### **Developments**

#### **Elkdale Green**

Spence Address, Ed Jefferis & Jahan Sheikholeslami presented.

Discussed Open Space management plan. Jahan said the plan he was showing tonight had more than 50% open space, including the drip irrigation field. Without the drip irrigation field it is still within the 40% required open space. But the field would still look like open space to the public. The Planning Commission noted a couple of tight radius spots on some of the curves and Percy was concerned that the rolled curbs would become part of the cartway. Resident Alvin Miller stated that the curves and curbs could create more of a water problem and issues with snow plowing. The cul-de-sacs would require a front end loader to move the snow. Cliff Lee was concerned about the tightness of the curves and asked if it was possible to adjust the dimension of some of the properties to round out the curves a little. Ed Jefferis said they can do this.

There was some discussion about a 22' cartway v. a 24' cartway. Jahan wants a 40' of cartway and 5' of sidewalk on each side, and the township would take dedication of the road only, not the sidewalk. Jahan said that with the 22' there would be curbing, which is not actually required. The 24' cartway would not have curbing. Jahan went on to say that when a road does not have a curb it cracks more easily. Percy Reynolds said not when you park on it (the curb). Mike Rebert said that without a curb water and silt will run into people's yards. Marianne Russo asked why not a 24' cartway and the curbs. Ron Ragan states that that would generate more storm water due to the increase in impervious surface. Ron also said that this would increase the amount of road to rebuild when the time comes. Ron indicated that since the township has adopted the Cluster Ordinance, the need for new design standards that apply to lots less than an acre has not yet been addressed.

Cliff Lee said that with a rolled curb you don't get the feeling of driving through a canyon, as you do with straight curbs. Ron Ragan said that the water will run in the valley of the rolled curb to pipes, to basin, to the wetlands and streams.

#### **Actions: Waivers requested:**

502.8 : Right-of-way and cartway widths (See Attachment A). Cliff Lee made a motion to recommend to the Board of Supervisors to grant the waiver, seconded by Mike Rebert. Marianne Russo said that there are bigger issues that need to be settled before she can accept or reject waivers on pieces. She is hesitant to grant waivers to pieces when they don't know if the whole is going to work, specifically the drip irrigation field.

The motion was not passed.

Aye: 2 (Cliff Lee & Mike Rebert)      Nay: 3 (Percy Reynolds, Joe Bauer, Marianne Russo)  
Abstained: 1 (Gene Turns)

Immediately following the vote Jahan Sheikholeslami said that he will just put in a 24' right of way without a curb and the township can take dedication of the sidewalks, exactly according to the ordinance. Supervisor Sam Goodley said that it was not the policy of the township to accept dedication of the sidewalks. Joe Bauer said he doesn't want sidewalks in the right of way.

503.02.B : To locate the required sidewalk outside of public road right-of-way. Sidewalk will be provided on both sides of the proposed road. Mike Rebert made a motion to recommend to the Board of Supervisors to grant the waiver, seconded by Joe Bauer. The motion carried

Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

503.03 : Proposed curbs to be rolled curbs in lieu of vertical curbing. Mike Rebert made a motion to recommend to the Board of Supervisors to grant the waiver, seconded by Joe Bauer. The motion carried  
Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

502.07A : Horizontal Curves. The following specified radii are requested which are less than the minimum required radius:

- a. Alder Lane – one location of 180' radius and three locations of 60' radius.
- b. Birch Road – two locations of 105' radius, one location of 45' radius, two locations of 80' radius and one location of 40' radius.
- c. Sassafras Circle – two locations of 80' radius.

Mike Rebert made a motion to recommend to the Board of Supervisors to grant the waiver based on at least a 60 degree radius, seconded by Joe Bauer. The motion carried.

Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

502.14.A : Cul-de-sac. The outside diameter of the pavement is 82 feet and the cartway width around the turnaround is 22' wide. Marianne suggested taking no action and taking another look at it next week. Joe Bauer made such a motion, seconded by Cliff Lee. The motion carried.

Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

Jahan Shiekholeslami asked to be put on the agenda for March 28, 2005.

### **Doolittle Property**

Bill Doolittle has proposed a development off of what he interprets as a private road. Ron Ragan interprets that it is a "driveway" leading to the lots Bill wishes to subdivide. Bill would like a legal opinion. Bill Doolittle is to set up an appointment with the township manager, Gene Boniker to discuss setting up an escrow account for township solicitor, Winnie Sebastian, to review and give her legal opinion.

Joe Bauer motioned to take no action, seconded by Mike Rebert. Marianne Russo amended the motion to include the suggestion that the township manager sort out the details. The motion carried.

Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

### **Nottingham Towers**

One of the principals had become sick earlier in the evening and so they had to leave. Resident Alvin Miller suggested the Planning Commission reference a Zoning Hearing Board decision in 1970 regarding Nottingham Towers. No action taken.

### **DeCarlo Property**

Doug Stewart presented. This is a piece of property that has frontage on Twin House Road, but that runs along the Route 1 Bypass. He referenced the sketch he showed the committee in December, 2004 referring to the suggestion that was made to contact Wilmer Hostetter. The two agree to work together.

Mr. Stewart says he has explored the topography of the soils to be able to cross over to the Hostetter place. Basically they can create three separate neighborhoods from the two properties. This is in an R2 district. They hope to coordinate the development of the two properties. They are looking into the feasibility of connecting into the OASA system. The lots will be about 10,000 sq. ft. – as part of a cluster option of single family detached four bedroom houses.

Joe Bauer motioned to take no action, seconded by Cliff Lee. The motion carried.

Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

DeCarlo Property is to be put on the agenda for March 28, 2005.

### **Shephard Farm**

This is the property that will be connected with the DeCarlo property. There is a letter from Lake Roeder Hillard & Assoc. requesting withdrawal of their clients, Wilmer Hostetter's previous plan

Joe Bauer motioned to accept the withdrawal, seconded by Mike Rebert. The motion carried.

Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

Board of Supervisors is to receive a copy of the withdrawal letter so the Shephard subdivision can be officially removed from the Planning Commission agenda.

Joe Bauer made a motion to take no action on items 6 thru 18 (subdivisions not presenting tonight), seconded by Mike Rebert. The motion carried.

Aye: 5      Nay: 0      Abstained: 1 (Gene Turns)

#### ***Extension Chart***

It was noted that extensions are needed for the following subdivisions:  
Elkdale Green, Meadowview Estates, Ruth S. Coldiron, and Tom Swift.

*McMichael development plans:* PJ Scheese informed the Commission that Winnie Sebastian told her it was a deemed approval, meaning that since there was never an extension given or accepted, and the plan was not denied, it is considered approved.

#### ***Correspondence***

Two pieces of mail, both course offerings related to subdivision and open space.

#### ***Planning Commission Members***

Authorization for Planning Commission Secretary, PJ Scheese to fill out and sign Planning Modules to be sent to DEP. This is not an authorization to take action other than directed by the PC. Marianne Russo signed it.

Cliff Lee - regarding the next joint work session, Cliff suggested they discuss rolled curbs and cartway widths, review old ordinances (for 1 acre lots) v. clustering. Marianne Russo asked Gene Boneker to check into that.

Percy Reynolds – regarding Elkdale Green. Percy requests that the Planning Commission ask Jahan Sheikholeslami to present a set of revised plans instead of just bringing a sketch next time.

#### ***Visitors***

Shaun Gallagher would like a copy of the West Nottingham letter regarding Hickory Hill. He is to call the Zoning Officer for a copy, so long as it is considered public record.

Miles Standish – was surprised at the development explosion. This is his first time coming to a meeting.

Joe Scheese – resented the fact that one developer appeared to blackmail the Planning Commission.

Joel Brown – wanted to know where the PC was with the horse/acre ordinance is at. He was told it will be on the March 28, 2005 agenda.

Gene Boneker – said that the zoning ordinance needs to be updated so what happened at this meeting does not continue to happen.

Having no further business Cliff Lee made a motion to adjourn the meeting, seconded by Joe Bauer. The motion carried.

Aye: 6      Nay: 0

The meeting adjourned at 10:15pm.

Respectfully Submitted,

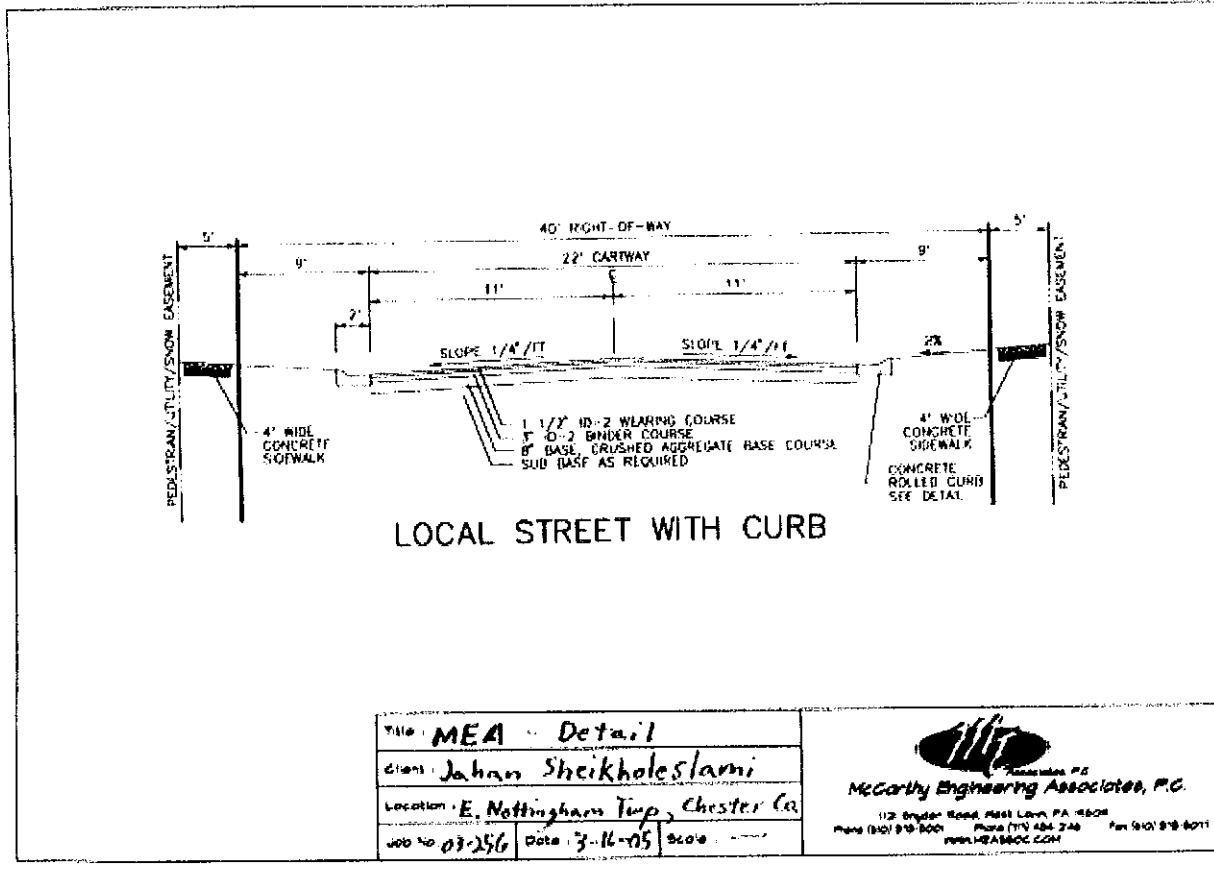
PJ Scheese  
Planning Commission Secretary

APPROVED:  
Date \_\_\_\_\_

\_\_\_\_\_  
Marianne H. Russo, Chairperson

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Attachment A



Attachment B

