

**AGENDA
EAST NOTTINGHAM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
March 23, 2009**

- I. *Call meeting to order*
- II. *Pledge of Allegiance*
- III. *Approve Agenda*
- IV. *Public Comment on Agenda*
- V. *Approve Minutes*
 - February 23, 2009
- VI. *Subdivision/Land Development Plans*

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 any member of the Planning Commission, or wait until the engineer's review of the plan is finished before directly addressing the Planning Commission regarding that plan.

- Oxford Hollow Associates – Preliminary Subdivision Plan – Jim Gade, Twp Engineer
 - Waiver Requests from SALDO:
 1. 502.11.A & B – Requiring that existing roads be improved to the current new standards.
 2. 5023.12.E – Requiring a 30 ft. return radius at the intersection of township roads with a state road.
- Samuel & Elizabeth Esh – Subdivision Plan – Jim Gade, Twp Engineer
 - Sign Request for Planning Waiver & Non-Building Declaration (per CCHD)

DEVELOPERS REQUESTING TO BE ON AGENDA

- Elizabeth S. Miller – Preliminary 2-Lot Subdivision Plan – Martina Moore, LRH
- Muehlmatt Subdivision – Final Subdivision Plan – Ed Jefferis, CLP

REQUEST FOR EXTENSION LETTERS - Letters to be date specific for July 15, 2009

- Oxford Hollow Associates – Preliminary Subdivision Plan

OTHER SUBDIVISIONS IN PROCESS (FYI)

- Oxford Area Rec Authority – LDP
- Liz Miller – 2003 Preliminary Subdivision Plan
- Meadowview Estates – Preliminary Subdivision Plan
- Reserves of Dunlap – Preliminary Subdivision Plan
- Andy King Tract – Minor Subdivision Plan
- Timothy Bishop – Minor Subdivision Plan
- Preserve at White Oak Farm – Preliminary Plan
- Lewis Tract – Final Subdivision Plan
- Wicklow – Final Subdivision Plan
- Wilson King – Final 2-Lot Subdivision & Land Development Plan

VII. Ordinances

- TDR Ordinance – report from sub-committee
- Adult Entertainment Industry – for licensing & regulating businesses & employees
- Adult Entertainment Industry – to provide for location and regulation

VIII. Correspondence

IX. Planning Commission Members

X. Old Business

XI. Recognition of Visitors

XII. Adjournment

**East Nottingham Township
Planning Commission Regular Meeting Minutes
March 23, 2009**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on March 23, 2009 at 7:00 pm. Those present were: Chairperson, Joseph R. Bauer, Jr., Planning Commission Members, Gene Turns, Walt Leis, Janice Gavin, Shannon Wells, and Planning Commission Secretary, PJ Scheese. Vice-Chairperson, and Member John Wallace were not present. Member Shannon Wells arrived late. Clifford Lee was absent.

Chairperson, Joseph R. Bauer, Jr., called the meeting to order at 7:05 p.m.

Chairperson, Joseph R. Bauer, Jr, led the Pledge of Allegiance.

Agenda

A motion was made by Walt Leis, seconded by Janice Gavin, to approve the agenda. The motion carried.

Aye: 4 Nay: 0

Public Comment on the Agenda

There was none.

Minutes to Approve

February 23, 2009 – A motion was made by Gene Turns, seconded by Walt Leis, to approve the minutes for the regular PC meeting. The motion carried:

Aye: 4 Nay: 0

Subdivisions & Land Development Plans

Township Engineer Review Letters

Chairman Bauer read the Planning Commission Protocol for the Township Engineer review letters.

Oxford Hollow Associates

Township Engineer Jim Gade reviewed the revised plans dated February 25, 2009. This is a 6-lot subdivision with on-site septic and water, at the corner of Frog Hollow and Oxford Roads. The following issues were raised.

- Mr. Gade believes that a Conditional Use is warranted because this tract consisted of more than 5 acres on of November 18, 2002. Don't know exactly why that date was the cut off but it is how the ordinance reads. The term "tract" is used in the Zoning Ordinance, not lot. If it read "lot" there would be no problem.
- There are 6 driveways proposed – 4 new off of Oxford Road and 1 existing off of Frog Hollow and 1 new one on Frog Hollow. The Township would prefer combining some of the driveways, but Oxford Road is a state road and is therefore, governed by Penn Dot regulations.
- Storm water management – each lot has its own storm water management system and on-lot septic systems. The ground did not perk all that well and so there is some concern about inundating the ground with water that cannot be absorbed fast enough. The applicant states that it is within the Township's regulations. The Chester County Health Department has also noted the poor perk rates on some of the properties.
- The Township's part of the planning module, Component 4A, can be signed at the next meeting.

Ed Jefferis, of Concord Land Planning, represented the applicant.

- Regarding the Conditional Use hearing, Mr. Jefferis intends this issue to go to the solicitors. He intends to ask the BOS to allow Winnie Sebastian to handle this as she worked for the Township when the ordinance was written. The issue at hand is the meaning of "tract" v. "lot."

- The applicant intends to combine some of the driveways, but will not yet change the plans to reflect that until they finish the new perk tests required by the CCHD. Lots 1, 3, & 4 are the lots that need to be reperked.

A motion was made by Walt Leis, seconded by Janice Gavin, to grant the following waivers:

- From SALDO 502.12.E, requiring a 30 foot turn radius at the intersection of township road with state roads.
- From SALDO 502.11.A & B, requiring that existing roads be improved to the current new standards.

The motion carried.

Aye: 4 Nay: 0

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

Aye: 4 Nay: 0

Samuel & Elizabeth Esh – Final Subdivision Plan

Jim Gade, Township Engineer, reviewed his letter. This 3-lot, 107-acre tract is at the corner of Union Square and Forge Roads. Lots 1 and 2 have existing dwellings on them, and lot 3 has an ag building on it. The preliminary plan was approved by the BOS at their March 9th meeting. No construction is planned. Jim Gade stated that there were no outstanding issues. Joe Bauer signed the non-building waiver for the CCHD.

Jim Hillard of Lake Roeder Hillard represented the applicant. Since there are no outstanding issues he requested the PC to approve the final plan.

A motion was made by Walt Leis, seconded by Gene Turns, to approve the plan. The motion carried.

Aye: 4 Nay: 0

Developers Requesting to be on Agenda

Elizabeth S. Miller Preliminary Subdivision Plan

Laura Swiski, previously of Lake Roeder Hillard, represented the applicant. The plan, as it is currently presented, should show 5 lots, as the Fulton and Hickory Hill Roads dissect a couple of the lots. Ms. Swiski asked if it was necessary for all the tax parcels to be included in this plan, or if just the tax parcel where the lot for Mrs. Miller was the only one required being in this plan.

Walt Leis asked why this subdivision is being facilitated. Ms. Swiski went on to tell the PC the purpose of this subdivision. The property was purchased by Keystone Custom Homes a few years ago with the intention of coming to the Township with the 180-lot Langston subdivision plan. They first had to have a Conditional Use hearing for that subdivision, which took place in 2006. As it is taking longer than originally intended for the Langston Subdivision (preliminary plan has not yet been sent to the Township), Mrs. Miller would just like to have her small lot deeded back to her "before she dies."

At 7:35pm Shannon Wells came into the meeting. The PC then went into executive session.

Upon return from executive session, the PC asked Jim Gade if they could, on this plan, require that the requisite amount of open space be specific, as a percentage of the tax parcel, through the means of a legal agreement and that that open space be reflected in the Langston subdivision. Mr. Gade affirmed this was possible.

Therefore, the applicant will present a revised plan that will satisfy this requirement, at the next meeting.

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

Aye: 5 Nay: 0

Muehlmann Subdivision – Final Subdivision Plan

Ed Jefferis, of Concord Land Planners, represented the applicant. This subdivision has been on hold for a few months waiting for a change in the Zoning Ordinance that is currently in the works. Walt Leis, who is on the sub-committee working on these changes, said that this will be on the BOS/PC April 20th Work Session agenda. Mr. Jefferis asked about a timeframe in which a final solution would be determined. PJ Scheese said that she thought it could be ready by sometime in September.

At this time Gene Turns brought up the subject of the Oxford Area Rec Authority and the road work that will need to be done. He told the PC that the 4 municipalities, ENT, LO, Elk, and Oxford Borough, would like to work together to help out the project for the community. Supervisor Dave Shelton, who was in the audience, explained in a little more detail, the work and cooperative effort that will be provided on the embankment reduction and decel lane, as per a meeting with Supervisor Ken Hersey, of Lower Oxford, and discussion with the other member municipalities. They will be contributing time and equipment for work on the road banks. Elk Township does not have the equipment so they will contribute money to the cause. Shannon Wells brought up the issue of liability, but this did not seem to be a problem. Gene Turns was basically asking if the idea to help the community made sense. The general consensus was that it does.

Letters of Extension

A motion was made by Gene Turns, seconded by Walt Leis, to request letters of extension for the following:

- Oxford Hollow Associates – Preliminary Subdivision Plan to be date specific for July 15, 2009. The motion carried.

Aye: 5 Nay: 0

Other Plans Currently in Subdivision or Land Development Process (FYI)

- Oxford Area Rec Authority – LDP
- Liz Miller – 2003 Preliminary Subdivision Plan
- Meadowview Estates – Preliminary Subdivision Plan
- Reserves of Dunlap – Preliminary Subdivision Plan
- Andy King Tract – Minor Subdivision Plan
- Timothy Bishop – Minor Subdivision Plan
- Preserve at White Oak Farm – Preliminary Plan
- Lewis Tract – Final Subdivision Plan
- Wicklow – Final Subdivision Plan
- Wilson King – Final 2-Lot Subdivision & Land Development Plan

TDR Ordinance – Subcommittee Report

Walt Leis stated that the Chairman of the group, Cliff Lee, was not present at this meeting. He will be putting the language together. He will then submit it to the subcommittee and then to PJ Scheese, who will copy it to the rest of the PC. This will all be done in time for the April 20th BOS/PC work session.

Adult Entertainment Ordinances

Township solicitor, Gene Twardowski, wrote this and sent it to the Township. Everyone agreed that it was pretty interesting reading. This will also be on the April work session agenda.

Correspondence

There was none.

Old Business

None

PC Members

Janice Gavin spoke of the Land Use Survey that should have been sent to everyone by email. All Board and PC members of the municipalities should fill this out and it is due in April. There was some discussion about finding out the results after the surveys are sent in.

Joe Bauer read some of the ACRE letter. He requested PJ Scheese to make copies and email to all PC members. He also referred to a sample Nutrient Management Ordinance, which PJ Scheese will also make copies and email to all PC members. There was also a letter from the CCPC regarding Regional Landscapes Preview Meetings. PJ Scheese will make copies and email to all PC members.

Visitors

Nothing

A motion was made by Gene Turns, seconded by Walt Leis, to adjourn. The motion carried.

Aye: 5 Nay: 0

The meeting adjourned at 8:10 pm.

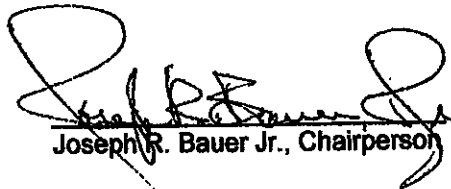
Respectfully Submitted,



PJ Scheese
Planning Commission Secretary

APPROVED:

Date 4/27/09



Joseph R. Bauer Jr., Chairperson