

**AGENDA
EAST NOTTINGHAM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
April 27, 2009**

- I. *Call meeting to order*
- II. *Pledge of Allegiance*
- III. *Approve Agenda*
- IV. *Public Comment on Agenda*
- V. *Approve Minutes*
 - *March 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.

- Elizabeth S. Miller Preliminary Subdivision Plan – Jim Gade, Twp Engineer
 - Waiver Requests
 1. 302.02.B – requiring both prelim & final plans
 2. 502.11.A – requiring improvement of Fulton Road
 3. 516 – Requiring fencing
 4. 302.01.A.4 & .5 – defining a minor plan to be 4 lots or fewer.
- Century Oak Phase II A - Final Subdivision Plan– Jim Gade, Twp Engineer

DEVELOPERS REQUESTING TO BE ON AGENDA

NONE

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

- Elizabeth S. Miller Subdivision Plan
- Wilson King – Final 2-Lot Subdivision & Land Development Plan

OTHER SUBDIVISIONS IN PROCESS (FYI)

- Liz Miller – 2003 Preliminary Subdivision Plan
- Meadowview Estates – Preliminary Subdivision Plan
- Oxford Hollow Associates – Preliminary Subdivision Plan
- Preserve at White Oak Farm –Preliminary Plan
- Reserves of Dunlap – Preliminary Subdivision Plan
- Andy King Tract – Minor Subdivision Plan
- Timothy Bishop – Minor Subdivision Plan
- Lewis Tract – Final Subdivision Plan

- Muehlmann Subdivision – Final Subdivision Plan
- Wicklow – Final Subdivision Plan
- Oxford Area Rec Authority – LDP (has conditional approval)

VII. Ordinances

- TDR Ordinance – report from sub-committee
- Adult Entertainment Industry

VIII. Correspondence

- FHCSF letter

IX. Planning Commission Members

X. Old Business

XI. Recognition of Visitors

XII. Adjournment

**East Nottingham Township
Planning Commission Regular Meeting Minutes
April 27, 2009**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on April 27, 2009 at 7:00 pm. Those present were: Chairperson, Joseph R. Bauer, Jr., Vice Chairperson, Clifford Lee, Planning Commission Members, Gene Turns, Janice Gavin, John Wallace, and Planning Commission Secretary, PJ Scheese. Member Shannon Wells arrived after the agenda was approved. Member Walt Leis was absent.

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

Vice Chairperson, Cliff Lee, led the Pledge of Allegiance.

Agenda

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

Aye: 5 Nay: 0

Public Comment on the Agenda

There was none.

Minutes to Approve

March 23, 2009 – There was one correction: Cliff Lee was not at that meeting. A motion was made by Gene Turns, seconded by John Wallace, to approve the minutes for the regular PC meeting. The motion carried:

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

Subdivisions & Land Development Plans

Township Engineer Review Letters

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

Elizabeth S. Miller Preliminary Subdivision Plan

Jim Gade, Township Engineer, reviewed his letter:

- This was originally a 2-lot subdivision. However, with the roads dissecting some of the tracts, it had to be revised to a 5-lot subdivision.
- The purpose is to subdivide Mrs. Miller's lot with her house from the rest of the tract.
- Mrs. Miller's lot will be a 1.13 acre lot, to provide for a replacement septic field, if needed.
- The rest of the existing lots will end up being 4 lots.
- Applicant is using the Retained Open Space Development (ROSD) ordinance.
- There will be a note on the plan providing for 40% open space to be required whenever the rest of the tract is subdivided further.
- If the Langston Subdivision falls out, 40% open space will still be required.
- Although there are no easements on the plan showing where the open space will be, there will be legal documents, to be reviewed by the Township Solicitor, to provide for it.
- The applicant is contacting DEP regarding obtaining a waiver from doing a Sewage Facilities Planning Module.

Cliff Lee asked about a fence, if there is one currently separating the properties. The answer is "no." The reason why they do not want to put up a fence is because the property lines will shift once the Langston Subdivision is submitted.

There was some discussion about what would happen if the Langston Subdivision is not submitted. Whether or not that subdivision comes in, 40% open space must be kept even if a "by right" plan is submitted.

Laura Swiski, representing the applicant, told the PC about a slight change in one of the lot lines. Apparently between the time the original survey was done in 2003 and now, a garage has been added. This changes a line because of the required setbacks. However, the acreage will remain the same.

Chairperson Joe Bauer asked about the upper left corner on page 4, in the detail section, if the lot line change will interfere with the driveway. Ms. Swiski answered "no."

Waiver Requests from the SALDO were voted on:

- **302.02.B – A motion was made by Shannon Wells, seconded by Gene Turns, to grant a waiver from requiring that "any proposal involving public improvements, either privately owned or to be dedicated to the township", be a major subdivision. The motion carried.
Aye: 6 Nay: 0**

- **502.11.A – A motion was made by Cliff Lee, seconded by John Wallace, to grant a waiver from requiring that "where a subdivision or land development abuts an existing Township and/or State street the developer shall make the following improvements: The existing street shall be improved to the cartway width established for new streets. Improvements shall include, but not limited to, the installation of curb if required, widening and paving of the cartway, grading of shoulders and installing storm water management facilities in accordance with the applicable sections of this Ordinance. Notwithstanding the foregoing, State streets shall be improved in accordance with the requirements of the Department of Transportation and any conditions imposed upon the granting of a Highway Occupancy permit by the Department of Transportation." The motion carried.
Aye: 6 Nay: 0**

- **516 – A motion was made by John Wallace, seconded by Shannon Wells, to grant a waiver from requiring that "wherever a subdivision borders an operating farm, a fence shall be installed along the property line to help discourage trespassing. The fence shall be constructed by the developer and maintained thereafter by the farmer. Should the parties not be able to agree on the type of fencing, at a minimum the Township shall require a four-foot high fence with six strands of Hi-tensil wire on treated poles spaced every 10 feet." The motion carried.
Aye: 6 Nay: 0**

- **302.01.A.4 & .5 – A motion was made by Gene Turns, seconded by John Wallace, to grant a waiver from requiring that "the definition of a Minor Plan is...No more than four (4) lots are proposed; No further subdivision can occur within the resulting lots..." The motion carried.
Aye: 6 Nay: 0**

A motion was made by Shannon Wells, seconded by Cliff Lee, to grant final plan approved conditional upon:

- The lot line change being acceptable;
- The solicitor's positive review of the Open Space Management Document(s);
- DEP's granting of the Sewage Facilities Planning Module exemption.

The motion carried.

Aye: 6 Nay: 0

Century Oak – Final Subdivision Plan for Phase II A

Jim Gade reviewed his letter.

- The original preliminary plan for 72 lots was approved in June, 2004.
- In October 2005 the final plan for 31 lots with on-lot septic and well was approved.
- Lot 72 is a 20-acre farmette
 - Currently has on-lot water and sewer
 - Has approval from the OASA to connect one EDU, which will need to be done once the property is purchased.

TDR Ordinance – Subcommittee Report

Cliff Lee stated that all discussions within the subcommittee are finished. He is currently assembling a presentation for review, summarizing a suggested TDR ordinance, as well as ancillary changes to the Zoning Ordinance. Some highlights include:

- Incentives for developers to preserve high quality soils in sending areas, such as the preservation of woodlands;
- Lesser quality soils to be used for the receiving areas;
- Reduction in the number of areas to receive.

This will be presented at the May 18, 2009 joint work session.

Adult Entertainment Ordinances

Joe Bauer told the PC that this was the topic of the special meeting on Thursday, April 23rd. Township Solicitor, Gene Twardowski, did a great job. The I-1 zoning district was chosen as the receiving area and due to setback requirements there is only one parcel in the township that passes all requirements. Issues being checked on are:

- Is having a single tax parcel that fulfills all the requirements adequate to set this as the zoning district in which to allow Adult Entertainment businesses?
- The person living in the house on this property is not the owner of the property.

Correspondence

- Fair Housing Newsletter

Old Business

None

PC Members

Janice Gavin questioned the two subdivision plans under the name of Liz/Elizabeth Miller. PJ Scheese, Subdivision Secretary, explained the old Liz Miller plan that is a by right plan and has been on the books for several years. The Elizabeth S. Miller plan most recently submitted is just so that Mrs. Miller can have her lot subdivided from the rest of the tract.

Ms. Gavin also asked what was going on with the Oxford Hollow Associates subdivision plan. It is in the applicant's hands to request a ruling from the Township Solicitor.

Visitors

Nothing

A motion was made by Cliff Lee, seconded by Janice Gavin, to adjourn. The motion carried.

Aye: 6 Nay: 0

The meeting adjourned at 8:00 pm.

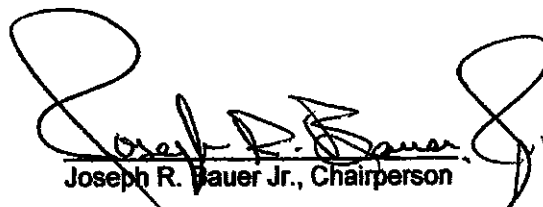
Respectfully Submitted,



PJ Scheese
Planning Commission Secretary

APPROVED:

Date 5/26/09



Joseph R. Bauer Jr., Chairperson