

EAST ROCKHILL TOWNSHIP
PLANNING COMMISSION
MEETING MINUTES
January 13, 2011

The January 13, 2011 Regular Meeting of the East Rockhill Township Planning Commission was called to order by 2010 Chairman Dean Frankenfield at 7:30 PM. Also present were Vice-Chair Nancy Booz, Secretary David Nyman and members Anne Fenley, Bert Daikeler, and Charles Turley. Brenda Sears was absent. Also present was Township Engineer Steve Baluh, P.E., Township Planner Judith Stern Goldstein, Special Counsel Scott MacNair and Township Manager Anne Klepfer.

Re-Organization: The first order of business was to re-organize for 2010. Mr. Nyman **moved** to re-appoint the 2010 Slate of Dean Frankenfield as Chairman, Vice Chair Nancy Booz, and Secretary David Nyman. The motion was **seconded** by Mrs. Fenley and was **approved 6-0**.

Minutes: By **motion** of Mr. Nyman, **seconded** by Mrs. Fenley, the Minutes of December 9, 2010 were **approved 6-0**.

Correspondence: Correspondence listed on the Agenda was noted as received.

Old Business:

1. **Alternative Energy Ordinance:** This Draft Ordinance has been discussed and reviewed by the Planning Commission and previously recommended to the Board of Supervisors. The Board of Supervisors has accepted their recommendations and it has been drafted in final form and advertised for adoption at the January 18, 2011 Board of Supervisors Meeting. It is a Stand Alone Alternative Energy Ordinance that addresses Solar Energy, Geo Thermal Energy, Wind Energy and Outdoor Burner Use. *Mr. Daikeler **moved** to affirm the Planning Commission's previous recommendation to adopt the Alternative Energy Ordinance as drafted. The motion was **seconded** by Mr. Nyman and **approved 6-0**.*

Public Comment – There were no public comments at this time.

New Business:

1. **Zoning Amendment:** This Draft Zoning Amendment is for the purpose of removing Wind Energy regulations from the Zoning as they will be covered by the new Alternative Energy Ordinance discussed earlier. *Mr. Nyman **moved** to recommend that the Board of Supervisors adopt the Zoning Amendment as prepared. The motion was **seconded** by Mr. Daikeler and **approved 6-0**.*

2. **Conditional Use Application** for 1731 Old Bethlehem Pike. Select Properties represented by Clay Heckler, applicant, his legal counsel Michael Kracht, Esq, and Planner John Kennedy. Mr. Kracht asked John Kennedy to give a brief overview. The review of this current project by Select Properties has been going on for three years now. He has met with the Planning Commission several times as well as the Park and Recreation Committee and he has walked the property with representatives of each. He has taken steps to incorporate some of the feed back into the current design. He has made the roads

slightly more undulating, he has provided a trail easement along Three Mile Run Creek as was walked during the on-site meeting. They have provided a looped mulch trail to connect the Three Mile Run trail with trails along Old Bethlehem Pike frontage. Mr. Nyman commented that another change is that six townhouse units have replaced several single family homes on the eastern border of the property. Mr. Kennedy agreed that has changed and was done to accommodate the property owner's demands.

Chairman Frankenfield asked the Applicant to go through the Township Engineer's review letter for the Conditional Use Plan.

1. 193 dwelling units are proposed on the 64.32 acres tract located between Old Bethlehem Pike and Hill Road, north of Three Mile Run. Plan includes 83 village house lots, 107 townhouse units, two existing single family dwelling lots, and a proposed single family building lot. Project is located within the Suburban Zoning District and is proposed to be served by public sewer via East Rockhill Township facilities and public water via Perkasio Borough Authority facilities.

The plan includes only two classifications of dwelling units (townhouse and single family detached). A development with more than 151 dwelling units requires three dwelling unit classes. Section 27-304.B3.n(1) of the Zoning Ordinance provides for the modification of this requirement by conditional use approval of the Board of Supervisors if adequate supporting information is submitted by the Applicant. This information must verify that the alternate dwelling unit mix will provide additional useable open space, is a more aesthetically pleasing design, and provides other amenities and recreational improvements for the community. A "By-Right" Sketch Plan was included in the conditional use application for this purpose. Review of the By-Right Sketch Plan is contained in a separate correspondence, however, the following comments are made with respect to the above issues.

- A. The conditional use plan layout (two dwelling types) has less total open space (29.89 acres) than the By-Right Plan (38.79 acres).
- B. Township should determine the preferred aesthetics of the two plans.
- C. The By-Right Sketch Plan includes all required recreational facilities (four playfields, four tot lots, and two basketball or tennis courts). The Conditional Use Plan includes three tot lots, one playfield, and a looped walking path.

The Applicant is amenable to providing some of the required recreational space off-site. The Planning Commission did not recall discussing or recommending this option previously. Furthermore, now that they have seen the "By-right" plan that shows all of the required Recreation elements, Mr. Frankenfield stated that he now thinks the Township should be considering adequate recreation facilities on site that will also benefit the Ridge Run development.

The issue of whether or not the recreation facilities would be dedicated to the Township or maintained by a home owners association came up. The Board of Supervisors will need to make that decision, however the Planning Commission recommended further consideration of having some of

the required recreation elements on site. The Planning Commission agreed that specifics could be worked out at a later date.

2. Single Family Village House lots are minimum 6,200 SF in area. Townhouse units, which are proposed as condominiums are shown with an equivalent lot area of 2,428 SF per unit. The lot area calculated for the townhouse and multiplex units is shown in grey on the plan. This lot area does not include the private road/parking spaces for these units. ***The Applicant acknowledged this comment.***

3. Section 27-1901.b(1) of the Zoning Ordinance, requires that the base site area must deduct the area of the property separated by a major stream. Area on the opposite side of Three Mile Run must be deducted from base site area calculations. Site capacity calculations must be revised accordingly. ***The Applicant disagreed with the interpretation of this Section of the Ordinance. The Applicant believes that the key issue is lot size and that the purpose is to make sure too much of a lot is taken up by a stream. The lot impacted by this section of the Ordinance is the large estate lot. It certainly is a build-able with or without the area of the property separated from a stream. He doesn't feel that they should have to deduct out the area on the far side of Three Mile Run Creek. There was no agreement on this issue.***

4. Street configuration includes two roads, with access to Old Bethlehem Pike and Hill Road (opposite Stone Edge Road). Roads A and B are proposed with a 34 feet wide cartway within a 56 feet wide right-of-way with parking on both sides along most of the road. Section 27-403.B3.p(4) of the Zoning Ordinance requires all streets within Performance Standard Subdivision be designed with 54 feet wide right-of-way unless modified by the Board of Supervisors by conditional use. This office recommends that parking be required on both sides of all public streets, which requires a 36 feet wide cartway within a 60 feet right-of-way in accordance with Section 22-506 of the Subdivision Ordinance. ***The Applicant thought that the Planning Commission previously posed no objections to a 56' wide right-of-way with the 34 feet wide cartway with parking and sidewalk on both sides of the street. Mr. Baluh said the Planning Commission discussed what could be minimums depending on the options. However his letter is simply stating what is not in compliance with the Ordinance. This issue will need to be addressed by the Board of Supervisors by Conditional Use. The Planning Commission is now seeing that they want to see the 60 feet right-of-way and 36 feet wide cartway. The Applicant stated they would take that under advisement.***

5. All townhouse units are configured around (front upon) 24 feet wide access lanes/parking areas. Pursuant to prior determination by the Township, these access lanes/parking areas are considered streets and must meet the width, curb, sidewalk, and general design standards of Sections 22-506, 512, and 513 of the Subdivision Ordinance. ***The Applicant will be asking for a waiver on this provision. They would like to demonstrate why adding sidewalks will detract from the community due to the additional impervious surface. The current plan tries to use sidewalks and paths as collectors. The Planning Commission does not feel the "connectors" are adequate and pointed out gaps and straight line flaws. The Planning Commission has consistently asked for sidewalks through-out the development and they will not recommend a waiver. The***

Applicant noted that they are proposing “private roads” for the Townhouse neighborhood. A Homeowner’s Association with a funded escrow for road maintenance would need to be part of the discussion with regard to permitting private roads.

6. Townhouse units vary from blocks of five units to blocks of three units each. Certain architectural features are required to be incorporated in the design of townhouse units. No information has been submitted regarding the architectural features. Plan appears to indicate that all townhouse units will be constructed with driveways and garages (ZO Section 27-304.B3.j.) ***Applicant handed out some photos of the type of models they are considering. They will comply.***

7. Village house units require two or more of the following characteristics to qualify under Zoning Ordinance regulations, including an unenclosed porch running across three quarters of the house front, raised front yard, front yard enclosure, and front yard landscaping. No information regarding proposed village house design was submitted. (ZO Section 27-304.B3.c) ***Applicant handed out some photos of the type of models they are considering. They will comply.***

8. A parking summary is included on the plan, which itemizes required and spillover parking for all dwelling types. Total number of required parking spaces appears to be consistent with Zoning Ordinance requirements. However, spillover parking is not convenient to many of the townhouse units due to configuration of parking areas. (Z.O. Section 27-304.B3(o)) ***The Applicant will attempt to revise plan to make overflow parking more convenient. Perpendicular parking will need waivers if road is considered a public road.***

9. Enhanced buffer yards are required in all areas where a Performance Standard Subdivision abuts a rear or side yard of an existing residential property. Plan does not include information regarding enhanced buffers as required in accordance with Section 27-304.B3.p(3); except for an "Enhanced Evergreen Buffer" label identified to the rear of Units 21-27. ***The Applicant is trying to enhance the 35’ buffer with 45’ buffers throughout the development. The Applicant will comply with this requirement without removing existing vegetation just to comply with new buffer requirements. He noted the areas on the plan where existing vegetation may not be satisfactory and the Applicant agreed to comply with the Township Engineer’s determination. Judy Stern Goldstein suggested that the Applicant remove the invasive species in the areas where the existing vegetation is acceptable. This issue will be resolved during the land development process.***

10. Lot 86 is in noncompliance with lot depth to width ratio and irregular lot configuration requirements of Sections 22-504.2.D and K of the Subdivision Ordinance. ***Lot 86 is the Estate Lot. It contains the greenway and sensitive features along Three Mile Run Creek. It will be deed restricted from further subdivision. The Applicant will be asking for a waiver from Sections 22-504.2D and K.***

11. Section 22-504.2.E of the Subdivision Ordinance requires that all lots front on streets proposed to be dedicated to the Township. All of the townhouse units are proposed to front along

private street/parking areas. *The Applicant debated the meaning of “lots” versus units. They are proposing private streets for the Townhouse Units. This item relates to the issue of whether or not the Township will accept private roads maintained by a homeowner’s association.*

12. Installation of street trees/landscaping will not be possible in many areas along the frontage of the townhouse units due to parking/driveway configuration. (SLDO Section 22-515) *This also will be true if sidewalks are required. This may end up being a waiver request or an alternate planting plan. The Applicant suggested working this out during the land development process. Mr. Nyman pointed out that the photos of the housing types that they supplied show sidewalks and street trees and that’s what the Planning Commission wants. Mr. Kracht said they will comply, but it is the volume requirements and placement that needs to be worked out.*

13. Reforestation is required in accordance with Section 22-515.8 of the Subdivision Ordinance based on the amount of existing woodlands to be cleared. No information has been submitted regarding proposed reforestation. *Applicant thinks a literal interpretation of these requirements is financially unreasonable and impossible to comply with. They intend to request a waiver or work this issue out with the Board of Supervisors.*

14. Two stormwater management basins are shown schematically within Open Space Area I and VI. Stormwater management design cannot be reviewed at this time due to the limited information provided on the conditional use plan. However, Township Stormwater Management Ordinance 190, as amended, requires that an infiltration feasibility study be submitted in support of stormwater management system design. Infiltration feasibility must be tested throughout the site to determine the best areas for stormwater management Best Management Practices facilities. Testing may identify suitable areas for infiltration type BMPs within areas of the site currently proposed for dwelling units, which may require modification of the site layout. *The Applicant sees this as a Land Development issue. The stormwater infiltration areas are supposed to be determined before, laying out where the housing units will go. The area with the most appropriate soils needs to be utilized. Without the study, no one can determine where the most suitable location for the facilities. The Township Engineer warned that it could impact their design/layout. The Applicant stated that they will re-examine this requirement and work on it.*

15. If proposed parking areas for the townhouse units are determined to be satisfactory in-lieu-of full public street design (refer Comment 5 above), then proposed residential parking areas must be separated into parking areas of no more than 20 cars in any one section. (SLDO Section 22-523.4.C) *The Applicant stated that they can comply with this requirement. They will take this under advisement along with the comment for more convenient location of the parking.*

16. Traffic calming methods must be installed within the development in accordance with Section 528 of the Subdivision Ordinance. No traffic calming methods are identified on the plan. *The Ordinance says unless the Supervisors determine it is not warranted. Mr. Kracht tried to argue that permitting parking on both sides of the street is a traffic calming design. However, they said they see this as a land development issue and they will comply with it.*

17. The site layout is generally consistent with the previous sketch plan reviewed by the Planning Commission. Therefore, traffic to be generated and its impact on surrounding road network may be considered to be similar for the purpose of this review. Accordingly, Township traffic consultant review correspondence dated July 2010 should be considered applicable to the Conditional Use Plan. ***The supplemental traffic response from the Applicant's traffic engineer has not been reviewed by the Planning Commission. Mr. Kraft stated that they are not proposing any off site improvements other than a lane out front of the Old Bethlehem Pike frontage. Their report states that they will maintain acceptable levels and does not agree that off-site improvements are warranted. They're engineer admitted that levels of service declined but stated that they are still within acceptable levels. The Applicant's traffic engineer is not of the opinion that any off-site improvements are warranted. The Planning Commission is very concerned about the impact of this development on "pass through traffic" from and to neighboring developments and the impact that additional traffic will have on existing roads and intersections. It was noted that one of the bridges floods and the other one has problems as well. Mr. Nyman asked if the traffic counts were done when school is in session. It was not. Mr. Nyman asked that the traffic counts be revised to reflect counts from a day when school is in session.***

18. Sidewalks are proposed along both sides of Roads A and B. However, sidewalks are not proposed within the internal drive/parking area of the townhouse unit area. Suitable sidewalk/pedestrian paths should be required to serve all proposed units. (SLDO Section 22-513) ***This issue is a will comply or a partial waiver may be requested.***

19. A "10 Feet Walking Trail Easement" is proposed on the plan, extending along the length of Three Mile Run, and extending from Three Mile Run to Road A. ***This is a point of information that the trail has been added to the plan.***

20. Watercourse delineation through the property must be clarified by submission of supporting documentation. Additional watercourses were shown on prior property plans. Riparian buffers ninety feet from top of streambank are required along all intermittent and perennial streams. (ZO Section 27-1900.j) A buffer 15' from centerline is proposed along the watercourse running through the center of the site. Final determination of the stream classification is subject to review and approval by the Board of Supervisors.

A preliminary Jurisdictional Determination dated November 23, 2010 has been received from US Army Corps of Engineers for the site. Determination appears to indicate that the watercourse through the center of the site is an intermittent stream. Therefore a riparian buffer must be established in accordance with PADEP Chapter 102 regulations or Township requirements, whichever are greater. Several lots will be impacted by an increased riparian buffer. Supporting documentation submitted in conjunction with the Jurisdictional Determination should be submitted to the Township.

They will be bringing their water/wetlands specialist to give testimony at the CU. This is a will comply issue one way or another. Steve Baluh noted that if the lesser buffer is determined not to be suitable then the revised buffer will affect the layout of the plan. The plan will not work

with a 90 foot wide buffer. The burden is on the Applicant to prove that it is not a intermittent or perennial stream.

21. Perimeter buffer yards are shown on the plan. In certain locations, the buffer yard limits the buildable area and use of rear yards. *The Planning Commission wants to ensure that all home owners have access to their homes and yards without trampling through the buffer yards. There should be no land locked lots. This problem goes away if an HOA is permitted to maintain all of the yards. The restrictions and concerns will need to be addressed in HOA documents. If the Township chooses not to permit an HOA, then this issue will need to be re-examined.*

The Planning Commission next asked the Applicant to walk through the January 7, 2011 Boucher & James Review of the Conditional Use Plan prepared by Judy Stern Goldstein.

Conditional Use Requirements

Conditional Uses are subject to the requirements of ZO Section 2208, General Conditions for Conditional Uses. Section 'a' requires that "The Board of Supervisors shall not approve a conditional use except in conformance with the conditions and standards outlined in this chapter." Section 'b' requires that "The Board of Supervisors shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board of Supervisors shall, among other things, require that any proposed use and location be:

- A. In accordance with the Township Comprehensive Plan.
- B. In the best interests of the Township, the convenience of the community, the public welfare.
- C. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- D. In conformance with all applicable requirements of this chapter and all Township Ordinances.
- E. Suitable in terms of effect on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
- F. In accordance with sound standards of subdivision and land development practice where applicable.
- G. In accordance with the specific standards and criteria of this chapter."

Conditional Use Sketch Plan Review

1. Use Regulations

- A. ZO Section 304.B3.c(1) requires that each Village House unit shall meet two or more of the following characteristics: (a) An unenclosed porch running across at least $\frac{3}{4}$ of the house front, being at least 7 feet in width; (b) A front yard raised above the sidewalk grade by at least 30 inches and a retaining wall of at least 18 inches at the sidewalk line; (c) A front yard enclosed by a wall or fence of permanent construction at least 30 inches in height and one flowering shrub per 60 inches across the width of the front of the house, and (d) Hedge or shrubs planted 18 inches on center for the width of the yard facing the street and two flowering trees. The plan does not address or demonstrate compliance with this requirement. ***Will Comply.***
- B. ZO Section 304.B3.c(2) provides the dimensional requirements for Village House Dwellings within a Performance Standard Development. While the plans state in a general note that the dimensional requirements have been met, it is unclear if all of the proposed lots comply with the maximum building coverage requirements, as information regarding the footprint and size of the Village House Dwellings and the size of each individual lot has not been provided. ***The Applicant thinks they do comply. They will comply and will demonstrate so.***
- C. ZO Section 304.B3.j requires that one or more of the following features be incorporated in the design of each townhouse structure throughout each townhouse block: side entrances for end units; stepped front entrances; and/or enhanced architectural treatment at each front entrance. The plan does not address or demonstrate compliance with these requirements.
- D. ZO Section 304.B3.j requires a minimum lot area of 1,800 sq. ft for a townhouse with three bedrooms or less, and a maximum building coverage of 55%. The plans indicate that 2,428 square feet is provided for each “equivalent lot,” and building coverage is not to exceed 30%, again based on “equivalent lot” area. It appears from the submitted plans that individual lots are not proposed for the Townhouse units, but that a large common area has been proposed. However, the ordinance outlines specific lot dimension and coverage requirements. These requirements are in place to ensure that specific dimensional and other standards are met for each individual townhouse dwelling unit, as opposed to being averaged among all dwelling units. While the Applicant is permitted to provide for commonly held land within the townhouse portion of the land development, the plans should still show the locations of lot lines and provide the area for each lot in order to demonstrate compliance with the area and dimensional requirements for Townhouse dwellings. Because this information has not been provided, it is unclear if each of the proposed Townhouse units meets the minimum lot area and maximum building coverage requirements. ***The Applicant talked about the concept of “equivalent lot area”. This plan complies with minimum lot area and dimensional setback compliance for front, rear and side yard. He figured out the average lot area and his calling that the “equivalent lot area” calculated for each group of town homes. The Township will need to decide whether or not this concept meets the Ordinance requirements. Mr. Kennedy stated that the equivalent lot area does exceed the minimum lot areas. He did agree that there are a couple of areas where the equivalent lot areas encroaches on the buffer. The Ordinance(b3) does not***

allow lot areas to be located in a buffer, another section in general requirements says areas in the buffer cannot count towards lot area calculations and there is a third section that says that buffer areas can contain front or side yards. Ms. Goldstein noted that that the third section also states “not if it’s a development that requires open space”. Mr. Kennedy stated that they can work that out. He did say that they subtracted the areas in the buffer and they do not count towards the minimum lot sizes. He says they’ve significantly exceeded the minimums for each cluster using the equivalent lot size. The Planning Commission would like to see a compliance plan that shows the calculations and assures the Township that the Applicant has taken into consideration the size of the units being built.

- E. ZO Section 304.B3.m permits a maximum impervious surface ratio of 40% for B3 Performance Standard Developments within the S Suburban district. The plans indicate that a total of 24.7% or 15.9 acres of impervious surface area is proposed. It is unclear if this requirement has been met as proposed dwelling and driveway sizes and layouts have not been shown on the Village House lots and on Lot No. 86, and the plans do not include pedestrian circulation, walkways, or patios for the Townhouse dwellings and none of these areas have been included in the impervious area total. ***The Applicant will comply.***
- F. ZO Section 304.B3.n requires a mix of dwelling unit classes within the S Suburban District. Where 151 or more dwelling units are proposed, a minimum of three (3) of the following dwelling unit classes are required: “single-family (detached dwelling, detached dwelling off-center, or village house), two-family (twin or duplex), multifamily (multiplex or apartment), and townhouse (townhouse.)” A maximum of 60% of the total dwelling unit count is permitted to be comprised of any one class, and a minimum of 10% of the total dwelling unit count must be comprised of any one class. However, ZO Section 304.B3.n(1) permits that

“the foregoing dwelling unit mix may be modified by conditional use of the Board of Supervisors, provided that the developer lays out a plan in accordance with the required dwelling unit mix and provides sufficient evidence and testimony that the alternative dwelling unit mix will provide additional usable open space for the community, a better aesthetically pleasing layout and design, and the construction of additional recreational improvements or other amenities for the benefit of the Township and the residents of the community.”

The Applicant has submitted a Conditional Use request asking that the dwelling unit mix be modified to allow two classes of dwelling unit types: single-family units and townhouse units. A By-Right Sketch Plan has been submitted. We have submitted our review of the By-Right sketch under separate cover. Following are our comments based on the requirements listed above as outlined in ZO Section 304.B3.n(1):

- 1) The By-Right Sketch Plan, as submitted is not compliant with many requirements in both the East Rockhill Township Zoning Ordinance and

the East Rockhill Township Subdivision and Land Development Ordinance, and does not represent a true “by-right” plan.

- 2) Alternative dwelling unit mix will provide additional usable open space for the community
 - The By-Right plan proposes 8.9 more acres of open space than the Conditional Use plan. This requirement has not been met.
- 3) Alternative dwelling unit mix will provide a better aesthetically pleasing layout and design.
 - The Applicant has not addressed this requirement.
- 4) Alternative dwelling unit mix will provide for the construction of additional recreational improvements or other amenities for the benefit of the Township and residents of the community.
 - This requirement has not been met. The By-Right plan proposes four playfields, four tot lots, two basketball courts, and a walking trail easement (with a total of 7.75 acres of recreational area). All required recreation facilities are proposed in the By-Right plan. The Conditional Use plan proposes one playfield, three tot lots, a mulch trail, and a walking trail easement (with a total of 7 acres of recreational area). The Applicant proposes a fee-in-lieu for three playfields, one tot lot, and two basketball courts in the Conditional Use Plan.

The Applicant believes the proposed plan is preferable in terms of dwelling types. They hope to convince the Board of Supervisors and the Planning Commission. They do not believe twins are appropriate for this site. The preferred plan has more open space than the minimum required. They are proposing to create creating usable open space for everyone. They feel that the majority of the units should be single family homes, which is what they're proposing. They've taken care to locate the majority of the townhouse units close to Old Bethlehem Pike and the surrounding commercial, light industrial and residential areas. They feel that the housing types they have proposed will bring a higher market value and therefore higher assessments for the Township. Also, for the Conditional Use Plan the Applicant stated that they are willing to limit the number of townhouse units in a row to five. The Applicant disagrees that the Township's Ordinance limits it to five, but they are willing to do that with the CU plan. They are proposing to also provide recreational improvements to the Township at large.

Scott MacNair clarified that there is more open space provided in the CU Plan than required but less open space provided than what is proposed on the by-right plan.

- G.** ZO Section 304.B3.o requires that for detached dwellings and village house dwellings, a minimum of two parking spaces shall be provided per unit. Note 1 under the parking summary on the sketch plan states that “Each single-family unit has a two-car garage. One garage space and two driveway spaces are included in the parking summary.” However, the driveway areas have not been shown on the plans. Therefore it is unclear if the required number of parking spaces can be accommodated by driveway areas on each of the individual properties. ***They will comply.***
- H.** ZO Section 304.B3.p(2) requires that townhouse dwelling units within performance standard developments be constructed with basements. The plans have not addressed or demonstrated compliance with this requirement. ***The Applicant questioned the definition of basements. It’s a will comply but they don’t have to do a cellar. A basement is anything with at least one half of the wall exposed.***
- I.** ZO Section 304.B3.p(3) requires that “in addition to buffer yard requirements within Zoning Ordinance Section 1705, where a performance standard development alley or rear yard abuts or is located within 50 feet of the rear or side yard of an existing single-family dwelling, additional buffering will be provided including berms and/or evergreen plantings to visually seclude the proposed alley or rear yard from the existing single-family dwelling.” Additional buffering is required in a number of locations around the subject property. An “enhanced evergreen buffer” has been shown to the rear of townhomes along Old Bethlehem Pike. However, additional buffering is also required in this area along the whole property line adjacent to the rear yards of the Townhome units, where Village House lots abut the rear yards of adjacent single family dwelling units along Hill Road, and the rear yards of several townhouses along Drive C that abut the rear yards of adjacent single-family homes. ***Applicant said they will comply and will clean it up during land development.***
- J.** ZO Section 304.B3.p(4) requires that public streets within performance standard developments shall have a right-of-way of 54’ unless modified by the Board of Supervisors by conditional use. The sketch plans show a proposed right-of-way of 56’. The Applicant has requested Conditional Use approval for a modified street right-of-way width. ***This was discussed during review of Mr. Baluh’s letter.***
- K.** ZO Section 304.B3.p(5) requires that no natural resource protected and/or restricted area, including but not limited to protected margins and buffers, shall be permitted to be included in the lot area of townhouse units. Significant portions of the ‘equivalent lot area’ for the Townhouse units are located within required buffer areas, as well as in Zone Two of the Riparian Buffer Overlay Zone. ***It’s a will comply or the confirmation that the Township accepts their “equivalent lot area” calculation.***
- L.** ZO Section 304.q permits a maximum lot impervious surface ratio of 48% for village house dwelling units. The Dwelling Unit Types table indicates that an impervious ratio

“not to exceed 48%” is proposed for each lot. However, while the plans show a typical lot layout with required setbacks, the plans do not provide any indication of the proposed Village Home sizes, layouts, walkways, patios and driveway/garage layouts. Therefore, it is unclear if the proposed Village House lots will be compliant with the maximum permitted lot impervious surface ratio. ***Applicant will comply.***

- M.** ZO Section 304.q permits a maximum lot impervious surface ratio of 85% for townhouse dwelling units. The Dwelling Unit Types table indicates that an impervious ratio of 50% is proposed “based on equivalent lot” totals. It is not clear whether or not this requirement has been met, as required pedestrian circulation and any proposed patios or walkways have not been provided/calculated and the “lot” areas have not been calculated as required. Please refer to comment #1.D, above. ***The Applicant will comply.***

2. Zoning District Requirements

ZO Section 701.b(3) permits the B3 Performance Standard Development by Conditional Use only within the S Suburban district. The Applicant has requested Conditional Use approval for use B3 Performance Standard Development within the S Suburban district.

3. Airport Area Protection Standards

ZO Section 1604 requires that “notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.” It appears that a large portion of the site is located within the Non-Precision Approach Zone for Pennridge Airport. The plans have not addressed the vicinity of the Pennridge Airport or the Airport Area Protection Standards. ***Applicant will comply.***

4. Area, Dimensional and Parking Requirements

- A. ZO Section 1710 requires that no building shall exceed a height of 35 feet. The plans do not address or demonstrate compliance with the ordinance requirement. ***Applicant will comply.***
- B. ZO Section 1711 outlines requirements for clear-sight triangles at intersections and where private accessways intersect public streets or roads. The plans do not address clear-sight-triangle requirements. ***Applicant will Comply.***

5. Nuisance Standards

ZO Sections 1800 through 1807 outline nuisance standards in regard to noise, smoke, dust, fumes, vapors and gasses, heat, odor, glare, vibrations, and storage and waste disposal. The plans do not address or demonstrate compliance with these requirements. ***The Applicant will comply.***

6. Natural Resource Protection Standards and Site Capacity Calculations

- A. ZO Section 1900.c requires protection of steep slope areas. The sketch plans submitted indicate that no steep slope areas are located on the site. However, it appears based on the contours shown on the Existing Features Plan, that some areas of steep slopes do exist on the site. It is unclear if any of these areas are greater than $\frac{1}{4}$ acre. ***Applicant will comply.***
- B. ZO Section 1900.d requires that in the S Suburban district, no more than 40% of woodland areas shall be altered, regraded, cleared or built upon. The plans indicate that 14.23 acres of woodland area is proposed to be disturbed. Based on the limit of proposed clearing shown in the sketch plan, this appears to be accurate. However, the plans do not take into consideration that clearing may be required for installation of the walking trails and mulch trails to be located throughout the site within the proposed easement. ***Applicant proposes to have enough room to meander the trails to avoid or minimize the tree removal for trees. The Applicant is aware of this issue and will demonstrate compliance during land development.***
- C. ZO Section 1900.e requires that in the S Suburban district, no more than 40% of mature trees shall be altered or cleared. The Zoning Ordinance defines mature trees as those which measure at least ten inches dbh (diameter at breast height of 4 $\frac{1}{2}$ feet above the ground). The plans indicate that the quantity of mature trees located on the site is to be determined, but that proposed disturbance is not to exceed 40%. Without an accurate count and mapping of the existing mature trees on the site, it is not possible to determine if the maximum 40% disturbance indicated by the Applicant is accurate. ***The Applicant will demonstrate compliance during land development.***
- D. ZO Section 1900.f requires that areas of streams, watercourses, lakes or ponds shall not be altered, regraded, developed, filled, piped, diverted or built upon. A small tributary to the Three Mile Run has been labeled on the plans as both as a drainage way and a stream, and a 30' buffer has been proposed centered on this stream as is required for Ephemeral Watercourses as indicated in ZO Section 1900.j(9). No floodplain area has been calculated for this stream, and the area of the stream has not been included in the natural resource calculations or site capacity calculations. However, the definition of Watercourse in ZO Section 255.a includes both intermittent and perennial streams, and the natural resource category of streams, watercourses, lakes or ponds does not exclude ephemeral streams. Additionally, a visit to the site showed this stream to have a distinct channel with bed and bank, requiring the installation of a small bridge in order for the property owner to reach a tree stand on the opposite side. In most places, the stream was holding several inches of frozen water. Lastly, a number of other small streams were found between the "drainage way" shown on the plan and Hill Road, namely in the vicinity of where Road B (on the By-Right Sketch Plan) is shown to access the site. We defer comment to the Township Engineer as to the status of these streams, whether additional delineation is required, and whether they should be included in the natural resource category of streams, watercourses, lakes or ponds, and therefore in the natural resource and site capacity calculations. Additionally, it appears that the drainage way

through the site, shown surrounded by the Riparian Buffer Overlay Zone, has not been included in the total area of Streams, Watercourses, Lakes and Ponds in the Natural Resource and Site Capacity Calculations, as required by ZO Section 1901.b(2). ***The Applicant stated that they need a determination made because they disagree with Ms. Goldstein's interpretation. However, the applicant stated that they can and will comply if so determined.***

- E.** ZO Section 1900.g requires that no more than 20% of lake or pond shorelines shall be altered, regraded, filled, or built upon. A portion of the trail easement shown throughout the site is located within the pond shoreline. The natural resource calculations indicate that no disturbance is proposed to the pond shoreline. However, the proposed method of trail construction is not indicated. Therefore, it is unclear whether the proposed trail to be located within the pond shoreline will constitute a disturbance of the natural resource. ***The Applicant will comply and demonstrated compliance during land development.***
- F.** ZO Section 1900.j(4)(b) requires that, with regard to the establishment of the Riparian Buffer Overlay Zone, "where the one-hundred-year floodplain extends greater than 90 feet from the waterway, Zone One shall remain a minimum of 30 feet, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the one-hundred-year floodplain." Zone Two, as it is shown on the plans, extends only 60 feet past the boundary of Zone One, and does not extend to the edge of the one-hundred-year floodplain shown on the plans. Additionally, no Riparian Buffer Overlay Zone has been shown surrounding the stream through the center of the site. The Applicant has requested a reduction to the riparian buffer zone surrounding the drainage way in accordance with ZO Section 27-1900.j(2)(a)(i), which states:

"...the Applicant may obtain a consultant to verify the delineation of a stream channel if, in the opinion of the Township or Applicant, the stream channel in formation... is believed to be inaccurate... The East Rockhill Township Board of Supervisors shall make the final decision regarding the delineation of a stream channel based on the submitted information. The Township may reduce or eliminate the riparian buffer zone where the Township concurs that the watercourse classification is not accurate or existing conditions and/or topography of the site do not warrant a full riparian buffer."

We defer comment on this request to the Township Engineer. It should be noted that the RBOZ reduction request does not refer to the RBOZ surrounding the Three Mile Run, which, as described above, has been shown incorrectly. ***The Applicant will comply.***

- G.** ZO Section 1900.j(6) outlines the uses permitted within Zone Two of the RBOZ. A proposed gravel driveway is shown extending through Zone Two of the RBOZ to the existing well located on Lot No. 86. A gravel driveway for use by vehicles is not a use permitted within Zone Two of the RBOZ. ***This is an existing well that Mr. McClennan will retain as a private well. The lot is part of the proposal. In Zone Two all uses in Zone One are permitted. He would assert that the proposed gravel road may fit in the definitions in the language provided in Zone I. An interpretation will be needed to***

demonstrate compliance. Ms. Goldstein suggested it may be more desirable to provide access from the proposed "Road B" than from Old Bethlehem Pike. The Applicant stated that they will resolve this matter but continued to assert that they do not have control over lot 86. The Applicant was reminded that Lot 86 is part of the Conditional Use Application and that all property owners are co-applicants for the Conditional Use Approval and that compliance issues for Lot 86 must be addressed.

- H. ZO Section 1900.j(8) outlines the requirements for restoration and revegetation of riparian buffers, indicating that the requirements of this Section "shall apply to all uses in the RBOZ whether permitted by right, by conditional use, or by special exception, and in cases where a subdivision or land development is proposed." It appears that revegetation will be required adjacent to the stormwater management basin where woodland area is to be removed from the 100 year floodplain/RBOZ Zone Two. The plans do not address or demonstrate compliance with this requirement. ***The Applicant will demonstrate compliance during land development.***
- I. ZO Section 1901.b(1) requires that non-contiguous land or land separated from a parcel by a road, railroad or major stream is to be subtracted from the total site area as part of the calculation of the Base Site Area. A portion of the subject site is located across Three Mile Run from the majority of the site. This area is required to be subtracted from the Total Site Area, in addition to all rights-of-way, in order to accurately calculate the Base Site Area. ***One way or the other the Applicant will comply. This is subject to an interpretation.***

7. Open Space Requirements

- A. ZO Section 1903.c requires that within districts other than the Rural Residential District, required open space "shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents. The open space is most needed in areas of highest density. The intent is to provide open areas as close to the individual unit as possible." The majority of the open space area is proposed to be located adjacent to the Village House units, which will be less densely populated than the townhouse units. Additionally, much of the proposed open space area is laid out in small strips between roads and dwelling units, away from dwelling units, or to the rear of dwelling units where proposed trails would travel very close to the rear of some of the dwellings. ***The Applicant explained the design. Mr. Kennedy believes all the open space is interconnected and noted there is no minimum dimensional requirements for open space. He is willing to tweak the open space during the Land Development process but he believes they have provided useable open space and recreation areas that are interconnected. They will take Ms. Goldstein's comments under advisement.***
- B. ZO Section 1903.d requires the designation of proposed open space areas as either lawn, natural area, recreation area, agricultural area, stormwater management, or educational and/or municipal use. Several proposed open space areas contain a proposed mulch trail or 10' walking trail easement, and no other recreational facilities. The plans have

designated these areas as recreational areas due to the trails. However, it appears that this designation is inaccurate. ZO Section 1903.d(3) characterizes a recreation area as an area designated for a specific recreational use, namely an active recreational use. It appears that the Natural Area designation would be more appropriate for these areas, as pathways are specifically permitted in these areas. ***The Applicant will comply.***

- C. ZO Section 1903.f indicates that a number of methods may be used to preserve, own or maintain open space: condominium, homeowners association, dedication in fee simple, dedication of easements, deed restriction or transfer to a private conservation organization. The plans do not indicate which preservation method is proposed. ***This is the Homeowner's Association issue again. The Applicant is proposing a Homeowner's Association/Condo Association. There may be a difference in dues for single family homes versus the town homes.***

8. Buffer Yard Requirements

- A. ZO Section 1905.a outlines the requirements for site analysis and determination of required buffer yard classes. The majority of the site is located adjacent to single family detached dwellings, which require a 35' Type B buffer as indicated in the sketch plan. However, one property along Hill Road is a "Lifepath" home owned by the Community Foundation for Human Development, and is classified as a B5 Group Home Use. Therefore, a Type C 40' buffer is required adjacent to this property. ***Applicant will comply.***
- B. ZO Section 1905.b(4) requires that no structure, manufacturing or processing activity, or parking or storage of materials shall be permitted in the buffer area. As it is currently shown, a portion of the required buffer area overlaps a portion of the required right-of-way adjacent to Road B, in the vicinity of Lot No. 83. Additionally, it appears that once the required Type C 40' buffer is shown in this location, the buffer area would overlap onto the Road B parallel parking spaces. ***Applicant will comply.***
- C. ZO Section 1905.b(6)(b) requires that for residential uses, where open space is required the buffer yard shall be part of the open space and not part of the lot area assigned to a dwelling unit. A number of Village House and Townhouse dwelling units are shown to have required buffer areas as part of the lot area assigned to them. ***Applicant will comply.***

9. Open Space and Community Facilities

- A. SLDO Section 503-3 requires that areas provided or reserved for community facilities and open space areas shall be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. It appears that the parking facilities provided near to the proposed tot lots and play field are neither convenient nor adequate for the proposed facilities. ***Applicant will address this issue and address the Planning Commission's concerns.***
- B. SLDO Section 525.1.E states that the required minimum recreation area shall not include narrow or irregular pieces of land which are remnants from plotting and/or street and parking areas. Open Space areas II, V and VII all have portions of their areas tied up in

unusable land remnants. These land remnant areas are not acceptable to be included in the calculated amount of recreation land. ***The Applicant will comply.***

- C. SLDO Section 525.1.G requires that active recreation areas shall be located such that the use of recreational facilities will not be a nuisance to the residents of nearby dwelling units. Adequate buffering/fencing shall be constructed to separate recreational facilities from private properties. The proposed playing field is located entirely too close to adjacent Townhome units and the adjacent tot lot. Additionally, it does not appear that adequate parking facilities have been provided in locations convenient to the proposed recreation facilities. ***The Applicant clarified that the playing field proposed in the town home neighborhood is not proposed to count as a playing field and is to be used as a community space graded similar to a playing field for an informal play area. They will re-label the plan.***
- D. SLDO Section 525.1.M.2.A requires that where 150 to 199 lots/dwelling units are proposed, four playfields, four tot lots, and two basketball or tennis courts are to be provided. The plan proposes one playfield, three tot lots, and a walking trail system. The Applicant has proposed a fee-in-lieu for the remaining required 3 playfields, 1 tot lot, and 2 basketball or tennis courts. ***This needs to be discussed further and determined by the Township.***
- E. SLDO Section 525.1.M.3.F(1) requires that tot lots shall be a minimum of 2,500 square feet within the fenced areas. The tot lots shown in the proposed plans are approximately 1,600 square feet. ***The Applicant will comply.***
- F. SLDO Section 525.1.M.3.G requires tot lots to be located at convenient, centralized intervals requiring not longer than a 1,000 foot walk from any dwelling unit. The proposed tot lots have been located at opposite ends of the proposed land development, meaning that a number of the proposed Village House units are farther than 1,000 from any of the proposed tot lots. ***The locations came out of discussion with the Planning Commission and the Park and Recreation Committee. This item may need to be reconsidered during land development. The applicant will comply with the Township's wishes.***
- G. SLDO Section 525.1.M.4.G(1) requires a minimum area of 25,000 square feet for each playfield. The proposed play field shown appears to be approximately 22,500 square feet. ***The Applicant will comply either on site or off site as determined by the Township.***
- H. SLDO Section 525.1.M4.G(3) requires that play fields shall be set back a minimum of 100 feet from any dwelling unit, a minimum of 50 feet from any property line, and 50 feet from the ultimate right-of-way of any local streets. The proposed playfield is located much closer to adjacent dwelling units, property lines and ultimate-rights-of-way than the minimum setback requirement. ***The Applicant will comply.***

10. General Comments

- A. Pedestrian and vehicular circulation throughout the site has not adequately been addressed.

The Applicant discussed the "By Right Plan" with the Planning Commission. He said it was his intent to show a compliant plan and he certainly feels that it could be revised to be compliant. However, he stated the main purpose of the Plan was to show how three dwelling types could be design to comply with the mix requirements. He feels that they have demonstrated that the Conditional Use Plan is a better, more aesthetically pleasing, plan and that the types of dwellings provided on the CU Plan will be worth more and will generate higher taxes. Mr. Kennedy conceded that perhaps there could be some middle ground between the two plans in terms of how and where the Recreation is provided but he strongly feels that the CU plan is the stronger, more desirable plan. He feels that Recreation facilities provided for off site would lead to "more useable open space".

Chairman Frankfield stated that he was personally offended by the poor job on the "By Right Plan" and that he doesn't feel he can judge which plan is better because the second plan has so many non-compliant components to it.

Mr. Heckler stated that they can make the By-Right Plan comply and the real issue is which mix of dwelling types is preferable.

Mr. Baluh stated that beyond the Ordinance requirements for demonstrating a more desirable mix, the Township suggested that it would like to see a plan that is compliant and doesn't ask for numerous waivers and favorable interpretation. The applicant does not feel doing that would change the dwelling types on the By Right Plan except to perhaps eliminate singles all together.

The Planning Commission was uncomfortable with the number of dwellings and questioned whether or not that density would be able to be maintained with a fully compliant plan. Chairman Frankenfield made it very clear that he was not happy with the effort made by the Applicant to show a compliant plan. Anne Fenley said the plan does not convince her that their CU plan is better because this plan was so bad, she wondered what a well done plan with three dwelling types would look like. If they had done a proper job and shown fewer units perhaps they would prefer the alternate plan.

Mr. Nyman stated that he prefers the plan with more single family homes and thinks it will be better for the Township. However, there are redeeming features of the alternate plan. Mr. Nyman asked why they can't take a few units away from the roads to make it look nicer, take a few units away from the open space to make it nicer etc. Mr. Kracht said he previously asked the Planning Commission if they were okay with the density? Mrs. Fenley stated she recalls the question but no-one answered him directly. They did however, point out things they didn't like, that they still don't like.

Ms. Goldstein, pointed out some of the concepts of the alternate plan that are desirable: fewer driveways off the main road, a greater setback from Old Bethlehem Pike and the location of the Recreation space to name a few.

A five minute recess was taken. Upon reconvening the Applicant stated that they are willing to try to address some of things they liked about the "By-right" plan in the CU plan, but they feel they have presented sufficient information to demonstrate that the CU plan is a better plan.

The Planning Commission determined that they wanted more time to consider the discussion this evening and formulate their response to the application. David Nyman **moved** to schedule a Special Meeting of the Planning Commission on January 25, 2011 at 7:30 PM to conclude their review of the

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Select Properties Conditional Use Application and formulate a recommendation to the Board of Supervisors. The motion was **seconded** by Nancy Booz and **approved 6-0**.

Adjournment

By motion of Bert Daikeler and second by David Nyman, the meeting adjourned at 10:55 PM.