

Planning Commission Meeting
MINUTES

December 1, 2004

The meeting was called to order at 7:05 p.m. by Acting Chairman Brad Schultz. He opened with the *Pledge of Allegiance*.

Members present: Scott Douglas, Pete Lamana, Barbara Schmoyer, and Brad Schultz. (Barbara Lindtner arrived at 7:45 p.m.) Bob Wynn, Township Engineer, was present. Absent: Jim Brownlow, Walt French.

Pete Lamana **moved**, Scott Douglas **seconded**, that the minutes of the November 3, 2004, meeting be adopted as corrected (deletion of "After a careful review" at beginning of 4th paragraph from the bottom of page 4). The motion **passed**.

Public Comment on Agenda Items – None

Sketch Plan – Adler Lot Consolidation – Pete Dumack, Engineer, from Dumack Engineering, presented for applicant Jerry Adler, who was also present. They are proposing consolidation of two existing non-conforming parcels into a conforming single parcel with land development. After reviewing the November 22, 2004, review letter from the Township Engineer, and following a meeting with Mr. Wynn, Mr. Adler and Jeff Mease (Township Zoning Officer), an alternate plan was designed to alleviate some of the issues highlighted in the review letter and suggested at the meeting. Members were given a revised sketch plan at this meeting. The building on Parcel 4 would be developed initially in Phase 1. After that is completed, along with the parking area, storm system and improvements, the building located on Parcel 3 would be developed with additional parking at a later date.

Before they come back with land development plans, they requested feedback from the Members on the project as it is now proposed. Answering questions raised by the Members, it was noted the property is on the same side of Route 309 as Karen's Furniture, heading toward Quakertown. The first building will be used as a tattoo parlor. The use for the other building has not yet been determined. One well is planned to service both properties. Both properties will be owner-occupied businesses. The Commission did not see any problems with the proposed plan and Mr. Dumack said they would probably return with land development designs in February or March of 2004.

Confirmed Appointments

Cummings Subdivision Plan – Scott Mease, Mease Engineering, presented for the applicant. They are seeking recommendation for final approval. Scott pointed out that Items 1, 3 and 5 of the Township Engineer's November 19, 2004, letter had been submitted to the Township. Since the original submission, a waiver was requested from obtaining erosion and sediment control plan approval from Bucks County Conservation District (Mease letter dated October 13, 2004). This waiver is requested because if these approvals are obtained before recording and then future homeowners make changes, they would need to resubmit for these approvals. Bob Wynn pointed out that to this waiver could create a precedent for future submissions. Barbara Schmoyer **moved** that the waiver should be granted with the condition that the applicant would be required to secure erosion and sedimentation control approval for construction of the shared driveway for Lots 3 and 4 and either provide financial security or construct the driveway before the plan gets recorded. Further, a note must be added to the plan indicating that prior to the issuance of any building permits, the then property owners would need to obtain E & S approval from Bucks County Conservation District. Pete Lamana **seconded**; motion **passed** unanimously.

Pete Lamana **moved** that we recommend that the Supervisors grant final approval for this plan, subject to completion of any outstanding items in the November 19 letter from Bob Wynn. Barbara Schmoyer **seconded**; the motion **passed** unanimously.

Reed Lane Major Subdivision – Ed Bender, All County and Associates, Inc., presented for the applicant Robert Harrington, who was also present. Mr. Bender requested input from the Members on the three waivers requested in their October 13, 2004, letter, as well as two additional waivers made available at this meeting in a letter dated December 1, 2004. These additional waivers are presented in response to the Township Engineer's recommendation in his November 12, 2004, review letter.

The plan presented by the applicant indicates a 20' wetland margin, but he would be agreeable to a 25' margin if this is permitted. A discussion followed about an apparent discrepancy in the Township Ordinance which states three different wetland margins—Twenty feet, 25' and 75'. The applicant presented a letter from Attorney Terry Parish, Paul R. Ober & Associates, Reading, Pennsylvania, which was received the morning of this meeting.

Bob Wynn stated that this discrepancy was brought to light recently and that the Township Manager had researched the minutes and found that the original motion by the Board of Supervisors was to revise the margin to 25' but due to a clerical error, this figure appeared correctly in one part of the Ordinance book, but in another, it was stated as '75' .' (These discrepancies appear on page 74, Sections 509.B.3.C. and 509.B.3.D. of the Zoning Ordinance Book.)

The applicant also presented a statement from the Pennsylvania Municipalities Planning Code which indicates that if there are any ambiguities or inconsistencies in any ordinance, that section of the ordinance must be interpreted in favor of the applicant.

The Township Engineer advised the Commission that these were issues pertaining to the applicant's legal argument, and as such, were not appropriate for the Commission to entertain. The Ordinance was adopted after being reviewed by the Township Solicitor and because the applicant has presented a contrasting legal opinion stating there is something wrong with our ordinance, the whole issue should be reviewed by our Township Solicitor. The Commission asked the Planning Commission secretary to present this to our Solicitor for his review and interpretation.

A decision on the requested waivers and on preliminary approval of this plan was tabled until the legal opinion is received from Mr. McNamara, Township Solicitor.

Duke Minor Subdivision – Todd Myers, Cowan Associates, presented for the applicant, Christopher Duke, who was also present.

The property is located at the corner of Richlandtown Pike and Wrescics Road. It is the desire of the applicant to break this 20+ acre lot into two lots. Lot 1 would be approximately 5 acres and construction of a single family dwelling with driveway access on Wrescics Road is proposed. Lot 2 would be approximately 14 acres and contains an existing single family dwelling, barn, and driveway with access on Wrescics Road.

They are complying with all the issues raised in Tim Fulmer's November 2, 2004, review letter. The applicant's waiver requests, which are contained in #2 of the review letter, pertain to cartway reconstruction/overlay; drainage improvements; cartway widening; and curb, sidewalks, and street lighting along existing roadways within the frontage of the site. Scott Douglas **moved** to recommend approval of these waivers; Pete Lamana **seconded**; the motion **passed** unanimously.

Because some issues highlighted in the review letter of the Township Engineer still need to be addressed, the applicant will return in January for preliminary approval.

Schmoock Lot-Line Adjustment – Scott Mease presented for applicants: Steven and Amy Edgar and Thomas and Sherry Schmoock. This property is off Tumblebrook and State Roads, with a shared driveway access to Tumblebrook Road. The property owners would like to make an equal exchange of property to realign the boundary of their properties to permit construction of a garage beside the existing driveway.

A waiver request from curbing, sidewalks, and roadway improvements for Tumblebrook Road was provided for the Members at the meeting. Brad Schultz **moved** to grant the waiver request and recommend that the Supervisors grant conditional preliminary/final approval, conditioned upon completion of any outstanding items in the Township Engineer's November 18, 2004, letter. Scott Douglas **seconded** the motion; it **passed** unanimously.

Bryan Lloyd Major Subdivision – Todd Myers, Cowan Associates, presented for the applicants. This 24-acre tract is located on Salem Road, south of Rocky Valley Road. There is an existing house, driveway and a couple of outbuildings on the site now. Bryan Lloyd wants to divide the tract into three lots. Lot 1 will be 4.75 acres and contains the existing structures and driveway; Lot 2 will have slightly over 3 acres and is proposed for development of a new single family dwelling with driveway access on Salem Road. Lot 3 is a flag lot of 16+ acres. The large flag lot will have less than the required width to build a road, so that lot (approx. 16 acres) will automatically be restricted from further development.

Mr. Myers requested that any action on the plan be tabled at this time because of several issues raised by Tim Fulmer in his November 16, 2004, review letter that still need to be addressed. The biggest issue in Tim Fulmer's letter was a common driveway and/or flag lot between Lots 1 and 3. The plans are being redrawn and will be resubmitted for review at the January 5 meeting. The applicant has agreed to having a note placed on the Record Plan that Lot 3 cannot be further subdivided.

Bob Wynn requested that Mr. Myers provide the correct address for the property owner. Two previous mailings were returned to his office because of an incorrect address.

New Business

There was no new business.

Old Business

Brad Schultz reminded Members of the December 16, 2004, Zoning Ordinance Planning meeting. Bob Wynn will be unable to attend.

Correspondence

There was no correspondence.

Public Comment

Todd Myers asked if he could receive a copy of our Solicitor's comments on the wetland margin issue when it is available.

Planning Commission Comments

Pete Lamana felt that the first Zoning Revision Meeting went well and that a lot was accomplished. He particularly liked the comments from the residents who attended. Pete offered to prepare a packet for members of the Commission with helpful information about TDR (Transfer of Development Rights). He feels this is a very complicated issue and that some information would be helpful, as this issue was raised by someone. The Members encouraged Pete to prepare this information for them.

Adjournment

At 8:35 p.m., Brad Schultz **moved** to adjourn the meeting. Barbara Schmoyer **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Secretary

Next Meeting: January 5, 2004