

Board of Supervisors
PUBLIC HEARING for ZONING ORDINANCE

(Held in Social Hall of Springtown Community Volunteer Fire Co., Rte 212, Springtown, PA 18081)

MINUTES

October 2, 2007

The hearing was called to order at 7:30 p.m. by Chairman Jim Brownlow and opened with the Pledge of Allegiance.

Supervisors Present: Karen Bedics, Jim Brownlow, Chuck Halderman, and Rob Zisko.

Absent from meeting; present for pre-meeting Executive Session: Rod Wieder

Also present: Terry Clemons & Scott MacNair, Township Solicitors; Sandy Everitt, Secretary/Treasurer; Rich Schilling, Township Manager; and Bob Wynn, Township Engineer

Jim Brownlow stated that this is a single-purpose meeting to hold a public hearing to get input on our proposed Zoning Ordinance. This document was drafted over the past 2+ years by a Joint Supervisors/Planning Commission Task Force. The final draft was reviewed by the Bucks County Planning Commission. There are some areas that have not yet been addressed in the Zoning Ordinance but these areas will be addressed as amendments to this document after the Zoning Ordinance is adopted. Mr. Brownlow turned the meeting over to Terry Clemons, Township Solicitor, to conduct the formal hearing on this proposed zoning change.

Mr. Clemons indicated that this new Zoning Ordinance was prepared in accordance with the requirements of the Municipalities Planning Code (MPC) and it encompasses comprehensive regulations for each of the zoning districts in Springfield Township. As required by the MPC, more than 45 days ago the final version of the Zoning Ordinance draft was forwarded to the Bucks County Planning Commission (BCPC) and the Springfield Township Planning Commission (STPC) for final review. Both the STPC and the BCPC recommended adoption of the ordinance.

Notice of this hearing was advertised in The Morning Call on September 18 and 25, 2007, and proof of publication is included in the record of this hearing. The notice summarized the basic provisions of the new Zoning Ordinance. Copies of the Zoning Ordinance were available for inspection at the township building, on the township's website, at the offices of The Morning Call, and at the Bucks County Law Library.

Since the draft ordinance has been available for public review prior to this hearing, Mr. Clemons opened the proceedings for comments and/or questions from members of the public. After the public hearing, and after the Board has had an opportunity to discuss public comments, a determination will be made about what action will be taken, because the legal notice provided for two things:

1. For this hearing to receive public comment, and
2. After the public comment, the Board could take action on the Zoning Ordinance

Public Hearing

Helen Lang (Salem Road/Springfield Street) – Mrs. Lang did not have an opportunity to review the ordinance and asked what major changes would impact the district in which she lives if this ordinance is enacted.

Bob Wynn indicated although there were some zoning modifications, primarily, the Rural Residential (RR) district is the same as it was before. Terry Clemons noted that it is difficult to summarize all the changes at this time, that is the reason this meeting was advertised and the ordinance made available to the public prior to the hearing. He noted that in all of the Districts there are natural resource regulations and some of those regulations are probably different from how they were regulated in the Ordinance that is currently in place. There are requirements to protect water resources, steep slopes, etc., which apply throughout the township. Bob Wynn noted that the RR District in the Lang's area is larger and will now extend all the way down Salem Road, and includes everything west of Salem

Road up to the Planned Industrial District. On Page 10, Article 6, of the draft Zoning Ordinance, it states that for a single-family, detached dwelling, the front, each side and rear setbacks are 60'/30'/60'. Under the current ordinance, these setbacks are 50'/25'/50'. Terry Clemons advised Rob that meant the size in feet required for front/side/rear yards.

Patrice Ryan (Route 212) – Ms. Ryan asked what changes were made with regard to front and side yard setbacks for cluster housing in the Agricultural District. Chuck Halderman said that the ½-acre cluster option was removed and it is now a 1-acre cluster option. Bob Wynn stated that the setbacks in AD were 75' front, 30' side, and 75' rear, which is the same setback as are required in the current Zoning Ordinance. Rich Schilling noted that there is a 15' side yard setback for residential accessory structures of 300 square feet or less. Larger accessory buildings must meet housing setbacks. In a 1-acre cluster development, houses can be 50' from the front lot line, 15' from each side lot line, and 35' feet from the rear lot line. Ms. Ryan asked what buffer will be required around a cluster development. Bob Wynn noted there is no buffer requirement.

Hans Reimann – Hans had questions about whether wetland margins could be included in lots in a cluster development. Hans does not feel that including these in small lots and then deed restricting this area will protect the wetlands and natural resources in these situations.

Terry Clemons stated there are two ways this can be addressed. One is what is required to be kept as preserved open space, which states that the open space area that credited within a development shall not include any area needed to meet an individual lot area requirement. If the wetland margin Hans is referring to is part of the set-aside required for open space, then that land cannot be used to meet a requirement for individual lots.

A second way to address this is to say that areas that are required to be preserved must have a form of protection like a conservation easement conveyed to the township or a conservancy, or by deed restriction which must be approved by the Board of Supervisors for that type of open space. The Township Engineer has suggested that a wetland margin that is part of a lot is not being effectively protected by deed restriction, and this draft ordinance states that the form of protection being proposed must be approved by the Board of Supervisors.

Although Hans is in favor of adopting the proposed Zoning Ordinance, he does not feel that the natural resource protection is strong enough.

Mr. Reimann asked if agricultural soils have been properly defined in the new ordinance. Terry Clemons advised that it has been clarified.

Patrice Ryan asked how the scenic vistas will be protected. Terry Clemons indicated that section of the ordinance has been strengthened, but scenic vistas are hard to define—they are different things to different people. Bob Wynn added that there were not a lot of changes to the scenic overlay concept. Some of the definitions have been better defined. Bob read: Scenic overlay district is now defined as including all the properties that are adjacent to the scenic district roadways shown on the map and all properties that can be seen from the scenic district roadway that expands that area. Bob read additional text about things that needed to be considered and/or preserved when possible. Chuck Halderman added that preservation of scenic vistas is a difficult thing to control.

Peter Lamana gave special credit to Barbara Lindtner, Bobb Carson, and to some extent, Scott Douglas, for their work “above and beyond the call of duty” in finalizing the draft ordinance.

Bob Ritter (State Road) – Under Article 4, Use Regulations, Bob asked if the township is required to have places for mobile homes. When advised “yes,” Bob asked “how many and where?” Terry Clemons stated that adequate provision must be provided for all types of housing, including mobile homes. He added there are probably 8 – 10 court decisions that tell you how many and where. Mr. Ritter said he sees very few mobile homes in the township. Mr. Clemons said the township is required to permit them, but his experience is that, because of the value of land in this area, what few mobile homes exist in Bucks County are being purchased and resold for development.

There being no additional public comment, Mr. Clemons turned the discussion over to Mr. Brownlow, Board Chairman.

Supervisors Comments

Chuck Halderman – Chuck went over the process by which the new Zoning Ordinance was developed. He noted that a number of years ago, the Board was charged with developing a Comprehensive Plan for the township, which is actually a “mission statement” of the direction in which the township plans to go. It took several years to develop the Comprehensive Plan, and then the process moved on to the Joint Committee of Supervisors/Planning Commission that was tasked with revising the Zoning Ordinance to meet the goals outlined in the Comprehensive Plan. Chuck feels that the draft Zoning Ordinance, while not perfect, reflects the people’s thoughts on how the township should move forward in the next 10 years (as reflected in the Comprehensive Plan). He commended the Planning Commission for their work and is grateful for the expertise of those who serve on the Planning Commission. He feels we should adopt the ordinance and then review it and amend it as necessary in the future.

Karen Bedics is happy with the draft document and is glad it is moving forward. She also expressed appreciation to the Planning Commission for the hours and hours of hard work, discussion and compromise that have gone into producing this ordinance. She also thanked the many residents who took the time to come out, attend the meetings and offer their input and ideas.

Rob Zisko thanked everyone involved who spent time over the 30 – 40 meetings required to bring this document to fruition. There are a number of things in the ordinance that Rob is not comfortable with.

1. Forestry Provisions in the new ordinance make it much more difficult for a property owner to have their property logged.
2. Article 5, Stream and watercourse margins – A 125’ stream margin is already in place, as a result of Ordinance 129 which took effect in the early stage of the Zoning Ordinance revision process. Rob considers a stream as having water running in it year round. The newly required 125’ stream margin includes perennial and intermittent streams (125’ margin) and ephemeral streams (50’ margin), some of which do not contain any water at times throughout a year. Rob is concerned that we do not have a clear map locating where the streams actually are in the township. He feels it is difficult to see where the streams are in the Cooks Creek Watershed Protection Plan, the Springtown Source water Protection Plan, and the U.S. Geodetic Survey, as they are not referenced in regard to tax parcels and are not shown on the official township map which is part of the draft ordinance. Rob is concerned about how people will know what is considered a stream and what is not considered a stream. He has serious issues with the stream protection standards in the ordinance and how it will impact property owners ability to use their own properties.

Rob is torn about how to vote on this ordinance. He feels it is his job as a supervisor to ensure there is a balance between the protection of property owners’ rights and environmental protection. His concern is that the new ordinance is very heavily influenced by environmental protection standards and weak in protecting property owners’ rights. Rob is disappointed at the resident turnout for adoption of this important document which will not only affect new development, but will affect every small property owner. If a Springtown resident wants to put an addition on their home or any structure on their property, and a “stream” runs through their back yard, they will technically have to go before the Zoning Hearing Board and provide the costly reports required in the new ordinance if their proposed building will encroach upon the expanded stream margin.

Rob will go along with this ordinance, but like Chuck, he feels it is not a perfect ordinance. Because of that, he wants the township to continually revisit the ordinance. In particular, Rob referenced a business man in Springtown who put up a sign 8’ long by 3’ wide, or 24 square feet. Because our ordinance only permits a 10 square foot sign, this man will need to go before the Zoning Hearing Board and spend \$550 to get a variance to erect his sign when he lives in the Village Commercial District. Rob also feels very strongly that when the new ordinance is put in place, everything in it needs to be enforced uniformly throughout the township.

Terry Clemons noted that there are two ways to deal with unanticipated burdens that may result from application of the new ordinance.

1. Go before the Zoning Hearing Board

2. Keep track of persistent problems and revise the ordinance provision that is causing that problem. However, the township will need some "history" with the new ordinance to determine whether there are unanticipated consequences that require ordinance changes.

Jim Brownlow noted that Scott Mease, Mease Engineering, sent a letter expressing some concerns and comments.

Jim asked for clarification from our solicitor about what effect the adoption of this ordinance will have on existing filed plans and when the new ordinance would actually be effective. Terry Clemons advised the ordinance will become effective 5 days from the date of adoption, which would make the effective date October 7, 2007, if the ordinance is adopted at this meeting. Any plans that have been filed with the township prior to October 7 will be governed by the Zoning Ordinance in place before the new ordinance was adopted. Any permits issued prior to the adoption of the new Zoning Ordinance will also be governed by the currently existing Zoning Ordinance.

Jim Brownlow expressed his gratitude the people who were involved with developing the new ordinance. Jim echoed some of the concerns expressed by Rob Zisko; however, the feedback Jim has received from residents indicates to him that the balance between property owners' rights and environmental preservation is close to the middle because the new ordinance offends people on both sides! Jim also feels that the new ordinance has stayed true to the Comprehensive Plan, which was prepared using input from many residents of the township.

Jim requested that the Board take action on the ordinance tonight. If the action taken is favorable and the ordinance is adopted, he would like the Board to request the Planning Commission to prepare a list of items that are still outstanding that need to be addressed along with a timetable prioritizing when they will be addressed.

Jim Brownlow **moved** that the Springfield Township Zoning Ordinance be adopted as advertised. Chuck Halderman **seconded**; the motion **passed** unanimously.

Adjournment

At 8:30 p.m., Rob Zisko **moved** to adjourn the meeting. Karen Bedics **seconded**; the motion **passed** unanimously.

Respectfully submitted,



Sandra L. Everitt
Secretary/Treasurer

Adopted: October 23, 2007