

**Planning Commission Meeting
MINUTES**

April 6, 2005

The meeting was called to order at 7:05 p.m. by Jim Brownlow, Chairman, and opened with the *Pledge of Allegiance*.

Members present: Jim Brownlow, Stefanie Campbell, Bobb Carson, Scott Douglas, Walt French, and Barbara Lindtner (Absent: Pete Lamana) Bryan McAdam, representing C. Robert Wynn, Township Engineer, was present.

Planning Commission Comments: Scott Douglas commented that the Planning Commission is important in protecting the future of the Township, maintaining our quality of life, and protecting all properties by making wise land use decisions and creating good ordinances.

Scott also expressed concern about the subdivision acceptance and review process. He felt the Board should request our Township Engineer to draft a procedure for a completeness review of plans before they are accepted. He felt that before we consider a plan “accepted,” we should have an acknowledgement from our engineer that it is a “complete” plan, in compliance with our ordinances, and that there is enough data provided to move forward with the review process.

Bryan McAdam commented that it is difficult not to accept a submission when all plan components are included, even though some of the components may not be totally complete. Not accepting a “complete” submission can put the Township in a position where we could be challenged legally. He is not aware of any other Townships that do an in-depth review of the components of a submitted plan before acceptance. He feels that the checklist Springfield has in their ordinance is adequate and to strengthen it would probably require a different level of administrative staff possessing the technical skills needed to accomplish a more intensive review. Bryan stated that although the Planning Commission can reject a plan because it does not meet the ordinance requirements without asking the applicant for an extension, that is probably not the best thing to do, because it creates an adversarial relationship with applicants. Bryan stated Solebury Township has a stronger acceptance/review procedure.

Bobb Carson added that he feels that the initial types of checks that are important are: 1) Is everything in the plan that is required? and/or, 2) Were requirements of a subdivision application done “in good faith” by the applicant, or did they submit the application just to start the clock running and then tell us, “we’ll deal with what is missing during the submission process?”

Barbara Lindtner stated that she wants to stop “incomplete” plans from coming in the door, thus avoiding an 8 – 10 page engineer’s review letter listing deficiencies of the plan. She suggested that the zoning officer or someone more technically experienced be part of the initial review when a plan comes in to the Township, rather than the secretary.

Jim Brownlow summarized by asking Bryan McAdam to contact Solebury for the procedure they follow in accepting a plan and suggested we table further discussion on this until a later time.

Scott Douglas stated he was disappointed with the quality of the Rolling Hills Subdivision submission. He said the developer indicated earlier in the sketch plan process that he would continue having dialogue with us and submit different sketch plan options until they could come up with something we were comfortable with. He then abruptly submitted an incomplete subdivision plan for the express and stated purpose of not having to comply with the ordinances we are trying to put in place to protect the whole Township from inappropriate land use practices. Scott **moved** that the Planning Commission **recommend** to the Board of Supervisors that they **deny** the plan, return the plans and the application fee(s) to the applicant, and let them resubmit a plan that is consistent with our Zoning Ordinances.

Jim Brownlow suggested that this motion be held until Rolling Hills comes up on the agenda so they would have an opportunity to respond, and Scott withdrew the motion.

Scott Douglas commented that the Cooks Creek Watershed Clean-Up day had been rescheduled to Saturday, April 9.

Approval of Minutes – Bobb Carson **moved**, Barbara Lindtner **seconded**, that the minutes of the March 2, 2005, Planning Commission be **approved** as corrected. The motion **passed** unanimously.

Public Comment on Agenda Items

Hans Reismann – Hans agreed with Scott Douglas’ comments regarding the Rolling Hills Subdivision submission.

Sketch Plans

Locust Valley Active Adult Community – Thomas Hecker, Esq., attorney for McGrath Homes, equitable owners of the Locust Valley Golf Course, opened the presentation for the applicant. In December 2004, they brought the concept for this plan to the Planning Commission. They reviewed that the initial plan was for 300 age-qualified (55+) units spread over two townships (Upper Saucon and Springfield) and two counties (Lehigh and Bucks).

Since December, in exploratory meetings with Upper Saucon Township regarding the age-qualified community, they had some discussion about doing an age-qualified overlay ordinance. A hearing was held in Upper Saucon on that ordinance on March 22, and at that time, the Upper Saucon Board of Supervisors did not adopt the age-qualified overlay zoning ordinance.

The concept shared at this meeting shows single family homes on one-acre lots on the Upper Saucon portion. This plan conforms to the current Upper Saucon zoning regulations and can be built. However, the age-restricted community is the plan the applicant prefers, because it would retain 7 holes of the golf course and preserve some open space. The new concept shows 112 age-qualified units in the DD district of the Springfield Township portion of the tract. This plan appears not to be in conflict with any of Springfield’s ordinances and should not require any amendments to our ordinances. The DD district permits 6 dwelling units per acre; the sketch plan being shown is utilizing slightly under than four units per acre.

Sewer provisions for this plan are an issue in both townships and this was discussed at length with Upper Saucon. Their portion of this plan is been included in the Upper Saucon Act 537 plan. There has been, and remains, a moratorium in the Borough of Coopersburg preventing any new connections to their sewer line. When they met with the Upper Saucon Authority Engineer in August 2004, they were advised to look at a sewer line extension on the edge of Coopersburg, that wouldn’t tie into the main line that goes through Coopersburg where the moratorium is in effect. That plan is feasible and they believe that at some point it will be approved and will result in them being able to provide public sewer to the development. However, in order for Upper Saucon to provide public sewer to Springfield Township, an inter-municipal cooperative agreement would be required between Springfield and Upper Saucon Townships.

The applicant would like Springfield to request of Upper Saucon that public water and sewer be extended from their township into the Springtown portion of this development. The sewer connection would be from an existing line on Gun Club Road. The water hook up would also be on Gun Club Road, with possibly a supplemental production well (proposed on the Upper Saucon portion of the site) for the Authority to tap into and utilize for distribution throughout the valley. Springfield’s Act 537 plan would have to be amended if we were using Upper Saucon public water. If Upper Saucon did not want to extend those services to Springfield, the applicant would consider a package plan placed on the Springfield portion to service our portion of the site. With regard to the request for a letter, Jim Brownlow stated the request should be referred to the Supervisors for further discussion.

Attorney Hecker reviewed several positive aspects of age-restricted communities. One significant benefit is the fiscal impact. They provided Members with a copy of a *Preliminary Fiscal Impact Report* dated April 5, 2005. This study compared the financial impact of what could be developed in the DD district that would not be age-qualified with the 112 age-qualified units they are suggesting. Considering there would be no school-age children impacting the school system, the report showed a positive \$652,947 financial tax gain to the Township with the age-restricted plan being proposed.

The second benefit of an age-qualified plan is the traffic impact. Seven years ago when McGrath Homes began developing age-restricted communities, there were few traffic studies available. Since then, several age-restricted communities have had in-depth traffic studies done. A significant finding is that these communities generate less traffic than just about any other comparable communities, both in the AM (about 33% of normal traffic) and the PM (about 50% of normal traffic) peak traffic hours.

A third benefit is that these communities give long-time residents who are tired of maintaining large properties an option to downsize and live maintenance-free in the community in which they have roots. People are buying a totally different lifestyle, often described by occupants as resort living within their own community.

Wayne Johnson, Engineering Consultant from Pickering, Corts & Summerson, Inc., addressed a question from Jim Brownlow regarding a traffic concern expressed by a close neighbor at the November presentation. Mr. Johnson said that a

traffic study had been done since that time and that study was reviewed with the neighbor and his wife. As part of the study, the engineers talked with PennDOT officials and Upper Saucon Township, and unless a number of accidents have occurred within a three-year period, a traffic light or three-way stop sign cannot be put up. However, they did discuss the possibility of putting signs up and down the road warning of the impending intersection.

Mr. Johnson also stated that the development in Springfield would be a gated, age-restricted community. As such, the Homeowner's Association would care for all roads in the development; the Township would not be responsible for any road maintenance.

Jim Brownlow questioned whether the cul-de-sac could be extended to the entrance road to permit easier access for emergency vehicles. The engineer will study that suggestion further.

Bobb Carson asked if the storm water flow into Springfield from the Upper Saucon portion of the tract would increase. The engineer stated that the flow and discharge currently coming onto Springfield would remain the same with some infiltration provided in addition. The water features shown on the plan are also functional in storm water management and in providing infiltration to the overall Springfield site.

The applicant stated that their invitation is still open for any resident, neighbor or Planning Commission Member to visit a similar age-restricted community in another area. When they offered this in other areas, neighbors who took the tour have wanted to attend the public meeting of their townships and give a positive endorsement of this type of community over single-family developments. These visits have always validated their statements about the traffic, overall appearance and feel of the communities. Jim Brownlow felt this would be an appropriate step once a subdivision plan has been submitted.

Jim Brownlow opened discussion to the public.

Dennis Steskal had some questions regarding the proposed sewer hook up. He felt that there were some problems involved with that. The engineer for the applicant had spoken directly with the sewer authority who gave them the route and they are aware there is some work they would have to do.

Coralie Grant, from Grant's Auto Salvage in Zion Hill (which borders the golf course), has lived in her current home for 16 years. Initially, she was upset to think about all these age-restricted units replacing the golf course. As a result, she took the bus tour the applicant offered and went to the McGrath age-restricted community in Flower Mills. Following her visit, she is hoping she will get to purchase the first age-restricted home that is built in Springfield Township! She is now concerned because Upper Saucon may not go through with age-restricted homes adjacent to the Springfield Township site. After living 16 years next to a quiet golf course, the thought of 127 homes, most probably with children and all the traffic, school buses, and noise associated with that type of development, is upsetting to her. She is very hopeful that age-qualified housing will go through in Upper Saucon. From her visit, she states that these homes are gorgeous, one-story homes, with lots of open green space, and they would be a boon to the whole area.

Hans Reisman agreed with Mrs. Grant. As a tile mason, he has worked in some of these developments. His question is whether there is any history of a community designed for age-restricted individuals not being able to get enough buyers and thus reverting back to a family-oriented development. The attorney for the applicant said he is not aware of any development where this has occurred. Also, a declaration (deed restriction) would be recorded as part of the final plan so that all 34 acres in Springfield would be deed restricted to be used only for an age-qualified community of 55+ with no children under 19 years of age. For example, once the declaration is filed and the Homeowner's Association is formed, that deed restriction cannot be terminated without the specific consent of the Township. The Township becomes a controlling party to the declaration remaining in force.

Patrice Ryan asked whether we would be losing control in our own Township if we permit neighboring Townships to have their water and/or sewer servicing part of our community. Jim Brownlow said it does put some pressure on us, but we do retain some control. It will require careful consideration.

Janet Cammerata knows that development will take place in Springfield, and she prefers the adult community concept. However, her parents live in an age-restricted community in Buckingham, and there have been a number of accidents at the entrance of their community. She questioned whether there has been a traffic light study for the entrance. Janet herself lives where they have to turn from Peppermint onto Route 212 and that intersection is very difficult and dangerous because of the lay of the land at that location. She is even more concerned about the exit from the age-restricted community because of the slower response time of older people.

She also had questions about the storm water management designed for this development. The engineer stated that the final design still is to be determined based upon various design issues and they will have to be approved as the plan moves along in the design process.

Walt French recused himself from the Rolling Hills Estates discussion.

Rolling Hills Estates – Route 212 & Slifer Valley Road – Judy Goldstein, from Boucher & James, presented for the applicant. Also present were Jessica Woll, paralegal from Fox Rothschild; Valerie Spooner, Designer, Boucher & James; and Bob Harrington, representative for the applicant (HMH Limited Partnerships).

The first sketch plan presented in February showed lots on both ends of the property and open space in the middle. At that time, the Planning Commission indicated they would prefer having the homes on one end of the property, thus conserving the good agricultural soil in the middle and on the Slifer Valley Road portion.

In March, Boucher & James the applicant presented a second sketch plan proposing 32 lots, utilizing the single-family detached cluster B-12, Option 1, with all lots located on the Route 212 portion of the tract with the open space parcel being viewed as a farmstead parcel with the portion of the land adjacent to Slifer Valley Road designated for a dwelling for someone who would work the farmstead lot.

Following their presentation, Bobb Carson requested additional sketch plans showing something other than the standard subdivision design seen in other townships, perhaps clustering 6 to 12 homes around cul-de-sacs, utilizing some flag lots, etc. Attorney Gundlach stated he would confer with the applicant about this request and subsequently the applicant agreed to this request.

The three additional sketch plans—E, F and G—were presented at this meeting. Copies of these sketch plans, a comparison chart and a letter dated March 18, 2005, were mailed directly to each Member and our Township Engineer, Bob Wynn, for their review prior to the meeting.

Sketch E includes 28 one-acre lots, with on-lot water, and sewer located in three portions of the total tract. This plan does not preserve the open expanses of agricultural soils.

Sketch F again includes 28 one-acre lots but places the development on both the Route 212 and the Slifer Valley Road ends of the tracts and thus, conserves more of the agricultural soils in the middle of the tract. This plan would utilize community sewer and on-lot water.

Sketch G moves to 32 half-acre lots spread in three portions of the tract. These smaller lots preserve more open space, but in smaller sections, making for less farmable agricultural land.

Bobb Carson stated that perhaps his intent was not clearly understood, but his reaction to the three sketches presented tonight is that they are less successful than the second sketch plan. He does not like the current plans because they chew up the property and don't leave a lot of useable open space.

Judy stated that they agree that the current sketches use more of the open space, but felt they had been up front at the last meeting that this would occur if they expanded the layout as Bobb was suggesting. Bobb agreed that they had been up front, but even knowing that, he wanted to see some different design alternatives. Having seen the current sketches, Bobb stated the sketches don't reflect the type of subdivision, continuous open space, or preservation of the viewscape that he had hoped they might.

Barbara Lindtner asked what water and sewer alternatives were planned for the current sketches. Judy responded that water would be on-lot with some type of community sewer plan. DeVal is doing soil testing and the best type of system will be determined based upon their findings. This could be one system for the entire tract or perhaps multiple systems. Soil testing at this point will remain somewhat limited until a consensus is reached as to exactly what type of development will ultimately take place on the tract.

There was discussion about a difference of opinion between Attorney Gundlach and our Township Engineer regarding whether some portion of the required open space could be utilized for sewer and/or stormwater. Judy stated that Attorney Gundlach feels our ordinances are conflicting on this issue and he will discuss this with our Engineer at the appropriate time. However, that is not an issue she was prepared to discuss at this meeting.

Barbara Lindtner expressed concerns about sewer and water on all the sketch plans. In addition, she does not care for the length of the cul-de-sacs. She prefers the second sketch plan (presented in March) where the density is on the Route 212 portion and the rest of the land is preserved for agricultural use.

Scott Douglas has concerns with all of the designs. He is particularly concerned about access roads onto the roads from this development. He feels this is the most important plan that we have before us as a Township because of where it is and because of the precedents that will be set by the design aspects; specifically, what we do in terms of open space, water and sewer. He feels the natural features on this site will require painful tradeoffs to accomplish the density the applicant wants. He feels this site is not good for high density, which is why it is zoned as it is. Every plan that is submitted will have things that will substantially upset one constituency of the Township or another.

Bobb Carson, referring to sketch 2 presented at the March meeting (which was the basis for the subdivision submission), directed a comment to Bryan McAdam about his review letter. Bobb read from our Zoning Ordinance, Section 512.4.B., which states “land designated as open space may include farm buildings, an existing residence and other structures related to agricultural activities on that land.” Lot number 1 (the farm lot) has a new house which, as he understands the ordinance (which he helped to write some years ago), is not permitted. That was put in the ordinance so that a farmer who wished to permit a cluster development on his property could keep his farmhouse and his farm buildings on the open space and build new houses elsewhere, but a new residence was not permitted on the open space. If Bobb’s interpretation of the ordinance is correct, the new farm house now proposed for the Slifer Valley portion of the tract would not be permitted. Bryan did not understand the ordinance to mean that, but he will review it further.

Jim Brownlow also prefers sketch 2 (presented in March); however, he has concerns about the unresolved water and sewer issues. Jim thanked Mr. Harrington for authorizing the additional sketch plans at the request of the Commission.

The applicant stated they came tonight prepared to discuss sketch plans, which are the only items that were to be on the agenda.

Scott Douglas again stated that he has a problem with how this plan has been handled with the Commission. He referred back to the statement that the applicant made that they would continue to present sketch plans until a good plan was arrived at that addressed as many of the concerns of the Planning Commission as possible. He stated the Township has made no secret of the fact that they are rewriting their Zoning Ordinances. Then, he learned that a subdivision application had been formally submitted and the clock had started. He received a review letter from Bob Wynn’s office that he feels says, basically, that the subdivision plan is “incomplete.” Scott said he reviewed the plan and noted issues with storm water, water and sewer—some of the very issues that are directly addressed in some of the newest proposals for the zoning ordinance changes. The fact that the applicant tried to slide this plan in so that they can maximize what they are going to do with no consideration for the community that the subdivision is going into and the ramifications to the surrounding area do not reflect the kind of spirit that he likes to see. He feels the Planning Commission is not in place to limit anybody’s property rights, but rather to maximize everybody’s property rights.

For the reasons noted above, Scott **moved** that the Planning Commission **recommend** to the Board of Supervisors that the Rolling Hills Subdivision plan be **rejected**, returned to the developer with their application fee(s), and that a new, complete plan be submitted. To enable discussion on the motion, Barbara Lindtner **seconded** the motion.

Stefanie Campbell noted that not only did our Township Engineer state that the sewer and water plans were “incomplete,” but Bucks County Planning Commission expressed the same opinion in their review letter. As a new member of the Commission, she feels it would be difficult to make decisions on a plan of this magnitude without a sewer or water plan being submitted.

Sandy Everitt, secretary, questioned the part in the motion on the table about returning the applicant’s fee(s). The engineering review has already been conducted. If the fees are returned to the applicant, the Township will have to pay for the engineering review. Bryan McAdam encouraged the Township to seek counsel from the Township Solicitor before proceeding with denial of this application. He further stated that he has seen plans submitted early to avoid an ordinance change in the past; this is not a new occurrence.

Bobb Carson asked about any ramifications from the action being discussed. He summarized, the Supervisors will act on the Planning Commission’s recommendation at their meeting next Tuesday. If they decide to reject the plan, after conferring with our solicitor, they will decide whether all fees should be returned, and then the applicant is free to resubmit a plan. If the supervisors decide not to deny the plan, and the clock is still running, have we lost anything or have we injured ourselves in any way by making this recommendation?

Bryan McAdam does not feel that it is clear cut that this is an “incomplete” submission.

Barbara Lindtner questioned if it is appropriate to make this motion now, since the subdivision plan is not on the agenda for discussion. She felt the motion should be removed, and perhaps there will be additional information presented on the plan at some meeting in the future to permit discussion on it. (The applicant has granted an extension until August 15, 2005.)

Scott Douglas stated the issue not covered in the discussion on this motion is the intent of the applicant in submitting this plan early because he feared they would not realize the same yield for their development under our revised ordinance. The revised ordinance addresses what we believe to be the worst “holes” in our current ordinance, the ones that require the most immediate attention because our consultant felt that they were the most important ones to be considered early in our process. How do we reconcile the fact that we are now working on a plan of such significance without the benefit of those ordinance changes that we consider of such importance?

Jim Brownlow reminded the Members that this plan has been in the works with the Township for a number of months and that they did not come “in off the street” to try to beat the ordinance. Barbara Lindtner stated that the Planning Commission also did not propose this ordinance change to affect this particular plan; rather, it had been in the process of discussion before the first sketch plan came in. In fact, she still is not certain exactly what impact the new ordinance would have on the density of the planned development.

Jim Brownlow asked whether Scott wanted to withdraw the motion. For the record, Scott requested the motion remain on the floor. After a review of the motion, Jim **called for the vote**. Voting results were: voting **for** the motion to recommend denial: Stefanie Campbell, Scott Douglas, Barbara Lindtner; voting **against** recommending denial were: Jim Brownlow and Bobb Carson. The motion to recommend denial of the submission and a refund of the fees **passed**.

Thornton Land Development (Mine Road) – Paul Dietz, Engineer (Urwiler & Walter, Inc.) presented for the applicants Troy and Lisa Thornton, who were present. Mr. Dietz indicated they have made significant progress on the outstanding issues of this plan. The biggest change before the Members tonight involves the driveway which has been expanded from 21’ to 24’ after the Thorntons were able to negotiate with Mr. Plethal, the adjoining property owner, for an additional easement. The agreements have not been signed yet, but will be forthcoming. The driveway has also been moved slightly closer to Route 309; therefore, the utility pole will not need to be moved. Mr. Plethal also agreed to the sight distance easement which was required to assure that any vegetation in that sight triangle can be maintained and cleared to ensure clear vision. The only remaining sight distance issue is that the sightline on the plan does not go the full distance. That correction has since been placed on the plan; however, our engineer has not yet received the plan with that addition.

The remaining issues identified in Bob Wynn’s March 22, 2005, review letter are all “will comply.”

Walt French **moved** to recommend to the Supervisors approval of the waivers requested in our engineer’s review letter of March 22 under 3.A., B. (incorrectly labeled 2.A. & 2.B in the letter). Barbara Lindtner **seconded**; the motion passed **unanimously**.

Walt French **moved** to recommend that the Supervisors grant preliminary approval based upon satisfactory completion of the outstanding items in Bryan McAdam’s March 22, 2005, review letter. Scott Douglas **seconded**; the motion passed **unanimously**.

(Walt French recused himself from discussion on the Reed Lane Subdivision.)

Reed Lane Subdivision (Reed Lane) – Ed Bender, All County & Associates, Inc., presented for the applicant, Bob Harrington (Middle Bucks Contracting, Inc.). Mr. Bender requested that the Members recommend that the Supervisors grant approval to the five waiver recommendations outlined in Tim Fulmer’s March 16, 2005, review letter (1.A, B, C, D & E) and also grant preliminary approval for this plan.

Bobb Carson stated that the sight distance requirements at the proposed driveways had not been resolved. Mr. Bender remarked that in Tim Fulmer’s letter (page 3; 3.C) of March 16, he referenced PennDOT Chapter 441 which he stated could be used as an alternate sight distance measure. That has been incorporated into their plans and all the sight distances are now in conformance with that sight distance table. Bryan McAdam noted that although the applicant is stating that the plan has been amended, he has not seen these plan changes.

Bobb Carson felt that the speed traveled on Reed Lane should be determined so that any sight distance approved for the driveways to this subdivision would be based upon known speeds. Jim Brownlow pointed out that because this road does not have a posted speed limit, it is deemed 55 mph, and the sight distance is not adequate for that speed. The applicant can request an ordinance to change the speed limit to 25 or 35 mph, which would then give them adequate sight distance from their driveways. To be consistent, because preliminary approval was not granted to the Thornton Subdivision until the sight distance driveway issue was settled, the Members did not feel they could grant preliminary approval to this plan before the sight distance issues have been resolved. No action was taken.

William Glazier Minor Subdivision (Peppermint Road) – Marc Jonas, Esq., Eastburn & Gray, presented for the applicant. Also present and participating in the presentation was Kevin Kester, Van Cleef Engineering Associates. This is a minor, two-lot subdivision, each lot being 18 acres, which was previously before the Commission in May and November of 2004. The applicant was granted relief from two special exceptions and a variance by the Zoning Hearing Board in January 2005. They are requesting approval of three waivers contained in Bryan McAdam’s review letter dated March 29, 2005, listed under 3.A, B, & C. All other issues identified in this review letter are “will comply.” In addition, they would like to request that the Members recommend preliminary/final approval subject to completion of these items.

Bobb Carson asked if there had been any stipulations placed upon the applicant by the Zoning Hearing Board. Attorney Jonas stated that the only stipulation made by the Board was that there be no further subdivision of either lot at any future time, and these conditions will be placed on the final plan.

Bobb Carson requested that when the Planning Commission was acting upon a plan that had been before the Zoning Hearing Board, a copy of the Zoning Hearing Board’s decision be provided to the Members so that any stipulations that were part of the Zoning decision could be included in the subdivision approval process by the Planning Commission.

Gene Derenick, a neighbor of the Glazier property asked whether the applicant would be willing to plant trees along his driveway to give some privacy. The applicant is willing to comply with Mr. Derenick’s request and the details will be worked out between the applicant and Mr. Derenick.

Chuck Halderman asked about how much earth disturbance is involved. The engineer stated that a NPED permit request has been submitted.

Scott Douglas **moved** to recommend to the Supervisors that the waivers contained in Bryan McAdam’s letter of March 29, 2005, (3.A, B & C) be granted and that preliminary/final approval be granted subject to completion of the items listed in the March 29, 2005, review letter and subject to the deed restriction required by the Zoning Hearing Board being placed on the final plans before recording. Stefanie Campbell **seconded**; the motion **passed** unanimously.

Solomon Asser Subdivision (Lehnenberg Road) - Jim Brownlow stated that this subdivision requires action by April 13, 2005. Todd Myers called the day of this meeting and assured us that an extension will be granted tomorrow, April 7. However, Jim Brownlow **moved** to recommend that the Supervisors **deny** this plan based upon the conditions contained in the most recent engineer’s review letter unless an extension is received prior to the Supervisor’s April 12, 2005, meeting. Barbara Lindtner **seconded**; the motion **passed** unanimously.

New Business

Cuff Lot-Line Adjustment – accepted subject to our engineer’s review for completeness.

Sieniecki Lot-Line Adjustment – accepted subject to our engineer’s review for completeness.

Discussion continued about the plan acceptance/review process. The Planning Commission secretary stated she checks the plan when it is brought to the Township to ensure that all the components are submitted to ensure a complete submission. However, it is up to the engineer to determine if the components are “complete.” Bryan indicated that one of the areas of confusion may be in understanding the difference between submission requirements and plan requirements. These are contained in different sections of the ordinance.

Bryan’s concern was with regard to rejection of the Rolling Hills submission as opposed to the rejecting of the plan. Bryan felt that the solicitor had been consulted about this issue, if not on this plan, then on a similar plan. Jim Brownlow said the solicitor would be consulted by the Supervisors prior to their voting on the recommendation made by the Planning Commission to deny the Rolling Hills Subdivision submission.

Bobb Carson asked that the solicitor be asked how we should change our process to keep plans that are incomplete from moving forward in the planning process.

Bryan said that further discussion is needed with the solicitor about when and how we can deny a plan at the submission stage. He is concerned that because of the fact that ongoing zoning changes may (or may not) affect the yield that this property owner gets, it may be perceived that the Planning Commission is denying the plan because they want to change the ordinance so that the applicant will get less yield.

Bobb Carson said that Randy Scott, Zoning Hearing Board solicitor, explained to the Zoning Hearing Board years ago that neither party can “race” when zoning ordinances are being planned. The Township can’t “race” to put through an ordinance to stop a plan. Neither can an applicant “race” to put through an ill-conceived and ill-planned subdivision before an ordinance is enacted.

A lengthy discussion ensued on the approval process and how to strengthen it.

Old Business – Jim Brownlow noted that the public hearing on the High Priority amendment was scheduled for April 12, 2005, at 7:30 p.m. The next Zoning Ordinance Revision Meeting is scheduled for Thursday, April 21, 2005, at 7:00 p.m.

Correspondence - None

Public Comments –

Chuck Halderman had some questions about the Rolling Hills Plan and correspondence received relating to it.

Patrice Ryan stated that because of the way that the proposed homes are located on some of the Rolling Hills subdivision sketches, it may not be possible to access her small farmable tract, which in the past has been farmed for her by a local farmer.

Planning Commission Comments – Walt French asked Bryan McAdam how they deal with a plan that comes in as a lot-line adjustment, marked “no subdivision at this time,” but which appears to be headed for a future subdivision. For example, will they check for sight distance requirements at a drive, etc., before approving the plan? Bryan stated if it is “obvious” that future subdivision is planned, then the engineers will bring that possibility to the Planning Commission’s attention.

Adjournment - At 10:35 p.m., Bobb Carson **moved** to adjourn the meeting. Scott Douglas **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt

Secretary

Next Meeting: May 4, 2005