

**Planning Commission Reorganization & Regular Meeting
MINUTES**

January 4, 2006

The meeting was called to order at 7:00 p.m. by Chairman Jim Brownlow and opened with the *Pledge of Allegiance*.

All Members present: Jim Brownlow, Stefanie Campbell, Bobb Carson, Scott Douglas, Walt French, Pete Lamana and Barbara Lindtner. Bryan McAdam, C. Robert Wynn Associates, was present.

Reorganization

Walt French **nominated** Jim Brownlow as temporary chairman; Scott Douglas **seconded**; the motion **passed** unanimously.

Jim indicated that he did not wish to be re-elected as chairman of this Commission because of other, conflicting responsibilities.

Scott Douglas **nominated** Barbara Lindtner as chairperson; Bobb Carson **seconded**; the motion **passed** unanimously.

Jim Brownlow **nominated** Bobb Carson as vice chairman; Scott Douglas **seconded**; the motion **passed** unanimously.

Jim Brownlow **nominated** Walt French as secretary; Barbara Lindtner **seconded**; the motion **passed** unanimously.

Planning Commission Comments

In line with a request made by the Planning Commission at their last meeting, Bryan McAdam presented information about a suggested \$100 Submission Compliance Review non-refundable fee. With the exception of Sketch Plans, this fee would be charged for all Subdivision/Land Development applications. It would cover a cursory completeness review by the Township Engineer's office that would take place between the submission of the plan and the first scheduled Planning Commission meeting.

The plan/application would appear on the next scheduled Planning Commission agenda following submission as *Plans accepted for Review*. Only those plans that have been "accepted" would be added to the agenda.

Following the initial cursory review, if the plan is determined in compliance with the subdivision ordinance submission requirements, the other applicable subdivision/land development fees/escrow checks would be deposited and the plan accepted for an in-depth review by the Township Engineer. Applicants would be notified of the application

status in a brief memo detailing acceptance, or non-acceptance with deficiencies, as appropriate.

Bobb Carson **moved** that a recommendation be made to the Supervisors to adopt this new fee after legality issues have been checked with our solicitor. Scott Douglas **seconded** the motion; it **passed** unanimously.

Approval of Minutes

Scott Douglas **moved**, Pete Lamana **seconded**, that the minutes of the December 7, 2005, Planning Commission meeting be approved as distributed. The motion **passed** unanimously.

Public Comments (Agenda Items) - None

Confirmed Appointments

Cohen-Martin Lot-Line Adjustment – Lehenberg/Harrow/Bodder Roads – Mike Carr, Attorney with Eastburn & Gray, and Dudley Rice, of Thomas Crews, Inc., presented for the Cohens, who were also present.

The Cohen's own a 44+ acre property and propose transferring 7+ acres to their neighbors, the Martins. Cohen's property is now restricted from further subdivision and upon transfer of this property, the Martins' property will also be deed restricted from further subdivision. No new building lots or development are proposed.

Referring to Bob Wynn's November 30, 2005, review letter, Attorney Carr stated that most items are "will comply." With regard to Item 3, *Street Improvements*, Attorney Carr requested that these should be held for discussion when the Cohen Subdivision is addressed at a later date.

Mr. Carr had a question about the Township easement that runs along both the Cohen and Martin properties. Specifically, he requested assurance that that easement which now exists is adequate for any street improvements that might be required by the Township. Bryan McAdam stated that using the current SALDO requirements, the easement now in existence should be adequate to complete required road improvements.

Because a written waiver request for waiver of Subdivision Ordinance requirements was not submitted as required, Barbara Lindtner advised that the Commission could not take action on this plan.

Barbara Lindtner **moved** that a recommendation be made to the Supervisors to deny this plan if no extension is offered prior to the Board of Supervisor's meeting next Tuesday (January 10). Pete Lamana **seconded**; the motion **passed** unanimously.

Michael Rossetti Subdivision – Harrow Road/Route 412 – Todd Myers, Cowan Associates, presented for the applicant. There was a question at last month's Planning Commission meeting about whether planning modules had been submitted. Todd checked with Del Val Soils and learned that they had submitted the planning modules

directly to the Department of Health. He stated that the Township Engineer has correspondence from the Health Department that testing was completed with three sites acceptable for in-ground sewage. The Health Department will not sign off on the Planning Modules because the existing non-permitted system on Lot 1 that has the existing house needs to be replaced prior to subdivision approval.

Todd requested conditional preliminary approval so that he can move forward with PennDOT. Further, Todd recommended to his client that it would be best to determine if the Planning Commission would grant at least preliminary approval before he goes to the expense of replacing his current system which is adequate and functioning well for the existing home.

Jim Brownlow **moved**; Pete Lamana **seconded** that a recommendation be made to the Board of Supervisors to grant conditional approval subject to completion of all outstanding items as contained within the November 29, 2005, engineering review letter, and subject to replacement of the sewage system on Lot 1 prior to final approval. The motion **passed** unanimously.

Mr. and Mrs. Gary Zuby, 2176 Quarry Road, Coopersburg, were present and were under the impression that a subdivision on Quarry Road was going to be discussed during the meeting. No such subdivision was on the agenda, but Mr. Zuby left a business card with the recording secretary. She will call him if a plan is submitted for the Quarry Road location and advise him when it will likely be on the Planning Commission agenda.

Plans to Accept for Review Only

The following plans are accepted for review:

1. **Keller/Schaffer LLA (Salem Road)** – Bobb Carson questioned whether this plan could be accepted for review by the Planning Commission, as it would be approving a lot that is less than the minimum lot size required. It was his understanding that only the Zoning Hearing Board could approve a non-conforming lot.

It was the consensus of the other PC Members that this Commission handled similar plans in the past. They felt because this lot-line adjustment was not **creating** a non-conforming lot; rather, this adjustment would reduce the non-conformity of an already non-conforming lot. Bryan McAdam will clarify this question.

2. **Rennie/Franklin LLA (Township Road)**
3. **Rufe Subdivision (Richlandtown Pike)**

New Business

DeBrigida Major Subdivision – Richlandtown Pike/Gruversville Road – This 58± acre site is proposed to be subdivided into sixteen single family dwelling lots, using the B12, single family detached cluster III option.

DeBrigida Minor Subdivision – Richlandtown Pike/Gruversville Road – This 5± acres site is proposed to be subdivided into two lots, using the B11a, single family dwelling option.

Barbara Lindtner **moved**; Scott Douglas **seconded** that a recommendation be made to the Supervisors to deny both DeBrigida Subdivision plans (2- and 16-lots) due to noncompliance with Subdivision Ordinances as described in the November 29, 2005, engineering reviews. The motion **passed** unanimously.

Old Business

The 14th Joint Meeting of the Planning Commission/Board of Supervisors Zoning Revision Team is scheduled for January 19, 2006, at 7:00 p.m. The Members requested the Recording Secretary to contact the consultant and request that all materials that would be discussed at this meeting should be in the hands of each Member by January 12 to enable them to properly prepare for participation and a productive meeting.

Correspondence

The Crossroads – 12/13/05 Letters to Palisades School District – These letters were written in response to PC comments at their sketch plan presentation about school bussing concerns for this proposed subdivision. The subdivision will be in two counties and four municipalities. Piero Corrado, Castle Development Group, wrote the letters to the School District requesting a meeting to discuss the concerns that Palisades School District has with busing issues for the proposed subdivision.

Public Comments

A resident asked why Rolling Hills had been removed from the agenda and was advised they had offered an extension until February 28, 2006.

Chuck Halderman requested a copy of correspondence from Attorney McNamara stating the legal basis upon which he determined that the new Rolling Hills submission was a new plan and not a revision of the plan submitted in February 2005. The Recording Secretary provided the letter Attorney McNamara wrote to Attorney Gundlach.

There was a discussion about deed restrictions and conservation easements—which type offered the most protection on a property and would be most effective for long-term preservation. Chuck Halderman referred back to the legal opinion on this issue that was given by Attorney McNamara. He stated that an easement backed by an agency has more probability of standing in perpetuity. He also stated that we do not now know what tracts in our Township currently have deed restrictions or conservation easements. Chuck stated that Heritage Conservancy was willing to attend a meeting and explain and clarify some of the questions the Members have. It was the consensus of the Members that the Board should determine how and in what setting a meeting of this type should take place. They felt that it should be open to the public as an advertised work session, probably after completion of the Zoning Ordinance revision which will probably take several more months. No date will be set until the Zoning Ordinance work is completed.

Chuck Halderman also expressed concern about density and yields being proposed as relates to marginal soils. He feels that escrow accounts for alternate sewage systems used where marginal soils exist are critical. He has discussed this with DEP and states they are planning to require this in the future. Also of concern to him is the fact that a second site

for septic systems may be required soon by DEP. He feels we should anticipate this in an appropriate ordinance.

Adjournment

At 9:00 p.m., Pete Lamana **moved** to adjourn the meeting; Jim Brownlow **seconded** the motion and it **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt, Secretary
Next Meeting: February 1, 2006