

Wallace Township Planning Commission
Monthly Meeting
September 10, 2008

Attending PC Members

Barbara D'Angelo
John Frommeyer
Janet Grashof
Jim Mackrell
Skip McGrew

EAC Members:

Beth Carpenter
Jeff Colley
Anna Marie Guglielmo
Tish Molloy
MaryAnne Zeiders

Also Attending

Anne Hutchinson, Natural Lands Trust
Craig Kologie, Township Engineer

Meeting was called to order at 7:30pm.

Correspondence:

- Action on the list of correspondence was suspended until all members have received and reviewed the list.

Old Business:

- **Smith Planning Module** – Craig hasn't seen it, but he noted that the applicant was expecting an approval letter from DEP today. The township has received an extension request following a letter on 8/13 denying the application because of outstanding issues and no time extension.
- **Upcoming Conditional Use Hearing for Valhalla Brandywine** – Barbara discussed the PC's role in the upcoming hearings
 - The PC members will attend the hearing to gather information to be discussed at PC meetings, but they are not a party to the proceedings.
 - The applicant's solicitor believes that the PC's role is as advisory to the Board of Supervisors.
 - Until the PC hears the case, it has no basis for making recommendations. And Barb noted that she is not expecting surprises since many of the issues have already been discussed during previous interactions with the applicant.
 - The PC can make recommendations at the next CU hearing during the public comments session, and Skip noted that the recommendations would probably be in the form of what conditions should apply to the project. The PC will not recommend to approve or deny the project.
 - The PC will not get preferred status in the public comments session
 - This is different from the way the first CU hearings were held and Skip admitted that it was a bit awkward. Barb felt it might be easier since it was less formal.
 - Skip suggested that the PC review the Hankin CU documents to prepare for the hearing. He will send out copies although he cautioned that they might not be the finalized copies on file with the township.

- Skip also advised that the CU hearing might not go to the detail level on issues (e.g. sewage, storm water, etc.) that will be dealt with at the planning stages.
 - Barb suggested that the PC would not want to set parameters that are so narrow that their hands would be tied down the road.
 - Nevertheless, Anne suggested that the PC identify the important issues during the CU to assure that they will still have the right to deal with them in planning.
- **Conditional Use Hearing Procedure**
 - The applicant's attorneys will explain the procedure at the first hearing. There was some question about whether any member of the public would forfeit a chance to be named as a party to the proceedings if they were not in attendance during the first hearing.
 - Skip noted that there is a requirement to ask for public input after the case has been stated. Mr. Greenfield said that each hearing session will contain a section for public comment. He also promised that the "experts" who give testimony at the hearings will be made available to respond to questions from the public.
 - Beth asked if the other township committees (e.g. Trails Committee, EAC, etc.) will have separate time for comment but Barb said they will be included in public comment. She added that this segment will be structured so that all who wanted to comment would be able to.
 - Mr. Greenfield noted that all of the exhibits that will be presented throughout the hearing will be on display at the township building. He suggested that people get there early to view the exhibits before the hearings.
 - Anna Marie asked about copies of the documentation – noting that many people have had a hard time getting copies at the township building. Mr. Greenfield offered to look into that problem to try to find a solution.
 - Anna Marie also took this opportunity to let the PC know that the people who live off of Chalfant Rd. would like the applicant to know that they would prefer to have no access from Chalfant Rd. to the proposed development. Mr. Greenfield suggested that they bring this up during the hearings when Chris Williams makes his presentation.
 - Skip said that the PC will hear the full case before they discuss the details of the application and he noted that the PC will not be a party to the hearing, nor have any authority over the board's decision. They will act only as advisors.
 - **Natural Resource Protection Ordinance review**
 - Skip sent out to the PC members a summary of the ordinance areas that need to be addressed before the ordinance can be resubmitted to the township for approval.
 - Barb sent the list to Robert Lonsdorf and asked for a proposal and work plan.

- Since Storm water management ordinances are both in SALDO and in Zoning, Skip recommended putting off addressing the zoning ordinances until the SALDO ordinances are finalized.
 - Barbara commented that she felt the twp. needed the 100' riparian buffer and tree replacement in SALDO asap so it would be used by all subdivision plans, but she estimated it might take a couple of months to get the ordinances enacted – because the county has 30 days to review them before they go to public hearing.
 - The PC agreed to discuss the woodlands ordinances while they wait for the proposal from Lonsdorf.
 - Anne thought it was important that the PC review the current Article 6 because the current ordinances designed to protect woodlands are vague.
 - Skip pointed out that the issues for the zoning ordinances is the definition of timbering in relation to the “R” district. He stated that we need to be able to defend our ordinances – that there needs to be “objective language” for zoning, even where less stringent language may exist in SALDO because there is a process during which the parameters can be set.
 - Anne suggested that the PA State Extension Services website might offer some ideas for wording..
 - Both Anne and Skip felt that the MPC can, under certain circumstances, enforce requirements for re-forestation.
- **Review of ordinance challenges from Mr. Greenfield et al.**
 - Anne stated that, from a Vision Grant perspective, she would like to see the PC first resolve the minor challenges. She also explained that this did not relate to the previous grant – which was closed once the ordinances were passed by the supervisors.
 - Skip suggested that they start with Article VIII - the Flood Hazard and Wet Soils District (FHWSO) – and asked whether it was just a matter of adding 50' to the existing FHWSO 50' riparian buffer. He cited FEMA concerns and the fact that the ordinances now have no provisions for exceptions in that 50'.
 - Barb stated that the ordinances have to allow access for people who live along a stream and that the ordinances should more clearly define which passive uses were allowed in the FHWSO.
 - Barb also said that the ordinances should explain the function of the FHWSO – how it provides protection for each part of the buffer and works to an environmental advantage. She feels that if the ordinance describes the physical function of the buffers, the restriction will not seem so arbitrary.
 - As an aside, Mr. Greenfield noted that his plan will include 100' buffers along all streams.
 - Jim felt that the definition of “stream” in the current ordinance is too broad and suggested that the PC should consider a percent of the buffer in which disturbance could be allowed.

- Barb suggested that the 100' buffers should apply to those streams that are on the township map and did not feel that that would run counter to FEMA requirements.
 - Craig pointed out that the FEMA maps are updated more frequently and that it is possible to petition for changes to the maps.
 - Skip recommends changing “watercourse” to “Stream” and further describing “Stream” as watercourses that are “hydrologically connected”. Anne can provide a definition.
 - Sandy Neufeld asked whether these proposed changes were relevant to the Cornog quarry but Skip said that they would not because that body of water is hydrologically isolated.
 - Skip pointed out the language in section 803 that seems to infer that the twp. supervisors could amend the FEMA map, but that would not be permitted. He suggested the PC review that language.
 - Skip also suggested some changes to section 807- Uses in the FHWSO. He felt that “passive recreation” should be added and that “selective cutting” needs to be further defined to include removal of invasives and to differentiate it from “timbering”.
 - Skip further suggested that section 807.B – Uses permitted by Special Exception – requires clarification of standards and inclusion/exclusion with language related to minimum allowances of stream access and crossing. Perhaps the “standards” could be taken out of this section since they are covered elsewhere?
 - Section 808 – Specific Prohibitions – needs to be revised to be consistent with other language.
- **Additional Business**
 - At the next meeting the PC will look at the “timber harvesting” ordinances and come up with a definition that addresses the legal challenges.
 - Barb recommended a motion to deny approval of the Fairview (Gulick) subdivision based on the last engineering letter received and no resolution of outstanding issues. Janet seconded the motion and all members voted in favor.
 - Craig reported that the applicants for the Old Orchard subdivision have revised their HOP application to provide a 50' setback from the road and adjacent properties.
 - Craig also noted that the owners of the Highspire development are working with the twp. Trails organization to correct the erosion problems caused by their excavations.
 - Meeting was adjourned at 10:30pm.

Respectfully submitted,

Joan Tlush