

**Wallace Township
PLANNING COMMISSION
July 9, 2008**

The regular meeting of the Wallace Township Planning Commission was called to order at 7:35 p.m. by Chairman D'Angelo.

Members Present:

Chairwoman Barbara D' Angelo
Vice-Chairman Bill Moore
Janet Grashof
Ken Nicely
Skip McGrew.

Others Present:

Craig Kologie, Township Engineer
Michael Crotty, Township Solicitor

New Business:

Minutes

Approval of minutes of 12/12/07 – A motion to approve the PC minutes of 12/12/07 with one correction was made by Skip McGrew, seconded by Janet Grashof. All present voted in favor of the motion. Barb D' Angelo will make the correction and send to the township Secretary for publication.

Approval of minutes of 4/09/08 – Bill Moore moved to approve the PC minutes of 4/09/08 with Janet Grashof providing the second. All present voted in favor of the motion. Barb D' Angelo will send the minutes to the township Secretary.

Approval of minutes of 6/25/08 – Skip McGrew moved to approve the PC minutes of 6/25/08, with Bill Moore providing the second. All present voted in favor of the motion. Barb D' Angelo will send the minutes to the township Secretary.

PC members will work to complete the remainder of the outstanding minutes.

Smith

The Component 4-A Sewage Planning Module needs to be approved. There are no issues to be concerned about.

Planned Country Club Community ordinance

Chairman D' Angelo started the discussion by stating that many people are here for this topic, and that everyone should be respectful of each other, and only speak when called upon. Public comment will be held to the end, so the PC and its consultants can work on the draft.

Resident Sandy Neufeld then stated that she wanted it known that the latest draft of the PCCC ordinance had only been made available today, and that was insufficient time for review. It was so

noted, and the PC reminded her that there have been drafts of this ordinance available for quite some time, and the only significant change from the previous draft was a change to a chart. She was also told that the PC and its consultants had just finished the draft as of today, and it was posted on the website as soon as it was completed.

The following topics were discussed:

The potential of a casino in a PCCC project was discussed. Township can not zone against a casino. There was discussion suggesting that a deed restriction against a casino, with the Township as a party, could be a condition of conditional use, since the PCCC is allowed only by conditional use. Albert Greenfield, who was in attendance, volunteered that he would in fact agree to such a condition should he pursue a PCCC project on his family's land.

Definition of "unit". The underlying ordinances do not address a condominium type of ownership, which the Township is not permitted to zone against. This term is meant to define a piece of land of some size, containing a single family dwelling. The unit could be the size of just the footprint of the dwelling, or it could be the dwelling footprint, and some small amount of land around the footprint.

Setbacks around a PCCC project. There is a 200' setback from the tract perimeter for any non residential structure in the FRR district. That is an increase from underlying ordinances.

Language about being adjacent to or abutting a man-made quarry. Building structures next to a man made abandoned quarry is not the same as building next to a natural body of water, which our ordinance prohibits. The edges of the quarry do not represent the type of areas we attempt to protect, as they are frequently sheer rock, and not wetlands or flood hazard areas.

As a PCCC project could be one total lot with condominium type ownership as opposed to individual lots, language about building separation distances was added. Again, Township can not zone against type of ownership. The Building Separation table is the only significant difference from the draft that was posted on 7/3/08.

After discussion with the Township Solicitor, the repealer section has been removed.

Definition of what a "family" is. Ordinances currently have definition of family

Extension of riparian buffers. PCCC sets it at 50' minimum, which is the same as our existing ordinances. However, as a condition of conditional use, the Board may extend the buffer beyond 50' (with no limit on how far), if they deem it is in the interest of health, safety, or public welfare.

FWHSD is protected and mandated by FEMA, and the Township adheres to their guidelines. Crossings of streams are allowed for driveways, etc. in the FRR. The crossings can be limited, or located in the conditional use decision once a potential project is designed.

Resident comments were as follows:

Sandy Neufeld doesn't see the strength of the Zoning Hearing board. The Zoning Hearing Board has to adhere to zoning that is referenced in PCCC, as well as all other ordinances. Sandy Neufeld then said that it is common knowledge that experts feel we need greater protection with regard to buffers. Barb

thinks we are already incredibly protected, and the ability to extend beyond 50' in conditional use is even greater protection.

Ann Marie Gugulielmo said she believes the State is going to 100 ft. buffer soon. Skip said this language could give us more, and the language is far better than anything we have had previously. This language removes the limit of 100', and allows the BOS to extend as far as they think is needed to promote healthy waters and public welfare. The 50' starting point is consistent with our existing ordinances. The PC is not willing to put mandated 100' buffers in this ordinance, and feels the language included is far more protection.

Sandy Neufeld stated she believes the PCCC is collaboration between the potential PCCC applicant, the Planning Commission and the Board of Supervisors.

Ann Marie Gugulielmo asked about the Audubon Manager criteria. We will have meeting with Audubon to discuss criteria, and Township must agree to the Manager per the ordinance.

Anna Marie Gugulielmo is concerned with the whole development.

Adrienne Drexel asked a question about sewage and stream discharge. Barb referred to our underlying ordinance, which is not changed.

Sandy Neufeld interrupted to announce she felt the comments of the residents were not being properly recorded for the minutes. She was told that both Janet Grashof and Barb D'Angelo were taking notes, and that the comments were being recorded. She was also informed that minutes are different than transcripts, and minutes only need to reflect a minimal summary of the actual meeting.

John Trexler had a question on setbacks. Roadways are sometimes considered structures, and sometimes not. There is a glitch in the existing ordinances because "structure" is defined in too general of a way. All roads must eventually breach the 100' setback to leave and enter the property. The 100'-200' setbacks established in PCCC are not reducible, which happens sometimes under existing ordinance projects. More protection against offsite impacts.

Adrienne Drexel inquired about the allowed use of "pottery room". She felt that pottery often uses chemicals that should not be dumped down the drain. She doesn't want to ban pottery. Skip offered that further restriction conditions could be imposed in any conditional use decisions, but we have gone as far as we can in ordinances. How would you enforce or monitor?

Sandy Neufeld – asked for the definition of Unit. She doesn't feel she is comfortable with that definition. A unit cannot be a guest suite unit.

Sandy Neufeld also wanted to know about guest suites – where did the number come from? It came from the potential applicant of PCCC. We wanted to establish some restrictions, but not so many that it doomed a project to fail. There is currently no limit on the number of hotel rooms in our existing ordinances. The PCCC adds a limit.

Mr. Barry Casey asked does a guest suite equal a hotel? The ordinance clarifies that a hotel is permitted in I district. Existing ordinances define hotel, motel and Inn, but don't establish what district they can be built in, limits on size, etc.

Karen Cooper stated the PCCC defines a hotel in the I District. Karen Cooper said we do not have to have a hotel in Wallace. Skip says we must provide an area for it, but it doesn't have to be built.

Karen Cooper asked what would happen if a project were built, and then failed leaving us with hotels. The Planning Commission responded that the BOS can set standards on how buildings are used. A Tri-party agreement on land could be signed at start.

Sandy Case asked could phasing be required that hotels not be built until all homes are sold? Skip expects in CU phasing will be looked in to. Barb thinks we cannot write a zoning restriction like that. Sandy expressed concern with Hankin's development and a project like this, can Wallace handle it?

PC member Ken Nicely stated the township has done what it can to preserve open space. Land is set aside with every development, usually more than 50% of the total tract. The township residents voted against the open space referendum a few years ago. Barb went on to explain Hankin and how the open space in the plan was arrived at.

Anna Marie Guglielmo stated this is a rural area. We don't have to have accommodations for every use. It is a lot to swallow in 18 months. Not enough time for public input.

In response to a comment, Township Solicitor Mike Crotty said you must permit usages such as gas stations, hotels, etc. They don't have to be built, but must be allowed.

Ward Albert said in 1963 there were 4 gas stations in Wallace, now there are none.

Tim Cooper – We need a better definition of guest. Ken replied then how do you enforce? Skip has said we have gone as far as we can. Mr. Cooper asked about low income workers for a project like this. The transient traffic that it would create. It would create a potential crime problem for Wallace.

Ellen Youngdahl said that she moved to Wallace in 1978. She wasn't happy when big homes came in. Wallace cannot become a "gated community". She is upset with the comments about low income workers will commit crimes. It isn't the Wallace Township she remembers. Need to back the Constitution. The Planning Commission is doing the best they can.

Adrienne Drexel asked about time shares and ownership, leasing, renting. Mike Crotty said this ordinance doesn't restrict time share usage. It could be a condition of a conditional use decision.

Sandy Neufeld asked if it is in underlying zoning, then it doesn't apply? Again, it was explained that all underlying ordinances are still in affect, the PCCC is simply an addition to them. Why is parking based on seats? Shouldn't it be on square footage? Existing ordinances set parking limits per seat. It is designed and addressed in building permit application.

Sandy Neufeld stated that she thinks building right at the edge of the quarry is really dangerous. Strongly objecting to the ability to build right up to the edge of the quarry.

Anna Marie – current zoning gives up a lot of protection. The Woodlands were in our ordinances for a few months, it provided Class I woods and forest interiors, wood land around quarry. She was informed the ordinances were repealed due to substantive issues and procedural issues with how they were adopted.

Ellen Youngdahl asked about dynamiting. Should it be limited during construction? The PC responded that issue is not related to an ordinance, but rather land development and construction.

Adrienne Drexel doesn't believe this type project will happen. As far as researching other resort towns, the benefit is going to be in the tax base but for how long? They eventually go bankrupt. Where will all the labor and workers live for a project like this? Wallace will have to provide low income housing. Nothing will ever be built in the "I" district if no PCCC is built. Residents do not want a PCCC in Wallace. What about traffic and congestion?

PC member Skip McGrew spoke that the first time he saw this was in March of 2007. It has been 16 months. It has been interesting and discouraging. Papers have been filed against him suggesting that he organized the opposition through e-mail. His integrity has been questioned and he has even been called an idiot by some residents. He has spent at least 300 hours on this. A lot of people here fear development. The Planning Commission understands the frustration and helplessness with all the development we have seen. To stop development you buy land. 20 years ago we could have protected it for 2 million. The township could not pass a referendum on open space, went down 2-1. Almost 1,000 new homes along Little Conestoga are in play with 200 already approved. It is game over for a rural township. We can preserve view scapes, woodlands, protect what is left. This is the strongest environmental language ever in Wallace. It will get stronger in CU. You asked specific concerns – hold that thought. If the BOS chooses to adopt then voice your thoughts in Conditional Use hearings. I hope you all are there as community input is needed.

Skip McGrew stated that although this was a very hard decision, it needed to happen. Skip McGrew made a motion to recommend the Board of Supervisors approve the PCCC ordinance as drafted on this date, July 9, 2008. Barb D'Angelo seconded it. All present voted in favor, with Bill Moore abstaining due to being on the Wallace Board of Supervisors.

Skip McGrew then made the motion to recommend the Board deny the Popjoy subdivision for failure to comply with Township ordinances. Janet Grashof seconded the motion. All present voted in favor of the motion, with Bill Moore abstaining.

The meeting was adjourned at 9:51 p.m.

Submitted by

Barb D'Angelo, Chair