

**Planning Commission Meeting  
MINUTES**

October 6, 2004

The meeting was called to order at 7:00 p.m. by Chairman Jim Brownlow. He opened with the *Pledge of Allegiance*.

Members present: Jim Brownlow, Scott Douglas (arrived at 7:30 p.m.), Walter French, Pete Lamana, Barbara Schmoyer, Barbara Lindtner and Brad Schultz. Timothy Wynn, C. Robert Wynn Associates, Inc., was present.

The members held a brief work session.

Pete Lamana **moved**, Walt French **seconded**, that the minutes of the September 1, 2004, meeting be adopted as presented. The motion **passed**.

**Public Comment on Agenda Items** – Barbara Schmoyer removed herself as a Commission member to speak to the Commission about the September 23, 2004, letter received from Township Engineer Bob Wynn regarding the conveyance of an 18 foot access area from deeded open space of the Penn Meadows subdivision to Robert and Barbara Schmoyer. The Schmoyers are not in agreement with several suggestions made in Bob's letter; specifically, Item #2, which suggests that a 4-foot wide pedestrian/bicycle path be kept within the access strip. They felt this was no longer a Township responsibility because the Township had turned down the open space in this subdivision. The property is now owned by the Homeowner's Association of Penn Meadows.

Additionally, they do not feel that the developer of Penn Meadows should need to make a contribution to the Township for recreation/open space in lieu of the amount he would have spent to install the pedestrian/bike path, again, because the Township has clearly stated they do not want the open space area.

Chairman Brownlow accepted Barbara Schmoyer's comments and stated that when the issue came up later in the agenda, Barbara could excuse herself from her position as a Commission Member to speak to the issue. At that time, the Commission Members would hear the Schmoyers and further discuss the items contained in Bob Wynn's letter.

**Sketch Plan – Lutz Minor Subdivision – West Cherry Road:** Scott Mease, Mease Engineering, presented for applicants Mr. and Mrs. Chris Lutz. This sketch plan came before the Commission on September 1, 2004, at which time the Members moved to table further discussion until they could visit the location and better determine whether curbs and/or a sidewalk/path should be required if this 2-acre lot adjacent to the Penn Meadows Subdivision in Zion Hill was subdivided into two one-acre lots.

Pete Lamana shared a photograph he had taken of the frontage area of the Lutz property. He stated that if a sidewalk would be required, it appeared Mr. Lutz would lose half of his front yard and a hedgerow of bushes now bordering the road.

After a lengthy discussion, there was still major division among the Planning Commission as to whether sidewalks should be the responsibility of land owners proposing new subdivisions in this *Village Commercial* district, or whether sidewalks should be a community-wide project with the cost borne by all landowners in this VC district, either voluntarily or in the form of a lien against each property.

Mr. Lutz estimated he would receive about \$95,000 for the lot he was subdividing. The sidewalk cost would be approximately \$30/foot for curbs and sidewalks along the 264' frontage of his total property. For curbs, sidewalks, road widening, drainage and required grading; the \$9,000 he would have to pay for the public sewer; and the related subdivision engineering costs, the total financial outlay would be significant for him as the homeowner. He stated that although subdivision costs incurred by homeowners should not be the primary consideration of the Commission, they should nevertheless be considered. In his situation, if these improvements are required, his expenses would represent a very large percentage of the sale price of his single subdivided lot, especially if the improvements are needed on his personal lot and the subdivided lot.

After a lengthy discussion, Chairman Brownlow felt the consensus of the Commission was that sidewalks should be required (or a fee in lieu of sidewalks) of all homeowners proposing subdivisions in this area of Zion Hill, which is clearly designated as Village Commercial district. This would apply not only to the portion of land being subdivided, but also to the portion of land being retained by the Mr. and Mrs. Lutz.

**Welcome to New Planning Commission Member** – Chairman Brownlow introduced and welcomed Scott Douglas to his new position on the Planning Commission, noting that Scott's wide background of experience will make him a valuable addition to the Commission. He was appointed to fill the vacancy created by the resignation of Nancy Young which was effective August 31, 2004.

### **Confirmed Appointments**

**Naceville Land Development** – Scott Drumbore, H&K Group, presented. H&K proposes to use a regraded area (approximately 2.25 acres) near Springfield Street as a location to stockpile stone materials. This plan is fairly simple and is basically an extension of the previously approved (April 13, 1999) land development plan. Referring to Bob Wynn's September 28, 2004, review letter, Mr. Drumbore indicated that his company will comply with all the requirements outlined in this letter.

Pete Lamana **moved** to recommend to the Supervisors to grant preliminary final approval subject to compliance with items noted in the engineering review correspondence dated September 28, 2004. Brad Schultz **seconded** the motion and it **passed** unanimously.

**Newman Minor Subdivision, Harrow Road** – This plan was tabled at the September 1, 2004, Planning Commission meeting pending final recordation of the Newman Lot-Line adjustment. Scott Mease, Mease Engineering, indicated that the lot-line adjustment subdivision was recorded, as referenced in Item #1 of Timothy Fulmer's September 15, 2004, review letter.

Mr. Mease stated they need direction on the waivers requested in Items #3. A-E of the September 15 engineering review. Following a lengthy discussion of several items, Brad Schultz **moved** to approve the waivers requested in Items #3. A-E. Walt French **seconded** the motion; the motion **passed** unanimously. Mr. Mease stated there were a few outstanding items which needed completion before preliminary approval could be requested. An extension until February 10 was granted for the applicant.

**Haney Major Subdivision; State Road – Revised Plan** - Scott Mease, Mease Engineering, presented for the applicants. This 9+ acre property is located along State Road in the Rural Residential zoning district which requires 2+ acre lots. The parent lot is “L” shaped and they wish to divide this tract into three lots with approximate sizes of 3 ½ acres (Lot 1), 2 ½ acres (Lot 2) and 3 acres (Lot 3). The Haney’s home is on Lot 3.

The waivers requested and reviewed in Bob Wynn’s August 4, 2004, review letter (listed in 1.A, B, C, D, and E), were approved at the September 1, 2004, Planning Commission meeting. There were some outstanding issues in the plan at that time which were addressed in the Mease Engineering letter dated September 8, 2004, and reviewed by Timothy Fulmer (C. Robert Wynn Associates, Inc.) in his letter dated September 14, 2004.

Pete Lamana stated he has concerns about the unanswered questions which seem to exist in the stormwater management details for this plan, as outlined in Item #2 of the September 14, 2004, engineering review.

Mr. Mease requested input on the waiver request regarding installing monumentation at the intersection of the lot line between lots 1 and 2. This point will fall within a shared driveway and cannot be set and certified prior to plan recordation. They are proposing a spike be set after construction of the driveway. The Members did not have a problem with this waiver request.

Pete Lamana **moved** to table further discussion of this plan until the stormwater issue is clarified. Walt French **seconded** the motion and it **passed** unanimously.

Scott Mease granted an extension until December 15, 2004, to permit completion of details necessary for plan approval.

**Penn Meadows Subdivision/Schmoyer** – (Barbara Schmoyer excused herself from her Commission seat to participate in discussion of this plan.) This subdivision, originally submitted to the Supervisors, was referred back to the Planning Commission for review.

The Schmoyer’s expressed concern that their lot is landlocked without use of the access lane, which is currently part of open space owned by the Homeowner’s Association of Penn Meadows. In the past, the Schmoyer’s have been permitted to access their property using this strip. The Schmoyer’s have tried unsuccessfully to purchase this strip of land several times in the past. Now, the Penn Meadows’ developer is willing to sell this access strip to the Schmoyers. They in turn would give access to Penn Meadow residents to use the strip.

Barbara Schmoyer restated her concern with the engineering review suggestion that Penn Meadows be required to contribute an amount to the Township equivalent to the amount of the cost they would have incurred to do the pedestrian/bike path improvements if this strip is conveyed to the Schmoyers.

Barbara stated they wanted to own the access strip rather than just use it in order to complete their current lot, which is now landlocked. The Schmoyers do not plan to pave this access strip, because they are concerned that motorized vehicles will drive upon it and subsequently those vehicles will turn around on the Schmoyer property to exit.

Walt French expressed concern with Item #11 in the August 30, 2004, letter from Attorney Moffett. It states that the Homeowners Association can convey (sell) open space land. Jim Brownlow referred the Members to Items #2 and #3, which he felt clarified that the “access strip” was not considered to be

part of the open space. Brad Schultz drew attention to Item #5, which seems to imply the strip was part of the open space. The members were unable to determine from information available to them if the “access strip” was or was not part of the recreational open space. This issue, and the associated issue of whether portions of open space can be sold, will be given to the Township solicitor for clarification. A further legal clarification is needed: If the Schmoysers take ownership of the strip and grant an easement to the Homeowner’s Association, then at some future date the Homeowner’s Association dissolves and requests the Township to take ownership of the open space, does that easement carry over to the Township? Also to be determined by the solicitor upon negotiation of the easement, what would be permissible as part of that easement—passive access, or would some improvement be allowed (or required) in the future to permit a walking path or other such needs?

This letter request will not be acted upon until legal clarification is obtained for these questions.

**Mondeschein Lot Line Adjustment/Major Subdivision, Hottle Road/State Road/Route 212** (not on the agenda) - Because action is required by November 2, 2004, Barbara Lindtner **moved** that we recommend that the Supervisors deny the plan based on the outstanding items contained in the engineering reviews dated August 11 and August 23, 2004, unless an extension is granted by the applicant or his delegate before the Board of Supervisors meeting. Brad Schultz **seconded** the motion; the motion **passed** unanimously.

### **New Business**

The following plans have been accepted by the Township and will be placed on the November 3, 2004, Planning Commission agenda as *Confirmed Appointments*:

1. Solteck Equities, LLC Division
2. Evergreen Estates

(Jim Brownlow advised that court action against the Township has been instituted by several Township residents for granting preliminary approval of Evergreen Estates. Mr. Brownlow sought advice from our solicitor about whether the Township can proceed with the review process for this plan while this appeal is pending. Mr. McNamara (solicitor) responded in a letter dated October 5, 2004, that normal review procedures can be followed with this subdivision in the absence of a stay issued by the Bucks County Court. Copies of the solicitor’s letter will be shared with Bruce Fritchman and The Gigliotti Group.)

3. Glazier Minor Subdivision

### **Urban Research Development Corp** – Follow-up on Comprehensive Plan

Jim Brownlow talked with Charlie Schmel, URDC, who will work with us through the revision of our Zoning Ordinances. He recommends that we establish regular monthly meetings, with the first two meetings being the most important. The projected number of meetings that may be required is from 10 to 12.

In the first meeting, Mr. Schmel will solicit issues, problems, and suggestions from each participant. If we have the first meeting in November, a discussion guide will be available prior to the meeting. The following will be invited to attend these meetings: Members of the Planning Commission; Board of Supervisors; Jeff Mease (Zoning Officer); Bob Wynn (Township Engineer); interested Township residents; and representatives of the EAC, Historical Commission, and Zoning Hearing Board,.

The first meeting will be held at 7:00 p.m. on Thursday, November 18, 2004, and on the third Thursday of each month until the task is completed. Meetings will be advertised as joint Supervisor/Planning Commission Zoning Ordinance Planning Meetings. Township residents are encouraged to attend and participate.

## Old Business

There was no old business.

## Correspondence

There was no correspondence

## Public Comment

Mrs. Bruce Fritchman asked for clarification about what would occur relative to Evergreen Estates at the November 3, 2004, meeting. Jim Brownlow responded that an engineering review of the final application would be sent to members of the Planning Committee and they would discuss this review of the final submission at the November 3 meeting. Final recommendation to the Supervisors to approve the plan may or may not be given, based upon the results of the discussion.

Pete Lamana asked about Bruce Fritchman's physical condition. Mrs. Fritchman said he returns to the doctor in two weeks and will learn at that time how much of his normal activity he can resume. Jim Brownlow asked that Mrs. Fritchman give Bruce the best wishes of the Commission for his continued recovery.

## Planning Commission Comments

A discussion about the recent storm following Hurricane Ivan was held among members. There was a question about what to do with debris left on properties (tires, etc.) from flooding. Scott Douglas suggested we discuss with the Supervisors the possibility of a large-debris pick up in the spring. Scott said he believed BFI conducts that service in other municipalities and perhaps it is something we should consider because of refuse related to the recent storm which cannot be discarded through the regular trash pick ups.

## Adjournment

At 9:45 p.m., Brad Schultz **moved** to adjourn the meeting. Barbara Schmoyer **seconded** the motion; it **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt  
Secretary

Next Meeting: November 3, 2004