

**East Nottingham Township  
Planning Commission Meeting Minutes  
November 28, 2005**

**COPY**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on November 28, 2005 at 7 pm. Those present were: Chairperson, Marianne H. Russo, Vice-Chairperson, Joseph R. Bauer, Jr., Planning Commission Members, Clifford Lee, Gene Turns, Mike Rebert, Walt Leis, and Planning Commission Secretary, PJ Scheese. Percy Reynolds was absent.

The meeting was called to order at 7:05 p.m. by Chairperson, Marianne H. Russo.

The Pledge of Allegiance was led by Vice-Chairperson, Joe Bauer.

Marianne Russo told the PC of the following changes: Jim Ferver would be moved from #5 under VII – Subdivision/Land Development Plans to #1; and Elkdale Green would be inserted at 11a under Request for Extension Letters. A motion was made by Walt Leis, seconded by Cliff Lee to approve the amended agenda. The motion carried.

Aye: 6      Nay: 0

Marianne Russo advised the PC about a change in the minutes concerning the spelling of site and sight. A motion was made by Joe Bauer, seconded by Cliff Lee, to approve the amended October 24, 2005 minutes. The motion carried.

Aye: 6      Nay: 0

**New Zoning Ordinance**

Marianne referenced the latest draft of the *Zoning Ordinance* from David Sweet. A motion to acknowledge receipt of this document and pass it on to the BOS was made by Joe Bauer, seconded by Cliff Lee. The motion carried.

Aye: 6      Nay: 0

A motion to have the PC and BOS look at the *County Best Management Practices* and the *County Storm Water Management Ordinance* in early 2006 was made by Walt Leis, seconded by Joe Bauer. The motion carried.

Aye: 6      Nay: 0

Walt Leis said he would track this.

**Open Space Resolution**

The County has identified the Melvin Miller property, on Little Elk Creek Road & Mt. Pleasant Road, behind the Lasko Farm, as a property to be considered for the County Challenge Grant Program for Open Space. A resolution to acknowledge that the BOS is taking steps to put this farm into Open Space should be signed by the PC. A motion to accept this Resolution was made by Joe Bauer, seconded by Cliff Lee. The motion carried.

Aye: 6      Nay: 0

**Subdivisions & Land Development Plans**

**James Ferver – Final Plan – LPD**

Jim Fritsch, of Regester, presented. The two waivers (403.03.D & 508 of SALDO) passed by the PC at the October 24, 2005 meeting were not approved by the BOS at their meeting on November 14, 2005. After some discussion regarding the BOS's reasons why the waivers were not approved, Jim Fritsch requested final plan approval from the PC so he could then go in front of the BOS to argue his points. He asked for a conditional approval with the PC's support on the two waiver requests. He said he would like to get this resolved by the end of the year without having to come back to the PC in December, 2005, and then back to the BOS again in January, 2006.

A motion was made for conditional approval of the Final Plan, with the assumption that Jim Fritsch will take it personally to the BOS to plead his case, by Mike Rebert, seconded by Cliff Lee. The motion carried.

Aye: 6      Nay: 0

Windle – Preliminary/Final Plan

Ed Jefferis presented. The Chester County Health Department has given its approval. All issues have been resolved, according to Jim Gade. A motion to grant final plan approval was made by Walt Leis, seconded by Cliff Lee. The motion carried.

Aye: 6      Nay: 0

Clifford Lee – Preliminary/Final Plan

PC member, Cliff Lee, recused himself from deliberations. Ed Jefferis presented. Applicant is subdividing the property to create two lots. Lot #1 is an existing dwelling and barn by the road. To create lot 2 the applicant wants to bring a driveway to the back 3.5 acres to build a house.

Jim Gade said that the original property is an existing non-conforming lot, referring to the house's setback from the road, and that a note should be put on the plan explaining this. An Erosion & Sedimentation Plan should be submitted. Other than those, only small technical issues are left. Some things need to be added to the plan.

No motions necessary.

Jonathon Lapp – Preliminary/Final Plan

Spence Andress presented. Jim Gade told the PC that this subdivision is related to the Wicklow subdivision, as it is the sending tract for the TDRs.

Spence said that there were no plans for construction. The purpose of this plan is to create subdivision lines around the buildings. Lapp just want to document what currently exists on the ground now.

In Jim Gade's review letter of November 22, 2005, under the SALDO he referred to section 505.11 regarding "all subdivisions that abut an existing Township road shall improve the existing road to Township standards." The cart way abutting the new lot is substandard, being only 18 feet wide on 300 feet of Little Elk Creek Road. Spence asked the PC's thoughts on this.

Mike Rebert suggested that money should be put in a general pot for road improvements. Joe Bauer suggested escrowing the money for a period of time and if the Tigue farm, across the street, is not developed within a certain time period, then return the money to the applicant. Mike thinks it should be put into the Baltimore Pike general road improvement pot, since the TDRs from this property are going to increase the density population of the Wicklow subdivision. A member of the audience, Dave Shelton, asked Spence if the money could be used anywhere on the Mt. Pleasant Road improvements.

A specific dollar figure and a timeframe would be required in order to pass this on to the BOS. Spence said he would look into the dollar amount. He also mentioned that this would be contributed by Jonathon Lapp, and not the Wicklow developers.

A motion to recommend to the BOS approval of the establishment of an escrow account for improvement of abutting roads for a period of seven (7) years was made by Cliff Lee, seconded by Joe Bauer. The motion carried.

Aye: 6      Nay: 0

Joseph Scheese - Preliminary/Final Plan

Joe Scheese presented. Recently he purchased the empty 1.2 acre lot next door to his house. He then approached Daniel Yoder, the farmer behind that lot, to purchase another two acres to add to the empty lot, creating a 3.2 acre lot.

Jim Gade said he had no major issues.

The following waivers were requested (SALDO):

- 1) Section 402.05 – requiring a sketch of the remaining lands. Jim Gade said that since there is no construction proposed on either lot 2, or the remaining lands, that this waiver is not necessary, and to withdraw the waiver.
- 2) Section 403.03.A – requiring 2 foot contours. No objection.
- 3) Section 403.03.D – requiring significant features 100 feet from property. No objection
- 4) Section 403.04.N – requiring a grading plan. – No construction – remove waiver.
- 5) Section 403.04.D – requiring Storm Water Management – No construction – remove waiver.
- 6) Section 506 – requiring placement of concrete monument at all perimeters. Applicant has proposed using iron pins as boundary markers along new internal property line. – No objection.

A motion was made to approve waiver request from SALDO Section 403.03.A, by Joe Bauer, seconded by Mike Rebert. The motion carried.

Aye: 6      Nay: 0

A motion was made to approve waiver request from SALDO Section 403.03.D by Joe Bauer, seconded by Mick Rebert. The motion carried.

Aye: 6      Nay: 0

A motion was made to approve waiver request from SALDO Section 506 by Joe Bauer, seconded by Mick Rebert. The motion carried.

Aye: 6      Nay: 0

#### Wicklow – Preliminary Plan – 172 Lots

Jim Gade reviewed the major issues in his review letter and Lake Roeder Hillard's response.

There is some question as to whether the property located in West Nottingham Township should be included in the Open Space Calculations. A motion was made to recommend to the BOS to request the township solicitor to review the inclusion of the WNT acreage as part of the Open Space Calculation by Joe Bauer, seconded by Mike Rebert. The motion carried.

Aye: 6      Nay: 0

There is also some question regarding the inclusion of storm water management facilities, such as bio-retention areas, as part of the Open Space Calculation. Spence Andress suggested that the precedent of the usage of storm water management facilities being included in open space has been set. This has, in fact, been an ongoing discussion regarding the subdivision Spence referred to (Elkdale Green). Nothing has been decided yet. Ron Ragan said that no precedent has been set in the ROSD. They are still awaiting additional information on Elkdale Green to come to that decision. Thom Olivieri, Chairman of the BOS, spoke up saying that the PC could talk to the township solicitor without asking the BOS for approval first. Marianne said she would talk with the solicitor about this.

Marianne raised the question as to whether the Wicklow subdivision is entitled to the 10% increase in density associated with the purchase of all TDRs from a farm. Not all TDRs will be purchased as the Lapp farm is currently in the process of subdividing two acres off, and after that is done will subdivide another two acres off in order to build a house. This leaves the question of whether Wicklow is actually purchasing all TDRs and if they should be entitled to a 10% increase in density as a reward. Marianne believes this would be double dipping. Dave Shelton, BOS member, agreed.

There is some question as to the number of acres included in the Lapp farm. Is it 90 or 84 acres? This must be resolved before TDRs can be correctly calculated. It was suggested the Lapp farm be surveyed to determine this.

Jim Gade said there were a number of things that needed to be accomplished before preliminary plan approval should be given.

- 1) A Conditional Use Hearing must be held – Spence said he would start to work on that now that a review letter and discussion of the subdivision has taken place.
- 2) Lapp farm subdivision approval, both the current one and the one following that.
- 3) TDR calculation and certification by the BOS.

All need to be accomplished before preliminary plan approval can be given to Wicklow.

#### Hickory Hill Treatment Plan – Final LDP

Jack Werstle and Sean McCauley presented. The lagoon is going to be smaller than what was shown in the preliminary plan. The reason is because originally the plan was to service more homes than in the subdivision. The OASA decided they did not want a regional system and asked that it be downsized. The extra land will be used as spray field, open space or plant expansion if the OASA deems it necessary. They do not plan on building houses there.

The plan is to that the HOA will own the plan with the OASA in perpetuity and the OASA will run it. Sean said they would return to the December meeting.

#### Letters of Extension

A motion was made to request letters of extension for:

- Jean Lawrie-Parker
- Cook Bros. (Meadow Creek)
- Jordan Manor
- Meadowview Estates (Option 1 – Cluster)
- Elkdale Green

by Mike Rebert, seconded by Gene Turns. Letters are to be date specific with March 15, 2006 as the specific date. The motion carried.

Aye: 6      Nay: 0

#### ***No discussion or action taken on the following subdivisions:***

Hostetter Sheppard  
Tom Swift – 3 Lots  
Liz Miller Farm  
Cooper Farm

Lewis Tract  
Merrill Property  
Meadowview Estates (Option 2)

#### **Correspondence**

- Dave Shelton's letter to the Oxford Area School Board – Gene Turns said the letter was read at the last School Board meeting and no comment was made.

#### **PC Members**

Joe Bauer said that he and Mike Rebert have been working on the Traffic Impact Study. Mike hopes to have something together next week.

Marianne said that an Historical Ordinance is in the process. It will set the guidelines to what is an historical property, structure or item.

#### **Recognition of Visitors**

Nothing

A motion was made by everyone, seconded by everyone, to adjourn the meeting at 9:22pm. The motion carried.

Aye: 6      Nay: 0

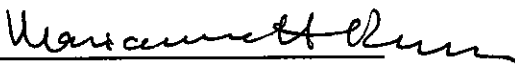
The meeting adjourned at 9:22pm.

Respectfully Submitted,



PJ Scheese  
Planning Commission Secretary

APPROVED:  
Date 12/19/05

  
Marianne H. Russo, Chairperson

## RESOLUTION

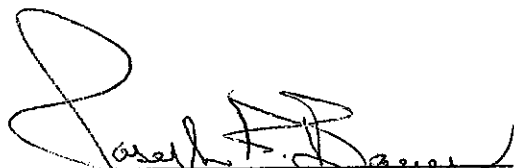
AND NOW this 28 day of November, 2005 the Planning Commission for East Nottingham Township, Chester County, Pennsylvania states as follows:

1. The Board of Supervisors of East Nottingham Township adopted an Open Space, Recreation and Environmental Resource Plan on December 16, 2002 after recommendation by the East Nottingham Township Planning Commission and accompanying statutory requirements.
2. The Board of Supervisors of East Nottingham Township have designated property owned by Melvin S. & Fannie A. Miller, which is in East Nottingham Township as property in which they intend to acquire an interest by reason of an agricultural preservation easement.
3. The Open Space, Recreation and Environmental Resource Plan adopted by the Township establishes as a stated goal the preservation of land for agriculture.

ACCORDINGLY, IT IS HEREBY RESOLVED that the property owned by Miller and designated by East Nottingham Township is identified in that Plan as being one with prime agricultural soils, which the Open Space Plan has designated as an area to be preserved through zoning and agricultural preservation easements.

Adopted this 28<sup>th</sup> day of November, 2005, by the East Nottingham Township Planning Commission.

ATTEST:

  
Member

EAST NOTTINGHAM TOWNSHIP

  
Chairwoman, Planning Commission