

**Planning Commission Meeting
MINUTES**

May 2, 2007

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: Stefanie Campbell, Bobb Carson, Scott Douglas, Walt French, Bruce Fritchman, and Barbara Lindtner. Absent: Pete Lamana. Bob Wynn, Township Engineer; and Terry Clemons, Township Solicitor; and Sandy Everitt, Secretary/Treasurer; were also present. Rich Schilling, Township Manager, was not present for this meeting.

Planning Commission Work Session

There was discussion about the status of the Zoning Ordinance Revision process, and the Planning Commission scheduled a tentative meeting of the Joint Zoning Ordinance Revision Team on May 17, 2007, to discuss any policy issues when the draft document is returned from Bucks County Planning Commission. Bucks County will not be invited to attend this meeting, but will be invited to a later meeting. After the draft document is received and reviewed, the Planning Commission will determine if Terry Clemons will need to attend the May work session. Bob Wynn cannot attend; however, if the draft comes early enough, he will submit his comments in writing prior to the work session. Bob's comments will be especially important for Section 509 which pertains to environmental protection, steep slopes, etc.

Bruce Fritchman asked whether the Supervisors had acted upon the Planning Commission's request to have Bob Wynn rewrite/revise the Stormwater Ordinance and was advised that they had authorized him to do the revision. Bob Wynn suggested that the Township acquire a copy of the new DEP Manual with Best Management Practices outlined.

Approval of Minutes

Barbara Lindtner **moved** to approve the March 7, 2007, minutes as amended by Bobb Carson. Walt French **seconded**; Voting **Yes**: Stefanie Campbell, Bobb Carson, Walt French, Bruce Fritchman and Barbara Lindtner. **Abstaining**: Scott Douglas (not present at the March 7 meeting).

Barbara Lindtner **moved** to **table** the April 4, 2007, minutes until the next meeting, pending further review by Terry Clemons of an unclear portion where he was speaking. Scott Douglas **seconded**; the motion **passed** unanimously.

Public Comments - None

Confirmed Appointments

Hall Major Subdivision (Roundhouse Road & Oak Lane) – Scott Mease, Mease Engineering, presented for the applicant. This 18.734 acre tract is proposed to be subdivided into two single family detached dwelling lots. Lot 1 (13+/- acres), which contains several drainage channels/watercourses, will remain vacant, with no development proposed at the present time.

Construction of a single family detached dwelling with an on-lot well, sewage disposal facility and driveway access along Roundhouse Road is proposed for Lot 2 (3.896 acres).

The Planning Commission stated that they would require that the entire site must be investigated for the presence of wetlands, as noted in Item 3, ¶ 2, of Bob Wynn's review letter of April 14, 2007. They also want the watercourses/drainage channels (referred to in Item 4 of Bob's letter) to be shown on the plan.

Bobb Carson requested information on wells, structures, etc., that are within 100' of the property line. There was also discussion about where the driveway would be if there was further development of Lot 1.

The Commission stated that they would not object to the waivers requested in Item 5.A. and C. They will not approve the waiver requested from identifying contours within Lot 1, as outlined in Item 5.B. of Bob's review letter, and they tabled further discussion on Item 5.D. until the plan is further developed.

Scott Mease indicated that the applicant will comply with items 6.B. and Items 7 – 13.I.

No action was taken on this plan pending revision of the plan in accordance with the comments given at this meeting.

Joseph Minor Subdivision (Old Bethlehem Road) – Scott Mease, Mease Engineering, presented for the applicant, Meril Joseph, who was also present. This 46.637 acre parcel is proposed to be subdivided into three single family detached dwelling lots. Lot 1 (36.37 acres) is located in the Agricultural District and contains an existing single family dwelling and various accessory structures, with driveway access along Old Bethlehem Road. Lot 2 (5.991 acres) and Lot 3 (3.228 acres) are located in the Resource Protection District. A conservation easement is being sought for Lot 1, but the property is rated 45th on the listing. Mrs. Joseph plans to improve her property to better meet the criteria for obtaining a conservation easement. Terry Clemons suggested there may be options other than a conservation easement for this property; however, he will discuss the status of the conservation easement with Ted Evans (Natural Lands Trust) before this subdivision is discussed again.

Referring to Bob Wynn's April 16, 2007, review letter, the Commission indicated that the wetland report will need to be revised as noted in Item 2.C.

A discussion followed among the Commission members about the need for specialists that can be called upon on an "as needed" basis by the Planning Commission to be present on the site when testing is being done, i.e., soil, wetlands and carbonate geology studies, or, to conduct independent studies to validate that information submitted by the applicant is accurate. Terry Clemons noted

that several of these tests are required to come in with the preliminary plan submission, and therefore, on site review by a township specialist is not always possible.

It was determined that this may require a revision of our Subdivision and Land Development Ordinance. Bob Wynn suggested that portions of these changes should also be incorporated as part of the Stormwater Ordinance revision. Terry noted that in some townships the SALDO gives the township the right to have their own wetlands consultant review the wetlands with the township making the final determination of which report to accept—the applicant's or the township's. Scott Douglas indicated he thought a statement had been placed in the Zoning Ordinance Revision similar to the one suggested by Terry.

Barbara Lindtner **moved** to recommend to the Board of Supervisors that they select township specialists that the Planning Commission can use on a case-by-case basis when needed to review soils, wetlands and/or carbonate geology studies submitted with plans. Scott Douglas **seconded** the motion; the motion **passed** unanimously.

Scott Mease clarified that the wetlands study was actually performed in 2006, not 2001 as noted on the plan; this was a typographical error. A discussion followed about the need to correctly and carefully develop lots that are challenging to develop because of the water resources on them in order to maintain the water resources of Cooks Creek (an exceptional value stream) and ultimately, the drinking water of the township.

Walt French asked whether adequate sight distance for the shared driveway between Lots 1 and 2 could be obtained (noted in Item 4.A. of the April 14 engineer's review letter). Scott Mease indicated that it was not noted on the preliminary plan because the applicant did not want to do the tree clearing along the road before the plan received an initial review by the Planning Commission. Scott stated that when there is some assurance the plan can move forward, the applicant will clear the trees and proceed with the application for the PennDOT permits, thus verifying the sight distance. Although the sight distance for the shared driveway is less than ideal, it is not possible to move it because of the wetlands. Mrs. Joseph indicated that flooding and freezing are an issue of concern along that area of Old Bethlehem Road because of inadequate piping installed by PennDOT.

Scott Mease indicated there used to be a mobile home on Lot 3. For this reason, there is an existing well, sewage system, electric and a driveway that is still visible. However, the existing driveway does not have the best sight distance, so the applicant plans to relocate both the building and the driveway in the proposed subdivision layout.

Scott Mease asked for comment by the Commission on Item 5.A., regarding the possibility of a waiver from doing stormwater management for the existing development on Lot 1. Bob Wynn indicated that he does not have a problem with this request as long as a waiver is requested in writing. Bobb Carson indicated he would be interested in determining what would actually be taking place on Lot 1 (conservation easement, etc.), before he would be in favor of granting such a waiver. For that reason, further discussion was tabled for the present time. The Commission indicated they would have no problem with the waiver request regarding plan scale, listed in Item 3.A., but that other waivers would hinge upon the status of the conservation easement.

No action was taken of this plan.

Rennie Minor Subdivision (Winding Road) – Scott Mease, Mease Engineering, presented for the applicant. This property is 20.5+/- acres and is located on the north side of Winding Road in the Resource Protection District. Two lots are proposed, with Lot 1 having 4 acres and Lot 2 having the remaining 16.5 acres. Lot 1, which fronts on Winding Road, contains the existing house and site improvements. Lot 2 contains two man-made ponds along the northern boundary line and a new single family dwelling is proposed for near the pond area. The applicant is willing to deed restrict Lot 2 from further subdivision; the Planning Commission requested that this note be placed on the plan.

The “pole” coming from Lot 2 along the easternmost boundary of Lot 1 is to permit a driveway access to Lot 1 with adequate sight distance. The Planning Commission wants to visit the location to be better acquainted with the best location for the driveway location and to determine whether the roadway improvement waivers being requested should be granted. Bob Wynn noted that in this case, as well as others that have been discussed recently, it is often better planning to accept a fee-in-lieu of improvements from small subdivisions, rather than to require spotty street improvements on small portions of a road. The Highway Capital Improvement Fund can enable road improvements where they are most needed in the Township thus creating a more unified and better final result.

Scott Mease asked for comment on Items 3.A. and 4. The Planning Commission preferred not to address these until a determination is made about the location of the driveway.

No action was taken on this plan

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

Scott Mease indicated that final plan changes were made in accordance with Bob Wynn’s April 23, 2007, review letter. Referring to that review letter, Scott indicated that once final plan approval is granted, Terry Clemons will prepare the covenant discussed in Item 1. Bob Wynn indicated that this plan was ready to receive final approval.

Barbara Lindtner **moved** to recommend that the Board grant final approval to Spear Products Land Development, conditioned upon satisfactory completion of the outstanding items in the engineer’s review letter dated April 23, 2007, and Terry Clemons’ March 28, 2007, letter. Walt French **seconded**; the motion **passed** unanimously.

Prime Properties Subdivision (Cherry Road) – Ed Wild, Esq., Benner & Wild Attorneys; and Kirk Clauss, Project Engineer from Schlosser & Clauss Consulting Engineers; presented for the applicant. Since this plan was last reviewed in March 2007, the plans have been revised and a revised waiver letter has been submitted

Referring to Item 2.B. of Tim Fulmer’s April 23, 2007, engineer’s review letter, Walt French expressed concern about the need for a “clear sight triangle” for the entrance to this subdivision. Ed Wild indicated that the entrance has “safe sight distance,” as required in the Township’s ordinance (which are based upon PennDOT standards). Kirk Clauss noted that Bob Wynn’s office conducted a site inspection which indicated there was clear sight distance to the left (toward the intersection with

Old Bethlehem Pike). Mr. Wild noted that in his review letter, Tim Fulmer indicated that to the right of the driveway entrance, the property owner had some landscaping that impeded the sight distance which will likely be corrected when the intersection improvements associated with this plan take place. The applicant does not have an easement from the neighbor, but Bob Wynn noted that their fence and landscaping are not currently obstructing the view. Bob Wynn indicated that police can have landscaping issues corrected if they present a dangerous situation at an intersection. Kirk Clauss indicated that he will place existing features on the plan.

Ed Wild indicated that there will be on-lot wells for each of the 5 lots with well guarantees. Relating to “well guarantees,” Terry Clemons explained that a water impact study is required, and the developer is required to post a sum of money in escrow for a predetermined period of time (often 5 years). If water withdrawal associated with the five-lot subdivision adversely impacts water supplies on adjoining properties, these escrow funds would be available to resolve those water supply problems. Bruce Fritchman expressed some concern about wells on 5 lots smaller than an acre and in proximity to a number of other properties with on-lot wells. He is in favor of the escrow discussed should problems occur with adjoining landowners’ wells. Kirk Clauss noted that the water impact study that was done specifically focused on this proposal of 5 new wells within the confine of this subdivision, taking into consideration all other wells in the vicinity, and the conclusion of that water report was that there would be no adverse impact from the 5 new wells.

Ed Wild asked for direction pertaining to whether the Planning Commission wanted a streetlight at the entrance to the subdivision or post lights at each property driveway. Kirk Clauss visited Penn Meadows Subdivision and noted that there was no street light. After discussion, it was the consensus of the Planning Commission that a street light at the new intersection (meeting PP&L criteria and shining downward) would be satisfactory but no post lights were necessary at each property.

Referring to Item 3 of the engineer’s review letter regarding public sewer facilities, Ed Wild stated that Pennoni Associates, Inc., engineer for the Milford-Trumbauersville Area Sewer Authority (MTASA) issued a letter dated April 27, 2007, approving the design with several technical comments pertaining to the connections. Mr. Wild indicated all of the items listed in the Pennoni letter are “will comply” issues. Bob Wynn indicated there were two costs for this subdivision to hook onto the MTASA system. One was to the Township to reimburse them for their initial expenditure to obtain the hook ups per EDU from the MTASA. The second is the cost to the MTASA. Bob is not certain what the current cost per EDU is for MTASA, but the cost in 2003 for Penn Meadows was \$4,500 per EDU, and at that time, the Township cost was \$3,500 per EDU. Sandy Everitt had a recent discussion with MTASA and obtained information about the current costs which she will provide to Bob Wynn and Terry Clemons.

Referring to Item 4.1. in the engineering review letter, Bruce Fritchman asked for additional information about how the applicant attempted to acquire an easement from a neighboring property owner so that stormwater runoff could be piped to existing storm sewer facilities located within the right-of-way of Old Bethlehem Pike. Ed Wild said several contacts were made to the neighbor, both for the stormwater runoff and to permit the sanitary sewer system to utilize gravity service in-lieu-of the pressure sewer system currently proposed on the plan (outlined in Item 3 of the engineer’s review letter). The neighbor made it clear that he was not interested in having any discussion about this easement. Bobb Carson asked whether the Township could require an escrow fund from the applicant to address stormwater problems that will most likely be experienced by that property

owner when he realizes that it will be to his advantage to have the stormwater piped to Old Bethlehem Pike. Terry Clemons asked the applicant if he would be willing to post this type of an escrow for a defined period of time. Ed Wild suggested that a joint meeting with him, Kirk Clauss, the property owner and Bob Wynn might help the owner understand it will be to his benefit to permit the easement. If he still declines, then it is his responsibility if a problem develops later. Ed Wild does not feel the applicant should have to redesign the system later if the homeowner refuses to grant the easement so that the work can be done initially. Barbara Lindtner stated it is not appropriate for us to knowingly create a stormwater problem for another property owner. Ed Wild indicated that the system currently being proposed is a township code-compliant stormwater management system. Bob Wynn agreed that with some minor refinements, the proposed system does meet all code requirements.

Bruce Fritchman indicated concern about Item 4.C. with the entire responsibility for maintenance of the stormwater management facility falling on the owner of Lot 5. If the stormwater management system fails because of any number of non-maintenance reasons, Terry Clemons said that a Declaration of Restrictive Covenants could be established on Lot 5 to ensure property owner maintenance of the stormwater management facility. An escrow fund could be established in case the property owner does not maintain the system so that the Township can do the maintenance. The property owner would then be responsible for replenishing the escrow if it has to be used. This is a policy issue that would need to be determined by the Board of Supervisors.

After a period of discussion about the stormwater issue, Barbara Lindtner suggested that Ed Wild proceed with trying to set up a meeting with the neighbor and the others he had mentioned earlier. A copy of Attorney Wild's letter to the neighbor will be mailed to Rich Schilling, Township Manager.

Following a question from Bobb Carson, Ed Wild indicated the applicant will comply with Item 8 of the engineer's review letter.

Ed Wild indicated they will complete the details discussed at this meeting and return at a later time. No action was taken on this plan.

New Business

1. July Planning Commission Meeting falls on July 4, so the meeting was rescheduled to Wednesday, July 18, at 7:00 p.m.

Old Business – None

Public Comments

Ken Stamatson – Mr. Stamatson enumerated a number of problems he is having with the home that he purchased from the Christ Subdivision. Bob Wynn suggested that Mr. Stamatson contact Tim Fulmer from his office to discuss the issue.

Karen Bedics – Karen stated that if and/or when the other homes go up in the development where Mr. Stamatson lives, Jeff Mease, Township Building & Code Enforcement Officer, should go over the homes with a fine-tooth comb before a Certificate of Occupancy is issued.

She also asked if there is a time period for installing street trees. Bob Wynn indicated there is usually an 18-month period given to complete improvements, but normally his office requests that trees be put in during the first growing season after the home is completed. She asked if the Township could require that trees be installed within the first growing season after the home is completed, and Bob Wynn said that could be done.

Planning Commission Comments

Bruce Fritchman asked what the current status of the Zoning Ordinance revision process was. He was advised that it was currently being reviewed and revised by the Bucks County Planning Commission.

Adjournment

At 9:37 pm, Walt French **moved** that the meeting be adjourned. Scott Douglas **seconded;** the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt
Recording Secretary

Next meeting: Wednesday, June 6, 2007