

**Planning Commission Meeting
MINUTES**

June 7, 2006

The meeting was called to order at 7:07 p.m. by Chairman Barbara Lindtner and opened with the *Pledge of Allegiance*.

Members present: Jim Brownlow, Stefanie Campbell, Bobb Carson, Scott Douglas, Walt French, Pete Lamana and Barbara Lindtner. Bob Wynn, township engineer, and Terry Clemons, township solicitor, were also present.

Approval of Minutes

After some minor corrections were made by Bobb Carson, Scott Douglas **moved** to approve as corrected the minutes of the May 3, 2006, meeting. Pete Lamana **seconded**; the motion **passed** unanimously.

Planning Commission Work Session

Jim Brownlow had some questions about plans listed on the *Pending Plans/Miscellaneous Business* list, specifically, why some did not have a date by which action was required. Terry Clemons commented that from the date preliminary plan approval is given, it is protected for five years from any zoning ordinance/SALDO changes. There was discussion regarding various questions on this topic.

Pete Lamana commented that the Bucks County Planning Commission's five-year growth projection, distributed to the Planning Commission by Rich Schilling, seems to indicate Springfield Township is in fairly good shape over the next ten years with regard to projected population increase in our Township. Rich Schilling cautioned that although the County Planning Commission tries to give accurate projections, they are just projections and do not always turn out as expected.

Public Comments on Agenda Items

Dennis Steskal expressed his opinion that the initial Rolling Hills Subdivision plan submittal was not a legal plan.

Confirmed Appointments

Twomey Lot-line Adjustment (Route 212) - Todd Myers, Cowan Associates, Inc., presented for the applicants John and Catherine Twomey and Frank and Gene Neeld. Both applicants own properties along Route 212 east of Bodder Road. The Twomeys were not present, but Mrs. Neeld, who is selling approximately one-half acre of land to the Twomeys so they can build a 768 square foot, 28' x 32' addition to their home, was in attendance.

In February 2006, the applicant received relief from the Zoning Hearing Board for expansion of a non-conformity as a result of the building addition as well as lot frontage and lot area requirements. This relief permitted the applicants to come before the Planning Commission with a proposed lot-line adjustment.

Referring to the May 9, 2006, township engineer's review letter, Todd Myers stated they would comply with all items listed in that letter. Todd Myers requested approval of the waivers (listed in paragraph 2) and a recommendation for preliminary/final approval of the plan.

Pete Lamana **moved** that the waivers be recommended for approval. Scott Douglas **seconded**; the motion was **approved** unanimously. Jim Brownlow **moved** to recommend that preliminary/final approval for the lot-line adjustment be granted, subject to completion of the items outlined in the engineer's May 9, 2006, review letter. Pete Lamana **seconded**; the motion was **approved** unanimously.

Reese Subdivision (Nemeth Road & Giffert Way) – Kevin Brook, Cornerstone Consulting Engineers & Architectural, Inc., presented for the applicant Charles Reese, who was also present.

This plan received preliminary plan approval and the applicant is requesting conditional final approval at this time. The property is currently one large lot and the proposed subdivision will create two additional building lots from the original parcel. Referring to the township engineer's May 30, 2006, review letter, the applicant will comply with all items listed in the review letter. Barbara Lindtner had specific questions about items 3 – 5 relating to development/financial security agreements which guarantee that the applicant will complete installation of required improvements. Bob Wynn assured her that when final plan approval is granted, a figure would be determined, which his office must review and agree with, and funds are held by the township until all required improvements have been completed.

Following a question by Jim Brownlow about who is responsible for maintaining the storm water provisions on each lot, Terry Clemons stated that even after Bob Wynn's office inspects completed storm water systems of the subdivision and determines they have been satisfactorily completed, there is a maintenance bond that will remain in place for 18 months from the time the township accepts Bob Wynn's recommendation. In addition to those precautions, a Declaration of Restriction (which is a recorded document) can be placed upon lot owners requiring them to maintain the detention basins in perpetuity. Kevin Brook added that they could add a note to the plan that the township has the right, but not obligation, to enter the property to determine that the basin is being properly maintained.

A neighbor expressed concern about whether the storm water requirements for the subdivision are adequate to deal with the additional amount of water that will be generated by the additional paved area. Bob Wynn assured him that there is piping that runs from the area of concern all the way down to the storm water basin. Bobb Carson asked Bob Wynn if the storm water system is compliant with a 100-year storm and Bob said that it was.

Barb Lindtner **moved** that conditional final approval be recommended, based upon completion of all details listed in the township engineer's May 30, 2006, review letter. Bobb Carson **seconded**; the motion **passed** unanimously.

Thornwood Builders Subdivision (Quarry Road) – Ed Wild, attorney, and Scott Mease, Mease Engineering, P.C., presented for the applicant. This plan has been significantly revised since it was reviewed by the Commission early this year. Scott Mease went over the changes made to the plan. The parcel is 23 acres in size, mostly wooded. The plan has been reduced from the previously presented 5-lot subdivision to a 3-lot subdivision, which will not require an internal road. All three lots would have road frontage. Lot 1 contains the existing house and there would be two flag lots located to the rear of Lot 1. Each would have their own access strip accessing Quarry Road. Lot 2 would be approximately 8 acres in size and Lot 3 would be slightly less than 12 acres. Taking into consideration the physical features of the lots (shown on sheets two and three of the plan), the determination was made to create a shared driveway rather than individual driveways for the three lots.

Referring to the township engineer's May 24, 2006, review letter, Bobb Carson asked whether the tree delimitation protection zone (discussed in Item 1 of the review letter) would be shown on a future revised plan. Bob Wynn added this was particularly a concern for the area of the proposed driveway.

Bobb Carson suggested that the lot line between lots 1 and 3 be changed so that the infiltration trench currently a part of Lot 1 would become a part of and the responsibility of the owner of Lot 3. Scott Mease will explore that possibility with the applicant.

Scott Mease asked for input from the Members on moving the driveway five feet from the third-party property line (property to the north of proposed Lot 3), thus decreasing the area remaining on the Lot 1 side of the driveway. Responding to a question about the site distance for the driveway entrance on Quarry Road, Scott Mease said the distance is adequate.

Gary Zuby, a neighbor on the south side of Lot 1, expressed concern about the narrow strip going from Lot 2 to Quarry Road. He would object to any kind of driveway next to his property feeling this would be a severe encroachment. Barbara Lindtner explained that the reason that narrow strip is required is because a flag lot is required to have road frontage. She explained that the driveway that would be used would be the shared one shown on the other side of Lot 1. She further stated that the Members have requested that Lots 2 and 3 be deed restricted to prevent further subdivision.

No action was taken on this plan, pending receipt of a revised plan incorporating some of the changes discussed during this review.

Estates at State Road (State Road) – Evan Pellegrino of Urwiler & Walter, Inc., presented for the applicant who was not present. There was an initial question about the status of the planning module. The applicant stated that the Health Department had signed off on it approximately 2½ months ago. Bob Wynn acknowledged he had received a copy of the BCHD letter pertaining to the planning module. The applicant will provide a copy of the approved module to the Township if it is not on file.

Referring to the May 9, 2006, township engineer's review letter, Mr. Pellegrino stated that items 2 through 9 are "will comply" items. He noted that in their prior presentation to the Members, three driveways were shown on the plan. At the request of the Planning Commission, they created a shared driveway for Lots 2 and 3, thus eliminating one of the proposed driveways entering State Road. Regarding the road shoulder, the applicant is willing to do the 4' wide grass-stabilized shoulder. Bob Wynn did not feel a paved shoulder was necessary, but did remind the applicant that

the ultimate decision maker as to what would be required is PennDOT, because State Road is their road.

Mr. Pellegrino asked if there had been clarification about the prior discussion he had with the Members regarding whether the Township will accept a fee-in-lieu of road improvements. He noted that the applicant is willing to discuss this with the Board if it is an option. Barbara Lindtner suggested that the Planning Commission send a letter to the Board requesting that they adopt such a policy. She asked that Bob Wynn prepare a memo for the Planning Commission listing what portions of our ordinance would be feasible for fees-in-lieu of amounts from developers. Scott Douglas suggested that we make a recommendation to the Board and then they could work with our engineer to arrive at parameters for these fees that they are comfortable with. Jim Brownlow felt that the PC should outline for the Board what they feel these parameters should be. Barbara asked Bob Wynn to provide a memo to the Planning Commission with some suggestions.

Bobb Carson **moved** that we recommend approval of waivers listed in 1.B, C, D, E and F, and that the Supervisors should accept an appropriate contribution from the developer for granting those waivers. Walt French **seconded** the motion; it **passed** unanimously.

In reference to the waiver requested in 1.A., Scott Douglas **moved** to recommend approval of a waiver from the requirements of 504.2.J. as proposed by the applicant in the plan as revised May 8, 2006. Bobb Carson **seconded** the motion; it **passed** unanimously.

Pete Lamana **moved** that we recommend conditional preliminary approval subject to completion of the items outlined in the May 18, 2006, engineer's review letter. Scott Douglas **seconded** the motion; it **passed** unanimously.

Barbara Lindtner **moved** that we send a recommendation to the Supervisors to adopt a policy regarding fees in lieu of improvements when waivers are granted. Scott Douglas **seconded** the motion; it **passed** unanimously. The Members will discuss this at the end of this meeting.

Plans to Accept for Review Only

The following two plans were accepted for review only:

1. Schanbacher Waiver Request for 2nd Dwelling (Povenski Road)
2. Josh Duke Minor Subdivision (Route 212)

New Business – None

Old Business

Joint Zoning Revision Meeting - The 19th meeting of the Joint Planning Commission/Board of Supervisors Zoning Ordinance Revision Committee will be held on June 15 at 7:00 p.m. Scott Douglas will not be able to attend this meeting, but he will review the draft and see that any comments he has are emailed to the Township prior to the meeting date. Pete Lamana will also not be able to attend because of a prior commitment, but will also see that the Township receives his comments prior to the meeting.

Rolling Hills Subdivision (Route 212 & Slifer Valley Road) – A letter dated June 7, 2006, was received today by fax from Attorney Robert Gundlach, attorney for the developer, and was

distributed to the Members by email. In it, he requested that the plan be removed from tonight's agenda and placed instead on the July 5 Planning Commission agenda. Barbara Lindtner stated that several years ago, the Planning Commission had agreed that if there was a plan that had little or no activity for one year, that they would be notified that they were being placed on the agenda for action. It was for this reason that Rolling Hills was notified that they were being placed on the agenda for action at this meeting.

Terry Clemons provided a chronology of the Rolling Hills Subdivision activity. He did this to determine if the Planning Commission had a strong basis for stating that the developer had failed to exercise due diligence in proceeding with the subdivision plan. He discussed the items contained in the timeline.

Jim Brownlow noted that in the letter received today from Attorney Gundlach, he stated that his client's engineer is in the process of revising the pending subdivision plans to "address the comment letters contained in the Township engineer's review letters dated November 15, 2005, and March 28, 2005." Jim noted that those review letters were written about two different plan submissions and questioned which of the two plans the applicant's engineer was working on.

Bobb Carson is concerned that the applicant is proposing a location for two test wells, which he recalls as being in the open space area. Bobb feels that after these wells are drilled, they will not want to move them. It seems like they are beginning to lock in development activity that isn't going to be changed when an appropriate plan has never even been submitted. It appears that the developer is moving along without taking proper steps.

Barbara summarized the concerns of the Members: "It is a year later from the submission of what we all consider an inactive, grossly inadequate preliminary plan submission, and a secondary plan that our engineer and solicitor have deemed a new plan, which we cannot even consider because we have not received fees, and the applicant is insisting the second plan is a revision of the first plan. What can we do?"

Terry Clemons summarized that the developer has done significant activity. At the request of the Planning Commission, he came in with several different layouts, none of which the Planning Commission liked. He stated that the developer faces substantial hurdles in completing this subdivision. Terry wonders whether it might be appropriate for us to suggest to the developer a plan that has ??? lots and ??? acres of preserved open space that meets our ordinance and would be agreeable to the Planning Commission before they invest a lot of additional money in a plan which will not meet the approval of the Planning Commission. He stated that the developer can be told that he should plan to be at the July meeting with a time table of when they expect to have plan items accomplished.

Bobb Carson feels that for this parcel of 78+ acres, the Planning Commission should expect 50 acres of open space that is preserved as agricultural land. Whether or not the remaining 28 acres is divided into 12 or 20 lots is not up to the Planning Commission.

Chuck Halderman feels we should do whatever we have to do to keep the Township out of working with public water and sewer in this development.

Bart Fleishman, an adjoining neighbor, was concerned that perc tests are being done throughout the property; some testing even appears to be taking place on land which is not part of the actual tract. Bart suggested that there will come a time when everyone will have to compromise and give a little.

He thought that one compromise might be to carve a 3-acre lot out of the 50 preserved acres where a homestead could be built, the developer could sell that with the conserved land for a lot of money, and the Township would in essence be handing the developer a million dollar bonus, in that he could sell that as one entity—a home with 50 conserved acres around it. This would also ensure that someone would then be responsible for the preserved agricultural land.

Patrice Ryan reminded the Commission that a large number of the neighbors were not in favor of the homes being on the north end of the property on Route 212, because of storm water issues and dangers created by roads accessing onto Route 212.

Barbara Lindtner asked Terry Clemons to suggest a plan of action. He said the Planning Commission could either let the developer know that he would have to dot every “i” and cross every “t” and that he shouldn’t expect any waivers to be granted, etc., or the Members can suggest that he give them a plan that has the amount of open space required and other details they can agree upon, and then see where the developer goes.

Bobb Carson expressed concern that if we make an exception to permit a home on a farm lot in this case, we would have difficulty with future developers who come in with a 10-acre farm lot and want to build a home on it. He is also concerned that a home built on the farm lot will be a “McMansion” and will ruin the vista of the preserved agricultural lot. Terry Clemons feels that open space might be better preserved by having a homeowner on it than by having it maintained by a homeowner’s association. He also thought the Township could have input about the location of the home on the farm lot.

Barbara summarized the discussion by saying that we really must give the developer direction about what the Members are willing to accept. Further, she feels that the Planning Commission Members must be clear on what they will accept so that they are not arguing among themselves at the next meeting when the applicant is present. Terry Clemons needs direction from the Planning Commission so that he can represent them in a contact to the developer with a proposal that will be agreeable to the Members. Barbara gave a summary of the divergent views that exist, not only among the Members, but also among the residents of the township, about this plan. A primary concern of the Planning Commission in wanting the building to take place on the Route 212 side (north end) of the tract is that this placement will preserve land on this tract that will be contiguous to other land that has been preserved.

Patrice Ryan stated that there are three vistas on the Route 212 portion of the tract while there are only two on the southern portion of the land. By placing the homes on the northern portion of the tract, three scenic vistas will be affected. She said that 172 residents had signed a petition that they would rather have the homes on the central or southern portion of the tract.

Barbara asked Bob Wynn if there was any way we could determine how many homes could be built on this tract. He felt that the second plan turned in could be reviewed to determine if the number of homes being proposed is a yield than can actually be realized. Bob Wynn will give that yield plan to Terry Clemons who can use the information to contact Attorney Gundlach. Terry can inform the Members about any response received from Gundlach.

Correspondence

Correspondence was received on June 2, 2006, from Urwiler & Walter that Paul Mondschein was withdrawing his subdivision plan.

Public Comments

Patrice Ryan asked for clarification from the Planning Commission regarding their priority for Rolling Hills. She understands from the discussion at this meeting that the Members prefer large, unbroken spaces of preserved land over the safety of those traveling and/or entering on to Route 212 from the proposed development. Barbara stated that the Members are trying to get the least offensive subdivision for the whole township, and that there had been no discussion at this meeting of preservation of open space being more important than safety. She added that another primary goal of the Planning Commission for this subdivision is to try to protect the most agricultural soils.

Planning Commission Comments

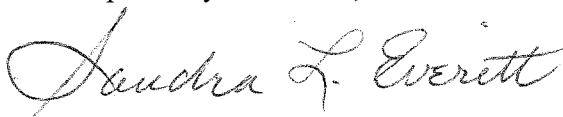
Barbara Lindtner asked that Bob Wynn prepare a memo regarding fees-in-lieu of improvements so that it can be distributed to the Members for review. The Members will need to discuss this prior to forwarding the suggestions of the Planning Commission to the Board of Supervisors.

Barbara stressed the importance of as many Members as possible being present at the June 15 Zoning Ordinance Revision meeting. It was felt that the meeting should be held, even though several Members cannot be present. After the meeting is adjourned, there will be a brief discussion of the Planning Commission with Bob Wynn about his memo regarding fees in lieu of improvements.

Adjournment

At 10:17 p.m., Jim Brownlow **moved** that the meeting be adjourned. Bobb Carson **seconded**; the motion **passed** unanimously.

Respectfully submitted,



Sandra L. Everitt
Recording Secretary

Next meeting: July 5, 2006 (The July Planning Commission meeting was cancelled because our solicitor and a quorum of the Planning Commission could not be present.)