

**Planning Commission Meeting
MINUTES**

May 4, 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, Pete Lamana and Barbara Lindtner. Bob Wynn, Township Engineer, was present.

Planning Commission Comments:

Pete Lamana shared an article about urban sprawl from *The Morning Call*.

Scott Douglas stated that the headwater survey of Silver Creek is finished. At the EAC meeting on May 12, 2005, the Eagle Boy Scout who worked with others on this project will present the results. Jim Brownlow suggested that the correct place to bring the resultant map up for official recommendation for adoption would be at the Zoning Revision Work Session.

Approval of Minutes – Pete Lamana **moved**, Scott Douglas **seconded**, that the minutes of the April 6, 2005, meeting be **approved**. The motion passed unanimously.

Pete Lamana commented on the discussion in the minutes from the last meeting regarding accepting subdivision submissions. (Pete was not able to attend that meeting.) He referred the Members to pages 20-21 of the Subdivision & Land Development Ordinances which covers the acceptance procedure plans. He asked Bob Wynn to comment on the difference between submission requirements and plan requirements. Bob stated that the acceptance of a submission was based on each item listed as necessary in the SALDO being brought in with the submission. He referred to Solebury Township (mentioned in the April 6 meeting) and their 5-day process of accepting a plan. Bob indicated that they have a professional licensed planner on their Township staff who handles the responsibility of accepting a submission. She also serves as the Director of Planning & Zoning for Solebury Township. If she feels the submission is “incomplete,” she returns it and the fee to the applicant. This does not cost the Township additional money, as she is a paid staff member. However, she does not do the more extensive engineering review of the plan itself. This is done by Bob’s firm, as he is the Township Engineer for Solebury as well.

Scott Douglas felt that Rolling Hills had major deficiencies; i.e., what will they do with their waste water. He felt they came in with their plan to beat our zoning ordinance amendment, and that was the reason for the deficiencies. He questioned whether we shouldn’t set some boundaries to prevent “racing” to get a plan in, especially in this time of transition while we are writing new ordinances.

Bob Wynn spoke to the issue of the water source not being identified in the Rolling Hills plan submission. He stated that a submission of this type rarely shows the water connection plan when an outside authority is involved before the preliminary plan moves along in the review process. The developer doesn’t know whether his plan will be accepted as a viable plan until they get further into the review process..

Pete Lamana restated what he felt had been clarified so far: What is a “complete submission” as opposed to what is a “correct submission?” He stated that the SALDO book clearly defines that the Township Secretary accepts plan submissions in our Township, not the Zoning Officer as suggested at the last meeting. In addition, he read from the SALDO the following section where responsibility is assigned to the Planning Commission to “accept” a plan:

“In reviewing the preliminary plan, the Planning Commission will consider the plan to determine if it meets the standards set forth in this Ordinance, the Zoning Ordinance and all other applicable and related ordinances of the Township.”

Bob Wynn stated that our Township acceptance process is similar to most other Townships. One additional step that can be taken is that the Planning Commission can refuse to consider a plan if it does not contain major components

(like an adequate Planning Module). They can actually deny the plan, not requesting an extension, if the Members feel the plan is “grossly incomplete.” In this situation, the applicant would lose their application fee.

Jim Brownlow stated that discussions on plans cannot be subjective, but must be based on objective criteria. There was discussion about the Members initial review taking place when the plan is first on the agenda as a New Business item and before the Township Engineer gives his review.

Bob Wynn suggested a separate night could be set for the Planning Commission to go over all plan submissions for the purpose of accepting or rejecting or rejecting them.

Walt French cautioned that we are discussing a major change in procedure for a single submission and that steps as drastic as those being considered may be too strong for general operating procedures.

Stefanie Campbell felt that we need more control over accepting plan submissions so that we do not become victims in Springfield Township to the sprawl that is talked about in *The Morning Call* article Pete gave the Members. She felt that the long review letters now required by our Township Engineer might not be required if the Members did not accept incomplete submissions. She feels long review letters and long presentations covering these deficiencies is unfair to the Members and to other applicants who must sit through these long presentations at meetings. Bob Wynn stated that some other townships do place time constraints on applicants (some hold to 20 minutes) and/or their presenters for length of their presentations at meetings.

Pete Lamana again read from the SALDO book:

The Planning Commission will consider the plan to determine if it meets the standards set forth in this ordinance . . . The Planning Commission shall recommend whether the preliminary plan shall be approved, approved with modifications, or disapproved, and shall notify the Board of Supervisors in writing . . . Resubmission of preliminary plans: A revised plan submitted after disapproval shall be considered and processed as a new plan submission. A revised plan submitted after disapproval shall only be considered a new plan submission if in the opinion of the Township it has been substantially revised after said disapproval.

Pete summarized that as a Commission, we do have power to control plan quality and we need to act using the power bestowed on us in our SALDO, depending on our Township Engineer and Township Solicitor for professional guidance as needed.

Public Comment on Agenda Items

Alex Bodian – Wants to give background information regarding the Prime Building Group issue listed under Correspondence. Jim Brownlow said he will be permitted to do that when the item comes up on the agenda.

Confirmed Appointments

Perfecta Awning Land Development (Springfield Street) – Scott McMackin, Cowan Associates, Inc. (engaged to replace Brian J. Nixon & Associates), presented for the applicant, Robert Pozzuto, who was also present. The proposed building addition will be a two-phase project. Approval is currently being sought for both phases, although the second phase may not occur for 3 – 4 years and will depend on projected business growth. The stormwater management, parking requirements and bulk density that are shown on the plan are planned to cover both phases being accomplished.

Jim Brownlow asked whether the three items listed in the Fire Marshall’s letter dated May 2, 2005, had been addressed. Scott forwarded Jeff Mease’s letter to Kistler Builders, who did the original expansion referenced in Jeff’s letter and will also be constructing the new addition(s). They responded and offered suggestions which were presented to Jeff Mease the day of this meeting and the 3 hour fire-rated wall being suggested by Kistlers was deemed adequate.

Following some discussion, Pete Lamana **moved**, Scott Douglas **seconded**, that the waivers requested in items 3.A and B of the April 20, 2005, engineering review letter be recommended for approval. Waiver of a Water Resource Impact Study, noted in Item 6 of the engineer’s review letter, was also recommended, with the stipulation that a note be added to the plan indicating that “If there is any change in ownership or use of the property, Springfield Township at its sole discretion may require the then owner to submit a Water Resources Impact Study prepared pursuant to requirements of

the Land Development Ordinance prior to issuance of use and occupancy permit.” The motion **passed** unanimously. (Waivers discussed in 3.C and D of the engineer’s review letter were withdrawn by the applicant and the plan was revised to comply.)

Walt French **moved** that preliminary/final approval be recommended subject to completion of outstanding items as contained within the April 20, 2005, engineering review letter. Pete Lamana **seconded**; the motion **passed** unanimously.

Cuff Lot-Line Adjustment Subdivision (Passer Road) – Scott Mease, Mease Engineering, P.C., presented for the applicants. This lot line adjustment subdivision will convey approximately 2.3 acres from Peter Cuff’s property to adjoining lands of Springfield Church of the Brethren (no development is proposed at this time). Scott Douglas **moved** that we recommend granting of the waivers requested in the engineer’s review letter of April 19, 2005, in Items 3.A, B, C & D. Stefanie Campbell **seconded**; the motion **passed** unanimously.

Walt French **moved** that we recommend Preliminary/Final Approval of this plan subject to satisfactory completion of the items noted in the engineer’s April 19, 2005, review letter. Jim Brownlow **seconded**; the motion **passed** unanimously.

Reese 3-lot Subdivision – The applicant withdrew the plan from the agenda.

Old Business

Jim Brownlow noted that the next Zoning Ordinance Revision Meeting is scheduled for Thursday, May 19, 2005, at 7:00 p.m.

Bob Wynn commented on MS4. Our Township received a waiver from the MS4 reporting requirement. Even though we have this waiver, Springfield can opt to notify residents of proper water disposal techniques. Another option utilized by some Townships is when someone comes in for a permit, they give them a pamphlet advising them of what they should do regarding storm water and/or storm water control. The biggest expense of being in MS4 is that the Township has to develop a plan to identify all storm water collection systems in the community.

Correspondence

Prime Building Group Zoning Hearing Board Appeal – Alternate Plan – Jim Brownlow read from the April 27, 2005, letter received from Benner and Wild on behalf of the applicants:

“. . . A copy of a two lot subdivision plan prepared by Schosser & Class is enclosed which removes two of the three variances that are the subject of the above captioned appeal. Specifically, the appeal sought relief from the limits on the Ordinance for the creation of no more than five lots without a public road and further sought relief and or an interpretation from the limits of no more than two tiers of flag lots.

With only two lots being created, two of the variances requested earlier are now unnecessary. With the enclosed plan, I believe the only zoning issue relates to the minimum frontage for lot 1 (65 feet instead of 70 feet) and/or the use of a flag lot in the VR District. The relief, however styled, would appear *de minimis* when contrasted to the otherwise permissive lot size of 20,000 square feet.

Can you alert me if the enclosed plan provides a basis for a stipulated settlement agreement, so that the matter can be resolved expeditiously, with a minimum of time and expense. Such a stipulation has merit for the applicant if the matter can be resolved quickly. Sincerely, Edward M. Wild

Alex Bodian gave a review from the Zoning Board perspective. This group came before the Zoning Hearing Board to get approval for a 3-lot subdivision. They were hoping that we would choose the 3-lot subdivision rather than the 5-lot subdivision that would have conformed to the ordinances because it had an internal road with sidewalks in the village residential. It was apparent when they held up both plans that they wanted the Board to approve the 3-lot plan or they would hit us with the 5-lot plan. The conclusion of the Board was that the Comprehensive Plan has set the Village Residential as a development district and sidewalks should be required and their 3-lot plan did not conform to the plan.

Alex stated that there was a prior subdivision involved with this tract. Bobb Carson said that depending on the size of the earlier subdivision, internal roads may be required even if a 2-lot subdivision is proposed now. Alex further stated that another problem with this proposed subdivision is that there may not be enough sewer hookups available to service this subdivision, regardless of its final size.

Pete Lamana **moved**; Scott Douglas **seconded**, that pending receipt of the history of this parcel—prior subdivisions, etc.—that this request for an opinion be tabled. The motion **passed** unanimously.

Public Comments

Dennis Steskal – Expressed concern about some issues relating to the Rolling Hills Plan. He asked three questions:

1. Who submitted the Rolling Hills plans to Carroll Engineering instead of our Planning Commission and/or our Township Engineer?
2. Who told Carroll Engineering to give their comments to our Township Manager instead of our Planning Commission and our Township Engineer?
3. Is there some kind of a sub-government or rogue government operating in this Township?

We are still supposed to be conducting our business based upon the rules and ordinances of the Township. How did this get out of hand and Carroll Engineering and our Township Manager get involved and not the people who are supposed to be involved?

Bob Wynn stated it is not unusual for all correspondence to come addressed to the Township Manager who then distributes copies to all who need the information.

To settle a misunderstanding among the members who assumed that the Rolling Hills attorney had submitted this plan directly to Carroll Engineering, Sandy Everitt, recording secretary, stated that this plan came in on the day the Supervisors were meeting together with Carroll Engineering in a public meeting at the Springtown Fire Company Social Hall. Because Carroll Engineering is the Township's water engineer, Barbara Smith took a copy of this plan (which proposed possible use of public water) along to the Supervisors meeting and gave it to them to review.

Patrice Ryan stated that she is very uncomfortable with the fact that Carroll Engineering is our water engineer and also is the engineer for the Bucks County Water & Sewer Association.

Bob Wynn stated that a separate or increased escrow would be in order for large subdivisions utilizing the water engineer, as the normal escrow would be depleted quickly when multiple engineering services are utilized.

Jim Brownlow and Pete Lamana will bring this issue to the Board of Supervisors for discussion.

Alex Bodian – Discussed a hearing currently before the Zoning Board (of which he is a member) concerning Molly Iorio's request for a variance to cut into a watershed and steep slope for a driveway. His concern is the impact of the proposed development to the Cooks Creek Watershed. The proposed roadway is approximately 1,500 feet uphill with a 30 – 35% grade, so this is not a small matter. The neighbors are complaining that water comes across Haupts Bridge Road and is impacting the residents. The applicant's attorney is vehement about the Zoning Hearing Board constraining its review strictly to the word of the ordinance, and not taking into consideration the broader impact to the community, indicating to the Board that they do not have authority to do that.

Bobb Carson asked what the attorney for the Zoning Hearing Board said about the concerns Alex has. Alex stated he wanted a broader view from this body that sets language policy for the Township and their expectations associated with that policy. For example, Alex brought up some questions regarding NPDES permits which are required in some cases. In this case, the applicant has a land locked lot behind the lot that they want to put a road through.

Pete Lamana interrupted to bring a point of order. He felt that the request for information from this body was not appropriate when a case is being formally reviewed by the Zoning Hearing Board.

Alex commented further about his perception of his role on the Zoning Hearing Board. They decide matters that come before them to the best of their ability. An applicant or a complainant may decide to appeal the Zoning Hearing Board's decision. Alex has heard that there is concern about the Zoning Board decisions going to appeal more often,

and his view on that is that appeals will become more and more common in this Township. He feels we shouldn't be looking at the quantity of appeals, but rather at our success in preserving the Zoning decisions; i.e., the success rate of the judges reaffirming what the Zoning Board has decided.

Dennis Steskal – He commented that the ditches on either side of Haptops Bridge Road, which is very steep road to begin with, are already a torrent when it rains hard. There is an advance cut into the bank where the applicant plans to go in and there is already muddy water coming from that cut and going into Cooks Creek.

Scott Douglas – Storm water in general seems to be an issue lately in the Township. He feels there are some issues that we need to be very careful about relative to storm water. Specifically, is the Township covered in terms of permitting, engineering, and planning for how these structures are going to be managed and who will be responsible for the maintenance of them? This issue creeps up on Townships like Springfield and all of a sudden the problem is at the back door and we don't have a plan for how we are going to address making storm water work. We count on nature to take care of the storm water, and if we allow it to run down our roads like we now do on Bodder and Haptops Bridge Roads, it runs across peoples' properties. Based on his technical observations of Cooks Creek over the past ten years, he observes storm water issues are getting worse and eco systems are beginning to be much more impacted. He feels we need to look at our storm water ordinances and he would be willing to work to accomplish this.

Planning Commission Comments – Pete Lamana thanked Bob Wynn for the report done by Tim Fulmer on Spring Hill Estates, where Tim outlined clearly the work that needs to be completed by June 30, 2005.

Jim Brownlow – Expressed a concern about a current issue involving a Zoning Hearing decision of several years ago where an applicant requested a variance to put a real estate office in the VR district. His request was granted with a condition that no further subdivision could take place on the property. Recently, the applicant returned to the Zoning Hearing Board for relief from the previously imposed restriction against no future subdivision. His request was denied. However, no official decision letter was written in the 45-day period permitted for this decision to be written, thus the applicant's request was deemed approved. This is evidently the third time a response has not been written within the legal time frame and this concerns Jim.

Alex Bodian – Clarified that there is a time period for appealing that automatic approval. Alex will be asking the supervisors to request that the Zoning attorney appeal this at his own expense.

Bobb Carson – Reese 3-lot subdivision – He is concerned because this plan states there are proposed “seepage beds to be designed by others.” Bobb feels this is much like the Rolling Hills submission in that specific plans and locations for key items are not included in the initial plan submitted. Bob Wynn said that soil testing should normally be part of a preliminary submission. Bobb Carson's question is whether, had this applicant been here for this meeting, this group could have refused to accept this plan because it was so poorly designed. Bob Wynn said that as long as the Members clearly defined the reasons the plan was being denied, they could deny a plan in cases like this, where soil testing and very basic work that should have been done were missing. He feels that this might help keep these grossly incomplete plans from coming through.

Doris Huntzinger – Approves of the way in which the Planning Commission Members are interacting with each other.

Adjournment - At 9:20 p.m., Pete Lamana **moved** to adjourn the meeting. Jim Brownlow **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary
Next Meeting: June 1, 2005