



Planning Commission (PC) Meeting Minutes
Wednesday, April 4, 2018, 7:30 P.M.

Commissioners in Attendance: Gary Summers, John Hess, Matt Murphy, Mickey Bailey, Sean Rafferty, Paul Cardell, Sam Kanjula; Commissioner Absent – Rob Miller.
Consultants in Attendance: Kristin Camp, PC Solicitor; Craig Kologie, AICP, Zoning Official.

1. **Call to Order:** Summers called the meeting to order at 7:35 p.m.
2. **Public Comment:** no public comment.
3. **Alan and Paula Johnson Subdivision and Land Development Application; Northbrook Tax Parcel 63-3-4:** James E. Fritsch, P.E., Register Associates appeared before the PC to discuss the Final Minor Subdivision Plan for the parcel located in the C-1 Neighborhood Commercial District. He reviewed the particulars as was previously discussed during the 5/16/2016 and 11/18/2017 PC meetings. The following review documents were provided for the meeting: (1) Plan dated 2/8/2018 and SALDO Application ("Plan"); (2) ZHB Decision dated 12/12/2017 granting the variances requested by the Applicants; (3) PA DEP Letter dated 8/9/2017; (4) Chester County PC Review and Comment Letter dated 3/19/2018; (5) Township Engineer McCormick Taylor Review and Comment Letter dated 3/13/2018 ("Township Review Letter"). Fritsch distributed a letter dated April 4, 2018, requesting four waivers from the SALDO Chapter, Code Sections 190-12; 190-23; 190-24; 190-40.A. The waiver request is made following discussions with the Township Engineer. Fritsch reviewed the Plan and reiterated that there will be no earth moving activity. He reviewed the Plan pointing out found concrete monuments and the location of rebar. He stated that it would be difficult to remove and replace the rebar with concrete monuments. On the other hand, permanent iron pins will be installed as noted in the Township Review Letter.

DISCUSSION:

Item 1. §190-22.B.11: Applicant will add proposed addresses to the Plan.

Commissioners asked and Fritsch confirmed that the street addresses are correct and that they were assigned by the County GIS Office in accordance with the 911 addressing scheme. Fritsch also noted that the Applicant confirmed that the location of the mailboxes complies with the directive from former Township Secretary Karen Eckerd. For this reason, the mailboxes will not be relocated.

Item 2. §190-22.B.12: Applicant will remove Northbrook Market/Lot 1 from the shared access easement in accordance with the Township Review Letter. Commissioners discussed at length the commercial connection and cut-through to Maentel Drive as it is currently used, or not used, and the use of the access by emergency response vehicles. Fritsch indicated that the Applicant is not changing the physical accessibility as deliveries to the Marketplace will continue to use the current commercial access. Camp noted that the PC is not in receipt of a review from the Fire Marshal. If the Commissioners desire to recommend specifics with regard to emergency access, the Plan will need a review letter from the Fire Marshal.

Item 3. General: Fritsch reiterated that the Applicants do not propose modifying the driveway as signage restricting vehicles is currently in place. Camp pointed out that

the 2001 Plan Notes for the Olmsted Subdivision reference use of the access way on the Plan. Camp and Commissioners recognize that there are limitations in enforcement of a "Private Driveway" or other such restrictive signage. With regard to the Applicant's Plan, Murphy, Hess, and Kanjula asked what measures were previously considered for the 2001 Olmsted Subdivision Approved Plan Notes regarding emergency access. They asked if there were projections for the anticipated usage by travelers to and from the Marketplace as well as the community; in addition, the question on the table is there a concern today for the rate of speed vehicles travel when using the private driveway access. Rafferty expressed that there appears to be little advantage for motorists to use this access and noted that going forward, owners of lots 2 and 3 could consider installation of additional restrictive measures. Kologie and Camp offered that while perhaps the residents of Olmsted are the beneficiaries of the private drive as a means of quick access in and out of the community, enforcement of any sort is an issue and affirmative action requests to mitigate travel concerns could be raised by the residents of Olmsted. Hess expressed that the location of the proposed Lot 3 driveway appears to be on the property line. Kanjula asked if the shared driveway documentation will legally clarify ownership and maintenance responsibilities as the residential lots are conveyed. Fritsch responded that the Applicant will prepare a shared driveway easement agreement which will set forth the conditions for usage by the lot owners.

Items 4. - 9. General: a note will be added to the Plan regarding nonconforming building/use. Commissioners were not certain as to the relevance of Item #5. Fritsch stated that as to Item #6, trash for the 2 residential dwellings is picked up in the area where the cars park for the Marketplace. At one time, trash receptacles were put out on Maentel Drive but doing so was a concern particularly during inclement weather if the receptacles were not brought in immediately. Note will be added to the Plan per the Township Review Letter. PC agreed the information cited in the Township Review Letter with regard to the location of the commercial sign for the Marketplace should be evaluated in terms of the historic nature of the parcel which, at one time, was known as the Pocopson Hotel. Fritsch indicated that legal descriptions will be submitted as requested in Item #8. Likewise, language as recommended in Item #9 will be added to the Plan.

Commissioners discussed the particulars of the on-lot septic systems as shown on the Plan Notes #16 and #17. Kologie reviewed septic pumping compliance regulations per the Township Code as well as general DEP regulations. Commissioners reaffirmed their concerns from the discussion that easement agreements be in place as part of the Plan approval for the shared driveway as well as on-lot septic and on-lot well water.

MOTION: Rafferty moved, Kanjula seconded, to recommend granting approval of the Final Minor Subdivision Plan for Alan C. and Paula C. Johnson, prepared by Register Associates, Inc., dated 2/8/2018, subject to compliance with the McCormick Taylor Review and Comment Letter dated March 13, 2018; recommend granting approval conditioned upon Applicants entering an easement agreement for the shared driveway leading to lots 2 and 3, the shared well and shared septic system; recommend granting approval of the waivers identified in the Township Engineer Review and Comment Letter dated March 13, 2018; motion carried. Fritsch indicated that the Applicants will request to be included on the Board of Supervisors April 30, 2018 meeting agenda.

4. **Act 537 Update:** Kologie provided an introduction and reviewed the following collateral material relative to the Act 537 Update: Section 7-6 from the Township Comp Plan; Penn State Ag and Biological Engineering Lexicon for Alternate On-Site Wastewater Treatment Systems; PA DEP Act 537 Overview; *"Septic Systems Raising a Stink"* published July 2015; and a summary and approach document for the Township Act 537

Special Study. Act 537 is a legislative mandate that began in 1966 intended for municipalities to plan for future needs based on population and zoning projections. He reviewed the genesis of the Riverside at Chadds Ford Wastewater Treatment Plant ("Riverside") which was the first Act 537 Special Study undertaken by the Township beginning in 2000. Riverside serves the subdivision as well as Lenape Shops and was designed to allow connections on Pocopson Road and to Pocopson Elementary if the School system should fail. It was noted that connecting Lenape Cabin Club was not included in the Riverside study in 2000 but it is possible to look at that now with the current update, as well as connecting the Township Administration Building. Kologie described the differences in a sewage treatment plant versus an on-lot system and the importance of irrigation fields. DELCORA owns and operates both Riverside and The Preserve at Chadds Ford Wastewater Treatment Plants. Kologie noted that when the Township transferred ownership of The Preserve Wastewater Treatment Plant, the terms included connecting to the Locust Grove Schoolhouse and accommodation for a number of homes on Corinne Road, a few of which have connected with no tapping fee assessed. The County owns and operates treatment plants for County facilities. Unionville-Chadds Ford School District owns and operates the plant that serves Pocopson Elementary. Kologie and Camp noted that agency regulations are changing. The County Health Department oversees and maintains responsibility for issuing septic permits but PA DEP requires municipal management for maintenance practices. Township Code Chapter 170 establishes procedures for sewage maintenance - residential and commercial. Secretary indicated that the Township is receiving pumping information from the County and from residents and entering that information in an electronic database. Murphy asked if there is flexibility in the pumping schedule if the homeowner lives alone or travels extensively. Camp and Kologie responded that Section 23.B provides flexibility at the discretion of the township to accommodate homeowners who choose to apply for an extension, that is, to extend the time period for submitting the pumping report. Commissioners noted that given the life cycle of a septic system, pumping it in accordance with the Township Code is cost effective for the homeowner. The Act 537 Update will be an agenda item for the PC going forward as the PC provides a recommendation to the Board as part of the submission and approval process. In turn, the Board is the entity that adopts the amended plan following a presentation at a public meeting.

5. **Draft Amendment to Chapter 147, Parks and Recreation Areas:** PC discussed at length the third iteration of the proposed draft amendment to the Parks and Recreation Areas, Chapter 147 of the Township Code. Cardell suggested and the PC agreed to include disorderly conduct/disturbance of others not only in a township park/area but the surrounding property. MOTION: Rafferty moved, Summers seconded, to recommend approval of the tracked changes as previously presented and discussed at this time and that the Secretary be directed to submit the proposed draft ordinance to the Board of Supervisors for adoption; motion carried.
6. **Meeting Dates:** Commissioners noted that the Board of Supervisors Work Session is April 24th and the public meeting is April 30th. The next Planning Commission Meeting is May 2nd. Rafferty asked if the firearm resolution will be listed on the April 30th meeting agenda. Secretary reported that a response would best be given by a Board member. Summers expressed that the meeting dates are provided as a courtesy and for the information of those attending a PC meeting and not for the purpose of discussing the Board's agenda.
7. **Approval of Meeting Minutes:** Murphy moved, Summers seconded, to approve the February 7, 2018 Meeting Minutes as submitted; motion carried. It was noted for the record that the PC did not meet in March due to the inclement weather.

8. **Other Business:** Commissioners reviewed a running list of proposed ordinance amendments. Camp agreed that she will look at Section 250-84.D(3) increasing a non-conforming building on a non-conforming lot/bulk requirements and design standards as previously brought to the attention of the PC by the Zoning Hearing Board Solicitor.
9. **Adjournment:** At 8:35 p.m., Rafferty moved, Kanjula seconded, to adjourn the meeting; motion carried.



Susan Simone, Administrative Secretary



Gary Summers, Chairman