

**Planning Commission Meeting
MINUTES**

February 7, 2007

The meeting was called to order at 7:05 p.m. by Chairperson Barbara Lindtner and opened with the *Pledge of Allegiance*.

All Members present: Bobb Carson, Scott Douglas, Stefanie Campbell, Walt French, Bruce Fritchman, Peter Lamana and Barbara Lindtner. Tim Fulmer, C. Robert Wynn Assoc., Inc., Township Engineer, and Terry Clemons, Township Solicitor, were also present.

Welcome

Barbara Lindtner welcomed Bruce Fritchman to the Planning Commission. Bruce will serve until December 31, 2007, to complete the one-year term of Jim Brownlow.

Planning Commission Work Session

Barbara Lindtner contacted the Bucks County Planning Commission to determine the status of their work on revising and reviewing Zoning Ordinance. The BCPC is working on the Zoning Ordinance, and hopes to contact us next week. If we do receive something from them, that will be the topic of the Joint Board of Supervisors/Planning Commission work session scheduled for Thursday, February 15, 2007.

Scott Douglas heard from the DEP about the proposed regional stormwater plan. They strongly encouraged the Board to adopt the modified model ordinance that was circulated with the BMP Manual as a stop-gap measure until the regional stormwater plan is completed. Scott had forwarded this to everyone via email with a request for comments. Because he didn't receive any feedback, he is hopeful that this could also be discussed at the February 15 work session.

Scott also questioned the Ethics Financial Disclosure form he received from the Township. He questioned whether advisory boards were required to complete this form. Terry Clemons will review this and prepare a written response.

Bobb Carson presented the evaluation of the current Act 537 plan to the Board of Supervisors at their January 23, 2007, meeting. Because the current plan has some inconsistencies relative to our Comprehensive Plan and the existing as well as the proposed Zoning Ordinances, the Supervisors authorized Bobb Carson and Bob Wynn to begin discussions with DEP about the process of revising the Act 537 plan. Bob forwarded a copy of the committee's report to DEP requesting information on how to proceed.

Pete Lamana feels that a consultant with knowledge of wastewater management that will be required to rewrite the Act 537. Bobb Carson stated that the Board understood that would be a requirement and this provision was covered in their authorization to proceed.

Approval of Minutes

Barbara Lindtner **moved** to table approval of the January 3, 2007 minutes, and advised members that she would work with Debbie Godshall to finalize the minutes. Tentatively, the revised minutes will be out to the Commission within a week or two. Peter Lamana **seconded**; the motion **passed** unanimously.

Public Comments (Agenda Items) - None

Waiver of Land Development

Karen's Furniture (Route 309) – Attorney Mike Clement presented for the applicant Karen's Furniture. Tom Cochrane, principal of the applicant, and Scott Mease, Mease Engineering, PC, were also present.

On December 19, 2006, the Board of Supervisors granted a conditional waiver from land development to Karen's Furniture subject to the requirements listed by the Planning Commission and submission of a traffic study for use of the site entrance for retail and church use and/or written verification from PennDOT that the site access remains satisfactory for use of the facility as a place of worship.

Since that time, the church use is no longer an option, and the applicant is now requesting a waiver from land development to permit an E-15 use (neighborhood shopping facility) of his property. He plans to divide the interior of the building up into various stores.

Walt French asked what would happen if the Planning Commission recommended denial of this waiver from Land Development. Tim Fulmer said that normally, if a site has gone through a previous land development and the new use being proposed is not of a nature to warrant a complete new land development plan, the Commission could recommend a waiver conditional upon only items of concern being addressed. Tim noted that Bob Wynn had listed items #1 through #8 in his January 15, 2007, review letter as items that would need to be addressed should the Commission wish to recommend this waiver request for approval.

There was a discussion about parking places required as part of the original land development that had not been completed. Mr. Clement and the Commission were not in agreement on this issue. Tim Fulmer and Terry Clemons stated that without a clear knowledge of the proposed new uses for half of the building, it was impossible to determine if additional parking would be required.

Mr. Clement suggested that the Commission deny the waiver so that the plan could be presented to the Board of Supervisors. Barbara Lindtner explained that the job of the Planning Commission requires that they have enough information from the applicant so that the Waiver Request can be recommended on to the Board for their approval. The applicant is concerned that the Supervisors might deny the Planning Commission's recommendation, after they have spent the money to comply with the items listed in Bob Wynn's review letter. Terry Clemons assured him this rarely happens. The applicant will comply with the suggestions offered and provide the information for review at a future meeting.

Confirmed Appointments

Pawar Subdivision (Winding Road/Shale Road/Oak Lane) – Jay Musselman, Musselman Associates (Professional Land Surveyor), presented for the applicant Rajendra Pawar.

This 69 +/- acre site, located in the Agricultural Zoning District, is proposed for subdivision into five lots for single family detached dwellings. The applicant currently resides on Lot 4 and his son resides on Lot 5. The applicant obtained a variance from the Zoning Hearing Board on February 16, 2004, to permit subdivision of the property into five lots (3 new lots) without requiring construction of an internal roadway. As noted on the plan, Zoning Hearing Board approval was conditioned upon all lots being deed restricted from further subdivision, and submission of a subdivision plan to the Township for review.

Barbara Lindtner asked our solicitor about Item #1 of Bob Wynn's letter dated January 15, 2007, regarding a special exception or variance granted by the Zoning hearing board expiring if the applicant fails to obtain any and all permits within two years of the date of authorization. Further, this plan has additional potential conflicts to current zoning ordinances identified in 2.A. (i.e., protection of prime agricultural soils and the need for a farmland lot in subdivisions of 10 or more acres). Even if the Zoning Hearing Board ruling is still in effect, these additional conflicts to the current Zoning Ordinances are problematic as the plan is now proposed.

Bobb Carson, referring to Item 2.C. of Bob Wynn's letter, noted that additional wetland delineation information was required with this subdivision. He noted that the resource protection calculations were not correct because they do include the wetlands on Lots 4 and 5 and the agricultural soils on any of the lots. For this reason, the plan needs to be revised to reflect the new Zoning Ordinance and the entire property.

Barbara Lindtner advised the applicant the plan needs to be revised to comply with the recommendations in Bob Wynn's review letter and the current Zoning Ordinance. The revised plan should be resubmitted for review at a later date.

Estates at State Road (State Road) – Evan Pellegrino, Urwiler & Walter, Inc., presented for the applicant Solteck Equities, LLC.

This subdivision is on the north side of State Road east of Cutoff Road. Referring to Bob Wynn's January 24, 2007, review letter, Items 1 – 4, they have the permit from PennDOT for the driveway, the planning modules are at DEP, the latest revision of their plan will be submitted to Bucks County Conservation District, and they have agreed to pay a fee-in-lieu of road improvements, street lighting and sidewalks. In addition, the applicant will comply with Items 5, 6, 7 and 8.

Barbara Lindtner **moved** to recommend to the Supervisors that Conditional Final Approval be granted based upon completion of the items listed in Bob Wynn's January 24, 2007, review letter. Peter Lamana **seconded**; the motion **passed** unanimously.

Adler Land Development (Clay Avenue/Route 309) – John A. VanLuvanee, Eastburn and Gray, P.C., presented for the applicant, Jerry Adler, who was also present.

Mr. VanLuvanee stated that they are not asking for any recommendation at this time. They requested to be on the agenda for a limited purpose. This proposal is to consolidate two of five tax parcels owned by the applicant in order to create a conforming lot. There are four existing structures on the property. Their desire is to at least initially bring these two lots up to current ordinance requirements, provide adequate storm drainage, complete parking improvements, etc.

Before the Township Engineer can complete engineering details and a stormwater review, a decision is required as to what road improvements the Planning Commission will recommend relative to Clay Avenue. These considerations will affect what waivers will need to be requested. The Planning Commission was asked to review the current submission as a sketch, and in particular, to give comments and direction regarding Clay Avenue improvements. Mr. VanLuvanee also discussed whether the Planning Commission would think it appropriate to direct the Township Engineer's office to look at the site and make a recommendation about what widening and storm drainage improvements he feels are necessary for this area.

The initial goal for this site is to do a Land Development Plan to fix up the existing commercial buildings that have never been occupied. They are proposed for use as conforming, light commercial businesses. The property will be accessed from Clay Avenue, not from Route 309.

Barbara Lindtner suggested that in addition to the Township Engineer viewing the site and making a recommendation about road improvements, members of the Planning Commission should also visit the property before they further review this plan. Clay Avenue is a macadam road and is approximately 19' wide.

Mr. VanLuvanee will submit a request to the Township to be placed on the March Planning Commission agenda. They will also give an extension to provide adequate time for further review of this plan.

McArdle Subdivision (Roundhouse Road/Old Bethlehem Road) – Ed Wild, Attorney for the applicant and Scott Mease, Mease Engineering, PC, presented for the applicant.

Ed Wild began reviewing Bob Wynn's February 1, 2007, letter. Because the Planning Commission did not receive this letter prior to the meeting, no action will be taken on the waiver requests. Barbara asked Scott Mease to identify what changes have been made to the plan since the Planning Commission's last review. Scott indicated that the lot line had been adjusted and there was no longer a waiver request for depth to width ratio. Copies of PennDOT permits for the driveways have been submitted to the Township; the driveway on the current plan is located at the only place where there is sufficient sight distance.

Scott Douglas questioned the septic field placement indicated in the headwater area of the ephemeral stream on Lot 2. He requested information on the soils near the ephemeral stream. Scott Mease indicated that soil testing results were submitted to Bob Wynn's office and they were determined to be suitable for the sewage system proposed.

Barbara Lindtner is concerned because the applicant is unwilling to deed restrict Lot 1 of this subdivision and subsequently, future subdivision of Lot 1 can be anticipated. When the sketch plan was initially submitted, the Planning Commission asked that a through road be shown to anticipate possible future subdivision. Bobb Carson stated the Planning Commission could deny the waiver for a driveway fronting upon an arterial or collector street. Tim Fulmer emphasized that the Planning Commission's job is to plan today for what may happen tomorrow.

An extension was granted until April 30, 2007. Ed Wild will request to be on the March Planning Commission agenda.

Cuff Major Subdivision (Passer Road) – Ed Wild, Attorney, and Scott Mease, Mease Engineering, PC, presented for the applicants.

Referring to Bob Wynn’s January 24, 2007, review letter, Barbara Lindtner asked why the elements required for a submission when a property is within the Scenic Overlay District were not submitted with the revised plan (outlined in Item 1 of the review letter). Ed Wild said it was his understanding that this only applied to subdivisions of five lots or more. Tim Fulmer concurred with Ed Wild’s understanding, noting that the section of the Zoning Ordinance relating to the Scenic Overlay provision specifically states those provisions do not apply to certain uses, including a B.11.A. use, with less than five lots.

Ed Wild wanted to discuss street improvements and location of the driveways. Since the plan was last discussed, Bucks County Health Department issued the permit for the replacement system on Lot 1. Scott Mease reported that all the testing for the sewage system was completed and Bob Wynn’s office should have the information from that testing. Tim Fulmer explained that you could submit the Planning Module with the percolation testing to the Health Department and the Township. However, the Health Department will not release the modules to the Township for further action until they replace the system. Tim said the Health Department, by agreement with the applicant, could release a letter to the Township indicating they observed the testing and they would concur that the testing was accurate and could support the number of systems being proposed for the site, but that they could not release the actual Planning Module paper work to the Township.

The Planning Commission would be comfortable with the letter from the Health Department as proposed by Tim Fulmer for this subdivision.

Ed Wild reported that Lot 1 will be deed restricted, and the applicant agreed to place this note on the next revision of this plan.

Referring to Item 3 of Bob Wynn’s letter, Barbara Lindtner questioned the two driveways proposed to access onto Passer Road. Sight distance at the driveway locations is less than “desirable” but does meet minimum PennDOT requirements. Barbara Lindtner would prefer to see this plan reconfigured to show at least two of the three driveways sharing a common access onto Passer Road, although the ideal would be to have all three driveways share a common access.

Barbara Lindtner would like to go over Item 5.B. in Bob Wynn’s letter regarding the Stormwater Management Report. Scott Mease explained that he submitted two pages of the Stormwater Report that were changed as a result of comments in Bob Wynn’s last review letter. He indicated if those revised pages were found acceptable, he would submit copies of the whole revised report to the Township. Discussion of Item 6 (Roadway Improvements) will be deferred until Bob Wynn is present.

Barbara took an informal consensus of the Commission and determined they would be agreeable to waiving depth to width ratio if it was necessary to reconfigure the lots to permit multiple driveways to utilize a common access onto Passer Road.

Spear Products Land Development (Springfield Street) – Scott Mease, Mease Engineering, PC, presented for the applicant, who was also present.

This plan was tabled last month to permit the Planning Commission to walk the site. Scott Mease revised the plan in light of a number of comments shared during the first review. He did not revise the Stormwater Report because he felt there would be additional changes as a result of discussion at this meeting.

Discussion followed involving Bob Wynn's January 17, 2007, review letter. Barbara Lindtner asked Scott to discuss the items he had changed. Scott noted that the Wetland Report was submitted, buffers were added to the plan, and the certification block for the Wetland Report was added to the plan (Comment 1). Additional information was submitted for the clearing to permit adequate site distance, and the applicant was able to get a letter from the adjoining neighbor giving him permission to continue to maintain the sight distance. This letter was submitted to the Township. Since the plan was submitted, a copy of the Department of Health permit for the onsite Sewage System was received and the owners have acquired their well permit (Comments 4 & 5). Bumper blocks have been added to the parking area, the location of the sewage system has been indicated, street trees have been shown, and the clearing has been accomplished. Tim Fulmer noted that the clearing area should be defined, so that if it should overgrow again in the future, there is agreement about where that clearing line will be.

Barbara Lindtner visited the site and would like to talk about curbing for the entire frontage and prepping it for sidewalks so that they can be installed at an appropriate time in the future. She also thinks street lights are important for this location. She asked the Planning Commission for their comments on these issues.

- Pete Lamana agrees that curbing and provisions for future sidewalks are appropriate. He feels this area should look as professional as possible.
- Walt French agrees that curbs and provisions for sidewalks are needed, but no street lighting.
- Stefanie Campbell feels because it is in the Industrial Area, sidewalks and lights are needed now and would aid in improving the appearance of the area.
- Bruce Fritchman would like to see to see sidewalks and street lights installed now.
- Bobb Carson feels this site should have sidewalks, curbs and street lights. Bobb noted that in Figure 9 of the Comprehensive Plan, Springfield Street is designated as a link to a Zion Hill recreation area from the RR District off of Salem Road. If that population base is to access a proposed recreation area in Zion Hill, they will need to walk along Springfield Street and there should definitely be sidewalks.
- Scott Douglas agrees with what has been said and feels the area should look professional.

Mr. Spears asked about the possibility of putting money aside in an escrow account for sidewalks to be installed at a later date.

Tim Fulmer gave an example of another township where a professional building was built on a busy corner and at the time, there were no other professional buildings near that needed sidewalks. An escrow was put in place for eventual sidewalk installation. Three years later, the next door property went into development and two years after that, another property nearby was developed. At that time, notification was given and the original property owner then installed the sidewalks. Tim felt that our solicitor could come up with a suitable escrow financial agreement to ensure that the sidewalk could be put in when development in the area warranted it. The easiest and cheapest way is to install sidewalks immediately. However, if the sidewalk doesn't "go anywhere" for ten years and there is a bridge nearby, safety provisions will be required where the sidewalk ends so that there are no falls. Terry Clemons feels that establishment of an escrow fund with the Township able to designate the appropriate time to install the sidewalks might be the best plan. Bruce Fritchman questioned what

would happen if the escrow money set aside was not sufficient to install the sidewalks when they are needed. Tim Fulmer and Terry Clemons noted that there is always that risk.

Barbara Lindtner **moved** to amend the waiver requested in Item 2.A. (Section 513, pertaining to sidewalks) of Bob Wynn's January 17, 2007, review letter to recommend a partial waiver to require grading for the sidewalk for future installation at some discretionary point by the Township with an escrow provided for that purpose. Peter Lamana **seconded**. Pete called for roll call. Voting **yes**: Barbara Lindtner, Pete Lamana, Scott Douglas and Walt French. Voting **no**: Bobb Carson, Stefanie Campbell and Bruce Fritchman. The motion **passed**.

Barbara Lindtner **moved** to deny the waiver requested in Item 2.A. for installing curbs along Springfield Street (Section 512). Scott Douglas **seconded**; the motion **passed** unanimously.

Barbara Lindtner questioned Section 505.16 (level and overlay/drainage improvements) and 506.4.A. (cartway widening) and Tim Fulmer feels the Planning Commission should follow the Zoning Ordinance requirements. Barbara Lindtner **moved** to deny the waivers requested in Item 2.A. of Bob Wynn's review letter relating to Section 505.16 and 506.4.A. Bobb Carson **seconded**; the motion **passed** unanimously.

Referring to Item 2.B. of Bob Wynn's review letter, Barbara Lindtner **moved** to recommend that the waiver from Section 523.5.A. (raised parking strips around portions of the perimeter of the parking lot) be granted. Walt French **seconded**. Voting **yes** (6): Barbara Lindtner, Bruce Fritchman, Stefanie Campbell, Scott Douglas, Walter French and Pete Lamana. Voting **no**: Bobb Carson. The motion **passed**. If a change of use occurs in the future, a note will be placed on the plan requiring the parking area to be improved to conform with the Township ordinance.

Referring to Item 2.A. Section 526 (streetlights along existing roadways within the frontage of the site), Walt French asked how many street lights would be required. Tim Fulmer stated that typically a street light is installed every 250 feet. Mr. Spears has approximately 700 feet of road frontage. Mr. Spears plans to place one streetlight at the end of his driveway. Barbara Lindtner **moved** to recommend that a partial waiver of Section 526 be granted to install one streetlight in accordance with Township specifications. Stefanie Campbell **seconded**. Voting **yes** (5): Barbara Lindtner, Bruce Fritchman, Stefanie Campbell, Walter French and Peter Lamana. Voting **no** (2): Bobb Carson and Scott Douglas. The motion **passed**.

Referring to Item 2.C. Section 408 (Water Resource Impact Study), Barbara Lindtner **moved** to recommend a waiver of the Water Resource Impact Study required in Section 408, conditional upon the use remaining the same and the number of employees not exceeding 25. Scott Douglas **seconded**; the motion **passed** unanimously.

Item 2.D., Section 523.6.B.2 (width of two-way driveways to be 24'), requests a waiver from installing a twenty-four-foot wide driveway. Walt French is concerned about the safety factor of a narrower driveway. The applicant stated the driveway proposed is 16' wide—as wide as Salem and Mine Roads currently are. Tim Fulmer does not have a problem with the proposed driveway width for the current proposed use; however, he feels that the plans should reflect the wider driveway and associated requirements in case widening of the driveway is required in the future, i.e. stormwater facilities should be designed to accommodate a 24' driveway. In addition, Tim recommends that the plan reflect that ordinance requirements can be met if the driveway is widened, i.e. meet required setbacks, tree

protection, etc. Barbara Lindtner **moved** to recommend a waiver of Section 523.6.B.2 conditional upon any future change of use or change of frequency in vehicular traffic. Should that occur, the driveway would need to be upgraded per Item 2.D. of Tim Fulmer's January 17, 2007, review letter. The motion also specifies that the current plan be designed to demonstrate that all zoning requirements can be met when the driveway is actually widened, as suggested by Tim Fulmer. Scott Douglas **seconded**; the motion **passed** unanimously.

The applicant submitted an extension until May 31, 2007.

Plans to Accept for Review Only – None

New Business – None

Old Business – None

Correspondence

James and Terry Jacklin – Regarding stormwater issues related to the Walbridge Subdivision proposed on Richlandtown Pike – Barbara Lindtner asked the Planning Commission to review this letter which will be discussed the next time the Walbridge Subdivision is on the agenda. She asked that a copy of the letter be placed in the Walbridge Subdivision file.

Public Comments

Barbara Neumann – Barbara lives on State Road, on the southern border of the proposed Walbridge Subdivision. She shared photographs showing stormwater run off during a heavy storm. She is concerned about the size of the retention basin, where it will be located and where the water will go if it over flows the basin. Her other major concern pertains to the dangerous intersection of State Road and Richlandtown Pike and the additional cars that will access it if this subdivision is approved.

Mr. and Mrs. Herzog – The Herzogs are also neighbors of the proposed Walbridge Subdivision. They recently completed grading work to protect their property against the flooding that occurs in heavy storms. They are also concerned about stormwater issues related to this subdivision and attended this meeting to be informed in the early stages of this plan. Mr. Herzog mentioned another neighbor who could not be present for this meeting who has an extensive photo collection showing the stormwater runoff problems. Scott Douglas asked if the neighbor with the photos could scan the photographs and put them on a CD for the Planning Commission to review.

Jon Brittingham – Mr. Brittingham is another neighbor with concerns about the stormwater and traffic issues.

Barbara Lindtner informed the neighbors that the Planning Commission had made the applicant and engineer of the Walbridge Subdivision aware of their concerns regarding the danger of too many cars accessing Richlandtown Pike and also the State Road intersection at Richlandtown Pike. They will share the stormwater concerns with them when they return with a revised plan. Scott Douglas asked if there is any way the Township can require the developer to fix the stormwater problem. Tim Fulmer indicated that there is a known drainage problem down stream from this site and they will not be permitted to aggravate the problem. Barbara Lindtner advised the neighbors to contact the Township about when the Walbridge Plan will again be on the agenda and to attend that meeting to personally share their concerns with the applicant and his engineer.

Planning Commission Comments

Walter French expressed a number of concerns about the Rolling Hills subdivision after Terry Clemons left the meeting. Specifically, he feels this plan should come before the Planning Commission for review. He is concerned that there has been little or no input from the Planning Commission on the plan.

Scott Douglas feels that Rolling Hills is attempting to address the engineer's comments prior to coming to the Planning Commission, but that they will ultimately come to the Commission and the Commission will have an opportunity to comment on the plan.

Bruce Fritchman expressed concerns about stormwater issues, several identified in plans discussed at this meeting—McArdle and Cuff Subdivision. He stated the engineer's response to stormwater management is to take care of it on the property. Bruce feels we need to begin to be concerned about the cumulative effect of a lot of small subdivisions. Scott Douglas said some of these concerns are addressed in the new BMP Manual. Scott asked that the Commission look at the model ordinance that is being proposed by the State. Scott wants the Planning Commission to recommend to the Board of Supervisors that they adopt the model ordinance for stormwater management being proposed by the state as soon as possible with some adjustments. Secondly, the regional stormwater management plan for the Cooks Creek Watershed includes some discussion on "cumulative impact." However, an engineering firm will need to advise how this should be dealt with.

Barbara Lindtner summarized her understanding of what Scott is proposing:

- Adopt the model stormwater being proposed by the state as a stopgap measure.
- Later, this ordinance will be revised incorporating information received from the consultant that will be obtained to work with the Regional Stormwater Ordinance.

Tim Fulmer advised the Planning Commission that there are ordinances that apply to every site, regardless of the number of lots. Bruce Fritchman does not see these regulations being enforced. Tim Fulmer stated that even on small subdivisions, although stormwater provisions may appear minor, they still have to meet performance principles. Stormwater provisions on large subdivisions are more visible—larger basins, etc. Scott Douglas added that one problem is that impacts are difficult to access.

Adjournment

At 11:00 pm, Barbara Lindtner **moved** that the meeting be adjourned. Scott Douglas **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Recording Secretary

Next meeting: Wednesday, March 7, 2007