

**Planning Commission Meeting
MINUTES**

February 1, 2006

The meeting was called to order at 7:00 p.m. by Chairperson Barbara Lindtner and opened with the *Pledge of Allegiance*.

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

Planning Commission Comments - None

Approval of Minutes

Pete Lamana **moved**, Bobb Carson **seconded**, that the minutes of the January 4, 2006, Planning Commission meeting be approved as corrected. The motion **passed** unanimously.

Public Comments (Agenda Items) - None

Sketch Plan

Mondschein Major Subdivision – Paul Dietz, Urwiler & Walter, Inc., presented for the applicant Paul Mondschein, who was also present.

This plan was originally submitted as a 5-lot plan with a lot line change. This sketch represents a 4-lot subdivision without the lot line change. This 39± acre tract is currently in the AD zoning district, although this sketch is reflecting that it is in the DD zoning district. The applicant wishes to submit this sketch as a possible revision of the original submission and therefore, it would be governed by the zoning regulations in place prior to Ordinance 129, enacted in April 17, 2004. The applicant wishes to avoid the internal road requirement for a 5-lot subdivision, and for that reason, they have reduced the new lots being created to three.

The Members pointed out that if the 27 acre tract was subdivided at a future date, not only would the new lots created need to be serviced by an internal road, but the lots currently being proposed would also have to be serviced by the internal road. They pointed out the applicant might want to redesign the current subdivision to make that possible should subdivision be desired in the future.

Mr. Dietz asked whether creating 5 new lots around a cul-de-sac (to eliminate the flag lots present in the original submission), would be considered a revision or a new plan.

There was concern about the intentions of the applicant for the remaining 27± acre tract if the 3-lot subdivision on the upper 12 acres is permitted. The Township has been subjected to “piece meal” development in the past. If future development is anticipated, it would be better to lot out

the tract now, especially keeping in mind that the 3 lots now being considered would also have to access the internal road.

Several Members indicated if they did approve this proposed 3-lot subdivision as a revision to the original plan, they would want the remaining 27 acres to be deed restricted.

There was a lengthy discussion about whether the sketch plan, if submitted as a subdivision plan, would be considered as a new or revised plan. In order not to set a precedent about what constitutes a “new” or “revised” plan, both in this situation and in the future, the Members requested that the recording secretary obtain the solicitor’s clarification, in writing. If the applicant decides to submit this sketch as a revision to the standing plan, with changes made in response to our Engineer’s review letter, then the solicitor’s opinion will not be needed. The applicant will advise the Township of his plans so that the appropriate action can be taken.

Confirmed Appointments

Keller/Schaffer Lot-Line Adjustment (Salem Road) – Scott Mease, Mease Engineering, PC, presented for the applicants. Mrs. Marcella Schaffer, applicant, was also present.

The Kellers own a 4/10 acre property with frontage on Salem Road. Mrs. Schaffer owns an adjoining 32± acre tract and the Kellers desire to buy 1 acre from her to add to their small tract. The properties are located in the RP zoning district which requires a 3-acre minimum lot size. This adjustment would add property to a currently non-conforming lot, making it less non-conforming.

Referring to the January 3, 2006, engineer’s review letter, and the four waiver requests listed under Item 1, Scott Mease asked that the Planning Commission recommend approval of the waivers and approval of the lot-line adjustment.

Bobb Carson reiterated his concerns about whether the Planning Commission can recommend approval of a lot that is non-conforming. He feels this plan needs to go to the Zoning Hearing Board.

The other members, and our engineer, feel that this decision is in the province of the Planning Commission because the request will not make a new, non-conforming building lot; rather, it will make an already non-conforming lot (that already has a home on it) less non-conforming.

Walt French moved that we obtain the solicitor’s opinion; seconded by Stefanie Campbell; passed unanimously. Bobb Carson asked that the opinion be broader than just this submission, so that we have guidance for other issues involving non-conforming plans which may come up in the future. This submission will be used as an example. The recording secretary clarified that the Planning Commission does not have to go through the Supervisors to get a legal opinion such as this. The recording secretary was then asked to obtain our solicitor’s opinion, in writing, regarding this matter. Scott Mease requested that he receive a copy of our solicitor’s response.

Rufe Subdivision (Richlandtown Pike) - Scott Mease, Mease Engineering, PC, presented for the applicant, Robert Rufe, who was also present.

Mr. Rufe proposed a three lot subdivision in the VR district on the west side of Richlandtown Pike. There is an existing structure on proposed Lot 1 of the property (approximately 1.33 acre), Lot 2 is slightly over 1 acre, and Lot 3 contains about 4.25 acres.

Barbara Lindtner asked for clarification from our Zoning Hearing Board Solicitor about Lot 1 for which the zoning had previously been changed to Commercial and now this plan seeks to change zoning for that lot back to residential. If our solicitor agrees with this going back to residential, then the prior restrictions which had been placed upon the property would no longer be in place and the Planning Commission could act upon this plan.

Scott Mease clarified that the zoning had not been changed; rather, a Special Exception had been granted by the Zoning Hearing Board to permit the commercial real estate office in the building currently on Lot 1. Scott indicated that Attorney Robert Moffett (also present) was working on resolving this issue.

Attorney Moffett, speaking for the applicant, indicated that the Zoning Board had placed a condition upon the Special Exception that there be no further subdivision on the property. He indicated that Mr. Rufe had gone back to the Zoning Hearing Board about a year ago requesting that the condition regarding no further subdivision be lifted from his property. Although his request was denied by the Board, because there was no opinion written, Mr. Rufe's request was deemed approved. This "deemed approval" was then appealed to the court by a neighbor of the property.

Barbara Lindtner asked what the status was of the neighbor's appeal. Mr. Moffett stated he has an agreement with the attorney for the neighbor that if this subdivision is approved, Mr. Rufe plans to abandon the Special Exception granted to him previously by the Zoning Hearing Board to use the house on Lot 1 as a commercial office. The home would revert back to residential and that would be confirmed to the Supervisors prior to their final action on the subdivision plan. Mr. Moffett stated that if you have a Special Exception with a condition placed upon it and voluntarily relinquish the Special Exception, the property would revert back to what it was before the Special Exception was granted. The applicant would then be free to do on the property whatever is permitted under the ordinances in place for the area in which the property is located.

Barbara Lindtner was concerned that there be no possibility in the future, after this subdivision takes place, that the applicant could again open a commercial office in the building on Lot 1. Attorney Moffett indicated that this condition could be placed on the subdivision plan prior to final approval. Bobb Carson requested a copy of the original Zoning Hearing Board ruling which contained a total of five (5) conditions placed upon the property at the time the Special Exception was granted.

Mr. Moffett referred to a memorandum that was written by Jeff Mease, Zoning Officer, that indicated Mr. Rufe had already taken steps to discontinue use of the home on Lot 1 as an office. Bobb Carson stated that prior to any action on this plan, he wanted to see a signed document from the applicant stating that the commercial use will be abandoned when final plan approval is granted by the Supervisors. Barbara added that she wanted the Zoning Hearing Board's solicitor opinion that this will then effectively remove the condition. Attorney Moffett will provide a letter from Mr. Rufe stating that the commercial use will be abandoned when final plan approval is granted by the Supervisors. This letter will then be submitted to our solicitor for his opinion.

When the Planning Commission is assured that this will ensure that the property can no longer be considered “commercial,” they will be able to discuss this plan.

Bryan McAdam stated that there was no note on the plan regarding the Special Exception, which is required under our ordinances.

Bobb Carson **moved** that the applicant present to the Township, in writing, what the applicant’s intent is for this property. This letter will be presented to the Zoning Hearing Board solicitor for his opinion of the content of this letter. Walt French **seconded** the motion; it **passed** unanimously.

Reese Subdivision (Nemeth Road/Giffert Way) – Mr. Charles Reese presented his own plan. His engineer could not be present because of a last-minute emergency.

The engineer advised Mr. Reese that the DEP planning module approval letter had been submitted to us and it was his understanding that this was the final item needed before a recommendation of final approval could be made to the Supervisors on his plan. Mr. Reese requested that the Planning Commission recommend final approval, with conditions, to the Supervisors on this plan.

Barbara Lindtner asked Mr. Reese if he had a copy of the November 15, 2005, letter from the Township Engineer addressing drainage problems that needed to be resolved on his property from the former subdivision. Mr. Reese indicated he did not have the letter and was given a copy by the Recording Secretary. Barbara advised Mr. Reese that he was in serious violation of the stormwater management conditions from his previous subdivision. Mr. Reese asked why this problem was just being brought to his attention now and had not been brought up to him at all when he was before the Commission in September. It was pointed out to Mr. Reese that, under conditions of the ordinance, it was his responsibility to notify the township when stormwater management improvements had been completed. In September, the Planning Commission was unaware that he had not done so.

Bryan McAdam corrected Mr. Reese in his understanding of what approval should be sought for the current plan. It has never received preliminary approval, and therefore, that is the first step in this process. Also, it is the recommendation of the Township Engineer that the applicant should receive certified notification of the previous stormwater violations and that after the new plan has received approval, the grading and drainage improvements proposed on the new plan be installed and inspected prior to recordation of the plan. He further stated that the stormwater provisions in the new plan will correct the problems which remain from the old plan and should correct the problems neighbors have expressed they are experiencing.

Kathryn Humphreys Zanine and Armand DiYenno, neighbors adjoining the Reese property, indicated that as long as the stormwater issues are corrected, they do not have any problem with the proposed subdivision. Kathryn indicated that she never had water in her basement until the Reese home was built. Since that time she has had multiple situations of water in her basement and has invested over \$10,000 to waterproof her basement.

Pete Lamana **moved** to table further discussion on this plan until a future meeting. Barbara Lindtner **seconded** the motion. She feels that this current stormwater issues should be taken care of immediately, prior to any further review of the new subdivision plan. Bryan stated that they

are recommending preliminary approval because the stormwater plans in the new subdivision will correct the current problem and service the new subdivision as well.

It was the consensus of the majority of the Members that they want the stormwater issue corrected now, not prior to recordation of a new plan. Bobb asked if they could require the current stormwater provisions to be done as a condition of preliminary plan approval within a prescribed amount of time, perhaps 60 days.

After a lengthy discussion, Pete withdrew his motion.

It was noted that unless an extension is received for this plan (currently action is required by 2/28/06) this evening, the Members will need to recommend that the Supervisors deny this plan at their February 14 meeting.

Pete Lamana asked Bryan McAdam how to word a motion to help Mr. Reese understand what the Members wanted. He said the only way the new system can be installed is for the plan to move forward, with appropriate conditions included to ensure that the approved stormwater management plan is properly installed in a timely manner agreeable to the Members. Bryan also stated there are a few outstanding items that need to be revised and although they have evidently been done, the revised plans have not been submitted to the Township. Once these revised plans are submitted, the entire package can be approved and preliminary, conditional approval given to the applicant to ensure that the stormwater installation has to be completed within 60 days from preliminary approval.

Bobb Carson moved that we require an escrow account be set up sufficient to cover the cost of installment of the new, approved stormwater management plans, prior to preliminary approval. Or, if the plan is not approved, the escrow fund can be used to fix the existing stormwater problem. Further, he requested that the new, soon-to-be approved stormwater plans be installed prior to preliminary approval of the new subdivision and within 6 months from the time the escrow account is established, and then be inspected by our engineer and a report submitted to the Township that the problem has been corrected. The Members also requested Bryan to give an estimate of what this escrow fund amount should be. Pete Lamana seconded the motion. Bobb Carson deferred this motion for one month, pending Bryan McAdams estimation of what the stormwater improvements would cost should the subdivision be approved.

Pete Lamana moved that further discussion on this plan be tabled; Stefanie Campbell seconded the motion; it passed unanimously.

Mr. Reese asked for clarification about exactly what was now going to take place. Barbara Lindtner said they tabled further discussion until he turns in revised design specifications to our engineer, per the engineer's August 17, 2005, review letter. After that takes place, the engineer will provide a report to the Members prior to the next meeting on those plans. He will also give an estimate of what the new stormwater plans will cost to implement.

Plans to Accept for Review Only

The following plans are accepted for review:

1. **Hermo/Thornwood Quarry LLC Major Subdivision – Quarry Road**
2. **Cuff Major Subdivision – Passer Road**

New Business - None

Old Business

The 15th Joint Meeting of the Planning Commission/Board of Supervisors Zoning Revision Team is scheduled for February 16, 2006, at 7:00 p.m.

Correspondence - None

Public Comments – None

Planning Commission Comments

Bobb Carson is working on a document tentatively entitled *Planning for Domestic Sewage Treatment in Springfield Township: Information and Issues*. Bobb hopes this might serve as a starting point for discussion regarding protocols that the Township might adopt with respect to installation and maintenance of septic systems and package treatment plants. He will ask our Sewage Enforcement Officer and Jeff Mease to review it for accuracy and omissions. Then it will be distributed to the Planning Commission for discussion of the issues involved.

Walt French reminded the Members of the decision made several years ago to take action on plans which have not had any activity for a year.

Pete Lamana shared concerns about supervisors attending and participating in discussions about topics on the Planning Commission agendas. He feels that they should make their comments after the Planning Commission has referred topics on to the Supervisors for action.

Adjournment

At 9:38 p.m., Pete Lamana **moved** to adjourn the meeting; Barbara Lindtner **seconded** the motion and it **passed** unanimously.

Respectfully submitted,



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