

NEW GARDEN TOWNSHIP

Board of Supervisors

Combined General/Subdivision & Land Development Meeting

August 9, 2010

7:30 p.m.

Bob Norris, Chairman

Bob Perrotti, Vice Chairman

Barclay Hoopes (arrived late)

Betty Gordon

Warren Reynolds

Dan Fox, Manager

Pam Willis, Secretary

Neil Land, Esq., Solicitor

Spence Andress

Don Suckstorf, Zoning & Permits

Nate Cline, Township Engineer

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Norris called the meeting to order at 7:23 p.m. and a pledge to the flag was recited.

B. NEW GARDEN NEWS

The Landenberg Bridge is now open; a dedication ceremony will be held on October 3rd – Landenberg Bridge Day. New Garden Township is now accepting online utility payments at www.Xpressbillpay.com. Road closures at the Penn Green Road and Thompson Road railroad crossings through August 16th.

C. OPPORTUNITY FOR RESIDENTS TO ADDRESS THE BOARD

D. OLD BUSINESS

1. Historic Commission Report: Ted Christie gave an update on the planning for Landenberg Bridge Day and welcomed all volunteers.

2. Parks & Recreation Report: Perrotti reported on the success of past events, including the annual ice cream night, which hosted approximately 1,000 people and encouraged everyone to participate in the many Parks and Rec activities. Household Hazardous Cleanup is September 11th. 6th Annual Car show is September 26th. Perrotti noted that the Boy Scouts have helped with the annual picnic for many years, and the Parks & Recreation Committee has recommended that the Boy Scouts receive a donation for their efforts. *On Motion by Perrotti, and second by Norris, the Board voted 4-1 (Hoopes recusal) to donate \$500.00 to the Boy Scouts for their assistance on New Garden Day.*

3. Planning Commission Replacement: Norris reviewed candidates and stated the Planning Commission had recommended Michael Haggerty. *On Motion by Perrotti, and second by Hoopes, the Board voted 4-1 (Reynolds against) to appoint Michael J. Haggerty to the New Garden Township Planning Commission for the duration of the term vacated by Peter Dicce, ending January 1, 2013.*

4. Landenberg Bridge Report: Cline gave an update on the guiderails on the bridge and stated he was meeting with PennDOT on September 17th.

Norris explained that the Public Hearing held at 7:15 to discuss the amendment to the Comprehensive Plan ended and the Board moved directly into the General meeting a little earlier than posted. He invited residents who wished to do so, to address the Board.

Steve Allaband, of 144 Skyline Drive expressed his concerns about the Wollaston Park Project and Building Permit #2010-669. With respect to Permit #2010-669, Allaband asked the Board to withhold the CO until the area of use, setback issues and the issue of single use can be addressed. Norris asked Fox and Land to respond.

Norris advised Allaband to call the fire company the next time the owners of an adjoining property burn materials that should be recycled.

Cathy King, Director from Anholt Technologies. Anholt manufactures radiation cancer therapy positioning devices. Land advised next step in process is to file a preliminary plan to begin review process.

Norris noted that an Executive Session was held prior to this evening's meeting regarding personnel issues and will continue after adjournment tonight.

E. NEW BUSINESS

1. Approval of July 12, 2010 Board of Supervisors Combined General/Subdivision Land Development Meeting Minutes: Norris asked for comments. Tabled until July 13, 2010.

Approval of July 13, 2010 Board of Supervisors Work Session Minutes: Norris asked for comment or discussion. *On Motion by Perrotti, and second by Hoopes, the Board voted unanimously to approve the Minutes of the July 13, 2010 Board of Supervisors Work Session.*

2. Adoption of Resolution #646 - Amendment to Comprehensive Plan: Fox stated that a Public Hearing had been held at 7:15 p.m. and no public comment was received after opening the Hearing. Fox also stated that the Chester County Planning Commission gave recommended adoption of Resolution #646. *On Motion by Reynolds, and second by Gordon, the Board voted unanimously to adopt Resolution #646: Incorporation of the New Garden Township*

3. Approval of Disbursements: A discussion was held regarding the August 6, 2010 Disbursements. *On Motion by Perrotti, and second by Hoopes the Board voted unanimously to approve the August 6, 2010 Disbursements with the exception of the Brutscher, Foley, Milliner & Land bill relating to the Snokes property line in the amount of \$507.50 and Kistler O'Brien Fire Protection bill in the amount of \$2,964.32.*

4. Adoption of Resolution #647: Opposition to Forced Local Government Mergers and Consolidations: Fox explained that during the State budget process there is usually a move to consolidate government services. PSATS recommends adoption by each Township in Pennsylvania and Fox believes that even though there is little likelihood of passage, New Garden Township should still record its opposition to any such measure. *On Motion by Reynolds, and second by Hoopes, the Board voted 4-1 in favor (Norris abstained) to adopt Resolution #647: Opposition to Forced Local Government Mergers and Consolidations.*

5. Sewer Authority Audit: Fox stated we received the 2008 and 2009 Sewer Authority Audit which is in order and available for inspection in the Township office.

Update on Township Campus Plan: Fox stated summer vacations have slowed the progress, however, Buchard expects to proceed forward shortly.

Alternative Fuel Vehicles: Reynolds provided information regarding a state program. Fox will research and provide feedback.

Farm Preservation Program: Reynolds asked that Farm Preservation Program deadline be placed on 2011 calendar.

Act 167: Fox is in the process of reviewing policy and communicating with surrounding municipalities.

F. OTHER BUSINESS

1. Nunan Extension Letter: *On Motion by Perrotti, and second by Gordon, the Board voted unanimously accept Regester Associates' extension for Nunan Group LLC until October 13, 2010.*

2. Harlow Pointe Extension Letter: Tabled.

Sewer Capacity: Tabled.

3. Tamara Estates: Jon Penders of Rouse Chamberlain, appeared before the Board with regard to Tamara Estates/Nance Subdivision. Penders

stated that he had received comments from the Planning Commission, Pennoni Associates and Spence Andress and was now returning to the Board for their guidance with respect to waivers for Section 165-11c.2.c and 165-11c.5.m. and reaffirmation of the plan approval. Penders stated that Chester County Conservation District has reissued the NPDES permit.

Section 165(c)(2)[c]: All infiltration practices shall be set back at least 15 feet from all structures with subgrade elements (e.g., basements, foundation walls). Penders stated that with respect to Lot #8, the setback of 10' under the old ordinance was met, however, the new ordinance specifies a 15' setback, which will be hard to achieve. Asking for a waiver to allow the setback to be 10' with the understanding that a perimeter drain will be installed and Rouse Chamberlain will stay as close to the 15' requirement as possible. Cline stated he has no issues with the waiver. *On Motion by Perrotti, and second by Hoopes, the Board voted unanimously to grant waiver of Section 165(c)(2)[c] with respect to Lot #8 conditioned upon developer installing a perimeter drain.*

Section 165-11(c)(5)(m): A sediment forebay with a hardened bottom shall be provided at each inlet into the detention basin. The forebay storage capacity shall at minimum be 10% of the permanent pool storage. The forebay shall be designed to allow for access by maintenance equipment for periodic cleaning. Penders stated the forebay requirement is about water quality; they propose handling the water quality issue in a different fashion by (a) infiltrators on each lot sized to handle large Stormwater events; (b) inlets with sump areas for cleanout of solids; (c) significant riparian buffer along the two existing drainage channels. Cline stated after a series of BMPs and alternative solutions and approval of the Chester County Conservation District, he has no issues with waiver and feels this is equal or better than a forebay because there are more locations for infiltration and sediment control. *On Motion by Perrotti, and second by Hoopes, the Board voted unanimously to grant waiver of Section 165-11(c)(5)(m) conditioned on a Note being added to the Plan stating the Maintenance and Operations Agreement entered into by each homeowner include a cost of maintenance of the riparian restoration by the homeowners.*

Penders asked the Board to reaffirm the Final Plan of Tamara Estates/Nance Subdivision on Pemberton Road. *On Motion by Perrotti, and second by Hoopes, the Board voted unanimously to reaffirm the Final Plan of Tamara Estates/Nance Subdivision, 382 Pemberton Road conditioned on the following:*

- a. *All fees due the Township are paid.*
- b. *All conditions being met in the 6-30-10 review letter by Government Specialists.*
- c. *All conditions being met in the 7-7-10 review letter by Pennoni Associates.*
- d. *A note is added to the Final Plan stating that the Maintenance and Operation Agreement entered into by each homeowner include the cost to maintain the riparian buffer.*

H. NEW BUSINESS

1. Harlow Pointe: Barry Stengel, Director of Planning, Hillcrest Associates and Bill Romanelli on behalf of Wilkinson Builders appeared before the Board to discuss Harlow Pointe. Stengel reviewed five waivers sought by Wilkinson and stated that the waiver regarding the 25' setback from the gas pipeline right-of-way is no longer requested as design changes made this unnecessary. Stengel stated that the remaining waiver sought is regarding the 25' minimum curb radius. Stengel reviewed original plan and concept plan showing the difference in the design to accommodate the concerns of the surrounding residents. Stengel asked the Board to grant the waiver dealing with the minimum turning radii and stated that the Township Public Works Department and Township Engineer have no problem with the design.

Rich Zimny, 124 Harrogate addressed the Board regarding his concerns about the Harlow Pointe development.

Robert Duncan, 120 Harrogate addressed the Board regarding his concerns about the Harlow Pointe development. Presented a PowerPoint slide show with pictures of the area under discussion.

Rona Devane, Harrogate, addressed the Board regarding her concerns about the Harlow Pointe development.

Andress presented an update of the sewer situation and stated that until Wilkinson received DEP approval, they cannot move forward with any development. Currently, there is no sewer capacity available.

Cline reviewed the traffic study and answered questions from Board members.

On Motion by Perrotti, and second by Hoopes, the Board, by a vote of 2-3 (Reynolds, Gordon, Norris against), refused to grant a waiver Section 170-29(b)(1) to Wilkinson Builders

Romanelli stated that they would revise their plan so they could proceed without the waiver. Wilkinson also retracted their request for preliminary plan approval.

On Motion by Perrotti, and second by Norris, the Board voted unanimously to accept Wilkinson's extension for Harlow Pointe until September 14, 2010.

I. OTHER BUSINESS

1. Richard Dixon/961 W. Baltimore Pike - Zoning Brief: Land stated that the Board needed to take a position with respect to the upcoming Zoning Hearing. In general, the Board supports the request, however there were concerns about large vehicle traffic and vegetative screening.

2. George Regester/160 Willow Street - Zoning Brief: A discussion was held regarding the above-ground storage tank constructed without a permit. The Board agreed that even though the tank serves a useful purpose in diverting wastewater that would otherwise run into the stream, the issue of construction without the proper permits still needed to be addressed.

3. Pemberton Valley/Escrow Release #7: Fox presented Pemberton Valley's Escrow Release #7. Cline approves of release. *On Motion by Norris, and second by Hoopes, the Board voted unanimously to approve Pemberton Valley Escrow Release #7 in the amount of \$7,038.75 as recommended by Pennoni Associates in their letter dated August 9, 2010.*

Motion to adjourn to Executive Session at 11:12 p.m.

Respectfully submitted,

Pam Willis
Township Secretary