

**East Nottingham Township
Planning Commission Meeting Minutes
February 27, 2006**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on February 27, 2006 at 7 pm. Those present were: Chairperson, Joseph R. Bauer, Jr., Vice-Chairperson, Clifford Lee, Planning Commission Members, Gene Turns, Mike Rebert, Marianne Russo, John Wallace and Planning Commission Secretary, PJ Scheese.

Chairperson, Joe Bauer, called the meeting to order at 7:00 p.m.

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

Joe Bauer welcomed re-appointed Planning Commission member Marianne Russo and new member John Wallace.

Joe Bauer stated some changes in the agenda under the Subdivision Section. There were:

- 1) Remove item #7 Hickory Hill Road Tract Phase II
- 2) Remove item #8 Hickory Hill Treatment Plant
- 3) Add item #10 William Scott

Cliff Lee, seconded by Gene Turns to approve the agenda, made a motion. The motion carried.

Aye: 6 Nay: 0

At that point Walt Leis, Planning Commission member arrived.

A motion was made by Gene Turns, seconded by Cliff Lee to approve the January 23, 2006 minutes. The motion carried.

Aye: 5 Nay: 0 Abstentions 2 (Marianne Russo & John Wallace)

Ordinances

Act 209 Traffic Impact Fee Ordinance – Mike Rebert presented. He and Joe Bauer drove around the township and came up with a list of intersections they perceive to be potential issues in the future as the township continues to grow in population. This list has not yet been prioritized, but they believe that the Little Elk Creek Road and Fifth Street intersection and the Baltimore Pike and Shadyside Intersection are the two most major ones to be looked at.

Ron Ragan, Township Engineer, has been allowed a budget by the BOS of up to \$1000 to review the list and figure out the biggest potential problem areas. He is to identify where developments are taking place, and what the traffic will be like in those areas, in an effort to generate Act 209 Traffic Impact Fees. He made a point of stating that these future fees must be for future traffic issues and not for current ones. Ron stated that the next thing to do is to put this list on a map to show intersections in relation to potential parcels that could be developed, and what kind of traffic impact there will be on those intersections.

There was some discussion about how New London Township did its Act 209 Traffic Impact Study. Mike said that there are funds available from the Chester County Planning Commission to study traffic impact fees. Ron suggested the township move fairly quickly on this.

There was some discussion about the widening of roads and that it may cause drivers to increase their driving speed. Walt Leis voiced some concern regarding the enforcement of speed limits. Ron stated that he believed that the Act 209 money could also be used in terms of traffic calming. Ron also stated that currently road improvement money has been coming out of the liquid fuel and general funds. He said he would have something pulled together by March 20th for a joint workshop with the BOS.

A motion was made by Joe Bauer, seconded by Cliff Lee, to draft a letter to the BOS requesting a traffic committee workshop with the BOS and PC for March 20, 2006. The motion carried.

Aye: 7 Nay: 0

The status of the Water Management, Noise, and Historical Ordinances was questioned. Joe Bauer requested PJ Scheese to ask the Township Solicitor the status of these ordinances.

Developments

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

In the *Subdivision/Land Development Plans* section of the agenda, under the heading of "TOWNSHIP ENGINEER REVIEW LETTERS" the township's engineer will go over his review letter with the Planning Commission and the applicant, if he is present. The Planning Commission requests that the applicant wait until he is asked a question by the engineer or the chairman, or wait until the engineer's review of the plan is finished before directly addressing the Planning Commission regarding that plan.

Township Engineer Review Letters

Merrill Property – Preliminary Plan

Ron Ragan reviewed the plan's history and then his review letter with the PC. John Rohr was present on behalf of the Merrills.

Initially this was a "shared driveway" issue. But as he got further into it he realized that technically Lot A should not have been a building lot. Ron suggested it was more practical to waive most of the SALDO items in his review letter, as the house has already been built and the land stabilized.

Some open issues include having proper signature blocks and stormwater management. Ron suggests giving the applicant a waiver from having to prepare a stormwater management plan (Section 508.01). As the lot is already stable, he also suggests granting the applicant a waiver from preparing an Erosion & Sedimentation Plan (Section 508.06). Another waiver Ron suggested is allowing this plan to be processed as a Preliminary/Final Plan (Section 302.02.B). He also thinks a driveway easement and maintenance agreement should be written up and reviewed.

The real issue is **Lot A** not having enough road frontage. The applicant has asked for a waiver of this, but as it is a Zoning issue a variance would be the appropriate way to go. So Ron suggested changing Lot A's frontage to become compliant with the Zoning Ordinance. **Lot 2** could be designed as an interior lot with a twenty-five (25) foot access strip. The additional road frontage that would then be added onto Lot A would make it a legal lot. Ron suggested taking just enough strip from **Lot 2** and add it to **Lot A**. However, then **Lot 2** would not be sub dividable. Ron stated that **Lot 2** is not further subdividable anyway as a road cannot be put there. Further discussion took place regarding this issue.

Ron said he would not recommend approval of a plan that does not give proper road frontage. He recommended checking the deeds for any easements.

Marianne suggested that Ron Ragan and John Rohr get together privately to try to work this out. PJ was requested to set up the meeting. Ron Ragan's costs will be paid by this plan's escrow account.

A motion as made by Cliff Lee, seconded by Walt Leis, to take no action at this time. The motion carried.

Aye: 7 Nay: 0

Replogle Property – Preliminary/Final Plan

Jim Gade reviewed the plan. He sees one main issue. That is that the dwelling proposed is currently under construction. The applicant must provide grading plans and stormwater management and Erosion & Sedimentation measure. Some questionable items are drain fields and perk holes.

Ed Jefferis, Concord Land Planners, said he would address Jim's letter. **A motion was made by Cliff Lee, seconded by Gene Turns to take no action at this time. The motion carried.**

Aye: 7 Nay: 0

Sleiman Property y– Preliminary/Final Plan

Jim Gade reviewed the plan. He said the major issue he sees is the stormwater management. His comments are as follows:

Section 508.05.K.1. The Stormwater Management Report beds indicate infiltration as a method of runoff volume reduction. All infiltration systems must be located 30 feet from any basement wall. Applicant should indicate whether a basement will be provided and indicate the basement floor elevation. The applicant should indicate how the design would comply with this statement.

Open. The Applicant argues that the infiltration of the basin is limited to 1' depth. At that point, the basin drains through a discharge structure. This section applies to infiltration basin 3' or deeper. Therefore, the ordinance does not apply. The issue is not the depth of the bed, rather the depth of the water storage, and its relation to the finished floor elevation or basement elevation of the proposed structure (see Section 508.05.F.7). The applicant must provide the finished floor and basement floor elevation and provide calculations addressing the effects of the Basins 100 year water surface elevation on the structure.

The only other issue is the Sewage Facilities Planning Module did not have the proper application. It needs the 2005 Planning Module form. Then the Planning Module can be signed.

Ed Jefferis, Concord Land Planners, said he would resolve both issues.

The last issue is the Mt. Pleasant Road improvements required by the SALDO. The applicant would like to contribute money to the escrow account for road improvements. Ed Jefferis said he would work with Jim Gade to figure out an appropriate fee amount.

A motion was made by Joe Bauer, seconded by Walt Leis, for PJ to sign the Planning Module. The Motion carried.

Aye: 7 Nay: 0

A motion was made by Marianne Russo, seconded by Cliff Lee, for Ed and Jim to work out the road improvement escrow fee. The Motion carried.

Aye: 7 Nay: 0

At this time John Wallace excused himself from the meeting saying he had leave for another appointment.

Kelly Property – Preliminary/Final Plan

Jim Gade reviewed the plan. This is an add-on lot. The Chester County Planning Commission suggested a maintenance agreement regarding the pond that will now be shared between the two parcels. Ed Jefferis, Concord Land Planners, said the ENT has no ordinance that covers this and that the agreement would have to be between the two owners.

A motion was made by Walt Leis, seconded by Gene Turns, to approve a waiver from 403.03.A regarding existing features to be put on the plan. The Motion carried.

Aye: 6 Nay: 0

A motion was made by Cliff Lee, seconded by Walt Leis, to approve a waiver from 403.03.C regarding existing features to be put on the plan. The Motion carried.

Aye: 6 Nay: 0

A motion was made by Walt Leis, seconded by Cliff Lee, to sign the Non-Building Waiver. The Motion carried.

Aye: 6 Nay: 0

Then Jim Gade reminded the PC that DEP does not need to approve the Non-Building Waiver. **A motion was made by Cliff Lee, seconded by Gene Turns, to withdraw the previous motion. The Motion carried.**

Aye: 6 Nay: 0

A motion was made by Cliff Lee, seconded by Walt Leis, to grant final plan approval conditional the BOS granting approval of the waivers. The Motion carried.

Aye: 6 Nay: 0

NOTE: Kelly Final Plan is dated 12/1/05, with revision date of 1/27/06.

Developers Requesting to be on Agenda

Jean Lawrie-Parker – Preliminary/Final Plan

Mark Padula, Regester, requested conditional plan approval. A motion was made by Gene Turns, seconded by Walt Leis, for final approval, conditional on DEP approval of Planning Module. The motion carried.

Aye: 6 Nay: 0

Cook Brothers – Preliminary Plan

Ed Jefferis, Concord Land Planners, requested approval of the Sewage Facilities Planning Module. Ron presented Component 4A to the PC for approval and told them that an Operation and Maintenance Agreement will be needed. A motion was made by Cliff Lee, seconded by Mike Rebert, to accept the Sewage Facilities Planning Module. The motion carried.

Aye: 6 Nay: 0

William Scott Garden Center Sketch

This is going to be a seasonal business on the property between the used car dealership and Lemo's Landscaping on Baltimore Pike. They plan on sharing the driveway with Lemo's. PJ was asked to check with Penn Dot about two separate businesses sharing a driveway off of a state road.

The required permits will be Use & Occupancy, Shed, and a Building permit for the greenhouse. Marianne made a general comment about the aesthetic nature of transients businesses on parcels. PJ is to discuss zoning issues with Ron Ragan.

Letters of Extension

A motion was made to request letters of extension for:

Elkdale Green – Preliminary Plan
Meadowview Estates (Option 1 - Cluster) –
Preliminary Plan
Meadowview Estates (Option 2) – Preliminary
Plan
Wicklów Subdivision – Preliminary Plan

Clifford Lee Subdivision – Preliminary/Final Plan
Jean Lawrie-Parker – Preliminary/Final Plan
Tom Swift – 3 Lot Preliminary/Final Plan
Hostetter Shephard – Preliminary/Final Plan
Merrill Property - Amended Plan

by Walt Leis, seconded by Gene Turns. Letters are to be date specific with May 11, 2006 as the specific date. The motion carried.

Aye: 5 Nay: 0

No discussion or action taken on the following subdivisions:

Liz Miller Farm - Final Plan
Cooper Farm / Greenpoint Farms – Final Plan
Lewis Tract – Final Plan

Correspondence

- a. Letter from MacElree Harvey, Ltd to Township Solicitor regarding Wicklow subdivision
- b. Chester County Planning Commission Winter Newsletter
- c. Brandywine Conservancy TDR seminar on Thursday, March 2, 2006

PC Members

There is a joint work session with the BOS and PC on the Comprehensive Plan on Wednesday, March 8, 2006 at 7pm.

Old Business

None

Recognition of Visitors

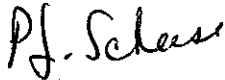
Nothing

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

Aye: 6 Nay: 0

The meeting adjourned at 9pm.

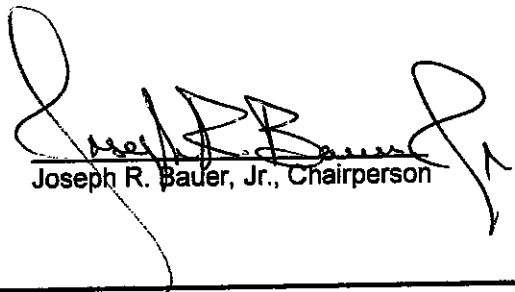
Respectfully Submitted,



PJ Scheese
Planning Commission Secretary

APPROVED:

Date 3/27/06



Joseph R. Bauer, Jr., Chairperson
