

Planning Commission Meeting
MINUTES

November 3, 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, Walter French, Pete Lamana, Barbara Schmoyer, Barbara Lindtner and Brad Schultz. Bob Wynn, Township Engineer, was present. Absent: Walt French.

The members held a brief work session.

Pete Lamana **moved**, Scott Douglas **seconded**, that the minutes of the October 6, 2004, meeting be adopted as presented. The motion **passed**.

Public Comment on Agenda Items – Pete Centner, a resident near the Locust Valley Golf Club where development of an Adult Community is being considered, had questions about this project. Chairman Brownlow suggested, since this was the first agenda item, it might be more profitable for Mr. Centner ask any questions that remain unanswered after the developer’s presentation was made. Mr. Centner agreed.

Sketch Plan – Active Adult Community at Locust Valley Golf Course – Attorney Thomas Hecker, representing McGrath Homes, the developer for this project, opened the presentation with a brief background about similar projects McGrath has done in other communities in the past seven years. He presented booklets to each Member. This private community is planned for age 55+ and provides maintenance-free living. An association is formed in each community which is responsible for the maintenance and operation of all the common area outside the actual homes. There is a community center which is an integral part of the community. The center usually includes indoor and outdoor swimming pools, meeting rooms, craft shops, greenhouses, etc.

Wayne Johnson, Engineering Consultant from Pickering, Corts & Summerson, Inc., gave an overview of the plan. He provided smaller, colored versions of the larger plan to each Member and interested audience members. The 134 acre plot is broken into three components, the largest of which is the light green open area (approximately 94 acres). The buff-colored area (representing homes) is approximately 3,500 square foot per unit, each unit comprising 4 attached homes in a rectangular shape. There is limited common space between the buildings.

This plan has several unique factors. The property includes land in both Lehigh and Bucks counties as well as Springfield and Upper Saucon Townships. In Upper Saucon, there are 98.6 acres; 36.5 acres are in Springfield Township. Of the land in Springfield Township, 14 acres is development—roads, buildings, sidewalks, etc.—the balance of the land (22.9 acres) in Springfield Township is either common open areas, tree-covered areas, wet lands, etc. In total, there are 94 acres of open area and 40 acres of development in the 134 acre parcel.

This concept has been well received in most communities for several reasons:

1. It is a private community. Everything inside the community is maintained by the association. The municipality does not provide snow plowing, road maintenance, etc.
2. Traffic is not an issue, in that most homeowners are not working full-time and thus are not traveling during prime traffic hours—the AM and PM peak hours.
3. There is no impact on the school systems because no children under 18 can occupy the dwellings for any significant period of time. Conversely, there is positive cash flow from the taxes being paid by these homeowners with no drain on community services.

The proposed primary entrance into the community is off of Locust Valley Road. A secondary utility access into the community from Main Street is shown which would primarily be used to bring gas into the site, offer access for fire vehicles, etc. This could be an open or a closed access.

Public water and sewer for this project are being pursued with Upper Saucon Township.

An in-depth traffic study of the entire area will be conducted and will be made available for our review at a later time.

Jim Brownlow stated that he favored the concept of adult communities. He added that our Township had discussed developing such a community in its *Comprehensive Plan*.

Pete Centner, a resident who lives near the proposed location for this community, expressed concern about the stop sign located at the intersection of Blue Church Road and Old Bethlehem Pike, which is dangerous now. Motorists have only a split second to make a turn out of Blue Church Road onto Old Bethlehem Pike. His concern was that the response time of older people would hamper them in this type of a situation. The developer assured him that the traffic study would indicate where improvements of this type would need to be made. Mr. Centner is also concerned because of the location of his driveway on Blue Church Road. There is a crest of a hill close to his driveway and there will be increased traffic over that hill should this development take place. Now, he has a split second to make a decision whether to pull out of his driveway onto Blue Church Road. He asked if a *Hidden Driveway* sign could be installed before the crest of the hill to slow down traffic. Chairman Brownlow will have this request passed on to the appropriate Township official to review, since this was a Township road. Finally, Mr. Centner asked if the surveyors who were accessing his land in preparation for this project could identify themselves before they begin their work. Although the workers were cordial after he approached them, they did not identify themselves before they began to set up their equipment. He felt it would be safer for them to identify themselves as being present so that dogs could be controlled, etc. The representatives will share this concern with those entering private properties.

Dennis Steskal asked if there any plans for the old trolley tracks through the area, perhaps a hiking trail or something. The developers said no decision had been made about how best to use this area, as it was now in various stages of disrepair and swampy in many areas. They are also considering whether or not to retain any type of golf area as part of the passive recreation for the community.

The representatives advised they will be completing a review of our zoning ordinances and may be returning at a later time to discuss any issues related to that review.

Westrum Subdivision Sketch Plan – Because Scott Mease, Mease Engineering, is involved in a presentation at another municipality, this review will be held until he arrives later in the evening.

Confirmed Appointments

Solteck Equities, LLC Division – Mr. Dan Soliday; Urwiler & Walter, presented for the applicant. Referring to the Township Engineer's letter of October 20, 2004, Mr. Soliday stated they will comply with the recommendations listed in items 1, 2, 6 and 7. He asked by what process the conservation easement to the Township (Item 1) would be determined. Bob Wynn stated it should be developed by Urwiler's attorney and sent to the Township's attorney for review and Board approval. Mr. Soliday will comply. Regarding the financial security to guarantee repairs to Winding Road if damaged during construction (Item 2 in Mr. Wynn's letter), Mr. Wynn will discuss the amount for this repair with Urwiler & Walter. Upon determination of the fee, he will add it to the \$32,395.00 listed in Item 7 for the Development/Financial Security Agreement that must be executed between the applicant and the Township. Items 3 and 5 have been received. Items 4 and 6 are still outstanding.

Scott Douglas asked how the Township officials would access the easement. Mr. Soliday stated that the easement would be part of Lot 4 of the subdivision but would be accessible at any time for a Township official.

Barbara Lindtner **moved** to recommend the Supervisors give preliminary final approval for this plan conditioned upon satisfactory completion of the outstanding issues in the Township Engineer's letter of October 20, 2004. Barbara Schmoyer **seconded**; the motion **passed** unanimously.

Evergreen Estates Subdivision – Marc Jonas (Eastburn and Gray), attorney for the applicant, presented the request for final plan approval. Paul Hartley, Mease Engineering, was present to answer any technical questions.

Attorney Jonas reviewed the October 11, 2004, letter from the Township Engineer. He stated that they will comply with Items 1 – 5 and 6.A, B, C, D, E, F, G, H and I. He noted that in a telephone conversation with Mr. Wynn, he was advised that all these are issues that could be included as “conditions” of final approval.

Barbara Lindtner questioned if final approval could be recommended without resolution of the stormwater issues outlined in 6.B and 6.G of Bob Wynn’s October 11 letter.

Pete Lamana asked for clarification of Item 6.B. Bob Wynn said the control plan should specify use of a diversion to ensure that stormwater runoff during construction did not bypass the basin prior to installation of the collection and conveyance system.

Following a question about 6.G from Scott Douglas, Bob Wynn clarified that it pertained to a “worse case scenario” where future homeowners in this development cut down more/all the trees on their properties to the limits permitted in our Zoning Ordinances. The design engineer for the applicant stated the basin has been designed for this excess volume and that they would submit calculations to verify this.

The chairman then opened the discussion to residents attending the meeting.

Bruce Fritchman presented a 3-page comment summary to the Members and the attorney for the applicant which he verbally summarized. His comments focused on three major areas of concern:

1. He feels the size of the planned detention pond is inadequate for the stormwater runoff.
2. He feels placing the responsibility for maintaining the pond in good operating condition on a single, adjacent property owner is not wise. That owner may (or may not) adequately maintain the pond area.
3. The third concern really pertains to a problem with the present Township *Stormwater Management Ordinance*. All stormwater calculations for this subdivision are based on the 2-year storm as defined in the Township’s *Stormwater Management Ordinance*. In this year alone, we have had three storms so far that fall into the 25-year storm category. He feels that each time this happens, the detention pond will “fail” because it has been designed based on 2-year storms. Runoff from the subdivision during these “failures” (including pollutants from pesticides, herbicides, road salt, etc.) will run into Cooks Creek, which is an exceptional value stream. He stated there are special requirements in Chapter 93 of the *Pennsylvania Code* concerning water quality that govern “exceptional value streams.” Even if the stormwater calculations for this development satisfy the Township ordinances, they do not meet the requirements that govern exceptional value streams in this *Pennsylvania Code*.

Mr. Fritchman stated they do not want to stop the development; they just want to ensure that the problems relating to the detention pond are corrected before this property is developed. He feels there will be no way to correct the situation after all the properties have been developed.

Mrs. David (Gerry) Frog, a resident that lives on Bodder Road next to the proposed subdivision, has concerns about what guarantee she has that her well will not be adversely affected by the additional 10 wells that will be drilled close to her property, perhaps reducing water to her well.

Bruce Fritchman asked if the Township had the authority to stop additional wells being drilled if they know existing wells (or planned future wells) were going to be adversely affected by additional wells being drilled. Chairman Brownlow said the Planning Commission has no authority to do anything other than make a suggestion if there is not an ordinance to support a requirement.

Mrs. Frogg mentioned that the developer had verbally said they would dig her a new well if this occurred, but at this meeting (11/3/04), Attorney Jonas was not aware of such an offer. He added that even if this had been discussed, any further action in this direction has been aborted because of the neighbors subsequent litigation in court against the developer.

Following an extended period of questioning from Commission Members and residents about various aspects of the plan, especially the water runoff from the property and lack of calculations-in-hand from the engineer for this project, the Chairman questioned the Township Engineer about whether we should give preliminary final approval. Attorney Jonas added that if the calculations do not meet the Township Engineer's specifications, the developer would need to revise his plan and could not proceed with the development unless all conditions were completed to the satisfaction of the Township Engineer.

Attorney Jonas strongly urged the Planning Commission to consider the rights and financial issues the seller would face because of unwarranted delays in approval of the plan.

Brad Schultz **moved** that we recommend that the Supervisors grant preliminary final approval of this plan, subject to satisfactory completion of the items listed in the October 11, 2004, Township Engineer's letter; Barbara Schmoyer **seconded** the motion.

Pete Lamana questioned Bob Wynn about the catch basin design issues raised by Mr. Fritchman. Bob respectfully disagreed with some of Mr. Fritchman's premises and felt some of his calculations and methodology were flawed.

Chairman Brownlow called for the question. The motion **passed**, receiving two "nays" (Scott Douglas and Barbara Lindtner) and four "yes" votes (Jim Brownlow, Pete Lamana, Barbara Schmoyer and Brad Schultz).

Glazier Minor Subdivision – Kevin Kester, Van Cleef Engineering Association, presented for the applicant. This 39+ acre property has frontage along Peppermint Road. The proposed subdivision consists of two, large (approximately 20 acres each), estate-like flag lots with a single residence on each. This property is along a tributary to Silver Creek (an exceptional creek) and this plan proposes to cross that creek with an open span bridge and the adjacent flood plain, which will involve a variance with the way the two flag lots are configured.

They understand they will need to get a variance and two special exceptions, but they are looking at this time for an overall reaction from the Planning Commission as to the concept, the plan, and its layout, after which they will proceed with meeting with the Zoning Board and work through the issues enumerated in Bob Wynn's letter of October 8, 2004. The urgency for direction from the Planning Commission is that Mr. Glazier must make a decision by this Friday whether he wants to purchase this property. It is for this reason they want to make sure they are moving in the right direction before he makes that purchase decision.

Jim Brownlow expressed some concern with the slope of the driveway and the possible additional runoff it might create. Bob Wynn suggested a redesign of the drive so that the water would run across it instead of creating a swale with it.

The Planning Commission saw no major problems with the plan concept. The developer will go before the Zoning Hearing Board to acquire the Variance and Special Exceptions needed and then return to the Planning Commission with a preliminary plan submission. The Chairman asked that the applicants notify the Planning Commission secretary when their Zoning Hearing Board review is scheduled so that information can be provided to the Zoning Hearing Board.

Haney Subdivision – Paul Hartley, Mease Engineering, presented for the applicants. Referring to the Township Engineer's review letter of October 22, 2004, Mr. Hartley indicated that items 1 through 10 have either already been provided or are in the process of being completed, and they are seeking a recommendation to the Supervisors to grant preliminary and final approval of the plan.

Barbara Lindtner **moved** that we recommend that the Supervisors give preliminary plan approval conditioned upon satisfactory completion of the items enumerated in 1 – 10 of the Township Engineer's October 22, 2004, review letter. Barbara **amended** her motion to include approval of the requested waiver of Section 522.

Brad Schultz asked Bob Wynn what additional items are needed that would prevent recommending preliminary and final approval for the plan. Bob said there were no significant items outstanding.

Barbara again **amended** her motion to include recommending both preliminary and final approval of this plan to the Supervisors.

Chairman Brownlow restated the motion on the floor: Barbara Lindtner **moved** to approve the requested waiver of Section 522 and further, to recommend preliminary and final approval of the Haney subdivision to the Supervisors contingent upon satisfactory completion of Items 1 – 10 in Bob Wynn’s review letter of October 22, 2004. Pete Lamana **seconded**; the motion **passed** unanimously.

New Business

The following plans have been accepted by the Township and will be placed on the December 1 Planning Commission agenda as Confirmed Appointments pending receipt of engineering review letters:

1. Cummings Subdivision Plan – Final Submission
2. Reed Lane Major Subdivision – Preliminary Submission
3. Duke Minor Subdivision – Preliminary Submission
4. Schmooch Lot-Line Adjustment – Preliminary Submission

Sketch Plan – Westrum Subdivision – Scott Mease, Mease Engineering, presented for the applicant. Mary Creticos owns both of these tax parcels which are about 150 acres total. The properties are located near Hickon, Povenski and Quarry Roads. The developer requested an engineering review of this sketch plan, which was provided in Bob Wynn’s letter dated October 27, 2004. The property has some overhead power lines, wet lands and a tributary to Tohickon Creek running through it.

The developer is looking to do a cluster housing subdivision, one with 30 homes and one with 20 homes. One development has two entrances; one coming in and going back out. To avoid a straight cul-de-sac road in the other cluster (30 lots), they are looking at putting in through roads with a short cul-de-sac coming off of those two roads.

Our ordinances require public water and sewer for a cluster subdivision. In this sketch plan, they are looking at having two community wells, one to serve each subdivision. For sewer, they would combine all the sewerage into one system that would have a drain field. This is very preliminary and further soil testing would be required.

Because cluster subdivisions require some recreation areas be provided, there is a centralized 11-acre recreation area between the two developments.

They are planning to capture stormwater in a basin that will discharge back into the tributary of Tohickon Creek.

Chairman Brownlow opened the floor to discussion from the members. Barbara Lindtner expressed that she has problems with the design of this subdivision. She likes cluster developments but said the intent for this type of plan is to preserve open space. She doesn’t feel that this plan is protecting open space, since these parcels are in Resource Protection zoning which requires a 3-acre minimum per lot. She does feel that the engineer is maximizing the use of the developable portion of the property.

Joe Benyo, Western Development, pointed out that the RP zoning district also permits half-acre lots and clustering, which they are trying to do in this plan. At the same time, they are attempting to preserve as many of the natural features as they can on the site.

Soil testing is scheduled for the week of November 15. There has been other testing done several years ago. The type of sewer system will be determined after the results of these tests are available.

With regard to the open space, there are two options: The Homeowners’ Association can own the space or the Township can take ownership. It was the consensus of the Commission that this open space was not something the Township would be interested in owning.

Scott Douglas expressed concerns about the effect on the wetlands of the heavy use of water to service the properties, the expanded impervious surface involved in these clusters, wastewater that will be generated from the sewage systems, etc. He stated that in a similar, close development, the surrounding wetlands dried up and now all they

serve as are stormwater detention basins. He summarized that we need to make sure that we aren't going to end up losing the wetlands as a result of what we are doing with this plan.

Joe Benyo stated that many of the concerns being raised are highlighted in the engineering review letter and will be addressed further along in the planning process.

Barbara Lindtner questioned the two roads into one cluster with the added cul-de-sac.

When questioned about the 50 homes being proposed, Mr. Benyo said that in order to meet the asking price Mary Creticos has set on the property, they will need to build the maximum number of homes, which Mrs. Creticos knows can be built on her lots and is what she has predicated her purchase price upon.

Scott Mease requested feedback on the buffer areas between the home lots and the protected area (as now proposed) or whether they should be part of the individual lots. Brad Schultz felt that if the buffer areas were on private lots it would be harder to control that they remained as buffer areas. On the other hand, if the buffer area is not on private property, it creates an issue as to who would maintain it.

The other issue about which Scott Mease wanted direction is whether sidewalks would be required. Initially, Barbara Lindtner did not feel sidewalks would be required because this was a rural area. However, it was pointed out that if 50 homes were placed there, it would become a "village," and for that reason, sidewalks should be required. Brad Schultz indicated that sidewalks should probably be placed between the two roads which go into and out of the one cluster, but not further.

Pete Lamana saw many problems with the design being proposed, resulting in the many unfavorable comments being received from the Members.

Old Business

Chairman Brownlow updated the Members and the public about the first Zoning Ordinance Planning Meeting scheduled for 7:00 p.m. on November 18, 2004. He encouraged interested residents to attend and participate in the discussion which will help to create a meaningful revision of the Township *Zoning Ordinances*. These meetings will be held on the third Thursday of each month (7:00 p.m.) for approximately the next 10 to 12 months and are all open to the public. The Planning Secretary will try to obtain the discussion guide from Urban Research earlier than November 9 and mail it to each Member.

Correspondence

Penn Meadows Subdivision/Schmoyer - Chairman Brownlow referred the members to a communication received from Township Attorney Jim McNamara addressing legal issues related to transfer of a strip the Schmoyers use to access their landlocked property that is currently part of the Penn Meadows Subdivision. This letter did not come in time to be distributed to the Members in time for a careful review before this meeting. The following excerpt from his letter lists the specific issues raised by the Planning Commission at their last meeting and his response to those questions:

Q: *Can the homeowners' Association convey Open Space Land?*

A: As Mr. Wynn has indicated, this particular easement is not necessary to satisfy the minimum Open Space requirement of the subdivision. The Homeowners' Declaration, which was approved by the township, permits conveyance of the Open Space with certain limits (there must be another organization approved by the township which would assume the maintenance responsibilities) but only after the association offers the property to Springfield Township. Therefore, the approval of the township would be required before any conveyance could take place.

Q: *With dissolution of the Homeowners' Association, and assuming the township would take over the Open Space, is the easement granted to the Schmoyers still valid as against the township?*

A: Yes it is, the prior recorded easement would bind any future owners of the Open Space and cannot be dissolved without the consent of the Schmoyer's or their successors in title, which would obviously not be given.

Q: *Regarding the easement (and note that the Schmoyer's do not request an easement but title to the strip, while conveying an easement back to the Homeowner's Association only), could the township require some form of access for the public?*

A. Deeds and easements can encompass whatever the parties desire to negotiate. The township is very much a party to any negotiation, since no conveyance can be made without their approval.

In light of Attorney McNamara's further suggestion about the Supervisors being the group to address this issue, Chairman Brownlow will direct this issue to the Supervisors, along with all correspondence, for further action. The Planning Commission secretary will pull the information together.

Public Comment

Pete Centner found his first visit to a Township meeting interesting. However, he does not agree with the lawyer for the Adult Community developer on the traffic issues. He feels there will be a tremendous impact on traffic in the whole area surrounding the community.

Scott Douglas added that Bucks County Planning Commission does not necessarily agree with the premise stated by the lawyer that an adult community does not affect the school system. They feel it does affect the school system in at least two ways. First, older adults are often moving from a larger home in the same area and families with school-age children are buying those homes. Second, the adult community affects the demographics, in that retired, elderly residents will not vote for upgrades to the school system because they are living on fixed incomes and do not want their taxes to go up.

Dennis Steskal also disagreed with the statement that no one would use the "emergency access" road. Bob Wynn stated that the developers were probably responding to Jeff Mease's (Fire Marshall) concern about access to the development for fire engines.

Planning Commission Comments

Scott Douglas said that a policy needs to be developed about the "open space" issue so that a consistent method of handling it can be used in the future.

Pete Lamana will provide an article to the Members that he downloaded from the PSATS web site regarding a bill in Harrisburg to better govern homeowners' associations. Scott Douglas added that this is another issue we will need to address in the Zoning Ordinance revision, that is, how we want to work with homeowners' associations.

Adjournment

At 10:10 p.m., Pete Lamana **moved** to adjourn the meeting. Jim Brownlow **seconded** the motion; it **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Planning Commission Secretary

Next Meeting: December 1, 2004