

EDGMONT TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
June 28, 2010

Work Session – Members of the Planning Commission, the Planning Commission Solicitor, the Township Manager, and the Assistant to the Township Manager, attended an advertised work session, which commenced at 6:30 p.m. Those in attendance generally discussed matters on the agenda. No action was taken.

1. **Open Meeting & Pledge of Allegiance:** Mr. Miller called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. In attendance were Chip Miller, Chairman; Joseph Raspa, Vice-Chairman; Robert Bristol, Member; Eleanor Tickner, Member; Randy Bates, Member; David Malman, Esq., Planning Commission Solicitor; Samantha Reiner, Township Manager; and Christopher Bashore, Assistant to the Township Manager. Michael Conrad, P.E., Township Engineer, and Edward Theurkauf, Township Land Planner, were absent. There were 2 guests.
2. **Public Comment:** There was no public comment at this time.
3. **Approve Agenda:** Mr. Miller requested to amend the agenda for the meeting to include discussion of the former Dairy Queen property under “New Business”. Mr. Bates made a motion to approve the agenda as amended. Mr. Bristol seconded the motion. There was no further discussion and the motion approving the agenda as amended passed unanimously.
4. **Meeting Minutes:**
 - **May 24, 2010:** Mr. Raspa made a motion to approve the minutes from the May 24, 2010 regular meeting of the Planning Commission as presented. Mrs. Tickner seconded the motion. There was no further discussion and the motion approving the minutes as presented passed unanimously.
5. **Manager’s Report:** Mrs. Reiner read portions of her report onto the record, highlighting the alterations that will be occurring at the recycling area at the municipal building and the discount prescription card program offered by Delaware County to residents of the community. Mrs. Reiner requested that residents police themselves and report any illegal dumping that may occur at the recycling site.
6. **Old Business:**
 - a) **2009 Annual Report:** The Commission reviewed a draft of its 2009 Annual report. Mr. Raspa made a motion to approve the 2009 annual report as presented. Mr. Bristol seconded the motion. There was no further discussion and the motion approving the 2009 annual report as presented passed unanimously.
7. **New Business:**
 - a) **Newtown Township revised Act 537 Plan**

Present: Kevin Matson, P.E., Newtown Township Sewer Authority Engineer

Mrs. Reiner stated that when Newtown Township (NT) prepared its last Sewage Facilities Plan (537 Plan) in 2007, Edgmont and NT were working together to allow flows from Edgmont into NT’s pump stations and lines at two specific geographic points. Approximately 117,000 gallons per day (gpd) were proposed to flow from the Edgmont lines in West Chester Pike into a NT pump station to be located near Rafferty Subaru (across the Crum Creek); while an additional 233,000 gpd were proposed to flow from Edgmont lines into a NT pump station to be located on Gradyville Road near Bishop Hollow Road.

Both NT’s and Edgmont’s plans were approved by the DEP reflecting those flow configurations. The approved plans were immediately appealed by Aqua and private citizens

in NT. The appeal with Aqua has been resolved, and DEP has ordered NT to submit a revised 537 plan.

Since having its plan approved in 2007, Edgmont has been paralyzed by the appeals, which were just resolved. Edgmont has explored alternative routes for its sewage to flow into the CDCA lines: Upper Providence has not agreed to financially participate to one alternative which makes it economically unfeasible, so Edgmont has determined its best course would be to gain easements from Aqua and NT, build its own sewer lines to directly connect to CDCA in Marple Township, and allow NT to connect to Edgmont Township's lines when it becomes necessary for them to do so.

In short – Edgmont will carry its own wastewater to CDCA instead of relying on NT to get it there. Unfortunately, although representatives of both townships have met and discussed this new alternative, NT's Act 537 Plan does not reflect this information.

The formal Act 537 Planning review process requires the plan be circulated for a thirty (30) day period, soliciting formal comments. Edgmont's Township Manager, solicitor, and engineer will craft appropriate comments, based on a recommendation by the Commission.

Mr. Miller asked if they could recommend that the Board of Supervisors not approve Newtown's Act 537 plan in its current form. Mr. Malman stated that the Commission could indicate that it is inconsistent with the revisions being made to Edgmont's Act 537 plan. Mrs. Reiner noted that she had received a resolution from Kenneth Kynett, Esq., Township Solicitor, as well as comments on Newtown's plan from Walter Fazler, P.E., Township Sewer Engineer. These comments were reviewed with the Commission.

Mrs. Reiner stated that Newtown has prepared a draft resolution for adjoining municipalities to consider adopting. This resolution was provided to Mr. Kynett, who made changes that were presented to the Commission for review and a recommendation. Mr. Malman asked if Aqua PA had property from the Newtown/Edgmont boundary up through Gradyville Road. Mrs. Reiner stated that they did. Mr. Malman asked if easements were required from anyone other than Aqua PA to get to the existing CDCA line. Mrs. Reiner stated that Edgmont requires an easement from Newtown because Gradyville Road becomes a Newtown Township road once it crosses Bishop Hollow Road.

Kevin Matson, P.E., Newtown Township Sewer Authority Engineer, addressed the Commission. Mr. Matson stated that Newtown is operating under a Consent Order from the PA Dept. of Environmental Protection (DEP) and acknowledged the inconsistencies between the current plan and what Edgmont is proposing. Mr. Matson noted that how to proceed has not yet been addressed. Mr. Miller expressed concern over Edgmont being forced to adhere to the existing plan if they approve Newtown's revised Act 537 plan. Mr. Matson stated that he would like to explore the alternatives Mr. Fazler has researched, but he cannot wait to proceed because of the time it would take to secure such items as easements and environmental clearances. Mrs. Reiner asked if the proposed 1.2 million gpd in NT's Plan included flows from Edgmont Township. Mr. Matson stated that it did not, but additional flows allocated to Edgmont are incorporated in the plan. Mr. Miller requested that Newtown Township provide a resolution similar to the one proposed for acceptance of their Act 537 plan once Edgmont's revisions are completed. Mr. Matson stated that he would discuss this with his client. Mr. Matson stated that he is hoping that DEP will allow him to adjust the plan once they meet the requirements of the consent order.

Mr. Bristol made a motion to direct the Township Manager to formulate the comments on the revised Act 537 Sewage Facilities Plan for Newtown Township from the Planning Commission, based on the Township Sewer Engineer's review, into a formal memorandum to the Newtown

planner. Mr. Bates seconded the motion. There was no further discussion and the motion directing the Township Manager to prepare the memorandum passed unanimously.

Discussion turned to proposed Resolution 2010 – 17. Mr. Malman stated that the proposed resolution should recommend that the Township approves of Newtown’s Act 537 plan, subject to Newtown’s agreement that Edgmont will be able to propose a revision to its plan.

Mr. Raspa made a motion to recommend adoption of Resolution 2010 – 17, recognizing the revised Act 537 Sewage Facilities Plan for Newtown Township, conditioned on the agreement that Edgmont Township will be able to make revisions to its Act 537 Sewage Facilities Plan. Mr. Bristol seconded the motion. There was no further discussion and the motion recommending Resolution 2010 – 17 passed unanimously.

b) 5000 West Chester Pike – Eagle National Bank: Mr. Miller noted that the owners of the former Dairy Queen property, originally intended to be the site of Eagle National Bank, have been approached by another bank, Wilmington Savings and Fund Society (WSFS). An architectural rendering of the proposed building has been submitted to the Township. Mr. Miller stated that formal action should be taken in order to show the Board of Supervisors that the Commission is in favor of the project moving forward, but would like the proposed building to be more consistent with the exhibits presented during the Conditional Use hearing. Mr. Malman stated that he does not believe that the current rendering is consistent with the Conditional Use approval. Without a new design, WSFS would have to appear before the Supervisors again.

Mr. Bristol made a motion to recommend that the Board of Supervisors uphold the Conditional Use decision and request a redesign of the building, more consistent with exhibit A-9 presented at the Conditional Use hearing for Eagle National Bank. Mr. Bates seconded the motion. There was no further discussion and the motion recommending upholding of the Conditional Use decision for Eagle National Bank passed unanimously.

8. Miscellaneous Discussion: There were miscellaneous items to discuss.

9. Announcements:

- a. The **Board of Supervisors** will meet on **Wednesday, July 21, 2010 at 7:30 p.m.** for their regular meeting, with a **work session at 6:30 p.m.**
- b. The **Planning Commission** will meet on **Monday, July 26, 2010 at 7:00 p.m.** for their regular meeting, with a **work session at 6:30 p.m.** to discuss amendments to Article 18 of the Edgmont Township Zoning Ordinance.
- c. The **Zoning Hearing Board** will meet on **Tuesday, July 27, 2010 at 7:00 p.m.** pending the receipt of applications.

10. Adjournment: At 7:45 p.m., Mr. Miller made a motion to adjourn the meeting. Mr. Raspa seconded the motion. There was no further discussion and the motion adjourning the meeting passed unanimously.

Respectfully submitted,

Samantha Reiner, Recording Secretary
Township Manager

Chip Miller, Chairman
Planning Commission