

**Wallace Township Planning Commission Work Session
June 25, 2008**

Members attending:

Barbara D'Angelo
Janet Grashof
Skip McGrew
Bill Moore
Ken Nicely

Also attending:

Mike Crotty, Esq.
Ann Hutchinson, Natural Lands Trust

Meeting introduction: Chairman D'Angelo explained that tonight's meeting is the regular Planning Commission (PC) work session held on the 4th Wednesday off each month. The purpose of tonight's session is to work on a draft ordinance for Planned Country Club Community (PCCC). They will analyze the proposed ordinance page by page for last changes and clarifications.

Barbara noted to that she listened to all comments at last week's PC meeting and wanted to respond to resident concerns by showing them where in the current Zoning and Subdivision and Land Development (SALDO) Ordinances the protections are already built in. She explained that the township uses a tiered approach to development (ref. sec. 400B) and that the point of this is to minimize impact on natural resources and historical features. Developers must conduct existing resources inventory & site analysis plans, and ordinance (sec. 402-404) tells them how to do it.

- Density and open space - This is Tier 4 development (see standards in zoning for density calculations). Fear that open space is not protected. In zoning 1105 and SALDO 401-405 conservation easements are required to maintain open space as it is.
- Storm water management - Barbara expressed her opinion that Wallace Township has all the basics for doing storm water in SALDO. The FHWSO section is comprehensive and protects against downstream flooding. Sec 620 and 1209b4 – ground water supply and quality. Hydrologic study required and spelled out in SALDO. Uses words found in well head protection ordinance (which is usually public, not private well). SALDO requires non-negative water depletion.
- Woodlands protection - SALDO 401d –. The new ordinances refine the standards but the protections are already in there.

Barbara further explained that concerns not related to the ordinance in front of them cannot be addressed in this meeting because the PC is charged with developing a PCCC ordinance. AnnaMarie Guglielmo asked whether PC will grant request for more public meetings. Barb responded that it would depend on the night's review of the ordinance.

Ordinance Review

- Numbering of 901.C10 should be 901.C9 and 901C10 should be changed. There was no objection to this change
- 1323 B1 – requires a golf course in a PCCC.

- 1323 B1 – The Board of Supervisors will select the Audubon administrator.
- Skip noted that the extent of what is covered under the Audubon program should be clarified before Conditional Use (CU) is granted. Bill also stated that this allows for more stringent requirements than the standards of the program and noted that the PCCC applicant will have to “earn” the certification.
 - A resident brought up a situation in which an Audubon certified golf course was found to have polluted a stream. She will provide the specific info to the PC to judge whether it was under “gold” standards.
- B5 – Bill explained that this section allows for multiple dwellings within a common building (up to 4). Each “unit” (or individual dwelling) counts as one house toward density. Density is based on “units” (aka: individual dwellings) not buildings.
- Ken pointed out that current ordinances section 201 includes the definition of family.
- The PC pointed out that “Guest suites” in a PCCC is different from “guest house” defined in existing ordinances. On a question from a resident, Skip noted that it was fair to say that this would permit a “hotel” in the Industrial district. Our current ordinances define hotel, but do not include any standards, including what district one could be built.
- B5. – Ken asked the solicitor for clarification about “owned in fee”. He explained that this is a “fee simple” type ownership, where you own a lot and house.
- C2 – “adaptive reuse” refers to all standards in Article X.
- C9 – “Pedestrian Circulation” is added requirements to current 1215C, not a replacement.
- D1 - Amphitheatre is removed as a permitted use in response to concerns about noise
- D2 – The upper limit number of guest suites was set per “economic viability” cited in Greenfield conceptual plan. There was a question about whether the twp. has a responsibility to accommodate the financial viability of a developer. Skip pointed out that since residents have expressed a concern about the financial soundness of the plan in general, he would think it would be in the best interest to use the levels for “financial viability”.
- E3g – change to “uplands” to “upland”
- E4a & b – The PC pointed out that this building height actually more restricted than current ordinances.
- E4c – Skip – this is really building separation. (see pg. 11 5c) can it be better worded? Set-backs don’t work in single-ownership situation. Q of whether we need more than 15’. Why not just establish minimum separation? It can use the same language as 4c.
- E4e – what does “adjacent” mean in this ordinance? Can limits and standards of proximity be set?
- E4f – Skip explained that this section was worded this way because it was a quarry in which certain features have grown up that look like steep slopes but could actually be buildable (assuming no danger from erosion, etc.)

- E4h – parking standards had to take into consideration different uses. Will be an analysis in CU process. Cannot design this without a plan.
- E4i (1-8) - Design standards are taken from existing ordinances.
- E4i7 – sound standards - Bill pointed out that this ord. does not allow anything more than current ords. Compare to 1209B6c.
 - A resident close to the Cornog basin noted that it functions as a natural sound carrier.
- E4i7 - Janet asked what does “construction noise” means and noted that there are no controls in the ordinance. The PC determined that it will need to be defined in CU, and felt comfortable with that since the ordinance allows board to set specific standards.
- E5a - Minimum Unit size – PC asked why we are setting a minimum? Anne stated that she doesn’t think we need to set a minimum. Tier 4 standards would have to apply and they do not have the same “unit” definition. If we are going to keep minimums in there we should change the wording to something other than “unit”.
- E5a – Skip suggested that the ordinance should read “in cases where there are no individual lots, there shall be no minimum unit size”. (what is governing would be density constraint.) - all agreed to change.
- Skip took issues with the E5e changes from the previous draft made by Greenfield’s attorney. He asked that the min. size of neighborhood green be restored to original size . He also asks to reinstate the previous language (June 11th draft) referring to the amt. of impervious surface.
- E5g – projections into the setbacks. – Bill expressed concerns about the changes made to this section, especially about the porches. Skip also believes that E5g (1) and (2) should be eliminated because they are already covered in existing ordinances, but has no problem with (3) unenclosed porches.
- 6 -. Concern about the “engineered area” could be counted towards open space.
- 6d3 – Golf course deed restriction permitting or a conservation easement. PC recommends a 3rd (or 4th) party to the deed restriction.
- F1 – Skip – trying to figure out what ROW is w/o plan. SALDO sets the limits so shall be changed to end at “section 1215.” Mike will reword this section.
- F5 – residents object to the exceptions for the golf cart paths, but Skip explained that since it is already allowed in the ordinances, it is better to address it. Standards can be set in CU.
 - Residents expressed concerns about these paths encroaching in high value woodlands and asked for language to restrict it to special exception by CU. PC agreed. Mike will work the language.
- F6b - Trails – referencing 613 in SALDO but Barbara would like to add some depth. 401j in SALDO has standards. But it is multi-use trails. She would still like to see some materials specified. PC recommended to change the reference. Anne will look for some wording to consider and provide Mike the references.

Public Comment

- Previously repealed ordinance – Natural Resource Conservation Standards –

- This ordinance was withdrawn for review and corrections but seems to have been shelved.
 - Sandy Neufeld asked if the applicant can demonstrate concession for better protection of water than 100' riparian buffers ?
 - Skip replied that the withdrawn ords. allowed many exceptions. He wants to use this ordinance to extend riparian buffers where necessary . He thinks this will be better protection. He feels we are creating a stronger requirement than withdrawn ordinances would have.
 - Residents suggested the twp. take 100' and work backward rather than 50' and work forward.
 - Albert Greenfield says they will probably end up with 90% of the riparian buffers at 100'. Barb says she feels that the FHWSO restrictions in the current ordinances are excellent.
- Hotels/guest suites – residents asked about motivation for allowing Industrial space to specifically allow “guest suites”. Barb explained that the PC was asked to review current ords. to make sure we could we can address a variety of permitted structures/uses.
 - Residents are not happy to have a commercial enterprise in the middle of the Industrial district.
 - Mr. Greenfield explained that the whole package is based on including the hotel and spas.
- Casinos - What is PC doing to assure that casinos will be excluded?
 - Skip noted that casinos are regulated by the state, but he also feels this area is not conducive to casinos. Residents disagreed and expressed a concern that that is the purpose for the “guest suites”.
 - Mr. Greenfield denied that he had any plans to build a casino. He feels it is not viable in this area. Although the Township could not force him to, he stated he would be willing to deed restrict against a casino. Wants to know why residents don't want a hotel.
- Public hearings –
 - Residents requested more public hearings to discuss the proposed ordinance.
 - A suggestion was made that the township send out questionnaires to gauge public sentiment about the ordinance.
 - It was pointed out by a resident in attendance that most residents walked away from the 1st Greenfield meeting thinking that this would lower their taxes. Mr. Greenfield still claims it will have a positive financial impact for the twp. but most residents are skeptical and concerned that this may end up being a future liability for the township.

Next Steps:

- In reply to questions from residents about who votes on the particulars of the ordinances, the PC advised them to let the BoS know about their concerns.

- The PC wants to see the changes made before they vote whether or not to recommend to BoS. They expect be able to vote on the ordinance at their regular PC meeting on 7/9.

Adjournment: 12:15am June 27, 2008

Respectfully submitted,

Joan Tlush