

**East Nottingham Township  
Planning Commission Meeting Minutes  
March 28, 2005**

**COPY**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on March 28, 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, Walt Leis 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 Walt Leis as the newest member of the Planning Commission. Walt gave PJ Scheese his signed oath of office for the records.

A motion was made by Joe Bauer to approve the March 21, 2005 agenda, seconded by Gene Turns. The motion carried.

Aye: 7      Nay: 0

Joe Bauer said he had a problem with the McMichael Plan having a Deemed Approval, saying that the PC had asked for two extension letters and was ignored and so now the preliminary plan has a deemed approval. Ron Ragan mentioned that McMichael still has to do a final plan.

***Water Ordinance***

Walt Leis said that he has received Ron Ragan's comments and will incorporate them into the final draft for the next PC meeting.

***Horse per Acre Ordinance***

Winnie Sebastian's draft (401.b.1b(1)A) of an amendment to the current ordinance was handed out to the PC. Marianne Russo raised the issue that there were several sections of the current ordinance that will need to be changed. The proposed ordinance change requiring a two (2) rather than three (3) acre minimum for large domesticated animals applies only to horses. Joe Bauer made a motion to approve the amendment to be sent to the BOS for approval, seconded by Mike Rebert. Percy Reynolds asked about the particular situation that had brought about this change. Marianne Russo cited several other municipalities that have moved in this direction. Joe Scheese asked why other large domesticated animals were excluded from the amendment. There was some discussion about this. The motion carried.

Aye: 5      Nay: 2 (Percy Reynolds & Walt Leis)

***Burn Ordinance***

Gene Boneker handed out draft #2 and reviewed it with the PC. The definitions had been expanded. The PC liked how things were spelled out. Gene Boniker stated that this ordinance was in compliance with DEP regulations. He said that Act 101 entitles the township to collect fines. The proposed ordinance would outlaw burning toxic materials and commercial materials, but allow for the burning of wood. Joe Bauer recommended that yard waste should be stipulated as dry. Wet waste causes a heavy sooty smoke. Cliff Lee requested alternate language in section F(2) for the definition of "domestic waste." It was suggested that in section F(7) where it says "permission" it should say "permit." Gene Turns asked about farmers burning plastic bags and Gene Boneker said that DEP considers this illegal. There was a brief discussion on the enforcement of this ordinance.

Joe Bauer said he would like to see one more draft with the suggested changes before the PC recommends it to the BOS. Percy suggested that the next draft should be sent to the fire company to look over before it is forwarded to the BOS. The PC tabled action on this.

***Traffic Impact Fees Study***

Walt Leis asked for a quick update of Al Federico's presentation at the last PC meeting. PJ to give packet Al Federico handed out to PC to Walt Leis. Mike Rebert suggested that this be discussed at the

next joint work session. Percy Reynolds said that at a recent regional meeting traffic was a big issue and the next time there is a regional meeting it might be a good idea to invite township residents.

### **Developments**

#### *Century Oak*

Jonathan Pender of Rouse Chamberlain gave a brief history of this development for the benefit of the new PC members. Ron Ragan drafted a Sewage Facilities Planning Module Component 4A form and said the only issue is #14

"403.05.Q – An Improvement Guarantee agreement, including a cost estimate of public improvement, is required to be executed between the Applicant and the Township, prior to Township approval of this plan. "

***"Open - Applicant's Engineer advises that both items will be prepared when the design documents are finalized."***

It was recommended that Chairperson, Marianne Russo, should sign the Component 4A form, with comments to be passed on to the BOS. Motion to approve was made by Joe Bauer, seconded by Cliff Lee. The motion carried. Component 4A was signed.

Aye: 7      Nay: 0

Review of Ron Ragan's letter dated 2/24/05 – There was some discussion about #25

"508.02.K & 508.09 – Note 10 on the Cover Sheet indicates that individual lot owners are responsible for maintenance of the stormwater management facilities located on their property" which would mean that the owner of Lot 22 would be responsible for the maintenance of the basin for the entire subdivision.

There was concern over the burden this would place on the owner of lot 22 being responsible to maintain a basin for, eventually, over 70 lots. The PC felt that a homeowners' association could be responsible for the maintenance of the basin. The homeowners' association could also be the responsible party for the yearly cost of the fire hydrants that should be put into this development. Otherwise it would be the township's responsibility to bear this cost. Jonathan Pender said that these two issues would not be enough to keep a homeowners' association together. Cliff Lee disagreed with this assessment, saying that an HA is valuable for many reasons. Marianne Russo said that one property owner being responsible for a basin that is for 72 houses is a recipe for disaster.

# 30 on Ron Ragan's list is the fence issue:

"516 (Ord 9-2003) – A fence should be shown between the lots in this subdivision and Lot 72, which is the farmette. Although Lots 1 through 11 are in Phase II, REA recommends that a fence be placed now between these lots and the private farm on the south side of the subdivision. REA also notes that the Applicant may want to consider extending the fence along the lot lines completely between Mount Pleasant Road and Fifth Street Road."

Although the Ordinance enacted, requiring a fence to be put up by a developer between the development and an adjacent farm or farmette, came after the preliminary plan, Ron Ragan thinks there should still be a fence. Jonathan Pender agrees that this is a timing issue and did not refuse to consider a fence.

Jonathan Pender acknowledged that the outstanding issues are the fire hydrants (it was noted that this is something to be taken up at a joint work session); storm water basin on lot #22; traffic impact contribution; the Planning Module for Phase I and the NPDES. He also said that he would put together a Homeowners's Association.

*Nottingham Towers Property*

No one representing Heath Agency Real Estate. Joe Bauer made a motion to take no action, seconded by Mike Rebert. The motion carried.

Aye: 7      Nay: 0

*Jordan Manor*

There was a discussion regarding the waiver requests of February 18, 2005 letter from Riley Riper Hollin & Colagreco regarding road improvements:

"402.04.1 (see 502.11)"

"502.11 – No road widening proposed. Applicant views such road widening as detracting from the rural nature of the site and as encouraging speed increases.

502.14A –The only cul-de-sac street which exceeds the distance limitation of 800 feet is Jordan Circle Drive, which measures 962 feet.

Because of the size of the property developed, Ron Ragan believes the roads should be improved. Tigues's representative, Jack Werstle, stated that wider roads create increased speed and the number of cars passing each other, whereas narrower roads tend to slow drivers down. The PC stressed that safety and capacity are the issues here, and improved roads is a step in that direction. Jack Werstle suggested that Ron Ragan and Andy Eberwein prioritize the waivers. Ron Ragan suggested they solicit help from the road master and crew.

Marianne Russo asked if there had been any consideration for preserving the historic house on this property. The Tigues said they plan to tear it down, unless the township wanted it, in which case they would donate it to East Nottingham. The house hasn't been lived in for at least eighty-eight (88) years. There was some discussion on this.

No motions made.

At 9:10pm the PC took a break and reconvened at 9:20pm.

*Tom Swift*

Jim Fritsch referred to waiver request from Section 502.11, which requires improvements to existing streets abutting proposed subdivisions.

***"The cartway in the front of the subject tract is approximately 24 feet wide and does not need to be widened. It appears that the shoulder area drains away from the edge of the cartway into the tract. If this is the case then no roadside swales are needed. Therefore, REA does not oppose this waiver request."***

Per Ron Ragan's review, the PC did not oppose this request. There was some discussion. Mike Rebert motioned to recommend to BOS to approve this request, seconded by Walt Leis. Motion carried.

Aye: 7      Nay: 0

Referring to waiver request from Section 506 requiring concrete monuments:

"506 – requires concrete monuments"

***"REA does not oppose a waiver not to install monuments on the southern boundary adjacent to the Hutchinson farm. We do recommend that monuments be required at all other tract boundary corners."***

There was some discussion. Joe Bauer made a motion to recommend to the BOS to not approve this request. The motion carried.

Aye: 4      Since passed, no nay vote was counted.

Referring to waiver request from Section 508.03A :

"508.03.A -- requires all pre-development runoff coefficients within the project to be based on meadow use assuming summer or good land cover conditions."

***"If the CCCD/PADEP accept the use of actual land cover conditions for the post-construction stormwater management plan to conform to the SW NPDES permit requirements, then REA would not oppose the waiver request. Therefore, REA recommends deferring a decision on this waiver until the CCCD/PADEP have reviewed the E&S plan."***

A motion was made by Gene Turns to table this, seconded by Mike Rebert. The motion carried.

Aye: 7      Nay: 0

There was some discussion about the six (6) acre lot and possible further subdivision. There was concern over lots one (1) and three(3) having driveways on Wickersham Road, when there is the possibility of a road going between them to get to future lots on the six (6) acres. The PC thinks it would be better to have all driveways, including those on lots one (1) and three (3) to exit onto the new road. Percy would like to see a design that shows this. Jim Fritsch, of Register, disagreed, and further said that they would like a guarantee of a waiver to allow three(3) driveways off a common driveway if/when they subdivide the six (6) acre lot further. The PC said it cannot give guarantees in advance of seeing plans.

Jim Fritsch handed the PC an extension letter to extend the date until 7/13/05, to be given to the BOS.

*Jim Ferver (Mr. Mulch)*

Jim Fritsch reviewed the old sketch (4/26/04 w/ revision date of 3/28/05) with the PC. It showed storage piles and existing buildings, no new construction. He referred to the Deed Merger Winnie Sebastian is now reviewing and the Change in Use application the Zoning Officer is currently holding. There was some discussion about ground testing and Jim Ferver said that he received Phase I back and it was clean. There was a question about the storage of raw materials, frontage, screening and lighting. Ron Ragan believes the PC should look at this further. It was stated that pallet storage needs to be done per ENT's Zoning Ordinance. Jim Fritsch stated that there would be no more impervious surface than there was before. In fact, he said that water absorption might even be better because of the mulch piles. Percy Reynolds made a motion that Jim Ferver do a Land Development Plan, seconded by Joe Bauer. The motion carried.

Aye: 7      Nay: 0

*Ruth Coldiron*

Ed Jefferis will respond to Ron Ragan's review letter. The PC did not review the Borough's letter. Mike Rebert made a motion to table this, seconded by Cliff Lee. The motion carried.

Aye: 7      Nay: 0

*Hickory Hill Treatment Plant*

Developer plans to provide the water main from the treatment plant to Phase I. Developer will provide a sketch and proposed to build a driveway for access to the treatment plant. Developer asked for a waiver to put down stone and porous pavement rather than impervious pavement. They propose pavement of the first 50 feet of the driveway, then lay stone the rest of the way, except where it has a slope greater than 8%. Here they propose to use porous pavement. Motion made by Walt Leis to recommend to BOS to approve a waiver of Section 502.17.D, substituting a combination of stone and porous pavement for bituminous pavement, seconded by Percy Reynolds. The motion carried.

Aye: 7      Nay: 0

There was some discussion regarding the timing of a fence to be put up at the border of the farm. Brandolini was looking for an overall recommendation by the PC for preliminary plan approval. The PC was concerned about approving a plan with so many conditions.

Ron Ragan said that ENT's Act 537 from the County Plan of 1968 states that on-lot sewer systems are required for this area. The new 537 plan, presently being worked on, will connect this area to the OASA. Brandolini is afraid this will not happen in a timely fashion, so they want to go ahead with their own plan which will then be passed on to the OASA (they said an agreement to do this was signed last December). Ron feels that a development that close to a current system should be tied to the current system and not be for the exclusive use of just one development. Brandolini stated that the ground has been found okay for typical sewage application.

Marianne read some of the CC Health Department letter and it has several issues with the proposed separate treatment facility. A letter from West Nottingham Township objected to the Hickory Hill plan because WNT believes it does not take "any of the needs of the surrounding area into consideration" as required by the new 537 plan. Ron Ragan said that nowhere in Component 4A is a review of the technical design of the plant. It is about planning consistency. Their main issue is that ENT is moving in the direction of not having stand alone systems. Ron Ragan thinks the Planning Module is confusing as to whether it is for 211(Phase I) units or 360 units. He would like to see a sketch of a plan for the 360 EDUs. The PC hasn't seen a design for Phase II. The PC members did not have copies of the URS, WNT & CCHD letters. PJ will send copies of these to all members. Joe Bauer made a motion that no further action be taken in regard to the preliminary plans, seconded by Mike Rebert. The motion carried.

Aye: 7      Nay: 0

*Lasko Property (Barness)*

Carrie Nase, Fox Rothschild, reviewed the history of the Lasko property regarding Barness's desire to create an Age-Restricted development. They presented a draft ordinance which they would like ENT to adopt. Carrie said they were looking for a recommendation from the PC to the BOS to have the ordinance advertised.

She said their previous plan was for 196 units, and their new plan is for 176 units. Cliff Lee asked why they have not provided a sketch plan that falls within ENT's existing ordinance. The response was that the ENT ordinance would only yield 120 lots. ENT's ordinance requires a lot size of at least 10,000 sq. ft. Barness's proposed ordinance requires a minimum of 7500 sq. ft. per lot. They then reminded the PC that a by-right plan would yield only 120 units. Carrie told the PC that the 196 lot plan would provide approx. \$800,000 plus additional reserves in taxes to the school district. She did not have this number for 176 lots. There was also some discussion on traffic impact.

It was noted by the PC that the BOS and PC have faith in the current ordinance. Joe Bauer said he believes in the age restricted concept, but not the ordinance that relates to it.

Carrie Nase said what they were asking for tonight was to get the process started by having the PC recommend the BOS to authorize an ordinance amendment. According to the MPC the Solicitor writes an ordinance as requested by the BOS. The PC would review it.. Joe Bauer made the motion not to proceed forward on this ordinance, seconded by Cliff Lee. Motion carried.

Aye: 7      Nay: 0

*Woods at Nottingham*

Ron Ragan stated that according to the CC Health Department the Planning Module is still marginal, but that all open issues in his review letters have been resolved. Cliff Lee made a motion to recommend to the BOS to approve the preliminary plan, seconded by Joe Bauer. Motion carried.

Aye: 7      Nay: 0

*Elkdale Green*

Revisited waiver for rolled curb, sidewalks, and cartway. Joe Bauer made a motion to recommend the BOS grant a waiver on 502.8 with 11' modified roadway (see attached)- 22' cartway with rolled curbs., seconded by Mike Rebert.

Motion was carried      Aye: 7      Nay: 0

The PC requested a resubmission of a preliminary plan.

*Hostetter Shephard*

Jim Hillard did a synopsis of the previous plan, recently withdrawn. Showed the new plan subdividing property into three (3) lots. Will again subdivide the largest lot into cluster development (shown as a sketch on page 4 of prelim. Plan). Will do when off site sewage and water are available. Cliff Lee made a motion to take no action, seconded by Joe Bauer. Motion carried.

Aye: 7      Nay: 0

Cliff Lee made a motion to take no action on:

- Chamberlain / Nelson
- Shepherd Farm
- Cook Bros. (Meadow Creek)
- James Mark
- Doolittle/Simpler Property
- Meadowview
- Liz Miller Farm
- Lewis Tract
- Cooper Farm

seconded by Joe Bauer. Motion carried.

Aye: 7      Nay: 0

**Old Business**

There was none.

**Extension Chart**

Extension letters were requested for Elkdale Green, Ruth Coldiron, Tom Swift, and Lewis Tract.

No further business was brought up by either PC members or visitors. A motion to adjourn was made and seconded. Motion carried.

Aye: 7      Nay: 0

The meeting was adjourned at 11:55pm.

Respectfully Submitted,

PJ Scheese  
Planning Commission Secretary

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

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Marianne H. Russo, Chairperson

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