

**AGENDA
EAST NOTTINGHAM TOWNSHIP
REGULAR PLANNING COMMISSION MEETING
May 26, 2009**

- I. *Call meeting to order*
- II. *Pledge of Allegiance*
- III. *Approve Agenda*
- IV. *Public Comment on Agenda*
- V. *Approve Minutes*
 - *April 27, 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**
 - **Waiver Request from SALDO 302.02B.2 & 3 – requiring a separate Preliminary Plan and then a Final Plan.**
- **Elizabeth S. Miller Preliminary Subdivision Plan – Update from Chairman Bauer**

DEVELOPERS REQUESTING TO BE ON AGENDA

NONE

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

- **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**
- **Muehlmatt Subdivision – Final Subdivision Plan**

OTHER SUBDIVISIONS IN PROCESS (FYI)

- **Preserve at White Oak Farm –Preliminary Plan**
- **Lewis Tract – Final Subdivision Plan**
- **Wicklów – Final Subdivision Plan**
- **Wilson King – Final 2-Lot Subdivision & Land Development Plan**
- **Oxford Area Rec Authority – LDP (has conditional approval)**

VII. Ordinances

- TDR Ordinance – Report from sub-committee
- Adult Entertainment Industry – update from Chairman Bauer
- Water Ordinances – Walt Leis

VIII. Conditional Use Hearing

- Cell Tower

IX. Correspondence

None

X. Planning Commission Members

- PJ – call from Wells Team from Orenco (Orenco.com) requested to be put on the 6/22 PC agenda

XI. Old Business

XII. Recognition of Visitors

XIII. Adjournment

**East Nottingham Township
Planning Commission Regular Meeting Minutes
May 26, 2009**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on May 26, 2009 at 7:00 pm. Those present were: Chairperson, Joseph R. Bauer, Jr., Vice Chairperson, Clifford Lee, Planning Commission Members, Gene Turns, Walt Leis, Janice Gavin, John Wallace, and Planning Commission Secretary, PJ Scheese. Member Shannon Wells was absent.

Chairperson, Joseph R. Bauer, Jr., called the meeting to order at 7:06 p.m.

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

Agenda

Chairman Joe Bauer added the Herr's Loading Dock, the old Bliss Box warehouse, under *Developers Requesting to be on Agenda*. A motion was made by Walt Lies, seconded by John Wallace, to approve the agenda. The motion carried.

Aye: 6 Nay: 0

Public Comment on the Agenda

There was none.

Minutes to Approve

April 27, 2009 --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 (Walt Leis)

Subdivisions & Land Development Plans

Township Engineer Review Letters

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

Oxford Hollow Associates -- preliminary Subdivision Plan

Jim Gade, Township Engineer, reviewed his letter. The following points were made:

- The plan has changed from a 6-lot to a 5-lot subdivision.
- Two waivers from the SALDO, 502.12.E, requiring a 30 foot turn radius at the intersection of township road with state roads and 502.11.A & B, requiring that existing roads be improved to the current new standards had been approved by the PC at the March 23rd meeting. The BOS tabled those waivers for the time being.
- Lot 5 has road frontage on both Frog Hollow Road and Oxford Road. Mr. Gade suggests the plan have a note that allows road access to just Frog Hollow Road.
- The Conditional Use Hearing requirement (lot vs. tract distinction) is in dispute with the applicant, who has requested a ruling from Township solicitor, Winnie Sebastian.
- Lots 1 & 2 driveways have been combined and lot 5 will only have a driveway to Frog Hollow Road, so the number of driveways coming out onto Oxford Road has been reduced from 5 to 3.
- New trees should be shown on the plan.
- The applicant plans to pay a fee in lieu of having the minimum 0.12 acres of open space.

Ed Jefferis, of Concord Land Planners, represented the applicant. He said:

- They are still waiting to hear back from Ms. Sebastian regarding a conditional use hearing.
- Penn Dot permits have been submitted for the 3 driveways on Oxford Road.
- The BOS has requested money in lieu of widening Frog Hollow Road. The applicant believes that for a single driveway this should not be necessary.
- Suggested postponing the waiver requests from SALDO 302.02B.2 & 3 -- requiring a separate Preliminary Plan and then a Final Plan.

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

Aye: 6 Nay: 0

Elizabeth S. Miller Preliminary Subdivision Plan

Chairman Joe Bauer caught the PC up with the most recent events concerning this subdivision. The BOS asked Township Solicitor, Gene Twardowski, to get in touch with Ms. Miller's solicitor and Keystone Custom Homes to iron out the details of the open space management agreement. There are two possibilities:

- 1) Ms. Miller gets an easement until public sewer is available.
- 2) Ms. Miller gets the full sized lot and sign extra acreage back over to KCH after the development starts.

Developers Requesting to be on Agenda

Herr's Loading Dock Sketch Plan

Keith Kreider of Paul Risk Associates represented the applicant. The warehouse currently has 6 loading docks. The length of the trucks has increased from 52' to 72'. Because of this increase only 4 loading docks can be used now. The applicant wishes to move 2 loading docks to the north side of the building. They do not intend to expand the building. At the north side there is grass now, and they plan on paving it. A total of 14,800 SF is to be disturbed. They wish to combine the preliminary and final land development plans together into a single plan.

The PC suggested they submit a preliminary plan and ask for a waiver from the requirement of doing both a preliminary and a final plan. The applicant agreed to do this.

Letters of Extension

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

- 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
- Muehlmann Subdivision – Final Subdivision Plan

to be date specific for September 15, 2009. The motion carried.

Aye: 6 Nay: 0

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

- 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
- Oxford Area Rec Authority – LDP (has conditional approval)

Subdivisions & Land Development Plans

Adult Entertainment Ordinances

Chairman Joe Bauer told the PC that at the special meeting after the work session on May 18th, the date to adopt these ordinances was set for the July 13th Regular BOS meeting.

TDR Ordinance – Subcommittee Report

Cliff Lee reviewed the subcommittee's recommendations with the rest of the PC, stating the reasons as to why the TDR ordinance should be amended:

- To reflect the Township's desire to have the TDR ordinance more appropriately aligned with other land preservation activities, such as with Chester County's Landscapes Plan and Open Space preservation measures.
- To carry out the ongoing responsibility of the township to regulate use of land and structures and effectively plan for the township's future.
- To align with the official policy of Pennsylvania to preserve and protect its agricultural activity.
-

The subcommittee developed the following tenets to support the ordinance modification:

- High quality soils and forests in sending areas (not otherwise included in the net-out calculation) should be preferentially preserved.
- Lower quality soils in receiving areas should be preferentially developed, if development is to occur in these areas.
- The TDR ordinance should be restructured to include incentives that drive the above two preferences.
- C-1, C-2, and I-1 zones should be the priority receiving areas, with adjacent residential areas to these zones receiving secondary consideration.

Mr. Lee then reviewed the current status of the sending area acreage in the R-1 zone.

The Proposed changes to Section 1902 of the Zoning Ordinance: Sending areas

1902(b): Calculation of TDR

- 1) [e]: Multiply the gross tract area as reduced by the applicable deductions in Subsections [b]-[d], **containing Capability Class Soils I, II, III – IIIs, and any delineated woodland, by 1.5.**
[f]: Multiply the gross tract area as reduced by the applicable deductions in Subsections [b]-[d] **for all other area types not included in Subsection [e], above, by 0.7.**

The Proposed changes to Section 1902 of the Zoning Ordinance: Receiving areas

1902 a. Calculation of TDR

- 1) [a]: R-1A Transitional Overlay District
[b]: R-2A TDR Overlay District
(all other residential districts are excluded)

b. 1) [a] Where transferable development rights are proposed to be used as part of a residential subdivision or land development plan in the R-1A or R2-A Districts...

The Proposed changes to Section 1903 of the Zoning Ordinance: Receiving areas

1903 b. 2) [b]: (nonresidential use of TDRs)

Each development right proposed for non-residential use on a receiving area tract **located in the C-1, C-2, and I-1 districts**, under the terms of this ordinance, shall be equivalent to the following amount of developed area:

- [1] Capability Class I and IIe-IIIs (prime) soils and any delineated woodland shall have the equivalency of 2,500 square feet of building coverage or paved surface.**
- [2] Capability class IIIe-IIIIs soils shall have the equivalency of 4,500 SF of building coverage or paved surface.**
- [3] Capability Class IVe-IVs and Vw-VIII soils shall have the equivalency of 6,500 square feet of building coverage.**

The Net Result of the proposed changes to these sections:

- The incentive to sell TDR for acreage that includes prime agricultural soils and woodlands is effectively doubled.
- Receiving areas in commercial and industrial districts would be provided with between 1.75 and 2.5 times more equivalent credit for developable acreage containing subprime soils.
- Development in the C-1, C-2, and I-1 districts would receive priority consideration from developers.

Cliff Lee said he would like the committee to present this to the BOS at the next work session. A motion was made by Joe Bauer, seconded to request to have the TDR Ordinance added to the June 15th Work Session agenda. The motion carried.

Aye: 6 Nay: 0

There was some discussion as to who would be able to attend that work session. Then a motion was made by Joe Bauer, seconded by Cliff Lee, to amend the previous motion for the TDR Ordinance to be added to the July 20th Work Session agenda. The motion carried.

Aye: 6 Nay: 0

Water Ordinances

Walt Leis stated that he would like to ask the BOS to enable the ordinances governing the development, transmission, and use of water resources within the Township to be added to the July 20th Work Session agenda.

Conditional Use Hearing

Chairman Joe Bauer reviewed Township Engineer Jim Gade's memo regarding the Metro PC Communication Tower Alteration, Barnsley Road Conditional Use Hearing. There was some discussion but no motion was made.

John Wallace had to leave at this point. It was 8:05 p.m.

Correspondence

None

Old Business

None

PC Members

Codification – This is still in process. At the last BOS meeting Joe Bauer said he is reviewing for previous errors from the last revision of the Zoning Ordinance to make sure these corrections have been made in the codification.

Visitors

Thom Olivieri raised a number of issues:

- Is the Township Solicitor the same as the PC Solicitor?
- He disputed the process for the Adult Entertainment Ordinances.
- He asked about the water ordinances and suggested the PC should send it to the CCPC now. Chairman Joe Bauer said that the new PC members should first get copies of it to read and requested the PC Secretary PJ Scheese send copies to everyone on the PC.

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

Aye: 5 Nay: 0

The meeting adjourned at 8:21 pm.

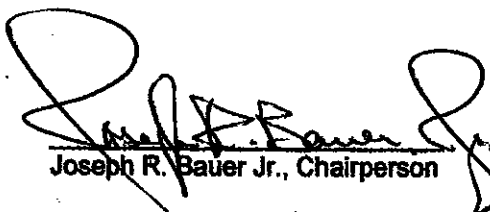
Respectfully Submitted,



PJ Scheese
Planning Commission Secretary

APPROVED:

Date 6/27/2009



Joseph R. Bauer Jr., Chairperson