

**East Nottingham Township
Planning Commission Meeting Minutes
February 26, 2007**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on February 26, 2007 at 7 pm. Those present were: Chairperson, Joseph R. Bauer, Jr., Vice-Chairperson, Clifford Lee, Planning Commission Members, Gene Turns, Walt Leis, John Wallace, Marianne Russo, and Planning Commission Secretary, PJ Scheese. Mike Rebert was absent.

Chairperson, Joseph R. Bauer, Jr., called the meeting to order at 7:02 p.m.

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

Chairperson, Joe Bauer added Hopewell Elementary School to the agenda, between item numbers V – Approve Minutes and VI – Ordinances.

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.

Minutes to Approve

January 22, 2007 – **A motion was made by Marianne Russo, seconded by Gene Turns, to approve the January 22, 2007 Regular Meeting minutes. The motion carried.**

Aye: 6 Nay: 0

Hopewell Elementary School – Preliminary Land Development Plan

Jim Gade discussed this plan briefly. The applicant has changed the plan so that the building will be no taller than 35 feet. Some waivers involving what needs to be put on the plan have been requested. The applicant seemed satisfied with Jim Gade's last review letter. Jim Gade stated that the plan appears to have a good storm water management plan.

Joe Bauer reviewed some comments from the Chester County Planning Commission.

Walt Leis asked about storm water runoff and wetlands. David Hill, from the architectural firm, responded saying that the discharge point is lower than the field.

This is a watershed area. Jim Gade stated that erosion and sedimentation issues will be dealt with through the NPDES permit.

Ordinances

Historical Ordinance – Marianne Russo, who is on the Historical Commission, reviewed this. The two ordinances the Historical Commission were working with have now been integrated into a single draft ordinance. The Commission decided to recommend using the longer ordinance as it covered more, was more specific, and included penalties.

There was some discussion about replacing the word "trees" with something that would be more encompassing, like "natural resources." Marianne Russo suggested the Township Solicitor might be able to find a better term. Marianne Russo stated that she thought the penalties for violations should be strengthened, either by increasing it financially or with a "time" penalty. There was some discussion about this. Someone suggested that the penalty be tied to the PA Historical & Museum Commission.

There was a question about the term "an offence" and whether it should be explained further in the ordinance.

Marianne stated that the Historical Commission feels there needs to be an historic impact study. The Historical Commission suggests either the Township appoint an agent to do the impact study, or go by what the state says the standards are. In any case, they **do not** feel the developers should do the study themselves.

Someone raised the issue that on page 13, under Section 2510.A.3, the number of days for the Historical Commission has to review plans should be increased from 20 to 30, or perhaps 45, days.

Marianne Russo suggested asking the Township Solicitor for some help in refining it. **A motion was made by Cliff Lee, seconded by Walt Leis, to pass this to the Board of Supervisors to review and to the Solicitor for additional work, concurrently. The motion carried.**

Aye: 6 Nay: 0

Regulating the Use of Underground Water Supplies Ordinance – Walt Leis asked to be able to get together with Alan Novak, Township Solicitor, as there are some sections that need further clarification. Some requirements still need to be established. Walt will work with Alan Novak personally. **A motion was made by Walt Leis, seconded by John Wallace, to take no further action. The motion carried.**

Aye: 6 Nay: 0

Post Construction Storm Water Management Ordinance. – Walt Leis suggested to tailor this ordinance further, as there are some sections which do not apply to ENT. There was some discussion about this. Walt said that approximately 25% of what is in this ordinance is not applicable to ENT. This ordinance kicks in at 5000 ft². Walt Leis said he would review this ordinance. **A motion was made by Marianne Russo, seconded by Walt Leis, to take no further action until Walt has had a chance to review this ordinance. The motion carried.**

Aye: 6 Nay: 0

Agricultural Building Definition – The term “farm building” in ENT’s current ordinance will be replaced by the term “Agricultural Building”. Its definition will be tied to the Uniform Construction Code definition of Ag Building. **A motion was made by Walt Leis, seconded by Cliff Lee, to pass this on to the Board of Supervisors. The motion carried.**

Aye: 6 Nay: 0

Subdivisions & Land Development Plans

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

Township Engineer Review Letters

Tique Farm (aka Jordan Manor)

Jim Gade, Township Engineer, briefly went over his review letter. There have been some significant changes, but the number of lots has not changed. There will now be an active 112-acre farm as part of the open space. Jim Gade has requested a complete breakdown of the open space be detailed before Preliminary Plan approval.

One waiver has been requested. That is from Section 502.16.A of the SALDO, stating that driveways should have a minimum of 80 feet separation from the edge of a cartway at a street intersection. Jim Gade stated in his review letter that he does not object to this waiver. However, he also stated that the applicant should indicate a minimum distance that it can obtain with respect to the ordinance, on the waiver.

There was some discussion about the sidewalks v. trails, but additional information is required before a determination can be made. The applicant is proposing a trail system instead of sidewalks. No curbs are proposed because it is bituminous road with swales on the side, as this is more environmentally friendly.

Sewage disposal has changed from a community system to public sewer. Each house will have its own grinder pump to pump to a designated station owned by the OASA.

Jim Gade said the plan needs to be resubmitted to the Chester County Planning Commission and Chester County Conservation District for the NPDES permit, as there have been significant changes in the plan.

Jim Gade also stated that the traffic impact study should be updated. Jack Wuerstle, solicitor for the applicant, said he was not sure what would be learned. Jim Gade said the new study should include all the proposed developments in the area.

Jack Wueurstle said that he would try to get the open space details nailed down. He and Jim Gade will get together to discuss this.

The applicant plans to start a discussion with the OASA and then bring information back to the Planning Commission.

There was some discussion about the proposed deed restriction for the 112-acre farm. The intention is to preserve the house and other historical buildings. This can be done now, as they no longer need ground for a community septic system. The farm will not be a part of the Homeowners Association. The nearest lot to the farm is 600 feet away.

There will also be 51 acres of open space which is not part of the farm.

A motion was made by Marianne Russo, seconded by Walt Leis, to take no action. The motion carried.

Aye: 6 Nay: 0

E. Mitchell Delp – Minor Plan

A motion was made by Walt Leis, seconded by Cliff Lee, for Joe Bauer to sign the Component 4A of the Planning Module. The motion carried.

Aye: 6 Nay: 0

Will Baker – Preliminary/Final Plan

Jim Gade stated that there were no real issues left. There is a waiver request from section 502.11 of the SALDO, requiring the Township road be improved to current standards. As this is a single 2-acre lot being taken off of a larger farm, Jim Gade said he has no objection to this waiver since there is an Ag Easement on this parcel and only one additional building lot can be subdivided in the future.

There is one procedural issue. In section 505.G & H of the Zoning Ordinance, it states that the landowner is required to discuss his intent with this plan to the Planning Commission. PJ Scheese, PC secretary, is to contact the applicant regarding this.

The wetlands are not delineated in the plan, but a note that some exist will be on the plan.

A motion was made by Marianne Russo, seconded by John Wallace, to approve the waiver from section 502.11 of the SALDO, requiring the Township cartway be improved to current standards. The motion carried.

Aye: 6 Nay: 0

A motion was made by Cliff Lee, seconded by Walt Leis, to take no further action. The motion carried.

Aye: 6 Nay: 0

TDT Prime Development – Preliminary Plan

This is a new plan in front of the Planning Commission. Jim Gade reviewed his letter. This is an 8-lot subdivision, 7 new and 1 existing house. This parcel is in the R-2 District, is greater than 5 acres, and is not a cluster subdivision which means the applicant will need to request a Conditional Use Hearing. Applicant has provided a Riparian buffer. The plan proposes a paved eight foot shoulder instead of improving the cartway by just two feet.

A motion was made by Marianne Russo, seconded by John Wallace to take no action. The motion carried.

Aye: 6 Nay: 0

A motion was made by Cliff Lee, seconded by John Wallace, to have Joe Bauer sign the Component 4A of the Planning Module. The motion carried.

Aye: 6 Nay: 0

Developers Requesting to be on Agenda

NONE

Letters of Extension

A motion was made by Marianne Russo, seconded by Walt Leis to request a letter of extension for:

- Elizabeth Miller – Preliminary Plan
- Hopewell Elementary School – Preliminary LDP
- Reserves of Dunlap – Preliminary Plan
- Wicklow Subdivision – Preliminary Plan
- Timothy Bishop – Minor Plan
- King Tract – Minor Plan
- Jonathan & Elizabeth Lapp – Minor Plan
- Lewis Tract – Final Plan
- Will Baker – Minor Plan

to be date specific for June 15, 2007. The motion carried.

Aye: 6 Nay: 0

No Action

A motion was made by Cliff Lee, seconded by Gene Turns, to take no action on the following plans:

- Elkdale Green – Preliminary Plan
- Hickory Hill – Phase II – Preliminary Plan
- Meadowview Estates – Preliminary Plan
- Williamson – Preliminary Plan
- Cooper Farms – Final
- George W. Thompson, Jr. – Preliminary/Final Plan
- Hickory Hill – Phase I – Final Plan

The motion carried.

Aye: 6 Nay: 0

Correspondence

- Letter from Brutscher, Foley, Milliner & Land - RE: Outcome of Thompson Zoning Hearing
- newPA news
- Governor's Center for Local Government Services Training Program Planning Series brochure
- OASA response to ENT's review comments of OASA Act 537 draft Regional Sewage Facilities Plan dated 1/8/07
- CCPC Planning Newsletter

PC Members

Marianne Russo asked if she and Ralph Denlinger, Chairman of the Historical Commission, could meet with Alan Novak, Township Solicitor about the Historical Ordinance. Instead it was decided to send the draft ordinance up with Marianne Russo's remarks on it, so he could fine tune it. Then at the next worksession on March 19, 2007 it will be discussed.

Old Business

Joe Bauer found an old draft of an On-Lot Sewage Disposal Systems Ordinance. It was decided to have PJ Scheese send a copy of it to all PC members and to put on the PC agenda next month. Percy Reynolds, Supervisor said there was information in the OASA Act 537 Plan about this, so the language should be the same. He also stated that a sample ordinance should be in that plan as well. Jim Gade will check the OASA proposed Act 537 Plan for information regarding with what the township must comply.

Recognition of Visitors

Dave Shelton, Supervisor, suggested that Alan Novak should come to a public meeting with the PC and the Historical Commission to discuss the Historical Ordinance. PJ Scheese is to ask the BOS to put the Historical Ordinance on the March 19, 2006 work session agenda.

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

Aye: 6 Nay: 0

The meeting adjourned at 8:50 pm.

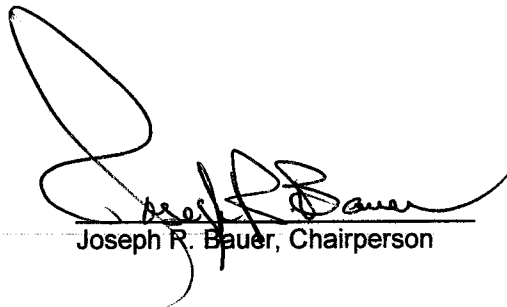
Respectfully Submitted,



PJ Scheese
Planning Commission Secretary

APPROVED:

Date 4/25/07



Joseph R. Bauer, Chairperson
