

**Planning Commission Meeting
MINUTES**

October 3, 2007

The meeting was called to order at 7:05 p.m. by Chairperson Barbara Lindtner and opened with the *Pledge of Allegiance*.

Members present were: Scott Douglas, Walt French, Bruce Fritchman, Pete Lamana, Barbara Lindtner, and Volker Oakey. Absent: Bobb Carson
Tim Fulmer, Township Engineer; Terry Clemons, Township Solicitor; Heather Radick, Recording Secretary, were also present.

Planning Commission Work Session - None

Approval of Minutes

Barbara Lindtner **moved** to table the September 5, 2007 minutes. Pete Lamana **seconded**; the motion **passed** unanimously.

Public Comments (Agenda Items) –None

Sketch Plans

Claire Randelovic – Lehnenburg Road William Kozub; attorney, and Rich Zaveta; builder presented for applicants Frank Trenga and Denise Viola. William Kozub noted that the correct names of the property owners are Frank Trenga and Denise Viola. William Kozub stated the applicants filed an application for a land development waiver. William Kozub stated the property located on Lehnenburg Road consists of 2 parcels. He noted the parcel with frontage on Lehnenburg Road consists of 12.17 acres and the back parcel, Lot #2, is approximately 5 acres. The two parcels are separate tax parcel numbers, and were deeded separately to the owners since 1983. Lot #2 was created in the 1940s, and Lot #1 was created in 1986 from the Claire Rendelovic subdivision. William Kozub noted Lot #2 is an orphan lot and is landlocked. William Kozub stated that his clients purchased both lots, and stated that 2 residences can be built on a single lot with a waiver for that purpose. William stated the applicants have purchased both lots under a single deed, and they are looking to take care of the orphan lot. William Kozub stated that the Township has a procedure whereby 2 residences can be constructed on a single lot if the applicants receive a land development waiver granted for that purpose. The applicants would like to build a main house and a separate guest house. William Kozub stated that the only improvements on the property are a septic system, and they would utilize that septic for one of the houses. Rich Zaveta noted that there is a stone driveway to Lehnenburg Road. William Kozub stated they would extend the driveway to serve both houses. Barbara Lindtner asked why it could not be proposed as a minor subdivision. William Kozub replied that the applicants are looking to build both homes close together on 1 lot. They could not create a subdivision because of the proximity of the proposed homes. They would also like to get rid of the orphan lot.

Rich Zaveta presented the Commission with a tour around the property with large photo boards. He noted his clients looked for a site that had a minimal effect on natural resources, and a location that keep the homes hidden from view. Rich explained the main house is proposed to be occupied by Frank Trenga and

Denise Viola and his client's brother is proposed to live in the guest house. Rich Zaveta stated that they are within 5-7% of slopes with the driveway in the slope. He understands the applicants are required to either procure a separate septic system for the guest house, or extend the existing system. Barbara Lindtner asked about the acreage of the property. Rich Zaveta replied that Lot #1 is 12 acres and Lot #2 is 5+ acres, bringing the total to approximately 17 acres. Scott Douglas asked what the guest house would be considered as. Terry Clemons replied the house would not conform to an accessory use because of its large size. He noted that the new Zoning Ordinance continues that same use with multiple residences. Record a declaration of covenant restrictions or a conservation easement and merge lots so they would be conforming. On lot sewage issues, natural resources, and need something to assure items such as woodlands and slopes would not be exceeded.

William Kozub noted they did not disturb steep slopes as defined in the Zoning Ordinance. Bruce Fritchman noted that having 2 residences on the same property has been previously been allowed in the Township under certain conditions. The Township has never had 2 fully occupied residences on one property. Terry Clemons stated the Zoning Ordinance says 2 residences can be built on one property with waivers of land development. He suggested the Commission lists what conditions would make them feel comfortable. Terry Clemons also suggested a merger and no further subdivision. He said there ought to be a written declaration so the occupancy issue becomes an enforcement issue.

Bruce Fritchman stated he has no problem with the proposal, but was concerned about the possibility of parties occupying both homes not being the same in the future. William Kozub stated he feels the plan has unique features that cannot be duplicated on other properties, so therefore relief can be granted. Barbara Lindtner asked what the Commission will be giving up by waiving the land development and subdivision waivers. Tim Fulmer stated that if the land development waivers are granted, the Township would be giving up the formal submission of the plan, the relief process, and the provisions in the subdivision ordinance that are not listed in the zoning ordinance. Walt French stated he wants to make sure there are not any pre-existing restrictions on the property that prevent any proposed building activity on the land. Scott Douglas stated he is concerned about having 2 residences on one piece of ground, and asked if the Commission can add a restriction stating that when the property changes hands, it cannot become a rental unit.

Terry Clemons asked what the harm is in the next buyer being able to rent the property if the improvements are in place and it is not a subdivision. Scott Douglas replied it would not be a problem in this situation, but a similar situation with smaller units and closer neighbors it could be an issue. Barbara Lindtner stated that she feels the Commission members are in agreement that they are happy with the plan. She also noted that Terry Clemons needs to work out the details of the declaration of covenant and restrictions. The Commission needs to do research and it needs a fair review by the Township Engineer. Rich Zaveta stated that he has spoke to the clients telling them it could not be a rental apartment.

Barbara Lindtner asked if an improved building envelope could be created, and suggested having a declaration of conservation easement for the remainder of the property. Terry Clemons suggested having the Township Engineer work up a set of conditions before they issue the building permit, and he can work on the language in reference to legal restriction on the property. Pete Lamana stated that each plan is taken on a case by case basis and does not feel the Commission is setting a precedent. Barbara Lindtner took a formal roll call of Commission members and concluded that the members present are happy with the plan in concept, and asked to see the details worked out for next month's meeting. No action was taken on this plan.

Confirmed Appointments

Brinley Court Subdivision – South Main Street & Hilltop Road - Ryan Enoch, Project Manager from THP Homes explained that a proposed development in Upper Saucon Township, consisting of 41 acres, includes a portion located in Springfield Township. Ryan Enoch explained that there is a proposed recreation area and a connecting 8 foot wide walking trail. Barbara Lindtner asked if the trail connects to other bordering properties, and if there are any proposed sidewalks. Ryan Enoch responded that the trail does not connect to bordering properties, and there are sidewalks proposed, except off South Main Street. Bruce Fritchman asked if the recreation area will be open to the public. Ryan Enoch replied yes. Walt French asked how far along they are with Upper Saucon Township. Ryan Enoch replied they in the preliminary plan approval process. He noted their most recent review letter from 8/31/07. Barbara Lindtner noted there are many outstanding issues in Upper Saucon's 8/31/07 review letter that she would like to see resolved before the Commission moves forward. Ryan Enoch explained some of the bigger issues that need to be addressed are water and sewer issues, and obtaining permits. He feels most issues from the Township Engineer's review letter can be complied with, noting that technical items in Point 7 can be cleaned up.

Barbara Lindtner referenced Point 1, asking Terry Clemons how much time the Commission needs in advance from Upper Saucon Township for the Commission to take action. Terry Clemons replied that the Commission would want to know that the all the approvals are in place, and then coordinate action with the other township. Barbara Lindtner stated she had an issue on Point 4 of Pidcock's Company review letter, referencing that recreation facilities not located in Upper Saucon Township may not be acceptable to their zoning ordinance. Barbara Lindtner wants to see that Upper Saucon Township is accepting the fact they can have recreation facility outside of their township. Tim Fulmer asked Ryan Enoch what the alternate plan for that area of the tract is if Upper Saucon Township does not want the recreation area in Springfield Township. Ryan Enoch replied that option has not been considered yet, but they hope to work out the issue with Upper Saucon Township. Barbara Lindtner stated she wants to see some indication that Upper Saucon Township is accepting this in concept before the Commission moves forward. Walt French raised the issue of maintenance responsibilities of the recreation area. Terry Clemons suggested that the Commission ask to be shown a budget showing sufficient funding for recreation improvements. Terry Clemons asked Ryan Enoch if there are any proposed storm water facilities in Springfield Township. Ryan Enoch replied there are no proposed basins or storm water facilities other than a storm water easement. Barbara Lindtner stated she wants to make sure Upper Saucon is comfortable with using another township's land to fulfill their ordinance's requirements.

Barbara Lindtner referenced Point 4 in the Engineer's review letter, noting that storm water generated from the Springfield Township portion will be flowing into Upper Saucon's storm water basin. She stated that she wants to be sure that Upper Saucon is comfortable and in agreement with the flow coming from impervious surface in Springfield Township. No action was taken on this plan.

Meril Joseph Subdivision – Old Bethlehem Road – Scott Mease, Mease Engineering, presented for the applicant, Meril Joseph, who was present. Scott Mease noted they did not submit a revised plan, and Meril Joseph came to talk to the board about getting direction on acquiring a conservation easement on her land. The project is a 3 lot subdivision off Old Bethlehem and Roundhouse roads. Lots 2 and 3 are to the east of her property, and her house and existing site improvements are on Lot 1. Meril Joseph stated her goal is to conserve her property which totals approximately 47 acres. She noted that there is a separate lot, approximately 3.4 acres with septic, well, electricity and a driveway. Meril Joseph does not want to keep this lot. Terry Clemons encouraged Meril Joseph to speak to the Open Space Committee about conveying a conservation easement in connection with deed restricting the balance of the property. Bruce Fritchman asked if there is an existing house on the separate lot. Meril Joseph replied no. Barbara Lindtner stated that she would prefer a 2 lot subdivision, noting how problematic Lot 2 is with the wetlands, slopes, and Cook's Creek. Barbara Lindtner noted that Lot 3 is much cleaner. Bruce Fritchman

asked the size of Lot 3. Scott Mease replied Lot 3 is approximately 3.2 acres. Bruce Fritchman noted that the lot size of Lot 3 would alleviate any further subdivision on the property. Bruce Fritchman asked what engineering issues would remain if it was made into a 2 lot subdivision. Tim Fulmer replied that they would need to get a wetland report from the consultant, and would need some waivers for the lot line orientation. Scott Mease noted that he would need to make a new submission. Scott Mease will submit an amended plan, and will be addressing the issues from April's letter. An extension was granted for 12/30/07.

Curry Minor Subdivision – Ebert Road – Todd Myers, Cowan Associates, presented for the applicants, Valerie and John Curry, who were also present. Todd Myers noted that the property is a 5.2 acre lot located on Ebert Road at the second 90 degree bend. The applicants intend to reside in the existing house and subdivide and sell the house on Lot 2. Lot 1, post subdivision will be 2.9 acres, and Lot 2 will be 2.6 acres. Todd Myers noted that the property is currently 2 tax map parcels, and they will be removing the 88.1 tax map parcel. Todd noted this is the first subdivision to occur on the property. Tim Fulmer asked Todd Myers if he had any issues he would like to discuss with the Commission other than the will comply issues. Todd Myers responded he would like to discuss the waivers that were requested. Barbara Lindtner inquired about the septic on Point 2A. Barbara Lindtner asked to see the location of the wells and septic on the adjacent property. Todd Myers responded that he could not answer that question, because he was asked not to trespass on the adjacent property. He will have to call the property own to see if he can gain access. Todd Myers stated the secondary system is approximately 25 feet from the lowest corner. Todd Myers stated he will use other avenues to discover the well on the adjacent property. Scott Douglas asked Todd Myers the size of the adjoining property. Todd Myers stated it is 2 acres with 207 feet of frontage. Todd Myers stated that he did locate the existing driveway before the surveying was interrupted, and he will locate the house and well on the property. Todd Myers noted that there is a cleanout located to the rear of the property, and a well 50 to 60 feet from the property line. He will put an isolation distance on the well to show it is in compliance.

Barbara Lindtner referenced Point 2B and asked if they will accept the fee in lieu of road improvements. Todd Myers replied yes. Barbara Lindtner referenced Point 4A in regards to the speed limit posting. Todd Myers replied by using PennDOT's safe stopping distance calculations they can comply. Tim Fulmer stated that the biggest concern is the bend looking left from the driveway. Todd Myers stated that it will be shown in the next submission. Barbara Lindtner asked if they would consider moving the driveway further from the bend to give a better sight distance. Todd Myers replied yes. Barbara Lindtner asked if the client would consider paying for the cost of posting the 35 mph speed limit. Todd Myers was not sure what was involved. Tim Fulmer answered that the Township would have to enact an ordinance to set the speed limit on that road at 35 mph, and then there would be the material and labor costs related to the Township installing the signs. Todd Myers stated he would speak with his client and the Township and come back with an answer.

Barbara Lindtner referenced Point 4D and asked why there is no driveway for Lot 1. Todd Myers explained that there is an existing pull off, but no driveway. Barbara Lindtner asked if there is going to be a driveway. Todd Myers replied that they will comply with installing a driveway.

Barbara Lindtner asked about soil testing results on Lot 2. Todd Myers stated he is waiting for the resubmission after this meeting, and it will be supplied to Tim Fulmer for review.

Barbara Lindtner referenced Point 7 in regards to the Sewage Facilities Planning Module Exemption Mailer. Tim Fulmer explained that the Health Department has to certify that they observed the testing of both systems, and in this particular case the Commission should not sign off on the module without their certification. Todd Myers asked for direction on the lot to depth width ratio and house orientation.

Barbara Lindtner asked Tim Fulmer if he did a site visit, and Tim Fulmer replied yes. Tim Fulmer recommended that the applicant seek the waiver. No action was taken on this plan.

Gross Tract Subdivision – Winding Road - Ed Wild Esq., Benner and Wild; and Evan Pellegrino, Urwiler and Walter, Inc., presented for the applicant. Ed Wild stated that they presented the Commission with a sketch plan at January's meeting, with the preferred the layout with no street. Since the meeting, the preliminary plan has been designed using the Commission's comments and sketch plans as a template. Barbara Lindtner stated they will come back to Point 1 of the 9/4/07 Engineer's review letter at the next meeting. Ed Wild stated that Point 2 is a will comply, and they will provide the detail under A and B. Ed Wild noted that Point 3 is a will comply. Barbara Lindtner asked Evan Pellegrino if he can satisfy the requirements, noting that if they cannot be met it will become a redesign. Evan Pellegrino replied yes. On Point 4, Ed Wild stated they are looking for direction in regards to offering dedication to the township on a portion of Lot 3. Barbara Lindtner asked Evan Pellegrino if it is possible to have the septic closer to the house. She asked if it was possible to see more of a building envelope concept on the 4 lots, opposed to having an easement of land in the middle of the 4 lots. Evan Pellegrino said that it could be looked into. Ed Wild stated he did not disagree with that idea, but he is not sure it can be accomplished due to the septic testing. Barbara Lindtner asked Evan Pellegrino if it is possible to have shared driveways. Evan Pellegrino responded they will get into that later. Scott Douglas asked Tim Fulmer why some recent plans have 2 septic sites and some only 1. Tim Fulmer replied that some townships are requiring approving 2 septic sites on a lot. Tim Fulmer noted 2 other reasons are that DEP could submit a planning module exemption form, and additional septic sites are installed for a backup system in the event the primary system fails. Scott Douglas stated that Towhee tends to be in wet areas, noting that the remapping went from Towhee to Neshaminy, which is not usually found in a wetland. He asked if one is more suitable for septic then the other. Tim Fulmer replied while they are doing soil borings, soils may be mapped depending on whether or not they find hydric soil, which is a primary indicator of wetlands. Scott Douglas stated he was more concerned with having problems with septic because of the nature of the soils in the area. Scott suggested sending the Township's consultant to look at it, and Walt French agreed. Barbara Lindtner asked Ed Wild if he was comfortable with the fact that if the Commission receives sufficient information about the soil remapping, the Commission would not require any further investigation. Ed Wild agreed. Ed Wild stated he will provide the additional data on A and B in paragraph 2. Barbara Lindtner asked if the client would accept a fee in lieu of street improvements. Ed Wild replied yes. Barbara Lindtner addressed Point 6. Ed Wild stated they will install signs posted at 35 mph. Walt French asked how it is determined what the speed limit should be. Terry Clemons replied that there is a provision in the Pennsylvania Motor Vehicle Code that allows a township to set speed limits on local roads to 35 mph without doing an engineering study. If the applicant is willing to pay the cost of adopting an ordinance and posting the road, it has the benefit of allowing a lesser site distance then if it would remain un-posted at 55 mph. Ed Wild stated that assuming the speed limits are lowered, they should be able to demonstrate the appropriate sight distances there. Barbara Lindtner asked Ed Wild if they would consider combining driveways on Lots 1 and 2. Ed Wild stated that the applicants prefer to have separate driveways there. Because of the bend on Woodcock Lane, Tim Fulmer suggested combining driveways on Lots 3 and 4. Barbara Lindtner suggested keeping the houses in the same location. Ed Wild stated he was not prepared to commit to combining the driveways with out speaking first to Dan Solliday. Ed Wild stated that Points 8 through 14 are will comply. Barbara Lindtner asked Ed Wild if they will be revising the storm water comments. Ed Wild replied as appropriate and that they will be taking into account the Commission's comments. Ed Wild took a copy of extension form to send back to the Township.

Cohen Subdivision – Lehnenberg Road – Ed Wild and Dudley Rice; Thomas H. Crews, Inc., presented for the applicants, Gerald and Janet Cohen. Ed Wild explained the applicants have received a special exception from the Zoning Hearing Board for a crossing for the driveway connecting Lot 1 to Bodder Road. They have also secured the DEP GP 11 permit. Ed Wild asked the Commission not to take action on the plan so they can come back with a revised plan. Walt French asked what restrictions Ed Wild was aware of. Ed Wild explained that Zoning Hearing Board granted the relief with the attached conditions that they secure the required permits and take into consideration the impact of improvements on downhill

neighboring property owners. Barbara Lindtner asked Ed Wild to get Terry Clemons and Tim Fulmer a copy of the Zoning Hearing Board's written opinion. Walt French asked if there were sight distance issues with the driveways. Ed Wild noted the Commission had previously asked to have the applicant explore if a common driveway could be used for the houses on Lots 2 and 3. They are now combined to match access across the street. Tim Fulmer stated that moving the driveway further west on Lehnenberg Road would improve the distance looking left towards the bend. Ed Wild stated they are prepared to re evaluate and have no objection. Volker Oakey asked about the water run off on the property and it being part of the water course. He stated he is familiar with a run off problem on the property.

Scott Douglas feels that inaccurate stream mapping was brought up at the last meeting, and the issue still has not been addressed because the wetlands are not mapped correctly. Barbara Lindtner noted that at the last meeting the Commission was told the stream mapping would be revised and mapped appropriately. Ed Wild noted that a revised storm water report was prepared and sent to the Township, and with the revised plans they can revise the storm water. Scott Douglas noted it is a natural resources issue, and there are set backs and buffers that need to be complied with. Ed Wild asked what the support is for the conclusion that it is not properly mapped. Scott Douglas stated he has mapped a headwater that connects to those ponds.

Bruce Fritchman noted he attended the Zoning Heard Board meeting and one of the issues was that the driveway that enters Bodder Road would create additional impervious surfaces. The water from the road would drain into the basin where the stream runs through. He is concerned that there is already a heavy water burden on other properties and it would be increased. The applicants did not deny that would happen but said they would reduce the amount of the flow into the stream. The applicants said they would not meet the pre existing conditions, but do better then that. Bruce feels the applicant should be held to that, and recommends that the Commission request a copy of the Zoning Hearing Board meeting transcript. Bruce Fritchman also noted that there is no way to get a road from Lehnenberg Road to the top of the hill without crossing wetlands, referring back to Scott Douglas' earlier reasons. Bruce noted that there have been no requirements for the applicants to get a special exception to cross wetlands on the other side because they are not mapped. Ed Wild stated that this is news to him that the mapping is wrong, and the site may have additional wetlands. Barbara Lindtner noted Daniel Gray said it would be mapped at the last meeting. Terry Clemons suggested that the first step to resolving the issue is to have the applicant's consultant meet with a Commission member who is active in the watershed. Ed Wild said he would think about Terry's suggestion.

Ed Wild noted they will comply with Point 3 A, B and C.

Ed Wild noted there are no objections to the waivers Points 4 C, D, and E. Ed Wild noted on Point F they will be looking into redesigning the driveway.

Ed Wild noted on Point 6, storm water comments, they are will comply.

Ed Wild stated that Point 7 to the end of the Review Letter are will comply.

Ed Wild stated that the issues are the concerns over additional wetlands on Lehnenberg Road. Scott Douglas noted it is not just a wetlands issue. He stated that if the stream is there, the applicants will have to get a Special Exception from the Zoning Hearing Board to cross the wetlands. Scott also addressed the rate issue from water coming off the hill. Ed Wild noted that during the Zoning Hearing Board meeting the commitment was made that the design would meet all the storm water requirements and would reduce the rate of flow on the property compared to what is there now. The culvert under the driveway serving Lot 1 is currently 24 inches if proposed to be increased to 30 inches, and Ed Wild feels the math works. Barbara Lindtner asked Terry Clemons if it possible to get a transcript from the Zoning Hearing Board meeting. Terry Clemons stated that the notes from the testimony will not be transcribed unless requested. Terry feels the Commission needs to see the Zoning Hearing Board's decision, and then a determination can be made on whether it is necessary to get transcripts. The applicants have an indefinite extension.

Pawar Subdivision – Shale Road, Winding Road, Oak Lane – Jonathan Reiss; Grim, Biehn and Thatcher, and Jay Musselman; Musselman Associates, presented for the applicant, Rajendra Pawar. Jonathan Reiss stated that there were some issues about building envelopes and the proposed housing locations on Lots 2 and 3 which have now been revised. There was also an issue with the septic system on Lot 1, but the soil work has not been done at this time. Until it can be relocated, it will be noted it is a non building lot on the plan.

Barbara Lindtner addressed Point 1, and asked if the existing septic system area on Lot 5 and the reserve system on Lot 4 are remaining in the same location because of the soil tests not being done. Jay Musselman replied that the system on Lot 4 is a recent replacement as of last year. He noted it was retested and re-approved. Tim Fulmer noted that if conservation easements are granted, there will be 2 septic areas within the easements. Terry Clemons stated that it is not unusual to permit the sewage disposal facility to be outside the improved building envelope. Barbara Lindtner asked if the applicant agrees to capital improvements funds. Jonathan Reiss asked if there is a set fee per lot, and asked what the fee is. Barbara Lindtner noted there is a fee and it is \$3000. Jonathan Reiss will check with the applicant. Barbara Lindtner asked about the wetlands report. Jay Musselman replied they were done on the 3 lots, and Lots 4 and 5 were not mapped because they are built on and the rest of the lot will be in conservation. Barbara Lindtner asked Tim Fulmer if he received the wetlands report and if it was reviewed. Tim Fulmer replied yes.

Scott Douglas asked if they have seen any language for the conservation easements. Terry Clemons responded no, and suggests that his office prepares them for Mr. Reiss and the Commission's review. Barbara Lindtner noted there was a property that was not mapped, and asked that it is properly notated. Barbara asked about the proposed access easement, and noted that the Commission would need to see a written agreement with Mr. Zisko.

Barbara Lindtner **moved** to approve the waivers as highlighted and agreed to by the applicant. Pete Lamana **seconded**; the motion **passed** unanimously.

Barbara Lindtner **moved** to grant a conditional preliminary approval that includes comments and discussion of the 9/19/06 review letter, and comments and discussion with Terry Clemons relating to a satisfactory conservation easement document, relocation of an on lot sewage disposal system for Lot 1 within building the building envelope or a location satisfactory to the Township, and Tim Fulmer's comments of 9/19/07. Walt French **seconded**; the motion **passed** unanimously.

Rennie Subdivision – Winding Road – Scott Mease referred to Point 4 noting that the plan has been revised with changed lot lines because of the results of an on site meeting. The meeting concluded that the driveway location should shift away from curb to existing barn on Lot 1. Scott Mease noted they are waiting for a permit for the new sewage system to be installed on the site. An extension was granted to 12/31/07.

Hall/Kucher – Roundhouse Road, Winding Road, and Oak Lane – Scott Mease and Jonathan Reiss presented for the applicant, Don Kucher. Barbara Lindtner stated that a cul-de-sac does not work for this plan. Scott Mease stated he feels it does. Barbara Lindtner referenced the comment 1.C, 2nd paragraph, stating that if there is a deed restriction, then Lot 1 can only be subdivided into no more than 2 lots, then there is no worry about submitting a sketch plan. Scott Mease stated his client has expressed that there are no plans to further subdivide more than 2 lots, but does not want to deed restrict Lot 1. Barbara Lindtner feels that the submitted sketch plan is not going to work, asked why a 2 lot subdivision is not being proposed. Scott Mease feels his client should leave his options open. Barbara Lindtner stated the plan needs to show all lots can come off an internal road. Scott Mease stated he read Tim Fulmer's review letter and took exception to some things. Scott Mease referred to Tim Fulmer's comment about not having

a cul-de-sac if a through road can be done. Scott Mease stated he feels that a through road cannot be done because there is no site distance. He stated that a watercourse would have to be crossed and they would need to go to the Zoning Hearing Board. Scott Mease stated it is easier to do a cul-de-sac. Barbara Lindtner stated it needs to be shown a through road cannot be done. Tim Fulmer noted the applicant would need a Special Exception from the Zoning Hearing Board to cross the water course. Terry Clemons directed the Commission to determine if they are satisfied that there is a feasible means to place the road and to see that has been demonstrated. Terry Clemons explained that if there was further subdivision of that lot, a determination would need to be made if all of the created lots could be served by an internal road. Walt French feels the placement of the lot will not negatively effect the future of the lot being proposed for subdivision, whether a through road or cul-de-sac is created. Jonathan Reiss stated that the placement of the road may have some impact on one of the potential future lots, but it will not impact the lot proposed for subdivision. Scott Mease stated that he feels it is the best location because of the good site distance and having the least amount of impact on natural resources. Scott Douglas stated he is not in favor of creating a through road, and would rather see the cul-de-sac alignment. Bruce Fritchman asked if there is a place to put a house on Lot 4. Scott Mease stated that there is greater then 10,000 square feet on Lots 3, 4 and 5. They have itemized the woodlands on the subdivision set for Lot 1, which is 13.5 acres net. There are 10.8 of woodlands, 2.7 acres that are clear leaving almost 5 acres to work with for the 4 lots and the road. Tim Fulmer stated the plan now shows the topographic information and gives a good indication that the 2 lots can be done on the sketch plan by complying with the resource protection. Tim Fulmer noted that if in the future it is decided to further subdivide and a road had to be built, they may not be in compliance with the ordinance at that time. Tim Fulmer noted he has the planning modules signed by the health department indicating that the site is suitable for on lot sewage disposal. Tim Fulmer noted the only other issue is that the plan still shows an ephemeral erosion drainage feature. Scott Douglas replied that it does not matter for the current proposal, as long as the Commission is not bound by it in the future. If this plan comes in for further subdivision they must provide a further analysis of Lot 1.

Barbara Lindtner made a **motion** to approve the waivers as requested in the 9/19/07 letter Point 4 A, B and C. Volker Oakey **seconded**; the motion **passed** unanimously.

Pete Lamana made a **motion** to make a conditional preliminary and final approval subject to the conditions as raised in the 9/19/07 Engineer's review letter as well as tonight's discussion. Barbara Lindtner **seconded**; the motion **passed** unanimously.

Plans to Accept for Review Only - None

New Business – None

Old Business – None

Correspondence - None

Public Comment - None

Planning Commission Comments- Work Session

Bruce Fritchman stated he has been spending a lot of time with storm water management ordinance and has come to the conclusion that the ordinance is terrible. Bruce Fritchman noted one of the problems he found with the ordinance is the suggested methods used to prevent degradation of surface water quality. Bruce noted the ordinance encourages methods that the township has been approving, and he has not seen any data showing that the methods are effective. He is also concerned about the suggested system's

maintenance and life expectancy. Bruce stated that the Township needs to be prepared to determine if these methods are working.

Terry Clemons stated that he shares Bruce's concerns, and feels the Township needs to establish procedures and provide enforcement. Terry Clemons noted the Township is in the process of hiring a qualified Code Official.

Barbara Lindtner suggested that Bruce Fritchman get in contact with Bob Wynn to possibly work with him in a joint project.

Scott Douglas stated that he agrees that the Township may not be doing too much to solve the storm water run off problem, but does not feel it is necessarily the fault of the ordinance. He noted that as more building occurs, more impervious surface is created thus creating more runoff. He stated there are currently quality and quantity issues in the watershed. Scott Douglas noted there should be changes based on the new BMP manual.

Barbara Lindtner stated that the zoning ordinance was approved at the 10/2/07 meeting and will go into effect in five days. Barbara Lindtner noted she has asked Rich Schilling to get Commission members an updated copy. She noted that Commission members will need the updated copy at least 2 weeks before the next Planning Commission meeting. Barbara Lindtner stated they have not received indication if the Bucks County Planning Commission has a document for the Cook's Creek overlay, so they will not be meeting on the 3rd Thursday in October.

Adjournment

At 11:25 p.m., the meeting was adjourned.

Respectfully submitted,

Heather Radick
Recording Secretary

Next meeting: Wednesday, November 7, 2007

Approved: Wednesday, November 7, 2007