

**Planning Commission Meeting  
MINUTES**

November 7, 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: Bobb Carson, Scott Douglas, Walt French, Bruce Fritchman, Pete Lamana, Barbara Lindtner, and Volker Oakey.

Bob Wynn, Township Engineer; Scott MacNair, Township Solicitor; Rich Schilling, Township Manager; Heather Radick, Recording Secretary, were also present.

**Public Comments (Agenda Items) –None**

**Sketch Plans**

**Viola-Trenga Tract (Rendelovic) – Lehnenberg Road** William Kozub, presented for the applicants Frank Trenga and Denise Viola. The applicants are seeking a land development waiver on a 5 acre lot and a 12 acre lot. The applicants plan to build 2 houses and then consolidate the two lots into 1 lot. William Kozub noted that the building envelope is 230 x 830 feet in size and sits on the crest of a hill, avoiding tree lines or steep slopes. The properties would be serviced by the existing driveway coming off of Lehnenberg Road. Barbara Lindtner asked the acre size of the building area. William Kozub replied the area is 4.39 acres. Barbara Lindtner suggested the applicants make clear that the septic will be enclosed in the building envelope.

William Kozub stated he plans to speak with Terry Clemons in regards to the timing of the conservation easement. Scott MacNair requested that the conservation easement be done prior to when the building permit is issued. William Kozub agreed, as long as it does not interfere with his client's ability to get a tax benefit from the easement donation. Barbara Lindtner inquired about the location of the utilities and location or removal of any mature trees. Richard Zaveta explained they plan to go under ground and stay at the edge of the road. Barbara Lindtner concluded that October 23, 2007 Township Engineer's review letter are will complies, and the applicant will work out the conservation easements details with Terry Clemons.

Bruce Fritchman raised issue with the prohibition of turning the additional house into a rental property. Richard Zaveta noted the applicants are in full agreement to not rent the additional house. Scott MacNair noted that it can be included in an approval letter if a waiver of land development occurs.

Barbara Lindtner **moved** to grant a conditional preliminary and final approval based on the October 23, 2007 Township Engineer's review letter, this evening's discussion, and the pending documentation and exchange of covenants and restrictions on the conservation easement that Terry Clemons' office is preparing. Pete Lamana **seconded**. The motion **passed** unanimously.

**McArdle – Route 212** – Laura Baird, Heritage Conservancy, presented for the applicant, Edward McArdle, who was also present. Laura Baird stated that the applicant is interested in subdividing a 38 acre property into two separate parcels. The 13 acre lot would include the existing farmhouse and barn and a second lot would be 24 acres. Each lot would contain a 2 acre building envelope for improvements. The applicant is asking the township to consider granting some waivers of the subdivision costs in exchange for obtaining a conservation easement. Laura Baird noted there is the existing driveway that crosses Cook's Creek. Laura explained that the applicant is proposing to utilize the current driveway.

Barbara Lindtner asked if there were any wetlands or resources near the driveway. Laura Baird replied that there are wetlands but they are closer to the creek. Scott Douglas asked for the distance from the creek to the driveway.

Laura Baird replied that she was not sure of the exact distance. Barbara Lindtner noted that the township requires a 125 foot margin off of Cook's Creek with no disturbance. Barbara Lindtner stated that she would like to see a written waiver request, and natural resource mapping with wetlands and encroachment locations plotted out. Barbara Lindtner asked if the 2 acre building envelope will be fielded area or wooded. Laura Baird replied it will be a fielded area. Barbara Lindtner asked the applicants to also show where the agricultural soils are going to be preserved.

Bruce Fritchman asked if the 23 acre parcel is farmland. Edward McArdle replied yes. Bruce Fritchman asked why the building envelope is located where it is. Ed McArdle explained there are hedgerows of trees that run through the area, and it is also the crest of the hill. Bruce Fritchman noted that if a conservation easement is created for the intentions of farming, the township tries to keep that land in one piece. He asked if the building envelope could possibly be moved farther down to keep the farmland in the conservation easement. Edward McArdle responded it may be possible to do so. Barbara Lindtner noted it could be done assuming there will be no disturbance to natural resources. Barbara Lindtner stated there is a favorable consensus on the plan from the Commission, but expressed that the Commission would like to see the resources mapped.

Scott Douglas noted a wet area on the plan. Edward McArdle stated there is a swale for runoff, but there is no discernable stream or channel. Laura Baird asked if the Cook's Creek Conservancy could possibly share some data to help identify any buffers along the creek. Scott Douglas agreed to communicate with Laura Baird on the wetland mapping. Barbara Lindtner stated that the priority is to protect Cook's Creek and get the septic contained in one envelope, without encroaching on natural resources. Scott Douglas asked if they are putting into the easement language that the property could still be farmed. Scott MacNair replied that it can be included. Laura Baird noted that the language can say the land would be maintained as agriculture, but if agriculture ever ceased, it would not become mowed lawn. Laura Baird asked if the Commission is looking for a list of exact waivers in writing and more natural resource mapping. Barbara Lindtner replied yes, and the Commission also needs a submission for the Township Engineer to review.

### **Confirmed Appointments**

**Josh Duke – Route 212 –discuss waiver request** - Todd Myers, Cowan Associates, presented for the applicant Josh Duke. Todd Myers noted that the property is located in Pleasant Valley across from Wood Heat. Todd Myers noted the plan was approved in December 2006, but the applicant is looking for the conditions of approval to be revised to grant one more waiver. Todd Myers explained that the additional waiver is for Section 305C of the storm water management ordinance, which requires the existing impervious surface on Lot 1 to be considered as meadow. Todd Myers noted that this is the first time in many minor subdivisions in Springfield they have asked to have this waiver granted.

Bob Wynn stated that the Township's zoning ordinance differs from DEP's model ordinance. Bob Wynn explained that the Township's zoning ordinance is different because it states that if there is existing impervious surface on the site, it must be treated as a meadow for storm water. Bob Wynn stated that when there is a minor subdivision with one lot, the house and yard are usually well established. He explained it is not uncommon for the waiver to be asked for and granted, but it is a policy decision. Todd Myers stated it is his position that the above ground physical improvements would have minimal impact on the existing conditions as they relate to the impervious surface. Bob Wynn stated he did not disagree with Todd's position. Scott Douglas stated he did not want to see the amount of runoff into the creek increasing. He noted there have been lots of problems with a gully being washed out.

Scott Douglas **moved** to grant conditional final approval to the additional Section 503C waiver to modify the previous conditions of final approval. Walt French **seconded**. The motion **passed** unanimously.

**Curry Minor Subdivision – Ebert Road** –Todd Myers presented for the applicants Valerie and John Curry. Todd Myers stated that the offsite surveying to locate wells and septic systems has been completed, and the driveway has been changed. Barbara Lindtner asked for the distance off the property line from the existing sand mound. Todd Myers answered approximately 35 feet. Barbara Lindtner asked Todd Myers about Point 1, 2<sup>nd</sup> paragraph of the October 17, 2007 Township Engineer's review letter in reference to limits of disturbance and resource protection requirements. Todd Myers explained that the last submission did not show the grading around the primary system on Lots 1 and 2 and will be revised.

Todd Myers stated that the applicants will comply with the rest of the items in the letter, including last month's discussion in regards to the 35 mph speed limit and associated legal and sign installation fees. Barbara Lindtner asked Todd Myers if they can meet the 55 mph sight distance requirement if the driveway was moved. Todd Myers replied they cannot meet the 55 mph, but they can comply with 35 mph speed limit. Todd Myers stated they will provide the additional calculations as requested by Tim Fulmer to prove compliance.

Todd Myers noted that it is \$160 to \$200 a sign for installation, and has estimated there is a need for 6 signs since the road is a mile and a quarter long. Bob Wynn agreed. Todd Myers stated that his client is prepared to have as a condition of approval to lower the speed limit to 25 mph. Bob Wynn noted the signs need to be high intensity or diamond grade. Todd Myers agreed. Rich Schilling asked Todd Myers if there are breakaway posts on the signs. Todd Myers replied yes, and his client agrees to pay the fee in lieu of road improvements. Todd Myers noted that Point 4C regarding deed restriction is a will comply.

Scott Douglas **moved** to approve waivers 2 A through D as listed in the October 17, 2007 Township Engineer's review letter, and as discussed during this meeting. Walt French **seconded**. The motion **passed** unanimously.

Barbara Lindtner **moved** to grant conditional preliminary final approval based on the October 17, 2007 and September 5, 2007 Township Engineer's review letters. Scott Douglas **seconded**. The motion **passed** unanimously.

### **Plans to Accept for Review Only – None**

#### **New Business – Zoning Ordinance Amendments**

Barbara Lindtner noted that Terry Clemons has prepared some amendments to the zoning ordinance and that some changes were recently made. Barbara Lindtner asked Scott MacNair to explain the process of the voting and advertisement requirements.

Scott MacNair explained that the Township and Bucks County Planning Commission need to have a 30 day review period for an amendment to the zoning ordinance. Scott MacNair explained that Terry Clemons will be formally submitting the changes to the Springfield Township Planning Commission and Bucks County Planning Commission for the 30 day period will officially start. At the December 5 Planning Commission meeting there will be the opportunity to review the modifications, discuss them and make any recommendations to the Board of Supervisors. Scott MacNair noted that most of the changes were made to make the ordinance legally more defensible with respect to minimum lot size.

Bob Wynn asked about changing the definition of an ephemeral stream. Scott Douglas noted there is an error in the definition section.

Barbara Lindtner asked the Commission to review the changes, and if there are any comments, to forward them to Terry Clemons' office as soon as possible.

### **Old Business – None**

#### **Correspondence – None**

**Rufe Subdivision – Richlandtown Pike-** Scott Mease, Mease Engineering, presented for the applicant, Robert W. Rufe Jr., who was also present. Scott Mease noted that the 3 lot subdivision plan was first submitted in September 2005. The property is 6.5+ acres located on the west side of Richlandtown Pike north of Passer Road. Scott Mease noted that an issue was raised before the Zoning Hearing Board regarding a condition of no subdivision because of the previous use of a structure as an office. The office use has since stopped and is reverting to single family dwelling use. Scott MacNair agrees that the condition can revert; the condition goes with the use and not with the property. Scott MacNair stated that he feels that the condition should not have been placed under the special exception initially.

Barbara Lindtner asked if Lot 1 is being renovated to be a single family dwelling. Rufe replied not currently, but it will be.

Barbara Lindtner referenced the waivers in Point 2 of the September 24, 2007 Township Engineer's review letter in regarding a shared driveway. Scott Mease noted that the shared driveway was never discussed at the previous meeting. Barbara Lindtner noted that the Commission would not like to have multiple driveways on such a busy road and would like to see a shared driveway. Scott Mease explained the design of the proposed driveways are 90 feet below desirable sight distance but meet the minimum. Scott Douglas asked if it is better to have one driveway with a blind spot or 2 driveways coming onto Richlandtown Pike. Bob Wynn noted the amount of impervious surface would actually remain the same with multiple driveways. The conclusion was made that having 3 driveways as opposed to a shared driveway does not make a less safe situation or change the impervious surface.

Bruce Fritchman asked why there is no further subdivision on Lot 3. Scott Douglas replied there is not enough frontage. Walt French stated he would like to see about deed restricting the property. Scott Mease replied they have agreed to deed restrict Lot 3 in return for waivers being agreed to.

Barbara Lindtner asked about the status of the planning module. Scott Mease responded that the soil probes have been done, but the percolation testing has not. Barbara Lindtner stated that the Commission cannot move forward without the planning modules.

Bruce Fritchman noted that the property is zoned in Village Residential, and the sidewalks are being waived. Bruce Fritchman stated that villages should have sidewalks. Barbara Lindtner, Walt French and Pete Lamana agreed with Bruce Fritchman in principle, but currently, they concluded it is impossible to install sidewalks on some properties. Barbara Lindtner stated that she feels it is not a village, and high density development is most likely not going to occur. She noted that is why they created the fee in lieu of street improvements, so there is a capital fund if sidewalks are required. Scott Mease stated that if the waivers are acceptable, they will agree to deed restrict Lot 3.

Barbara Lindtner **moved** to take action on the waivers 2 A through D listed in the October 17, 2007 Township Engineer's review letter, acknowledgement of deed restriction on Lot 3, and acceptance of fee in lieu of street improvements. Scott Douglas **seconded**; Voting **Yes**: Walt French, Bruce Fritchman, Pete Lamana, Barbara Lindtner, and Volker Oakey. **Abstaining**: Bobb Carson. The motion **passed**.

#### **Approval of Minutes**

Barbara Lindtner **moved** to approve the September 5, 2007 and October 3, 2007 minutes. Scott Douglas **seconded**; the motion **passed** unanimously.

#### **Public Comment - None**

#### **Planning Commission Comments- Work Session**

**Bruce Fritchman** asked Bob Wynn about the status of the Pennsylvania model storm water ordinance.

**Bob Wynn** stated he plans to prepare a draft ordinance based on the proposed model ordinance from state. He stated it is not likely to change much, and the EAC may also want to look at it.

**Scott Douglas** noted that the EAC planned to gather data, and suggested adopting a model ordinance and getting the BMPs in place.

**Bruce Fritchman** raised issue about the Township's procedures for conservation easements, referring to the easement he is donating to the Township. He suggested the Township should have written guidelines to make it an easy process, encouraging other residents to participate in preserving open space. He suggested the creation of an itemized list of steps involved in chronological order, with an estimated time-line for each process.

**Bobb Carson** suggested that Bruce Fritchman create a checklist for the situation where a landowner wishes to donate a conservation easement to the Township, because of his experience with the easement donation process. Bobb Carson and Bruce Fritchman then suggested approaching the Open Space Committee for a similar checklist where a conservation easement is purchased with public funds set aside for preservation of open space and natural

resources. Finally, it was proposed that the Planning Commission create its own checklist for the procedure when conservation easements are established as a part of the land development process.

**Bruce Fritchman** stated he is willing to work on a checklist for landowner donation. Barbara Lindtner concluded that Bruce Fritchman is to create a list, and then make a recommendation to the Open Space Committee about a checklist for purchase of easements with public funds.

**Barbara Lindtner** noted that information on the Cook's Creek Watershed overlay district from the Bucks County Planning Commission should be coming in by the next meeting. Because of the holidays, the Commission decided the next Work Session will be held at the end of the December 5 meeting.

### **Adjournment**

At 9:20 p.m., Barbara Lindtner **moved** that the public meeting be adjourned. Walt French **seconded**; the motion **passed** unanimously. At 9:20 p.m., the Commission held an executive session to discuss a pending litigation on the McArdle land use.

Respectfully submitted,

Heather Radick  
Recording Secretary

Next meeting: Wednesday, December 5, 2007