

Planning Commission Meeting MINUTES

February 6, 2008

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, Robert Ritter, Bruce Fritchman, Pete Lamana, Barbara Lindtner and Volker Oakey.

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

Reorganization

Barbara Lindtner moved to appoint Bobb Carson as the Temporary Chairperson, Scott Douglas seconded the motion. Voting Yes: Barbara Lindtner, Scott Douglas, Robert Ritter, Bruce Fritchman, Pete Lamana, and Volker Oakey. Abstaining: Bobb Carson. The motion carried.

Barbara Lindtner moved to elect Bobb Carson as Chairperson, Pete Lamana seconded the motion. Voting Yes: Barbara Lindtner, Pete Lamana, Scott Douglas, Robert Ritter, Bruce Fritchman, and Volker Oakey. Abstaining: Bobb Carson. The motion carried.

Pete Lamana moved to nominate Bruce Fritchman as Vice Chairperson, Volker Oakey seconded the motion. Voting Yes: Pete Lamana, Volker Oakey, Bobb Carson, Scott Douglas, Robert Ritter, and Barbara Lindtner. Abstaining: Bruce Fritchman. The motion carried.

Barbara Lindtner moved to nominate Volker Oakey as Secretary. Pete Lamana seconded the motion. Voting Yes: Barbara Lindtner, Pete Lamana, Bobb Carson, Scott Douglas, Robert Ritter, and Bruce Fritchman. Abstaining: Volker Oakey. The motion carried.

Approval of Minutes

Scott Douglas moved to approve the January 2, 2008, minutes with Bobb Carson's and Barbara Lindtner's revisions. Barbara Lindtner seconded; the motion passed unanimously.

Public Comments (Agenda Items)

Ray Bodnar commented on the Baker plans. He noted that a previously submitted plan (by another applicant) included a warehouse, and the Zoning Hearing Board rejected their application due to not satisfying the requirements of the Zoning Ordinance. He stated he feels the new plan is an improvement over the previous plan, noting the proposals of a cul-de-sac, package sewage plan, the PPL line crossing only the agriculture lots, and adjusted lot line setbacks.

Sketch Plans

Baker – Routes 412 & 212 - Scott Mease, Mease Engineering, and Laura Burtner, Wild Lands Conservancy, presented for the applicant James C. Baker of Studio 26 Homes, who was also present. Scott Mease explained that he had taken into consideration the Commission's comments regarding a through road, noting the new proposal of a cul-de-sac. Laura Burtner, then presented 6 maps of the proposed development to demonstrate the natural site constraints on the property. Laura stated that the new plans and lot layouts made an attempt to avoid significant woodland and flood plain areas, and created a contiguous lot. Barbara Lindtner noted that the plan proposed to increase the number of lots from 11 to 13. She stated that increasing the number of lots on a very constrained site and increasing the length of the cul-de-sac is actually maximizing development of the site. She stated that the proposal is not protecting the agricultural soils and is not maximizing the natural resource protection. Barbara noted

that the plan shows that lots are proposed to be located in the center of the site, and it had been suggested by the Commission at the last meeting to utilize the lower (southwestern) portion of the site.

Scott Mease noted that he went away from a through road per the Commission's direction and proposed a cul-de-sac approximately only 974 feet in length, even though he stated at the last meeting its estimated length to be 1000 or 1100 feet. Barbara Lindtner replied that the cul-de-sac length is not the primary issue; but the direction of the layout. Bobb Carson stated that at the last meeting, it was asked that the road be moved to the south west portion of the property, but essentially the road and building lots are only a little farther west than previously proposed. Bobb Carson explained that the Township is trying to keep the agricultural open space as contiguous as possible for any future farming use. He explained that the further west the roads and lots can be moved; the larger the open area for farming can be used. Scott Mease explained that soil testing done by their soil consultant showed that soils in that area are marginal. Bob Wynn asked if the soil tests were submitted to the Township. Scott Mease replied they were submitted with the previous submission. Barbara Lindtner suggested having one house set on an acre lot that would own the open space.

James Baker stated that they had looked at moving the lots to the west and thought it may difficult to perk. James explained that the position of some of the building lots allows for solar energy use for the homes. Barbara Lindtner stated that although she is in favor of green housing, the Township will not do green housing at the expense of losing agricultural soils and protecting the intent of the Township's ordinance. Barbara Lindtner also noted that the storm water management basin is not marked on the plan. Bobb Carson stated that the storm water management basin needs to go on the sketch plan for the Commission to evaluate it.

Scott Douglas stated that the eastern end of the property is geologically constrained (by limestone bedrock), which limits what can be done on that portion of the property. He stated he felt that the proposed access is located at the only place where it can go. Scott Douglas commented that the developer is running into problems with the ordinance in terms of maximizing the protection of agricultural soils, where the in ground systems will be available. He stated he appreciates what the developer is trying to do in terms of green housing, but the Township is just trying to preserve the intent of the ordinance. Scott Douglas expressed that it is going to be a difficult site to balance both what the developer is trying to do while protecting the intent of the ordinance. Scott Douglas asked if they had thought of alternatives for storm water management. James Baker replied that they are looking at individual on lot systems.

Bobb Carson stated he is concerned about the boundary for the limestone, and asked if the fracture trace is the boundary of the limestone. Scott Mease replied they drilled 4 or 5 wells to confirm that.

Scott Mease referred to Point 11 B of the January 23, 2008 Township Engineer's review about lots being created along a collector road, noting that in the past it has not been an issue in the Township. Bobb Carson replied that it is not an issue if the lots are moved off the arterial and provides the 100 foot buffer.

The Commission was then presented with the alternate possibility of a P-shaped Loop Street. Bobb Carson responded that any plan that moves the lots west and south and leaves the majority of the open space to the east and north would be received with more enthusiasm.

Confirmed Appointments

Walbridge Subdivision – Richlandtown Pike – Applicants Ralph Walbridge and his son Todd Walbridge were present. Todd Walbridge explained that they had previously submitted 2 sketch plans for the subdivision. The Commission had asked the applicants to drop a lot from the plan because of the odd lot configuration. Todd explained that the initial purpose of the subdivision was to add to the existing house on the property and build a second home for his parents, and leave room for possibly 1 or 2 additional homes. He noted there are presently 3 separate deeds and 2 lots. The first lot fronts on Richlandtown Pike, and the other lot lies to the east with no road frontage.

Barbara Lindtner asked Scott MacNair what 3 deeds means in terms of site development. Scott MacNair responded that he needed to take a look at the specific language of the deed to see if the 3 lots have merged in terms of lot buildability. Todd Walbridge explained that he hired another engineer who recommended changing the lot from the original layout. Bobb Carson explained that the ordinance requires that applicants tell the Planning Commission what they plan to do with a property. He explained to Ralph Walbridge that the Commission needs to see what is

being proposed so they can make a decision as to whether the plan is going to work. Bruce Fritchman stated there is only enough frontage for 2 lots but the plan shows a right of way. Bobb Carson stated the Commission needs to know where and how the future right of way is going to be utilized. Scott Douglas stated that if a plan is submitted and approved with more than the two lots depicted on the sketch plan, it does not mean the applicant needs to develop all of the lots immediately. Barbara Lindtner said that the plan needs to be resubmitted under the new Zoning Ordinance. Bob Wynn suggested to the applicants to have their current engineer contact the Township for the current Subdivision, Zoning and Storm Water Ordinances.

Todd Walbridge asked about creating a private driveway accessing two 3 + acre lots at the rear of the property. Bob Wynn responded that it is not large enough for a private road. He explained that a private road requires 5 or 7 acres as the minimum lot size. Todd then asked about creating a cul-de-sac. Bobb Carson explained that a plan can be laid out without developing lots immediately, but a road will have to be built. Bobb Carson suggested the consider applicants deed restrict if they do not wish to build an internal road. There was a lengthy discussion about possibly having to merge the lots due to the non-conforming nature of the existing eastern lot. In conclusion, the Commission suggested the applicants merge the back lot to the lot with the frontage, which in turn would make the site conforming and buildable.

Rufe Subdivision – Richlandtown Pike – Scott Mease presented for the applicant Robert Rufe, who was also present. Scott Mease explained that previously the plan was not acted on because the percolation tests were not completed. He stated that the percolation tests have passed for an in-ground sewage system, and the planning module was signed off by the Health Department and is at the Township. Scott Mease stated that the monumentation has been completed and the legal description (Point 6 of the October 17, 2007 Township Engineer's review letter) has been revised and submitted to the Township. He noted that now that the percolation tests are completed, they are ready to make the submission for the Conservation District. They are also waiting for the approvals for the highway occupancy permits.

Barbara Lindtner stated that the Commission received a letter from an attorney and resident adjacent to the property. The correspondence stated that Judge Heckler had issued an opinion on a special exception use of the property. Scott MacNair then gave a brief history of the property. He explained that previously the applicant went before the Zoning Hearing Board requesting a special exception to change the use from a residence to a real estate office. The Zoning Hearing Board granted the special exception and placed several conditions on the special exception, one being no further subdivision on the property. 5 years later, the applicant went back before the Zoning Hearing Board and requested that the no further subdivision condition be removed without giving a change of circumstances to suggest a reason for removal. The Zoning Hearing Board failed to issue a decision and it was deemed approved. The neighbors appealed the decision. In 2006, Judge Heckler from the Court of Common Pleas issued a decision stating that the condition should not be removed because the applicant has established no change of circumstances and the property is still being used as a real estate office. He did not address what the scenario would be if the office reverted back to a residential use.

Barbara Lindtner asked Robert Rufe if he was aware that the decision was being appealed. Robert Rufe responded that he was aware that a decision was made, but was under the impression that when the office use stopped, the conditions no longer applied. Robert Rufe stated he did submit a zoning permit application to the Township. Scott MacNair suggested that the applicant could go back before the Zoning Hearing Board explaining the change of use, and ask them to remove the conditions on the property. He also suggested that the applicant could also just file for the permit application to change back to a residential use, and suggested the Commission require the applicant add a note on the plan stating that the real estate office use approved by special exception the ZHB approved on July 12, 2001 is hereby abandoned.

Bobb Carson asked David Taylor if the property will be inspected and if he will be getting a letter to the Commission stating it has been inspected. David replied yes. A revised plan will be submitted.

Plans to Accept for Review Only – None

New Business – None

Old Business

Bob Wynn noted that no extensions have been received on the Brinley Court, Pawar, and Cohen subdivisions.

Barbara Lindtner **moved** to deny the Brinley Court, Pawar, and Cohen subdivisions due to non-compliance of the Township ordinances as noted in the Township Engineer's review letters; for the Brinley Court Subdivision dated August 31, 2007, November 28, 2007, September 5, 2007; for the Pawar Subdivision dated January 15, 2007, April 23, 2007, July 2, 2007 and September 19, 2007; and for the Cohen Subdivision dated January 14, 2005, December 27, 2006, September 20, 2007 and November 23, 2007 unless an extension is received from each before the February 26, 2008 Board of Supervisors meeting. Scott Douglas **seconded**; the motion **passed** unanimously.

Correspondence – None

Public Comments

Scott Mease stated that 2 projects, Melichore and Rennie subdivisions will be on next month's agenda. He noted that they will not be submitting revised plans because they are waiting on the planning modules for the Rennie Subdivision and waiting on the Bucks County Planning Commission review for the Melichore Subdivision.

Planning Commission Comments

Bobb Carson announced that PPL will be giving a presentation at 7:30 p.m. at the Springtown Fire Company Hall on February 19, 2008 regarding the proposed power line though the Township.

Barbara Lindtner stated that a tour of Best Management Practices properties is scheduled to be given by the Bucks County Planning Commission on April 16, 2008. Richard Schilling stated that there are 2 spots reserved for the Township for the tour. Rich stated that interested parties should notify him. Bobb Carson expressed that a member of the Commission should attend. Bruce Fritchman volunteered and was added to the list.

Bobb Carson expressed a concern that the Commission should be confident that information coming in with plans are accurate, and if they are not, the Commission should insist that the plan comes back correctly. He stated that the Commission cannot be expected to make reasonable judgments if they are not presented with what is actually on a property. Pete Lamana agreed.

Scott Douglas stated that applicants should be made aware that the Township may require its own experts to visit their site. Scott MacNair stated that language is already listed in the application for land development and subdivision. It was recently modified so it is located right above the signature line.

Planning Commission Work Session – Zoning Ordinance Amendments

Bob Wynn took technical notes during the Zoning Ordinance Amendments discussion. Those notes are appended to these minutes.

Adjournment

At 10:55 p.m., the meeting was adjourned.

Respectfully submitted,

Heather Radick
Recording Secretary

Next meeting: Wednesday, March 5, 2008