

**Planning Commission Meeting
MINUTES**

December 6, 2006

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, Pete Lamana and Barbara Lindtner. C. Robert Wynn, Township Engineer, and Terry Clemons, Township Solicitor, were also present. Absent: Jim Brownlow, Stefanie Campbell

Planning Commission Work Session

Scott Douglas discussed a stream map showing the extent of headwater streams in the Cooks Creek Watershed which had been distributed to Members. He noted there are a large number of manmade ponds in headwater areas in the Township; some are very old and others recent, probably created as a result of development projects. During the recent rewrite of Section 509 of the Zoning Ordinance Draft, Scott questioned several things in relationship to these ponds. First, if a permit has not been obtained to construct them, it should have been. He feels most people are not aware a federal permit is required. His concerns are because of the habitat/ecological issues and second, these ponds tend to be built in wetland areas which ultimately tend to destroy the wetlands. Another concern Scott has is that some of these manmade structures have failed, and in storm conditions there can be problems when the water has no place to go. Scott feels the Zoning Ordinance Draft should contain some language stating these are not “by Right” activities. People should know that these are to be regulated by the proper regulating agency.

Scott proposed the following language: *The excavation, berming and disturbance of watercourses or wetlands for the purpose of creating ponds or lakes is prohibited. Maintenance and/or removal of existing structures is subject to the regulatory oversight of the Corp of Engineers and the PADEP.*

Terry Clemons suggested a different perspective—to create a pond requires earth disturbance and that does require an E & S permit. Terry also feels that to remove a pond would also require earth disturbance, and thus would require an E & S permit.

Bob Wynn and Terry Clemons feel this is covered in Section 509.A. and Section 1201, but that additional language may be needed to clarify “earth disturbance.” Bobb Carson suggested adding the words “ponds or lakes” to clarify and to strengthen when a zoning permit is required. This section will be reviewed carefully in the draft.

Bobb Carson commented on the November 10, 2006, Ag Security Submission Applications that were forwarded to the Planning Commission by Rich Schilling for review and comment. Bobb

asked when these comments would be required. Rich suggested they should be handled at the next Planning Commission meeting.

Approval of Minutes

After several revisions, Pete Lamana **moved** to approve the revised minutes of the November 1, 2006, Planning Commission meeting. Walt French **seconded**; motion **passed** unanimously.

Public Comments (Agenda Items) - None

Confirmed Appointments

Karen's Furniture (Cochrane) Waiver of Land Development (Route 309) – Tom Cochrane, applicant, presented. This land development waiver is to permit a proposed lease of 16,000 square feet of his store for use by Community Baptist Church for approximately three years until their new church facility is completed. The space will be used primarily from 9:00 a.m. until noon on Sunday mornings and on Sunday and Wednesday evenings.

Referring to Item 5 of Bob Wynn's November 30, 2006, review letter, Mr. Cochrane stated that although the septic tank does not appear on the approved land development plan, it does appear on the plan that was approved by Bucks County Board of Health. Further, Mr. Cochrane agrees with all Mr. Wynn's recommendations listed on page two of his letter, except Item 4 which suggests redesign of the stormwater management basin.

Scott Mease spoke to this issue, indicating that the original design of the stormwater basin was to accommodate the full 160 parking spaces designed for this land development plan, even though they were not initially built. Mr. Cochrane plans to build out the 162 parking spaces to accommodate the increased needs related to the church using his facility. Bobb Carson requested to see computations showing spaces allocated for the church and for the remainder of the retailers using the building. There was additional discussion with Bob Wynn and the applicant about modifying the existing stormwater facility to improve what is already in place. Mr. Cochrane is also willing to put in the landscaping required with installation of the rest of the parking spots.

Bobb Carson stated that the Planning Commission would want to be see approval by the Department of Health that the existing onsite sewage system is adequate for a the proposed new use as a place of worship.

Barbara Lindtner **moved** that a recommendation be made to grant a waiver from land development providing the issues listed in Bob Wynn's November 30 review letter as well as items discussed at this meeting are complied with. Walt French **seconded**; the motion **passed** unanimously.

Josh Duke Subdivision (Route 212/Old Bethlehem Road) – Todd Myers; Cowan Associates, Inc.; presented for the applicant. This 9-acre tract is located in Pleasant Valley. The applicant desires to divide the tract into two lots. The new lot would be 6 acres and a single-family home

would be constructed on it. The existing house would remain on the 3-acre tract which fronts on Old Bethlehem Road.

Since the initial presentation of this plan, the 2nd Zoning Hearing Board decision has been received permitting variances to utilize a flag lot in the VC Zoning District and to permit an accessory structure to be located within the side yard setback (Structure is located 13.38 feet from the proposed lot line; the side yard setback requirement is 15 feet).

The applicant will comply with engineering items (Items 5 – 11) listed in the Township Engineer's June 26, 2006, review letter. Regarding Comment 2 relative to moving the proposed sand mound for Lot 2 so that it will not be within the 125' stream margin, Todd stated the perk testing for that is in the process but is not yet completed.

Bobb Carson asked why another drain field was shown on Lot 1. Todd replied that the existing system was put in place when the original home was built in the 1800s and it is not acceptable under current regulations and needs to be replaced as shown on the plan.

Mr. and Mrs. Olshevski, applicants, are willing to deed restrict both Lots 1 and 2 from further subdivision. The deed restriction for both lots will be noted on the plan.

Todd Myers noted that once the secondary septic system had been retested, completion of the planning module would take place.

Barbara Lindtner **moved** to recommend approval of the waivers listed under 4.A – F, with adjustments to 4.B. as discussed at this meeting. Todd Myers asked whether the fee of \$3,000 for the waiver of curbs and sidewalks (Item 4.E.) could be prorated because of the small, 25' frontage of Lot 1. He was advised the fee was a "per lot" fee and could not be prorated. Pete Lamana **seconded** the motion; it **passed** unanimously.

Carl Duke Subdivision (Wrescics Road/Richlandtown Pike/Gruversville Road) – Todd Myers; Cowan Associates, Inc.; presented for the applicant Carl Duke, who was also present.

The applicant plans to develop Lot 1 (approximately 7 acres) of this original 15-acre tract of land as a single family home for himself. His mother will retain Lot 2. The applicant has agreed to deed restrict both lots from further subdivision. Bobb Carson requested at the last meeting that information about what appears within 100' of the proposed drain field be provided. The plan now reflects that there are no structures within 100' of the drain field.

Barbara Lindtner asked Bob Wynn if he felt this plan could be considered as a minor subdivision (waiver request 2.A) and Bob stated that it could be.

Barbara Lindtner **moved** to recommend approval of the waivers requested in Bob Wynn's November 24, 2006, review under Item 2.A.-I, with the applicant's willingness to contribute \$3,000 for waiver of street improvements. Scott Douglas **seconded** the motion; it **passed** unanimously.

Walt French **moved** to recommend that preliminary/final approval be granted conditioned upon completion of all items listed in the November 24, 2006, Township Engineer's review letter. Pete Lamana **seconded** the motion; it **passed** unanimously.

McArdle Subdivision (Roundhouse & Old Bethlehem Roads) – Scott Mease; Mease Engineering, P.C.; presented for the applicant. Scott presented a sketch of the entire property showing a through road as requested by the Planning Commission at a prior meeting. They have received Penn DOT permits for the two driveway accesses shown on the initial plan; however there are sight-distance issues with the through road. There are nine lots proposed in the current subdivision. Bobb Carson said that if additional subdivision of the 32-acre Lot 1 is planned, it would make better sense to create a through road with a collector street (cul-de-sac) to access future planned lots.

Mr. McArdle stated he did not have any plans to further develop this property and didn't understand why he was being required to come in with a plan that provides for fully developing the entire property. Barbara Lindtner explained because he, the applicant, is not willing to deed restrict the large property from further subdivision, as planners they are required to look ahead. Even though he has no intention now to further subdivide his property, he could change his mind in the future, he could sell the property, or it could go to his heirs and they could subdivide the 32-acre tract. While the applicant is looking at the economics of developing his property, the Planning Commission is charged with looking at safety issues like multiple driveways accessing collector streets. This property could potentially be seven lots with seven driveways if future development isn't anticipated and planned for at this time.

Bobb Carson is not comfortable with the first plan or the sketch plan that shows three lots not served by an access road. Scott asked how Bobb felt about the through road plan. Bobb stated that as planners they are to encourage through roads, but the problem in this plan is that the through road crosses what appears to be an ephemeral stream on the southeast corner of the property and also creates some very oddly shaped lots. Mr. Mease said that due to the natural resource constraints of the property, there is little option for reconfiguring the through road. Bobb suggested another possibility would be two cul-de-sacs. Bobb would like to see this plan designed with two cul-de-sacs.

There was discussion about the width of the wetland margin, the calculations for tree removal, and the fact that placement of the septic system on one lot may need to be changed if it is determined that a stream is feeding the pond on the property.

No action was taken on this plan.

Cuff Major Subdivision (Passer Road) – Scott Mease; Mease Engineering, P.C.; presented for the applicant. This plan when last presented was a four-lot subdivision. The plan is now presented as a three-lot subdivision. The difference between the four- and three-lot plans is the RP zoned area of the property which was Lot 4 has been eliminated and Lot 4 has been incorporated into Lot 1.

Scott Mease shared photos of the frontage of the property with the Planning Commission. One set of photos was looking from the east to the west, and the other set of photos was from the west side of the property looking to the east.

Scott Mease noted that in developments like this one, Bob Wynn's office typically recommends a swale along the cart way edge. In this case, most of the frontage drains onto this property so there is no swale located on the property and there is already a 5 – 6' wide grass shoulder. The guide rail on this property is right on the curb.

Scott spoke with Bob Wynn about stormwater issues and received direction on those issues from Bob. The one item still outstanding is item 1.E. in Bob Wynn's review letter of November 20, 2006, regarding the waiver for street improvements. The applicant is willing to pay the fee-per-lot in lieu of doing street improvements. Barbara Lindtner was not comfortable waiving street improvements if our engineer feels they are warranted.

Barbara asked about the status of the sewage planning modules. Scott noted that the system on Lot 1 will have to be replaced. The Health Department will not sign off on the planning module until that system is replaced, and the applicant does not want to spend that money to do that until he has a comfort level that this plan will move forward. Typically, Scott said this will be pursued after preliminary plan approval. However, he did note that the soil probes and perc tests are completed and that Bob Wynn had received them.

Pete asked for clarification of Item 1.E. of our engineer's November 20 review letter regarding the need for a two-foot wide paved shoulder and a four-foot wide grass/stabilized shoulder. Bob clarified that this does not apply to the entire frontage of the property but only a certain area. Bob indicated additional information needs to be detailed on the plan—where the guide rails are, etc.

Pete Lamana asked Bob Wynn for clarification of the phrase in Item 2 of the same letter "sight distance value less than the desirable sight distance." Bob explained there are two different things—there is safe stopping sight distance and there is desirable sight distance. Desirable sight distance is often not achievable; specific calculations are then used to determine safe stopping sight distance. Penn DOT regulations state "desirable sight distance" must be met whenever possible. The safe stopping sight distance is only calculated when that is not possible.

Bobb Carson again noted the applicant was requesting in Item 1.C. a waiver to permit lots to front on a collector street. Bobb feels that these lots should be fronting on an internal street. This plan proposes two driveways in addition to the existing driveway, which means there will be three driveways fronting on Passer Road in a 300' area. Bobb asked Scott Mease to redesign this layout with a short cul-de-sac, perhaps coming in along the existing driveway to serve all three of the proposed lots. Because the applicant has not agreed to deed restrict Lot 1, Bobb feels this represents a partial subdivision, with two lots currently proposed and additional lot(s) possible in the future.

Bobb noted this property is in the scenic overlay district and asked what was being done to minimize the visual impact. Scott indicated that a tree row was in place along the frontage of the property which will remain there. Bobb asked that when the revised plan is submitted it should include the things that are required in the scenic overlay district—what it will look like—so that

the Commission can better assess the final appearance. Barbara asked that all required information get to the Township so it can be forwarded to Bob Wynn to enable him to do a complete review.

Pending resolution of the issues discussed at this meeting, no action was taken on the waivers requested or the plan itself.

Thornwood/Hermo Subdivision (Quarry Road) – Scott Mease presented for the applicants. Scott pointed out that there were two primary considerations when this plan was last presented to the Commission. One was that a note stating “none of the lots created from this subdivision may be further subdivided” was not on the plan; this has now been added (Note 11). Second, the planning modules had not been received from the Health Department. They have now been delivered to the Township for execution. Scott also noted that Item 5 (certification monumentation) was delivered to the Township on November 21.

Barbara Lindtner **moved** that conditional final approval of this plan be recommended conditioned upon completion of the items contained in Terry Clemon’s September 28 letter and Bob Wynn’s November 15 review letter. Pete Lamana **seconded**; the motion **passed** unanimously.

Kramer Subdivision (Deer Trail Road) – Scott Mease; Mease Engineering, P.C.; presented for the applicant Leonard Kramer, who was also present.

This is a two-lot subdivision first reviewed in November. Referring to Item 8 in Bob Wynn’s November 15, 2006, review letter, Scott mentioned that a certificate of monumentation was submitted to the Township on December 4 and the planning modules are also at the Township. The applicant has agreed to contribute \$3,000 to the Highway Capital Fund in lieu of street and drainage improvements to Deer Trail Road.

Barbara Lindtner **moved** that a recommendation be made to grant the waivers requested in Item 1.A.-E. in Bob Wynn’s November 15 review letter. Bobb Carson **seconded** the motion; it **passed** unanimously.

Barbara Lindtner **moved** to approve waiver #4 (305C) of the November 6, 2006, Bob Wynn review letter. Scott Douglas **seconded** the motion; it **passed** unanimously.

Conditioned upon satisfactory completion of the outstanding items identified in Bob Wynn’s November 15 and September 13, 2006, review letters, Barbara Lindtner **moved** that a recommendation to grant preliminary/final approval be made. Pete Lamana **seconded**; the motion **passed** unanimously.

Plans to Accept for Review Only

The following plan was accepted for review:
Spear Products Land Development (Springfield Street)

New Business – None

Old Business – None

Correspondence

Barbara Lindtner acknowledged receipt of a letter dated November 30, 2006, from the Bucks County Planning Commission regarding riparian buffer/corridor requirements from Tinicum Township. Copies of the letter were received today and distributed to each Commission Member's mailbox prior to this meeting.

Public Comments

Scott Mease – Scott noted that in Section 516 of the Zoning Ordinance Draft the date “December 18, 1975” is incorrect. It should be “December 28, 1975.” Bobb Carson felt this was corrected in Ordinance 129, but will check to be certain this is corrected in the final draft of the zoning ordinance revision now under consideration..

Patrice Ryan – Patrice asked that in the final Zoning Ordinance Draft, *Scenic Vistas* be defined and clarified. Bobb Carson gave details of what was currently contained in the draft; namely, the scenic overlay district does not prevent development, but it does put constraints on what applicants have to present to the Planning Commission to gain approval for the development they are proposing. The verbiage is available for the public to read in the draft available on the Township website and in the township building.

In our existing scenic overlay, properties are not identified. Bucks County Planning Commission said this section would be stronger if the Tax Map Parcels were actually identified, and we have requested that the BCPC do that as part of the final revision of the proposed ordinance. These parcels will then be subject to the additional requirements that the scenic overlay district puts on an applicant who wants to develop in that district.

Karen Bedics – Karen expressed concern about traffic exiting and entering onto Route 309 from the proposed church use of Karen's Furniture. She also expressed concern about the concrete curbing requirements for the Cuff Subdivision on Passer Road. She was assured no concrete curb was proposed for that area.

Bob Huntzinger – Bob had concerns about the two driveways approved by Penn DOT accessing onto Old Bethlehem Road (McArdle Subdivision). His concern is because of the bridge which has been closed for two years. He also said this area currently experiences stormwater problems, but with the addition of more macadam driveways, the problem will become worse.

Bob also questioned back hoe activity on the 40+ acre property near him. Rich Schilling indicated that property owner is applying for Ag Security and Farmland Preservation, so it is not likely that development is being planned for that property. The Commission felt that they could be checking for soil types. Their application for Ag Security is included with those the Planning Commission currently has to review.

Planning Commission Comments

Barbara Lindtner asked whether another meeting was needed in December. Bobb Carson felt that the Ag Security applications needed to be reviewed. Rich Schilling said this review is not needed prior to the January Planning Commission meeting. A work session was suggested prior to the January 3 meeting at 6:30 p.m. with the regular meeting to follow at 7:00 p.m. Rich Schilling noted that the screening process for Ag Security applications is performed by the Ag Security Committee. For that reason, a detailed study of these applications is not required by the Planning Commission. It is more a formality that they recommend approval of the applications to the Supervisors. For that reason, no additional meeting was scheduled in December and the January meeting will begin at the regular 7:00 p.m. time.

Bobb Carson advised a report will be provided soon to the Supervisors and the Planning Commission on wastewater management.

Barbara Lindtner noted that she and Bobb Carson are close to finishing the final rewrites of the Zoning Ordinance. After completion of the edits, the Zoning Ordinance Draft will be forwarded to the BCPC for them to assist us with finalizing of selected sections which they have agreed to complete and then for their final review.

Scott Douglas stated that the Stormwater Ordinance multi-township group has approved a draft scope for a study that would establish a regional stormwater management plan. A letter has been drafted to the Supervisors requesting permission to get quotes from consultants to determine how much it will cost to have the technical work associated with this proposed plan done.

Adjournment

At 9:50 p.m., Scott Douglas **moved** that the meeting be adjourned. Pete Lamana **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Recording Secretary

Next meeting: Reorganization & Regular Meeting - January 3, 2007