

**East Nottingham Township
Planning Commission Meeting Minutes
July 24, 2006**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on July 24, 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 and Planning Commission Secretary, PJ Scheese. Absent was member, John Wallace.

Chairperson, Joseph R. Bauer, Jr., called the meeting to order at 7:00 p.m.

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

Joe Bauer thanked everyone for all the cards and flowers he received from people after his wife passed away. He also thanked Cliff Lee for chairing last month's PC meeting.

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

Aye: 6 Nay: 0

There was no public comment on the agenda.

A motion was made by Cliff Lee, seconded by Marianne Russo, to approve the June 26, 2006 minutes. The motion carried.

Aye: 5 Nay: 0 Abstention: 1 (Joe Bauer)

Oxford Area Rec Authority

Joe Bauer read the sample letter supporting the OARA that the Authority would like the PC to sign and send. The OARA is applying for two grants. One is for \$500,000 for grading and installing a ball field. The other is for \$400,000 for trails. The OARA needs letters of support from all participating municipalities as part of the grant process.

A motion was made by Mike Rebert, seconded by Walt Leis, to have the Vice-Chairperson, Cliff Lee, sign the letter of support. As Joe Bauer, Chairperson of the PC, is also on the Board of the OARA, the PC thought it would be better for Cliff Lee to sign the letter. The motion carried.

Aye: 5 Nay: 0 Abstention: 1 (Joe Bauer)

Comprehensive Plan

Joe Bauer told the PC that he spoke with David Ward, of the Chester County Planning Commission, after the July 17th work session. Joe received a list of consultants under the VPP Grant Program. Helen Esbshade, ENT's Solicitor, is reviewing the request for proposal submitted to the work session for requesting a list of planning consultants to bid on the project.

Subdivision & Land Development Ordinance

Ron Ragan wrote a letter to the BOS suggesting an amendment to the ordinance, modifying certain sections of the SALDO. **A motion was made by Marianne Russo, seconded by Gene Turns to pass the amendment, as it is written to the BOS, with the change of Charles D. Shelton as the Vice-Chair of the BOS. The motion carried.**

Aye: 6 Nay: 0

TDRs

Joe Bauer reviewed Sandy Lee's (ENT Solicitor), letter to the BOS, with the suggested amendment to ENT's Zoning Ordinance, regarding changes in the TDR section. He told the PC that it was currently at the Chester County Planning Commission for review right now.

Subdivisions & Land Development Plans

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

Township Engineer Review Letters

England – Preliminary/Final Plan

Jim Gade, township engineer, reviewed his letter, saying all issues have been resolved. He said the only thing left was final plan approval

A motion was made by Mike Rebert, seconded by Walt Leis, to approve the preliminary/final plan. The motion carried.

Aye: 6 Nay: 0

James Mark – Preliminary/Final Plan

Jim Gade reviewed his letter with the PC. This is an add-on lot. Part of it is in the Oxford Borough so the applicant will need their approval. A slice of R2 will be added to a parcel that is C2. This has been submitted as a Minor Plan. However, one of the parcels will be further sub dividable and so technically it should have been submitted as a Major Plan. Applicant intends to request a waiver from this. There are other waivers that will be requested as well. Part of this land will be given to the sewer authority.

A motion was made by Gene Turns, seconded by Cliff Lee, to take no action. The motion carried.

Aye: 6 Nay: 0

Developers Requesting to be on Agenda

Tom Swift Estates – Preliminary Plan

Chester Diem from Register presented. The revised plan shows six townhouses and six single family homes. The previous plan showed thirteen homes altogether. The size of the cul-de-sac has been increased.

All homes will be serviced by public sewer, although they cannot use drywells, which is allowed by ENT's Ordinance. Walt Leis expressed some concern with long term maintenance. He asked Jim Gade if the township could require a long term maintenance contract. Chester Diem said that this should be covered in the Homeowners' Agreement. The township can require this.

Some pictures of townhouses were passed around the PC so show what they would look like. Houses will have brick and no siding. There was some discussion about the pictures. The PC said they were looking for something a little clearer.

There was some discussion about the swale behind the houses and whether this is put in the plan as an easement so the homeowners know they can not change the contour of their back yards. Most of the drainage will go down towards this drainage management area. Jim Gade suggested that the swale be designed as per the Chester County Conservation District requirements.

Mike Rebert asked if there were any fire hydrants on the plan. There is currently one on the end of the cul-de-sac.

Jim Gade said because of the density of the homes that the SALDO requires sidewalks to be installed. There was some discussion about requesting a waiver for curbs but no sidewalks. Right now the applicant is not proposing any sidewalks.

A motion was made by Gene Turns, seconded by Cliff Lee, to take no action. The motion carried.

Aye: 6 Nay: 0

Hickory Hill Treatment Plant – Final Plan

Dan Wright, Brandolini's engineer, presented. He said the Part 2 Permit is being reviewed by Arrow, the OASA's engineer. Dan expects that at their August 9th meeting a vote will be taken to transmit the Part 2 Plan up to DEP.

The final configuration of the building and the final lighting have been incorporated into the plan which the PC will see at their August meeting.

Hickory Hill Phase I – Final Plan

Dan Wright and Jim Gade discussed Jim's last review letter. Dan said that five items were non-negotiable. There are some other issues that are a little fuzzy. They have identified some lots that are smaller than 10,000 ft², so they need to be enlarged. This will reduce open space by .18 acres. As some lots needed to be increased to the minimum depth required (110 ft), the open space was reduced another .01 acres. This will show on the next revised plan. Dan told the PC that Phase I and Phase II will share open space.

Jack Wuerstle, solicitor for Brandolini, discussed the changes made to some lots. He said they did not really need to be changes as they were approved on the Preliminary Plan. He said they cannot recalculate the open space, as it would be very costly. Jim Gade raised comments regarding this in his review letter. Jack said the issue is that they have a Preliminary Plan with a certain interpretation. Ron Ragan, the PC's previous engineer, had done the review of this preliminary plan. Jack Wuerstle stated that there is case law that supports this. He said that this is a big issue for them and they will go to the BOS. The total loss of open space is still unknown. Jim Gade said he worked off Ron Ragan's last preliminary plan review. He was only asking for items Ron said would be required on the final plan submission.

Jack Wuerstle raised the issue that the township engineer had been changed between the preliminary and final plans. There was some discussion about the township possibly needing legal council to determine if Brandolini needs to make some of the changes in Jim Gade's review letter. Jack also said that they don't want to spend time and money to find out how much open space is being changed. Dave Shelton, Supervisor, said that the matter is currently in the township solicitor's hands. Dan Wright said that if the open space is re-interpreted it would cost some lots. The Planning Commission indicated that they thought there were still some serious issues that need to be resolved.

Hickory Hill Phase II – Preliminary Plan

Dan Wright presented. Still no pictures of what the townhouses would look like were presented. However Dan did say that the revised plans will show standard townhouses.

A break was taken at 8 pm. Return from break was 8:10 pm.

Stoltzfus – Preliminary Plan

Laura Swiski of Lake Roeder Hillard presented. This parcel is located on Mt. Olivet Road, south of Media Road. The intent of this subdivision is to parcel off a 2-acre piece. The owner wants to retain this piece and then for the bulk of the land receive a Conservation Easement via Transferable Development Rights (TDRs).

A waiver from SALDO 302.01.A.5, to do a final/preliminary plan in one step has been requested, as the land is under contract for its TDRs and will not be subdivided any more. The TDRs will be used in the new Reserves of Dunlap subdivision plan. Forty-nine TDRs will be generated from this property.

There was some discussion about the 10% bonus being applied to the receiving tract if this subdivision did not go through before the sale of the TDRs for Reserves of Dunlap.

Jim Gade said he was okay with granting the waiver from having to do both a preliminary and final plan. **A motion was made by Walt Leis, seconded by Cliff Lee, to grant a waiver from SALDO 302.01.A.5. The motion carried.**

Aye: 6 Nay: 0

Wicklow – Preliminary Plan

Spence Andress updated the PC on this subdivision. He said they have met with Jim Gade to discuss water and sewer. They are fine tuning some alternatives and will meet with Jim again. After that he will come to the Board with options. Chester Water Authority has provided someone with their support and Spence will track that down and incorporate it into their next response letter.

They decided not to put in the connecting road to the Wawa shopping area. West Nottingham Township was not comfortable with doing that.

Traffic Impact Studies are in process. They don't agree with ENT that the open space in West Nottingham should count toward the net open space for the project. However, they conceded the point and will not include that ground as open space on their next revised plan. They are adding a second entrance onto Baltimore Pike at the Featherman part of the property.

There is still ongoing discussion regarding the stormwater management features being netted out of the open space calculations. The 10% bonus for the purchase of all TDRs from a tract is still being discussed. Spence said they are trying to be responsive to the issues Jim Gade raised in his last review letter.

Elizabeth Miller Property -- Sketch Plan

Laura Swiski of Lake Roeder Hillard and Diane Frame of Keystone Builders presented. They propose to use TDRs which will preserve 69 acres of ground in ENT. They discounted trying to build a neo-traditional neighborhood, as the township ordinance does not accommodate it. The new plan proposes 180 new lots. The current preliminary plan on the books is for 124 lots.

They showed two different sketches for the PC to look at and wanted to know which was preferable. Both showed minimum lot sizes of 7500 ft².

The PC asked what kind of houses they were planning to build. Dianne Frame said four to six different types of colonials with two car garages.

Walt Leis said he did not care for either plan.

Jonathon Lapp Planning Module

There is no subdivision plan with this. It is simply the sewage facilities planning module that must be done in order for him to build his house.

A motion was made by Joe Bauer, seconded by Gene Turns, for the PC Chairperson to sign the Planning Module. The motion carried.

Aye: 6 Nay: 0

Waterway Road Realignment

Spence Andress presented. Spence said that he was approached to see about the possible realignment of Waterway Road to behind the Coldiron property, by the creation of a new road that would result in the Coates property being developed with houses. It would pick up Waterway Road to the west of Frog Hollow Road and go across the back property line of the Coldiron farm and then across some of the Coates's property to Hickory Hill Road (Route 472).

Spence said he was looking for some feedback of this concept. The intent is to improve the safety conditions. The PC did not respond one way or the other.

Shepherd/DeCarlo Property -- Sketch Plan

Laura Swiski brought in a new sketch plan that did not include the 10 acre Shepherd farm as part of the required open space. Dave Shelton, Supervisor, said the PC should not look at this plan while the old sketch plan is still in the Conditional Use phase. The PC agreed it was a waste of time to look at this plan right now.

Letters of Extension

A motion was made to request letters of extension for:

- Elkdale Green – Preliminary Plan
- Hickory Hill Phase II – Preliminary Plan
- Tigue Farm/Jordan Manor – Preliminary Plan
- Meadowview Estates – Preliminary Plan
- Tom Swift Estates – Preliminary Plan
- Williamson – Preliminary Plan
- England – Final Plan
- Hickory Hill Phase 1 – Final Plan
- Hickory Hill Treatment Plant – Final Plan
- Tom Swift – Preliminary/Final Plan
- Clifford Lee – Final Plan
- Cook Bros. – Final Plan

by Marianne Russo, seconded by Mike Rebert. Letters are to be date specific with November 15, 2006 as the specific date. The motion carried.

Aye: 5 Nay: 0 Abstention: 1 (Cliff Lee)

No Action was taken on the following Plans:

- Elizabeth Miller – Preliminary Plan
- Reserves of Dunlap – Preliminary Plan
- Bishop – Preliminary/Final Plan
- Cooper Farms – Final Plan
- Lewis Tract – Final Plan

Correspondence

- Brochure – Duties of a Planning Commission - Training Program.

PC Members

Marianne Russo passed out the latest edit on the Historic Ordinance from the Historic Commission. She is not sure of the next step. The PC agreed to take no action until the next meeting.

Walt Leis was wondering where the water ordinance went. Ron Ragan has read and reviewed it. Dave Shelton, Supervisor, said he would call Winnie Sebastian, township solicitor, to find out where it is.

Gene Turns voiced concern over the blowup pools with filters and whether they required permits. He questioned how safe they are. PJ said that the building department is in the process of reviewing the permitting procedures for all pools, but that she has not yet received it.

Cliff Lee asked about the process of replacing graffitied or missing speed limit signs. Dave Shelton, Supervisor, said that the road crew does replace them when they know about it. There was some further discussion about the placement of speed limit signs.

Old Business

None

Recognition of Visitors

Joel Brown asked if it was a good time to discuss the TDR ordinance changes. Joe Bauer said to wait until the public meeting.

Dave Shelton said they would start moving the poles for the light at Waterway Road and Baltimore Pike around August 8, 2006.

Dave Shelton asked the question: Are TDRs helping with development, or are they hurting the township. There was some discussion about it not being a good thing. Joel Brown said the TDR program was done to compensate the land owners in the R1 district when it was changed to 5 acre zoning. Marianne Russo stated that although the TDRs are creating greater density in certain areas it is a mechanism that has made it possible to preserve some of the township's best agricultural land. There was some further discussion on this.

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

Aye: 6 Nay: 0

The meeting adjourned at 9:28 pm.


Respectfully Submitted,



PJ Scheese
Planning Commission Secretary

APPROVED:

Date 8/28/06



Joseph R. Bauer, Chairperson