

**Planning Commission Meeting  
MINUTES**

September 6, 2006

The work session was called to order at 6:35:00 p.m. by Chairperson 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.

There was a discussion about making an additional change in the zoning map to bring it more into line with the recommendations in the Comprehensive Plan, which follows the state-wide soils and prime agricultural soils map. It was decided that if there are other changes being made to the zoning ordinance draft as a result of the Bucks County Planning Commission review, the map changes could be included with the revisions. Otherwise, the map change could be made later as an amendment, so as not to hold up the entire Zoning Ordinance, since the map changes affect a very few properties.

Jim Brownlow **moved** to ask Jeff Mease to work with Charlie Schmehl to bring the zoning map into alignment with the Comprehensive Plan, to determine if the Springtown Village rezoning changes were included in the High Priority Ordinance 129 or whether these changes still need to be done. Additionally, Jeff should determine what tax parcels (east of Pleasant Valley) would be affected by changing AD to RP to coincide with the Comprehensive Plan recommendations. (This would primarily include Oak Lane, Freeh Lane and Springhouse Lane.) This information should go to Terry Clemons to begin preparations to make these changes. Bobb Carson **seconded** the motion; it **passed** unanimously.

Scott Douglas presented certificates of appreciation to Stefanie Campbell and her family for their help in the Cooks Creek Roadside Clean Up session held in April. Scott announced there would be another road side cleanup the first Saturday in November and again the first Saturday in April of 2007. He will provide information on these events to the Township so they can be advertised on the Township website.

The work session adjourned at 7:11 p.m.

The Planning Commission regular meeting was called to order at 7:12 p.m. and opened with the Pledge of Allegiance.

**Planning Commission Work Session**

Barbara Lindtner discussed calling together several of the Planning Commission and Board of Supervisors and several of the residents who signed up indicating interest in being on the planning

group to come up with a Rifle Range Ordinance. Jim Brownlow felt it would be best to seek direction from the Board. Karen Bedics has indicated interest in calling together a group to work along the same line, and Jim wanted to ensure there is no duplication of efforts. Barbara Lindtner **moved** to send a request to the Board of Supervisors for direction on how to proceed with the Gun/Rifle Range Ordinance. Jim Brownlow **seconded** the motion; it **passed** unanimously.

### **Approval of Minutes**

Bobb Carson, referring to the resolution to establish fees-in-lieu of road improvements asked that the Minutes be changed to indicate that both the \$3,000 base per-lot fee and the construction costs should be reviewed annually for inflationary increases in road construction. After some additional minor corrections were made by Stefanie Campbell and Bobb Carson, Jim Brownlow **moved** to approve as amended the minutes of the August 2, 2006, meeting. Pete Lamana **seconded**; the motion **passed** unanimously.

### **Public Comments on Agenda Items – None**

### **Confirmed Appointments**

**Thornwood Builders Subdivision (Quarry Road)** – Ed Wild, attorney, and Scott Mease, Mease Engineering, P.C., presented for the applicant. Since they presented to the Commission last month, revised plans were submitted and the speed limit request on Quarry Road was clarified to be 25-miles-per-hour, removing concerns about the sight distance for this subdivision entrance. Referring to the August 30, 2006, review letter from the township engineer, Attorney Wild opened the floor for questions from the Commission.

Bobb Carson, referring to item 2.B. of the August 30, 2006, letter, asked why deed restrictions had not been placed on the plan. Attorney Wild stated the applicant would put deed restrictions on the plan upon favorable approval of the waiver issues. The applicant is also willing to cover the cost of purchasing and installing the 25-mile-per-hour signs for Quarry Road.

Scott Mease indicated that there are two tested areas on each lot for the septic systems. There was discussion about the number and size of the trees that were being removed to permit construction of the driveway. There was also discussion about the proposed 25-mile-per-hour speed on Quarry Road. Although sight distance at the driveway entrance is adequate for 35-miles-per-hour, there are already portions of Quarry Road posted at 25-miles-per-hour; therefore, it would be better to keep it all at 25-miles-per-hour.

Following discussion about the waivers requested in the Township Engineer's review letter of August 30, 2006, individual motions for approval of waivers 2.d., e. and f. were granted subject to establishment of escrow funds to cover the cost for repair of the street if damaged during installation of the stabilized shoulder, and collection of a contribution of \$3,000 per new building lot, as established by Resolution 2006-17.

Pete Lamana **moved** that the waiver referred to in 2.A. of the August 30 review letter be recommended for approval; Bobb Carson **seconded** the motion. The motion **passed** unanimously.

Bobb Carson **moved** that the waiver referred to in 2.B. and C. be recommended for approval subject to deed restriction of Lots 2 and 3 from further subdivision. Plan must be revised to note the deed restriction, and separate covenants, prepared by the Township Solicitor, should be filed defining the deed restriction. Scott Douglas **seconded**; the motion **passed** unanimously.

Barbara Lindtner **moved**, Stefanie Campbell **seconded** that the waivers referred to in 2.D. relating to Sections 505.16 and 506.4.A. requiring street improvements to existing streets be recommended for approval, with the proviso that four feet wide stabilized shoulder, drainageswale along the frontage of the property, and trench drain for the shared driveway are to be constructed. The motion **passed** unanimously.

Pete Lamana **moved**; Jim Brownlow **seconded** that a recommendation be made to grant the waivers referenced in 2.E. and 2.F. providing relief from installing sidewalks along all streets and street lighting. The motion **passed** unanimously.

Jim Brownlow **moved**, Barbara Lindtner **seconded**, that a recommendation be made to grant preliminary conditional approval subject to the conditions outlined in the Township Engineer's review letter of August 30, 2006, as amended in discussion tonight. The motion **passed** unanimously.

**Mandarino Major Subdivision (Moyer Road)** – Ed Wild, attorney, and Scott Mease, Mease Engineering, P.C., presented for the applicants.

Attorney Wild indicated that they had just received the September 5, 2006, review letter by Township Geologist Kent Littlefield. Mr. Mandarino, the applicant, had not seen this letter until he was on route to the Township Building for this meeting. Further, because their geologist had not had an opportunity to review Mr. Littlefield's letter, he felt that the only other issue they hoped to obtain a unified response from the Commission about was whether a home could be built on the farmland lot, regardless of how many lots can ultimately be realized on this property. He stated this information is critical to any further design of this property. Scott Douglas noted from the earlier adopted minutes of the August 2, 2006, meeting, that there was a consensus taken among the six members of the Commission in attendance at that meeting. The minutes reflect that they all felt that a new dwelling and accessory buildings could be built on the farmland lot, but had reservations about other issues relating to this particular subdivision.

Bobb Carson requested that the any future plan submissions should not only include what is being proposed, but all the justifications for those proposals so that the Members can respond in an effective manner. Some of the concerns he felt needed to be included/addressed are flood plain, creeks that feed into Cooks Creek, springs, soils, geology issues, etc. Attorney Wild mentioned that their geology report had been filed in May with the initial plan submission and they had just received our geologist's review today, September 6. Attorney Wild suggested that a cooperative effort between them and the Township would be helpful.

### **Plans to Accept for Review Only**

The following plans were accepted for review:

1. **Bettler Minor Subdivision (Reed Lane)** – Submission deemed complete, per Township Engineer’s preliminary review.
2. **McArdle Subdivision (Roundhouse Road)** – Submission deemed complete, per Township Engineer’s preliminary review.
3. **Adler Land Development (Clay Avenue)** – Submission deemed complete, per Township Engineer’s preliminary review.

**New Business – None**

**Old Business**

**Resolution 2006-17** – Barbara Lindtner indicated her pleasure that after eight years of discussion on the possibility of having fees-in-lieu of capital improvements that the Supervisors acted and adopted this resolution so quickly. Pete Lamana questioned an apparent conflict in wording in the resolution. At the bottom of page 1, last paragraph, Item 1, the resolution states “A Highway Capital Improvement Fund account is hereby established which shall be maintained as an account into which funds shall be maintained for highway capital improvements.” On page two, the last sentence states: “However, the Board of Supervisors may, from time to time, approve transfers from this Fund into the General Fund or into other Township accounts where, in the judgment of the Board it is in the interest of the Township to do so.” Terry Clemons explained that this language has been carefully chosen to provide some ability to use these funds for needs other than highways if required. In addition, he has used this same language successfully in Resolutions constructed for other Townships he services.

**Correspondence**

**Cohen Subdivision Denial – Letter dated August 24, 2006, from Attorney Michael Carr** – The correspondence was read and accepted by the Members and the Planning Commission will await direction from the Board of Supervisors about whether the denial for this plan will be withdrawn and a revised plan can come before the Planning Commission as requested by Attorney Carr in his letter.

**Rolling Hills Subdivision – Letter dated August 25, 2006, from Attorney Rob Gundlach** – This letter was addressed to Terry Clemons, Township Attorney, in response to his contact with the applicant. Attorney Gundlach requested a meeting with Terry, a Supervisor and one member of the Planning Commission to discuss the settlement plan they previously submitted to Attorney McNamara. If that is a possibility, the applicant would like to know that before he incurs additional costs to complete revisions to the pending subdivision plan.

Scott Douglas has concerns with the Refined Soil Mapping Report referred to and enclosed with Attorney Gundlach’s letter. He also has serious concerns about holding a meeting on this project, as requested by Attorney Gundlach, which would not be a public meeting. The residents are very emotional about this project and Scott feels we need to be extremely careful that we follow procedure carefully, especially as pertains to the Sunshine Law. Pete Lamana also feels that this type of meeting would be a direct violation of the Sunshine Law.

Terry Clemons stated that an exploratory meeting to try to work through some of the issues involved in a plan that involves only one member of the Board and one member of the Planning Commission in attendance does not violate the Sunshine Law, as long as any action is taken at a public meeting.

Jim Brownlow expressed concern about going outside of the existing procedure that has been established for reviewing plans. He feels that holding such a meeting as is requested here would set a bad precedent. Once we make this type of concession for one plan, we have no set “order” for future plans. Even if this meeting brought forth a “perfect solution,” it would be a bad precedent going forward. Barbara Lindtner also feels that it is vital that we follow procedure so as not to give any opening for a court case.

Scott Douglas added he feels that the Planning Commission was not established or tasked to tell the developer what we want, but rather, to respond to plans that the developer submits to us. He feels that if the Planning Commission begins telling the developer what they want, unhappy residents will be angry with the Planning Commission rather than the developer, if they do not like the plan(s) being proposed.

Walt French still feels that this applicant has not had any real activity on this plan. They have not come in personally to present any revisions. He does not consider this letter or other written communications as genuine “activity.”

Bobb Carson has serious concerns with the soils report submitted by DeIVal that puts in question the soil mapping for this proposed subdivision. If, in fact, they can state that the entire classification upon which this is based does not work on this particular property, it will have to be rebutted by the Township. Bobb feels that we need to actually see the data, review it, and thereby establish whether what the applicant’s engineers’ are stating is true. Bobb also feels that we need to follow the rules consistently.

Bobb Carson and the Members reviewed the history of this plan. There is a plan for thirty-two (32) lots that is purportedly “under revision” that was submitted prior to the High Priority Amendment. Now, the applicant wants to do twenty (20) lots, which was presented as a revision, but never accepted as such, and therefore, has never been reviewed by the Planning Commission. It appears that bringing in a “new” plan is not acceptable to the applicant. Bryan McAdam stated that no plan that has been received to date that has substantially conformed to our Ordinances, so it has been difficult to determine exactly what yield they could get on this tract.

The Planning Commission did not review any of the items submitted with Attorney Gundlach’s August 25, 2006, letter.

Walt French **moved** that we recommend to the Supervisors that we follow standard procedure in place regarding this plan. Pete Lamana **seconded**; the motion **passed** unanimously.

## Public Comments

**Chuck Halderman** – Chuck suggested that we look into permitting only one plan at a time. Terry Clemons will research whether this can be done.

### **Adjournment**

At 9:17 p.m., Pete Lamana **moved** that the meeting be adjourned. Scott Douglas **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt  
Recording Secretary

Next meeting: November 1, 2006 – 7:00 p.m.