

**Planning Commission Meeting  
MINUTES**

August 1, 2007

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

Members present were: Bobb Carson, Scott Douglas, Bruce Fritchman, Pete Lamana, and Barbara Lindtner.  
Absent: Walt French

Tim Fulmer, Township Engineer; Terry Clemons, Township Solicitor; Rich Schilling, Township Manager; Heather Radick, Recording Secretary, were also present.

**Approval of Minutes**

Barbara Lindtner **moved** to approve the June 6, 2007, minutes with suggested changes. Pete Lamana **seconded**; the motion **passed** unanimously. Barbara Lindtner **moved** to approve the July 18, 2007 minutes, and the memo to file based on Bob Wynn's technical minutes of the zoning revision. Bruce Fritchman **seconded**; the motion **passed** unanimously.

**Public Comments (Agenda Items)**

**Bill Dunlap** – Dunlap commented that he has lived in the township since 1984 and on Slifer Valley Road since 1991. He understands that Dushant Sharma wants to expand the gas station and convenience store located on Route 212 in Pleasant Valley. He believes more than half of the community utilizes the convenience store and gas station, and that it provides a good service to the residents, and is an asset to the community.

**Sketch Plans - None**

**Confirmed Appointments**

**Dushant Sharma – Route 212** Ed Wild, Benner & Wild, and Todd Myers, Cowan Associates, presented for the applicant, Dushant Sharma, who was also present. Ed Wild stated that the gas station and convenience store located at 1860 Route 212 is seeking to expand its facilities, which is currently an E 19 facility. Todd Myers stated that the property is currently a 500 square foot building with a canopy, a pump service island, and a sand mound for 1 commode, sink and well that is located on the northeast corner of the parking lot. Todd Myers explained that the applicant is looking for a total build out of 2000 feet and to continue sales of convenience store products and gas. Ed Wild stated that he wanted to confirm the use issues, street improvements, and waivers. Barbara Lindtner commented on the layout and design, noting Point 2B in the Township Engineer's letter of evaluation which refers to the allowable disturbance of steep slopes. Barbara Lindtner asked Todd Myers for an explanation of its design, and for a possible redesign with no disturbance of 30% of slopes. Todd Myers explained that the 30% plus shading was accidental, and the two shaded gray areas will be revised on the plan to show 25% or less. Bobb Carson stated that the steep slopes as indicated on the NRP table on the plan misinterpret the ordinance, and need to be recalculated. Todd Myers agreed. Barbara Lindtner noted they are looking at an unrevised plan, but by recalculating, they can meet the ordinance. Todd Myers stated he will make corrections. Bobb Carson stated he would like the township engineer to visit the property. Tim Fulmer agreed to look at the property.

Barbara Lindtner referred to Point 2A of the Township Engineer's review, noting a possible encroachment within 75 feet of a pond. Todd Myers responded that it doesn't meet the definition of a pond, because it is not a permanent water source, and any rain that falls in the depressed area infiltrates. Todd Myers presented the commission with a photograph of the pond after a storm. Barbara Lindtner asked Tim Fulmer how the area is being defined. Tim Fulmer referenced a definition in SALDO about lakes and ponds, stating that if it does not retain water annually, it would not be classified as a pond. Todd Myers stated that the prior owner removed soil off site and what remains is a depression. Scott Douglas asked if petroleum storage tanks were in that area, and commented that it doesn't seem that there are natural contours or drainage. Barbara Lindtner stated it is actually not a pond, and it seems like a depression. Scott Douglas noted if there is not wetland vegetation then it's not a pond. Barbara Lindtner asked Todd Myers to revise his comment on the pond, and rule out that the area is a pond and to clarify Point 2C in the Engineer's review with regards to woodlands disturbance. Todd Myers stated that the hedgerow doesn't meet the definition of woodlands. Tim Fulmer said it looked like limits of vegetation varied. Todd Myers stated it has been clarified in the revised plan. Barbara Lindtner commented she is familiar with the site, and it is not really wooded, and she asked Todd to revise that and to address Points 2 A, B, C and D, with the existing site conditions. Todd Myers replied that Tim Fulmer will receive an existing features plan and a record of land development. Tim Fulmer commented that he is basically asking for an additional sheet so they can verify what exists. Barbara Lindtner confirmed that they will be revising Point 2 E because the site is in Village Commercial and they don't have to do set asides for soil. Todd Myers agreed.

Barbara Lindtner noted Point 1 in the Engineer's review, and the need to discuss zoning variance approval, relating to the prior use of E 19 service station permitted in VC district as a conditional use, and the possibility of having to go before the Zoning Hearing Board. Terry Clemons stated that it appears that the zoning ordinance was amended by ordinance 129, which provides that a service station use is not a permitted use in a VC district. Terry Clemons explained that prior to ordinance 129, it was permitted by special exception, and then ordinance 129 deleted it as a permitted use in a VC district, making it a nonconforming use. Terry Clemons explained the expansion of a non conforming use would require a special exception as a use, and then one could argue about the two provisions of Zoning Ordinance Section 1101.A. and whether dimensional nonconformities could be expanded. Terry Clemons stated a trip to the Zoning Hearing Board may be needed to request a clarification for a variance for the proposed expansion.

Tim Fulmer questioned the uses of a convenience store and service station while expanding to a nonconforming use. Tim Fulmer stated there was only an E-19 use there, and they were looking to add a E 5 use there for a convenience store, explaining that there are some provisions to have both on the same site, but in this case, even if both uses were pre existing, they are still nonconforming. Barbara Lindtner concluded that with that information, the applicant needs to go before the Zoning Hearing Board, and the Commission could not conclude that for the applicant.

Ed Wild said he will go back and check if ordinance 129 has deleted that the property's current use as not permissive, and then they will determine if they need to go before the Zoning Hearing Board to expand the non conforming use. Ed Wild stated in terms of dimensional non conformities, he feels the expansions are permitted by right. Ed Wild explained that the property currently sits close to the road, and the plan will be not making the set back worse, so the dimensional issues will remain the same as present. Ed Wild explained that there will be more building in the setback, but the set back will not be getting worse.

Bobb Carson questioned why the new portion of the building isn't located behind the building set back line, noting that if the building can be attached to the back of the existing building, which would be behind the set back line, then the property can be configured to conform dimensionally. Barbara Lindtner asked where the new entrance to the store would be located, and where vehicles would be entering and exiting. Barbara Lindtner wanted to know if it could be designed off the back instead of the side as Bobb Carson suggested. Todd Myers explained that there is underground piping and storage there, and the plan was designed to

minimize the amount of piping that would have to be relocated. Bobb Carson questioned if the underground piping and tanks will be noted on the revised plan. Todd Myers stated that they do not have that information available. Ed Wild responded to Bobb Carson's set back concern, stating that he feels what is shown on the plan in terms of the extension of the dimensional non conformity is in compliance with the ordinance. Bobb Carson disagreed and stated it is not in compliance with the building setback, noting there is not supposed to be any new building within the building set back line. Ed Wild responded that was not what the ordinance says and stated that if there is an existing non conforming intrusion, that dimensional nonconforming may be extended by right, as long as you aren't making it worse then it currently is. If this was an unimproved property, he would agree, but the building predates the zoning ordinance. Bobb Carson disagreed, noting that it is not allowed to expand if it is exceeding the allowed amount. Ed Wild explained that the expansion of nonconformity on a percentage has to do with volume, not dimension. Bobb Carson responded that regardless of size of expansion, it's the use that matters, and this site can conform to the requirements of the ordinance. Bobb Carson suggested that when the plan is redone, the proposed expansion can sit behind the building set back line. Terry Clemons stated that the Bucks County Planning Commission and the township engineer reviews noted the extension of dimensional volume nonconforming would require a variance. Terry Clemons referenced page 162 of the zoning ordinance, Section 1102.A. Tim Fulmer stated he actually made his interpretation based on Section 1102.B.2, which addresses the issue of proposed extensions shall conform with setback. Terry Clemons stated that 1102.A. applies to structures that have dimensional nonconforming use but are occupied by a permitted use and Section 1102.B. applies to non-conforming use expansion. Ed Wild responded that he would go back and look at ordinance 129, take the commission's comments to make a determination about use issues, and go the Zoning Hearing Board for relief if needed. Bobb Carson stated that his understanding of the ordinance is that a 50 % expansion is allowed by right, but proposing to go from a 504 square foot building to a 2500 foot square building is much more then a 50% expansion, and they have no choice but to go to the Zoning Hearing Board.

Ed Wild asked for feedback in regards to possible street improvements. Barbara Lindtner noted Point 4A in the Engineer's review. Tim Fulmer explained that he recommends that the township reserves the right to have the applicant show if there are any particular features within the site or within 100 feet of the sight. He noted the previously discussed request for a more detailed location of underground tanks. Bobb Carson noted there appears to be a swale leaving the south side of the rear of the property, and that what is located within 100 feet of that potential drainage site should be pointed out on the plan. Barbara Lindtner referred to Point B in regards to the appropriateness of sidewalk installation along 212. Pete Lamana feels sidewalks are not appropriate in Pleasant Valley, and he is not sure how beneficial they would be. Pete Lamana does not feel it is necessary to enforce curbs and sidewalks on existing roadways within frontage of site, and most of the traffic generated would be vehicular. Barbara Lindtner questioned the feasibility of the ability to install sidewalks with the narrow road, and has concern over the sidewalk ending abruptly outside of the frontage of the site. Bobb Carson commented that the area is in a Village Commercial District, and as it continues to develop, the Township should expect increased pedestrian traffic from staff and students coming from the elementary school. Bobb Carson feels curbs and sidewalks are absolutely necessary here.

Barbara Lindtner asked Tim Fulmer if there is an ability to expand the sidewalk through the village on that side of the road. Tim Fulmer replied it would depend on the amount of right of way that is there currently, and that he did not know how feasible it would be at this point. Rich Schilling asked Tim Fulmer what the state owns from the center of the road, and if PennDOT will allow for sidewalk installation in a road right of way. Tim Fulmer replied that the right of way would need to be researched at PennDOT's offices, and PennDOT has allowed sidewalks in a road right of way, and it has been done before in other municipalities with approval through the permitting process. Bruce Fritchman agreed with Bobb Carson's comments on starting the sidewalk, stating that they need to start somewhere, and the area is likely to require traffic over time, adding that there is no place for sidewalks with the houses being so close to the road. Rob Zisko stated that he works at Wood Heat, and between there and Route 212 is 10 feet of grass and not enough room for a sidewalk, in addition to buildings that are right on the road. Bobb Carson suggested requiring a deposit or escrow for

money in advance in case sidewalks needed to be built. Karen Bedics stated she strongly favors a sidewalk for safety reasons, even if it ends, just as long as pedestrians could be out of traffic. Barbara Lindtner suggested finding an alternative to having sidewalks in front of the properties due to lack of available room in the front of properties, perhaps getting an easement from property owners for a walking path, and at a minimum the board would like to see preparation for a sidewalk, or funds sets aside for a future sidewalk.

Barbara Lindtner asked Todd Myers to address Point 5 in the Engineer's review with reference to the location of the infiltration trench and its minimal effectiveness. Todd Myers stated that his storm water engineer will be speaking with Tim Fulmer to resolve the issue. Tim Fulmer requested receiving soil testing for the infiltration areas. Todd Myers agreed to comply with the request and will redesign it if needed.

Ed Wild noted Point 6 in the Engineer's review, and stated that he feels this is a minor land development, and that it does not change the water uses on the property by any measurable percentage. Barbara Lindtner asked if it will be an employee-only restroom. Dushant Sharma answered yes. Bobb Carson suggested finding out the requirements for running a 2500 square foot store and gas station, and if they do need public restrooms, what size should be anticipated. Tim Fulmer suggested that if a waiver is requested, the Board would want to see anticipated usage to help them decide to consider the waiver. Terry Clemons asked if there will be food preparation in the store. Dumant Sharma answered no. Pete Lamana asked about the possibility of having sidewalks installed on the other side of the road. Bobb Carson stated they can only enforce the side of the road in front of the property that is impacted.

**Rennie Minor Subdivision – Winding Road** Scott Mease, Mease Engineering, presented for the applicants, Michael and Brigitte Rennie, who were not present. Scott Mease stated he will be addressing issues on the revised plan. Bruce Fritchman noted that realtor Carol Dorey's website is advertising that Lot 2 is sub dividable. Terry Clemons recommended receiving a declaration to prohibit further subdivision. Barbara Lindtner questioned the status of Lot 2. Scott Mease replied it was submitted, but was not completed in time for submission of the plan. Tim Fulmer agreed that it was filed but not reviewed as part of the letter because it came in after the submission deadline. Barbara Lindtner stated she had an issue with Lot 4, sighting an April meeting discussion about the driveway installation location, noting the driveway still in the same location. Barbara Lindtner said that they still do not have adequate sight distance, and is concerned considering the desire to change the speed limit from unposted to 35 mph.

Scott Mease said that a sight distance listed on plan has been added which verifies what sight distance exists for the proposed location. Scott Mease stated there is a problem with the intersection and present vegetation for adequate sight distance. Scott Mease feels the west side of the property is the best location for the driveway. The speed limit calculations that were performed were based on 35 mph since the road is currently unposted.

Bobb Carson stated it is clear that the property's best access is at the access to the existing house, and asked if it was possible to create a common driveway in through the existing lot, so as to enter from behind the barn and go to the back lot. Bobb Carson noted that the sight distance is terrible at both Woodcock Lane and at the corner, and asked if it would be possible to get an easement across Lot 1, go behind barn and then to the back of the property. Scott Mease noted the barn is outside of the ultimate right of way, and 530 feet is being proposed in one direction. Barbara Lindtner pointed out that in the other direction the plan does not have the minimum required distance, and that the Planning Commission is not going to create an unsafe situation. Barbara Lindtner suggested bringing the shared driveway closer to the barn. Bobb Carson suggested moving the lot line much closer to the barn. Bruce Fritchman noted they may have to cut down the tree line. Barbara Lindtner acknowledged a tree line must be cleared to put in a driveway.

Tim Fulmer brought up two issues from a sight distance calculation stand point, the first being that the speed limit is not posted. Tim Fulmer asked if the property applicant would agree to bear the cost of preparing the

ordinance to change the speed to 35 mph. Tim Fulmer also noted that PennDOT's desired sight distance regulations must be met if possible, and asked if it was possible to meet the desirable sight distance anywhere along the sight frontage. Scott Mease replied, not in both directions. Tim Fulmer then asked where the point of maximum sight distance is. Scott Mease said his feeling is that the proposed location is the maximum, and there is no other place they can get more in any direction. Tim Fulmer asked if this was looked at in terms of lot lay out. Scott Mease replied there are actually 2 frontages. Barbara Lindtner asked where the best place was to have the driveway in order to make it safe as possible. Rob Zisko stated his parents own the adjacent property which has an existing driveway, and that could possibly be used as a shared driveway to get the sight distance. Barbara Lindtner suggested that Tim Fulmer visit the property and the driveway, decide where the safest entry is, and the plan will then have to be redesigned around that. Barbara Lindtner questioned the reserve septic system. Scott Mease replied that the testing was done, and there is an alternative. Bobb Carson stated that a document should go with the plan stating that there can't be any disturbances to the reserve area. Scott Mease stated he preferred if it was just a note supplied and not a declaration. Bobb Carson stated that a note should be supplied informing the buyer stating that if the reserve area is built on or is disturbed, it no longer qualifies. The applicant filed an extension until September 30, 2007.

**Hall/Kucher Minor Subdivision – Roundhouse Road & Oak Lane** Scott Mease, presented for the applicant, Stanley J. Hall, who was not present. Scott Mease presented a plan showing how Lot 1 could be further subdivided into 2 additional lots. Scott Mease stated there are no deed restrictions and per a prior discussion with the Planning Commission, it was decided that because they are not deed restricting, lot land delineation and soil studies were completed so as to prove that it can be further subdivided. Barbara Lindtner commented that the sketch plan presented does not show what it would look like if Lot 1 was further subdivided, and it needs to show that. Bobb Carson stated an internal road would also have to serve Lot 2, not just 1 and 3. Scott Mease stated that the land will be used for hunting, and there are no plans for further subdivision. Scott Douglas stated that the commission would like to see a deed restriction on Lot 1 to show it will be divided once because the plan shows that 2 more conforming lots could be subdivided. Barbara Lindtner noted that the township's ordinance requirement state that if the parcel can be further subdivided, it needs to be shown how it will be lotted out with an internal road. Scott Mease replied that the plan shows how it can be further subdivided and it was shown by going through the expense of wetlands delineation, soil survey, contours, and natural features to show what is on that property. Bobb Carson noted that is required of any plan, and the provisions of the ordinance have been met, but the solution provided does not show that there will be no further subdivision, otherwise all the proposed lots will be collected on an internal road. Barbara Lindtner noted Lots 1 and 5 will have to be on an internal road if it could be further subdivided. Bobb Carson stated the proposal is to divide the existing parcel into new lots and now is the time to decide where a possible internal road is going to be, and how all the proposed lots are going to feed onto that internal road. Scott Mease replied that the applicant does not want to deed restrict, and only wants one lot. Barbara Lindtner expected the deed restriction would say that Lot 1 can be further subdivided into 1 additional lot, and that was previously discussed. Barbara stated that the sketch plan has to show how the lots will be serviced by an internal road if the applicants are not willing to deed restrict Lot 1. Scott Mease stated that was not his understanding, and does not see that reflected in the engineer's review.

Terry Clemons referenced Section 502.A. in the subdivision ordinance, and whether or not the sketch plan applies. Terry Clemons explained that the Planning Commission is saying if there isn't a deed restriction, then they are requesting that the applicant show a prospective street layout that would accommodate future subdivision of the tract.

Scott Mease stated he wanted to be clear that the minutes reflect that if he proposed to present a sketch showing 5 lots off of a cu-de-sac with provisions for access to lot 2 with no deed restriction, and if the plan meets the engineer's requirements, that the Planning Commission would be satisfied. Scott Douglas responded that the Planning Commission wants to see the maximum possible build out on the property, and a road that could be put in to collect new Lot 2, and all the additional proposed lots that would be created on Lot 1.

Barbara Lindtner stated that the ordinance says that if a property can be further subdivided, and you are creating three new lots, and there is not willingness to deed restrict Lot 1, then it needs to be shown how the lots would all fit on one internal road. Tim Fulmer asked if the plan comes back with the road, could the plan note that only 2 more lots can be subdivided off Lot 1, otherwise a road is required pursuant to Section 516 of the zoning ordinance.

Scott Douglas referred to the stream mapped on the natural resources that has been called ephemeral. Scott Douglas asked how the decision was made to define the stream as ephemeral, noting that the stream runs every spring and dries up every summer, which defines the stream as intermittent. Scott Douglas explained intermittent streams have different protection standards than ephemeral. Scott Mease replied that there is a report from Miller Consultants coming in regarding that, and he had been out on the property after a hard rain and portions of it were dry. Scott Douglas responded that intermittent streams run consistently part of the year, but can carry run off, and an intermittent stream has groundwater flow some part of the year. Bobb Carson suggested relabeling the stream as intermittent. Scott Douglas noted it might change the resource calculations as well. Barbara Lindtner asked if the township would be receiving the NOVA report from Miller Consultants because it is needed before discussions can continue. Scott Mease replied yes.

Bobb Carson noted that the property shows no soils of statewide importance because it is in the RP district. Bobb Carson went on to explain that across the street, the entire adjoining property has soils of statewide importance that have to be calculated for resource protection because it is in the AD district. Bobb Carson noted one of the oddities of the ordinance is that 60% of soils of statewide importance are protected in the AD but get no protection in any other district. Bobb Carson suggested thinking about some consideration for protecting soils in the RP district. An extension was filed by the applicant until October 30, 2007.

### **Plans to Accept for Review Only - None**

#### **New Business**

### **Additions to Agricultural Security District**

Barbara Lindtner referenced the resolution received for Richland Township farms to join Springfield Township's Agricultural Security Area as required by Bucks County Farmland Preservation Program. Barbara Lindtner asked Terry Clemons if he had seen the resolution. Scott MacNair replied yes. Rich Schilling stated that it was sent out in January. Barbara noted it was the first time she had seen the resolution. Rich Schilling explained there was a question about Richland Township properties wanting to join Springfield's Agricultural Security Area, and Richland Township needed a resolution to authorize that. Bobb Carson recalled there being a problem between both township's supervisors with doing this. Rob Zisko stated that Richland Township wants Springfield to include two of its properties in Springfield's Agricultural Security District, because they do not have one. Rob Zisko explained that Springfield's Agricultural Security Committee did not recommend David & Mary Barnhart's Richland Township property to be added, because the other Richland Township property, owned by Albert and Eleanor Wukovits, is in the end processes of closing with the Agricultural Preservation Program, and needs to be included in an Ag Security District to qualify. Rob Zisko explained that there are several other Richland Township properties that have applied to be added to Springfield Township's Security District, but the Agricultural Security Committee felt that Richland Township should set up their own Ag Security District. Barbara Lindtner asked if that is likely to happen, and if there is a problem with Springfield Township approving Ag Security District applications from Richland Township. Rich Schilling replied that Richland Township is in the process of forming its own Agricultural Security Committee which may take some time. Rich Schilling said that Richland's applications can be approved by Springfield.

Bruce Fritchman and Barbara Lindtner asked what the downside is to approving parcels from other townships. Rich Schilling said his concern is that he feels the Agricultural Security Committee should form a letter to go along with the application, so the Planning Committee knows why the decisions are made.

Chuck Halderman explained the situation with a 50-acre Richland property that previously applied to be in Springfield's Agricultural Security Area. Because the parcel was zoned Planned Industrial, Chuck Halderman felt it was not up to Springfield to allow them into an Agricultural Security District and their property gets preserved, then Richland needs to go out and find 50 acres of planned industrial. Chuck Halderman explained that the Springfield Board of Supervisors agreed that if Richland Township Supervisors recommended properties, Springfield Township would include them in the Agricultural Security District. Barbara Lindtner replied that she was confused as to why the Barnhart property was not included, and asked what the down side is to approving that property. Rob Zisko responded that he felt certain members of the Springfield Agricultural Security Committee didn't want to be bothered with it, and did not want to do it. Bobb Carson asked if a property in Richland Township gets included in Springfield's Agricultural Security Program, does it mean monies that are available will reduce the amount of land that will be protected in Springfield Township. Chuck Halderman answered "yes," stating that county monies will go to Richland Township. Rich Schilling commented that if the property borders Springfield, it is a good idea to include it in the Agricultural Security Area, and he explained that the Board of Supervisors discussed this in great length, and concluded they didn't want to eliminate them. Rob Zisko noted that he recalls the Board of Supervisors agreeing that it would be reviewed on a case-by-case basis. Rob Zisko went on to explain Richland Township needs 250 acres to form their own security district. If a property is not in an Agricultural Security District, it cannot get funding for preservation. Barbara Lindtner and Bobb Carson stated they are still confused as to why the one property is rejected. Rich Schilling stated that including the properties is a courtesy extended to Richland Township. Barbara asked again what the downside is to approving Richland Township properties to be included in Springfield's Agricultural Security District.

Terry Clemons gave an example of a theoretical down side, explaining that if Richland Township had a property that rated 10, and Springfield Township had one that ranked 11, and only 10 properties get funded, then Richland isn't in it because it does not have Ag Security District, and does not get included in funding. Terry Clemons stated although that is theoretically possible, he does not know of a case where an adjoining municipality has ever gotten bumped because of a competing property.

Rob Zisko explained that the Wukovits property is being included because the Agricultural Preservation Program has appraised the property and made them an offer. Because Richland Township does not have their Agricultural Security District up and running, it will delay closing on the Wukovits property. Bobb Carson stated he feels the commission is being asked to make recommendations to include properties with almost no information. Bobb Carson stated that the map shows the tax parcels but not the zoning districts. Rich Schilling responded that they were handed out at the last meeting and are available upon request. Chuck Halderman stated that Richland Township's Board of Supervisors could have started their own Agricultural Security District, and it's not up to Springfield to bail them out. Bruce Fritchman asked why such a narrow perspective was being taken on the issue. He asked if the township is interested in seeing agricultural land being preserved, even if a property in Springfield was to get bumped, noting that if another township has better quality land, then that's what should be preserved. Rob Zisko stated that the Barnhart property is located next to Peony Land. By not approving this property, it sends a message to Richland to form its own Agricultural Security District. Karen Bedics stated that she feels it's a good idea for the Planning Commission and the Board of Supervisors to have a letter from Springfield's Agricultural Security Board or minutes from their meeting to go with Agriculture Security application with the issues pertaining to the property, so everyone is informed about what is going on. Barbara agreed that would be a good idea. Bruce Fritchman made a **motion** to approve all applications as presented from Terry Clemons's office letter dated June 20, 2007, Barbara Lindtner **seconded**. The motion **passed** unanimously.

## Old Business

**Rolling Hills Subdivision – Route 212 & Slifer Valley Road** Barbara Lindtner stated that she feels there are substantial outstanding issues with the subdivision submission. Barbara Lindtner addressed the issue of soil, noting that the commission had received the soil service's company report from Laurel Mueller. Barbara Lindtner referred to comments from Del Val and Fox Rothschild about the interpretation between prime and statewide soils that exist on the site. Barbara Lindtner stated that the township's soil consultant report states that the soil mapping was inappropriate and the methodology used was inconsistent with NCSS. The report also states that based on NRCS soil survey in Bucks County that tract is comprised of 75.9% prime farmland and 24.1% farmland of statewide importance. In the latest refined mapping received from the applicant, it states that there are 0 prime and 43.9% statewide. Barbara Lindtner noted the commission does not have the revised plan submission or Bob Wynn's letter to be sure that the applicant has addressed the soil issue.

Barbara Lindtner stated that because of a name change from Allenwood to Arendtsville, there are 53.2% soils that they do not have to classify as prime based on the definition in the township's subdivision ordinance section 201. Barbara Lindtner noted that based on the Del Val response to Bob Wynn's letter of May 31, 2007, and the commission's response to public comment on sewage planning modules, both letters from Del Val reference that they are in compliance with the township's subdivision ordinance. Barbara Lindtner stated that there is an interpretation issue that dramatically impacts the design and layout of the plan. Bobb Carson stated the 35 to 36 lot plan is based on their remapping of soil configuration and classification, and the results of an evaluation of the applicant's soil classification indicate the applicant's classification is wrong. The township's original soil conservation mapping is more accurate than Del Val's assessment. Bobb Carson raised the issue of a conflict between the applicant's soil classifications and that of the township's.

Karen Bedics read from a letter dated July 31, 2007, written by Patrice Ryan and Ray Janus in regards to the Rolling Hills subdivision and possible future problems with drainage, traffic, Cook's Creek, and scenic vistas. Barbara Lindtner stated she appreciated resident's comments, but these issues are premature at the moment in light of the soil issues.

## Correspondence

Stephanie Campbell's resignation announcement was received, and the commission will be advertising for another planning member. Barbara Lindtner will be sending a letter on behalf of the Planning Commission to Stephanie thanking her for her commitment. Barbara Lindtner acknowledged a letter was received and accepted by the commission from Fox Rothschild requesting that Rolling Hills be added to the September 5, 2007 agenda because they did not get a chance to review the letter from Science Applications. The commission will be extending their review period to September 30, 2007, for sewage planning modules and subdivision application.

## Public Comment

**Tim Moats**, Zion Hill resident, stated that he and his wife do not give permission for the sight line for the road to be installed for the Prime Property subdivision, and they are very much against the construction of the proposed 5-lot subdivision. Barbara Lindtner explained that if a developer meets the requirements of zoning law, the commission technically cannot refuse to move the plan forward.

**John Boyskey** stated that he did not want the engineers to keep returning to his property at their own will, and for them to stake off the property on the back, and not off his, which they have done anyway.

Barbara Lindtner explained the commission has been trying to withhold any approval process because they want the developer to secure from Mr. Boyskey an easement to install a drainage pipe for the storm water under his property. John Boyskey offered the commission a drawing showing the pipe three quarters of the way down on his property. Barbara Lindtner explained that their storm water management is compliant, but the commission wanted it to go through pipe and not overland sheet flow.

**Mr. Kresky** stated that he feels a pipe cannot handle the flow from the property. Terry Clemons explained that the Planning Commission asked the developer to get an easement to allow the storm water to be piped across the Boyskey property. Bobb Carson explained the Commission's primary concern with the Boyskey property is that the planned retention basin is designed to withhold surface runoff and then slowly release it across the surface of his property as sheet flow. Bobb Carson stated that the Planning Commission thought that situation was less desirable than having a pipe run from the retention basin across the property to a swale along the road. Barbara Lindtner explained that the Commission felt the applicant's storm water management, although compliant with zoning, was not sufficient enough based on the fact that the Boyskey property was downstream and the commission did not want to create a worse problem with runoff than is being currently experienced. Terry Clemons stated one of the two plans will be approved. Mr. Kresky voiced concern over water drainage in areas that will be blacktopped. Mr. Kresky stated that the current pipe under the road cannot handle runoff from heavy rain. Barbara Lindtner suggested to the residents that they appear at the August 14, 2007 Board of Supervisors meeting for the opportunity to present their issues to the board and the developer. Mr. Kresky asked why the developer cannot be stopped, and stated that the water the developer is proposing to pipe will be going into the same pond which currently holds rainwater, noting that developers cannot release excess water onto another property. Terry Clemons explained that the water situation that is occurring right now is allowed, and the developer does not have to prevent it from happening. Terry Clemons explained that the ordinance says when someone develops their property they cannot release water onto an adjoining property at any greater rate than what was being released prior to the development.

Mr. Kresky stated the neighbors never knew when the meetings were, and feels all the plans were going on without residents being notified. Chuck Halderman explained that they are not required to be notified, and the meetings are posted. Kay Moats asked where they and the other neighbor stood in regards to clear sight triangle. Terry Clemons responded that they don't have to give it, the developer does not need to obtain it, and these issues were previously discussed at publicly advertised Planning Commission meetings.

The Planning Commission entered into an Executive Session at 10:00 p.m. for discussion of a settlement proposal document received from McArdle.

### **Planning Commission Work Session Zoning Ordinance Draft & Zoning Map**

The public meeting resumed at 10:35 p.m., and Tim Fulmer, township engineer, took the technical notes regarding the Zoning Ordinance Draft. Those notes are appended to these minutes. Barbara Lindtner suggested that they need to get a document to the Board of Supervisors. The Commission agreed to send the ordinance to the Board of Supervisor's meeting accepting all changes.

### **Adjournment**

At 11:10 p.m., the meeting was adjourned.

Respectfully submitted,

Heather Radick  
Recording Secretary

Next meeting: September 5, 2007  
Minutes Approved: September 5, 2007