

Jerry Delong called the Regular Meeting of the Franconia Township Planning Commission to order at 7:01 p.m. on Monday, June 7, 2010. Planning Commission Members present included Doug Worley, Keith Kneipp, Kyle Koffel, Robert Yothers, Kerrin Musselman, and Patricia Alderfer. Township Manager Kevin D. Bayer, Assistant Township Manager Jamie P. Worman, Township Engineer Cindy Van Hise, P.E., and Jean Holland from the Montgomery County Planning Commission were also in attendance.

### **APPROVAL OF MINUTES**

Mr. Worley made a motion to approve the minutes from the April 5<sup>th</sup>, 2010 regular meeting. Mr. Kneipp seconded the motion. The motion passed.

### **SUBDIVISION AND LAND DEVELOPMENT**

#### **OLD BUSINESS**

##### *Ken Taggart Subdivision- 521 Cowpath Road (#05-06)*

Mr. Delong addressed the project of Mr. Ken Taggart. Mr. Taggart was present at the meeting. Mr. Delong asked if he wanted to make any comments to the commission. Mr. Taggart responded that he had received the letter dated April 12<sup>th</sup>, 2010 informing him of a pending denial of his plan. He continued that the two main reasons he has not moved forward with his plan was that the easement of the sewer authority is under question. He also added that the other issue was that the Franconia Sewer Authority agreed to compensate him for sewer and engineering associated with this project. He informed the commission that as of this afternoon he filed a suit in Federal court that alleges fraud and conspiracy on behalf of the Franconia Sewer Authority, Franconia Township, John Vratz of the Franconia Sewer Authority and Township Manager Kevin D. Bayer. He continued that this is why nothing has been done in relation to his project. He then handed the filing information over to Mr. Bayer. He also added that on top of these allegations he is also going to report Metz Engineers to the Attorney General for multiple double billings that he would be happy to review with everyone. Mr. Delong replied that the two issues he has mentioned are really a separate situation outside of the multiple planning issues that exist with the application. He explained that this board reviews plans for the various

planning elements and are not involved with the items that he mentioned. Mr. Taggart replied that the commission needs to do what they need to do and he will do what he needs to do. That said, Mr. Delong asked for a motion to recommend the application for denial to the Board of Supervisors for the reasons outlined in the Metz Engineers letter dated April 29, 2009. Mr. Worley made a motion to that effect and Mr. Kneipp seconded the motion. The motion passed.

*Leidy's Church Land Development – Leidy Road & W. Cherry Lane (#03-09)*

No action or discussion took place on this application.

*Yoder Lot Line Adjustment/Consolidation- 756 Cowpath Road (#05-10)*

Mr. Jay Stover was present to discuss this project. The application is to consolidate two existing parcels into one creating one new building lot. The property is owned by Merrill & Martha Yoder and is located on Cowpath Road. Mr. Stover reported that he had not yet received a review from the Montgomery County Planning Commission but had received one from Metz and has addressed the comments. He questioned the comment in the letter pertaining to the deeds. Ms. Van Hise, P.E. explained that she had pulled the deeds for the subject parcel and the deed for the farm across the street. She said both deeds, while they reference separate parcels, were identical in their description. She continued that with the newly consolidated lot the deed will need to be amended to include the new description of the parcel. Mr. Stover agreed and then commented that he had no further issues and would submit a proof plan set to the Township. Mr. Delong requested that a motion be made to formally accept the application. Mr. Worley made a motion to formally accept the plan and Mr. Musselman seconded the motion. The motion passed. Next Mr. Worley made a motion to recommend the plan for conditional preliminary/final approval to the Board of Supervisors. Mr. Musselman seconded the motion. The motion passed.

*Kapusta Lot Line Adjustment- 935 Landis Road (#01-10)*

Ms. Van Hise, P.E. informed the commission that everything was in order with this project. She explained that staff and the applicant had met several times to resolve the

issues and that the plan was ready to go. Mr. Worley made a motion to recommend the project for conditional preliminary/final approval to the Board of Supervisors. Ms. Alderfer seconded the motion. The motion passed.

*The Pizza Box Land Development – 402 Morwood Road (#02-10)*

Ms. Cynthia Smith of Horizon Engineers was present to discuss this application. Ms. Smith reported that the revised plans were submitted to the Township and they had received a second review from Metz Engineers dated June 2<sup>nd</sup>, 2010. Ms. Smith questioned the comment pertaining to a high-intensity buffer along the property line. She explained that they were proposing an opaque fence in lieu of the plantings. Ms. Van Hise explained that the plans show some plantings and a 6-foot high fence. She added that a formal waiver request would be required. Mr. Worley questioned if the fence would be wooden. Ms. Smith replied that it would be a shadow box fence. Ms. Smith then addressed a second item pertaining to traffic. She explained that since the last meeting the applicant had had a traffic study performed. The report was just issued and there were a few significant items noted in the study. She reported that as a result of the study the applicant is now proposing to shift the driveway away from the intersection. She added that PennDot had done a preliminary review and issued a few suggestions as well. She continued that the study listed certain restrictions such as a restricted left turn into the site off of Morwood Road. Drivers coming out during evening peak hours would be restricted from turning left out of the site. Left turns from Allentown Road into the site would also be restricted as the site distance is not there. Ms. Smith explained that the issues raised in the study are of a major concern as it essentially eliminates any legal access to the site. She added that they have done additional surveying as a result and have concluded that if they move the driveway 70-feet south they will be able to obtain the required site distance which puts the driveway off of the property. She explained that the relocated driveway would actually be located on the adjoining property which is Herb's Landscaping. Ms. Smith continued that Herb Georgiadis, the owner of adjacent property, is willing to agree to the access through an easement off of his driveway. Mr. Koffel questioned if this adds to the parking then. Ms. Smith replied that it would not it would just shift things around but that this access was a major planning item. Mr. Delong

commented that the study certainly addressed many of the issues the commission had noted as concerns in relation to this site and access. Mr. Worley added that the revised plan was a vast improvement from the original submission. Ms. Worman questioned if the newly proposed access would be a shared access then with Herb's Landscaping. Ms. Smith said it would not be a shared driveway as the driveway to the Pizza Box would be located up further than the current driveway into Herb's Landscaping. Ms. Smith added that they realize the easement would need to be legally documented. Ms. Van Hise, P.E. added that it could be an easement or even a lot line adjustment where the land would be owned by the property owner eliminating the need for an easement. Mr. Georgiadis questioned whether shared driveways in the Village Commercial District were something desired. Ms. Worman replied that shared accesses are encouraged in the village setting. Mr. Kenneth Bishop, of 410 Morwood Road, asked whether the buffer zone would be extended to include the new entrance. Ms. Smith replied that driveway buffering would be required. Mr. Kneipp noted that he was concerned with the timed left turn out of the site. He thought the restriction of the left turn out during peak evening hours should be revised to just be a permanent no left turn out. Mr. Bishop suggested one way in and one way out. Mr. Kneipp replied that you could not accomplish that with the restrictions in place. Mr. Worley questioned how this revision would impact the sheet flow of the stormwater. Ms. Smith said that they still have to provide the required stormwater management measures. Mr. Bishop commented on the stormwater stating that the water currently runs onto his property. He questioned whether that would be fixed as a result of this project. Ms. Smith said that they could not put additional water on his property. Ms. Van Hise, P.E. commented that she suggested in her letter that the water be pulled away from that corner of the property. Mr. Georgiadis questioned whether the drainage system he installed on his property would be considered in this project. Ms. Van Hise replied that it would not as it is a separate parcel. There were no further comments or discussion pertaining to this project other than Ms. Smith's request that the plan be considered for preliminary approval. The commission was not inclined to grant a recommendation at this time.

#### **NEW BUSINESS**

*The Moyer Tract Lot Line Adjustment – 353 & 357 Meadow Wood Lane (#03-10)*

Mr. Gary Kulp of Schlosser and Clauss was present to discuss this application. He gave a brief overview of the plan and explained that the project was located on Meadow Wood Lane and was a simple lot line adjustment. Glenn Moyer and his two sisters are the owners of the large parcel and he is the owner of the triangular lot shown on the plans. They intend to shift the lot line making the smaller lot larger. He then reviewed the June 2<sup>nd</sup>, 2010 Metz Engineers review letter. He explained that they are requesting a waiver from any road improvements as they are not proposing any building at this time. He added that the road is a public road up until the property line then it becomes a flag lot with a private road. Ms. Van Hise, P.E. replied that she would like that depicted on the plan. She then asked if the applicant would be offering the right-of-way along Cowpath Road and Meadow Wood Lane for dedication to the Township. Mr. Kulp replied that they were unsure if it had been offered in a previous subdivision but that they would offer it again to be on the safe side. Ms. Van Hise added that a note to that affect should be placed on the plan. Mr. Kulp then addressed the comment pertaining to the existing sump pump. He stated that Glenn Moyer does have a sump pump and they will place an easement over the area where it discharges so it can continue to do so. Mr. Kulp added that a note will be added to the plan that there is no earthmoving or construction proposed. Ms. Van Hise questioned the drainage easement over a portion of the land getting the acreage. Mr. Kulp replied that they will secure a drainage easement. He then requested clarification on the setback requirements. Ms. Van Hise said with confirmation that the road is private she is in agreement with the setbacks as listed on the plan. The final item was the location of the acknowledgement block on the plan. He questioned if he could leave it where it was currently shown. Ms. Van Hise and Ms. Worman suggested he try and reconfigure things in order to make it fit where it is typically required. Mr. Worley then asked about the dual septic systems located on the same property. Mr. Kulp was unable to answer the question but agreed to check with the owner. Mr. Worley made a motion to formally accept the plan. Mr. Kneipp seconded the motion. The motion passed. Mr. Worley then made a motion to recommend the project for conditional preliminary/final approval to the board of supervisors. Mr. Musselman seconded the motion and the motion passed.

34 Cowpath Road Minor Subdivision –Cowpath Road (#013-10)

Susan Rice of Stout Tacconelli and Associates was present to discuss this application. She gave a brief overview of the project explaining that it was a minor subdivision of an existing parcel. She explained that the newly created lot is slightly less in size than what is required in zoning. The application was a subject of a recent zoning hearing and received the approvals necessary to permit the creation of the smaller lot. The existing lot is a conforming lot. As a result of the hearing a series of conditions were placed on the project and those conditions are listed on the plans. Ms. Rice noted that they are in receipt of the Metz Engineer's letter date June 2<sup>nd</sup> and that the items listed are simple housekeeping items that will be addressed. Ms. Van Hise, P.E. added that the applicant needs to follow through on the items outlined in the zoning hearing decision before moving forward with the recordation and finalization of the proposed subdivision. Mr. Worley made a motion to formally accept the application. Mr. Yothers seconded the motion and the motion passed. Mr. Worley then made a motion to recommend the project for conditional preliminary/final approval to the Board of Supervisors. Mr. Kneipp seconded the motion and the motion passed.

**ZONING HEARING BOARD APPLICATIONS**

Ms. Worman reported that hearings for the Hallman and Kurtin application and the Coronado application have been continued. A hearing date has not yet been determined. Ms. Worman reported that the I.T. Landes & Son Inc. zoning application which pertained to a request for a variance to permit the replacement of an existing non-conforming sign with a two-sided sign having the same dimensions was approved. She then reported that the Zoning Hearing Board will hear two applications on Monday June 14<sup>th</sup>, 2010. The first application was submitted by Roger and Dorothy Small who are requesting a special exception to permit an in-law suite at their residence located at 327 Sherwood Court. The second application was submitted by the Lakeside Youth Service, an alternative school under the Souderton Area School District, who requested a variance to permit an expansion of their current use in their current location which is 310 Schoolhouse Road.

**OTHER BUSINESS**

Mr. Kneipp questioned the status of the Indian Valley Scuba operation on Yoder Road and Route 113. Ms. Worman replied that the operation there is on the Township radar and that they will be addressing a few of the issues there in the near future. No further discussion took place.

**NEXT SCHEDULED MEETING**

The next scheduled Planning Commission meeting is Tuesday, July 6, 2010 at 7:00 p.m. There was no further business discussed at the meeting. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jamie P. Worman, Assistant Township Manager