

APPROVED

October 3, 2007
Salford, Pennsylvania

Planning Commission Agenda

Harker – Lot Line Adjustment Preliminary/Final
Atlantis Properties – 2250 Potato Rd- Minor Subdivision
Bateman Tract – Preliminary Plan
THP – Normandie Golf Course

The regular October meeting of the Upper Salford Township Planning Commission was brought to order at 7:30 pm by Chairman Giannini. Also present were Messrs. Raisner, Sacks, McMaster, Nase, Township Engineer, Mike Reinert and Township Solicitor, Stephen Imms.

Tom Harker appeared before the Planning Commission with a lot line adjustment for his property on Burton Road. The Township Engineer's letter dated September 18, 2007 was reviewed.

- Mr. Giannini asked if there were any subdivision plans for the larger lot, to which Mr. Harker indicated there were none at this time, although he reminded the Planning Commission that the larger lot was owned by his mother.
- Mr. Nase questioned if the road improvements required were consistent with those of the other current subdivision plans that are currently being reviewed on Burton Road (Bunton/Wrschka). It was mentioned that there was a stormwater issue that had been resolved.

In a motion made by Mr. Raisner and seconded by Mr. Sacks, the Planning Commission unanimously recommended approval of the Harker Lot Line Adjustment, Preliminary/Final Plan #20208A, dated October 1, 2006, revised February 8, 2007, with the following waivers:

Section 605 – sidewalks, curbs and storm sewers

Section 606 – roadway widening

Section 608 – stormwater management plan and report

Section 612 – landscaping

With the condition that the applicant complies with all other outstanding items listed in the Township Engineer's letter dated September 18, 2007.

Chris Canavan from WB Homes, a subsidiary of Atlantis Properties, along with Ronald Klos from Bohler Engineering, presented a minor subdivision plan for **2250 Potato Road**. Their intention is to subdivide one lot into two parcels, allowing the current renter of the property to purchase the existing house from Atlantis Properties, and then retain the additional building lot to construct a single family dwelling in the future.

In response to the Township Engineer's letter dated September 18, 2007, Mr. Canavan indicated that they would comply with all zoning issues listed.

In response to item #8, Mr. Canavan explained that although they would be showing the proposed water supply and driveway, they could only speculate where the house would be located since they did not have a buyer for the lot. He requested that the location of the house be deferred to the application of a building permit.

With regard to items 10, 11, and 12, (sidewalks, curbs and road widening), Mr. Canavan presented photographs showing the topography and features of Potato Road. He planned to request waivers for those items to stay consistent with the existing features of the road as he felt that the area is already developed to the extent of the ordinance and would offer no future opportunity to tie those improvements in. Mr. Raisner withheld any comments regarding those improvements at this time. Mr. McMaster was agreeable to waiving the improvements. No other comments were made regarding this request.

In response to item 14, Mr. Canavan requested to defer a stormwater management plan until the submittal of a building permit application since, as he reiterated, the location of the house is unknown at this time. The Township Engineer did confirm that since the lot is located within the East Branch Perkiomen Creek Watershed, the applicant would be required to comply with Ordinance 2006-1, and meet all the requirements of Act 167 at the time a building permit is requested. Mr. Canavan indicated that a note would be placed on the plan acknowledging that requirement and it would be fully disclosed to the purchaser of the lot. Mr. Raisner questioned who would be responsible for the cost, and was advised the landowner. Financial security would be posted at the time the building permit is secured.

Mr. Canavan offered to supply photographs of the existing vegetation for consideration of buffer planting with regard to item 15. It was suggested that buffering should be added between the old and new lots, as well as along the one neighboring lot to the southwest of the proposed lot, but the Planning Commission would like to review photographs to decide if any additional landscaping would be needed since there was concern that some of the existing buffer was cedar trees and scrub, which often get removed. Mr. Canavan suggested adding a note to the plan indicating that the existing vegetation is subject to the Township Engineer's review at the time of construction and the landscaping could be augmented at that time if not sufficient. Mr. Raisner asked if the Planning Commission could have permission to walk the site, to which Mr. Canavan agreed, however, he asked to be notified when the inspection would take place so that he could inform the tenant living in the house.

Mr. Canavan questioned if a trail or trail connection would be required, as per item 17. Mr. Raisner asked that an easement be provided that would allow access to the open property behind the lot in the event that it be developed some day. Mr. Sacks agreed with that suggestion, as did Mr. Giannini.

All other items would be complied with.

Questions from the Planning Commission included:

- Mr. Raisner questioned the various sewage disposal systems shown on lot one. Mr. Canavan explained that the current residents are utilizing the primary existing septic system which is functioning properly at this time. The existing controlled fill site was installed as a back-up system about two and a half to three years ago, so it would not qualify as an appropriate back-up system at this time, therefore, the A/B system would be used as a back-up system for the purpose of planning. Their intention is that should a problem arise with the existing septic system, the controlled fill site can be tested and then utilized for a sand mound system. It was noted that testing of the current system would be required. Mr. Giannini

questioned if A/B systems could be used for a back-up system. Mr. Reinert indicated he believed they could but would check into that further once the planning module is submitted. Mr. Hagey questioned if the site has sufficient area to accommodate a spray irrigation system as per the Township's spray irrigation regulations. Mr. Canavan indicated that they are aware of those regulations and believes their plan does comply.

- Mr. Raisner also questioned the 45° angle coming in off the flaglot, to which Mr. Canavan explained was to make the turn easier avoiding the area proposed for secondary septic system.
- Buildings that will remain need to be identified on the plan.

To summarize, Mr. Giannini indicated that the waivers should be identified in a letter as well as on the plan. Trail access should also be noted and buffering may need to be considered. No further action was taken.

Matt Williams from Hibbeln Engineers, Steve Fischer from Spring Mountain Home Builders and Joe Valentine from DelVal Soil and Environmental Consultants approached the Planning Commission to discuss the eight lot **Bateman Tract** subdivision. Mr. Williams reviewed the changes to the plan from the last time it appeared before the Planning Commission. Those changes included:

- The lot line between lots four and five had changed to offer enough acreage to lot five to entitle the owner of the property to the tax relief benefits of Act 319.
- A few easements for trails had been added, specifically between lots five and six.
- Conditional Use had been granted with regard to Section 1704 A.2. of the township zoning ordinance.

In response to the Township Engineer's letter dated October 1, 2007, the following was discussed:

- The applicant will be requesting a waiver for item 11 with regard to the infiltration/detention basins. Their desire was to make the basins appear less obtrusive and allow more room in the rear yards for use by the property owners.
- Partial waivers were requested for items 12 and 13. The configurations appear to be based on larger basins; however, the basins proposed are smaller and are for each individual lot. The Township Engineer suggested consideration of relocating some of the discharge points from the roof leaders and putting them at the furthest extent of the bed so that the entire basin area is used. That may not comply with the exact formula but will meet the intent of the ordinance.
- With regard to item 14, Mr. William requested that the landscaping required for the basins be planted elsewhere on the property where it could be more beneficial and would make the basins less conspicuous. They would like to avoid a barrier in the open yard. They would be requesting a partial waiver of that requirement.
- Items 18, 19, and 20 relating to filtering buffer were discussed. Per the Township Engineer's site inspection, it appears the existing buffer is substantial, including the riparian corridors. Consideration could be made to distributing the trees throughout the lots since there will be large grass lawns. A request had been made by Mr. Bateman to eliminate the filtering buffer between his lot and lot one

to avoid obstructing his view. In return, he has offered an easement in front of his existing home in the event the township wishes to extend the walking trail in the future.

- The remaining items, other than those that waivers had previously been requested for, will be complied with.

Questions and concerns from the Planning Commission and Board included:

- Mr. Nase questioned the road improvements planned. His concern was that the water issue at the curve would be addressed as it posed a safety issue, especially during the winter months. Mr. Williams indicated that the proposed swales and road widening would eliminate the problem.
- Mr. Nase asked what capacity the existing home on lot five was being used as, questioning if it was being used as a single family or multi-family home. Mr. Fischer could not answer that question. He indicated that Mr. Bateman planned to retain ownership and control of the lot.
- Mr. Sacks questioned the amplitude of the existing septic system on lot five. Mr. Fischer indicated the health department would be testing and certifying the system.
- Mr. Raisner requested a letter from Mr. Bateman indicating the current use of the existing home on lot five. He wants to confirm that there is no non-conforming use on the property.
- Mr. Raisner questioned the removal of the cedar trees along the road and was told all would be removed except for in front of the existing homestead since there will be no widening at that location.
- Mr. Hagey indicated that all driveways with any increment of rise should have a trench drain at the road. Mr. Reinert indicated that he had not commented on that issue because it is out of the townships jurisdiction since the highway occupancy permit will be provided by the PA Department of Transportation but indicated there would be culvert pipes installed under the driveways for the swale.
- Mr. Gular questioned the oil tank indicated on lot five, asking if it were in compliance. Mr. Giannini asked if there were any regulations for exterior oil tanks and Mr. Reinert indicated he was not aware of any for residential purposes.
- Mr. Poatsy indicated that he would like to extend note 19 on the plan to restrict further subdivision on lots one, two, three and six, as well as four and five.
- Mr. Nase questioned the off-site easement offered in front of Mr. Bateman's home and asked if that should be noted on the plan. Mr. Imms suggested that as a condition of the approval, the developer must provide a deed of easement signed by Mr. & Mrs. Bateman. A physical description of the property to be included in the easement should be given to the Township Engineer.

Public comment included:

- Mary Larson from Harmon Road questioned how she would be able to access her property when the road widening on Salford Street was being constructed since the bridge on Salford Station Road is closed. She was informed that PA DOT would either offer a detour route or maintain traffic with the use of flagmen directing traffic through the construction area.

Although Mr. Fischer was seeking a preliminary approval with conditions, the Planning Commission felt there were too many loose ends to offer a recommendation. No further action was taken.

Richard Parry from T. H. Properties appeared before the Planning Commission to discuss the **Normandie Golf Course**. He presented a ledger size stipulation plan of the proposed golf course community, for review. Mr. Parry indicated the total acreage of the property is approximately 310 acres, with approximately 210 acres proposed to be preserved as permanent greenway space and another five to six acres as neighborhood open space throughout the community. Their endeavor has been to reach a resolution that could satisfy THP as well as the Township. Changes from the original proposal included:

- Total number of lots proposed has been reduced from 185 to 175, with a minimum lot size of 10,000 square feet.
- Length of course has been increased by 500 yards. It is proposed to be a par 72 course.
- The wooded areas and riparian corridor were avoided as much as possible.
- Approval was obtained from the owners of the Sewage Treatment Plant at the Shelly Square Shopping Center to expand the plant and connect to it for the sewage disposal needs of the development. They also agreed to extend the sanitary sewage service up Old Skippack Road to Salford Street for the benefit of the residents along that section of Old Skippack Road.
- They planned to extend public water service from the North Penn Water Authority from the Shelly Square Shopping Center to provide water service to the residential homes, club house facility, the golf cart storage barn and maintenance facility. The golf course would be irrigated by the water stored in the proposed retention ponds and through wells as needed.

Comments from the Planning Commission included:

- Mr. Raisner questioned the differences from the original plan previously submitted by THP to the one currently being reviewed. He noted that one change was the golf cart crossing was now tunneled under Old Skippack Road. He asked if the sewer main and water had been shown on the original plan, to which Mr. Parry indicated was not likely since the previous plan was merely a sketch plan, whereas the stipulation plan being currently reviewed is a fully engineered plan. Mr. Parry also confirmed there would be no at-grade golf cart crossing with the proposed plan.
- Mr. Raisner asked if any consideration was given to compliance with the Township Ordinance when the plan was developed. Mr. Parry indicated that they had not.
- Mr. Giannini asked what the 175 homes were based on, to which Mr. Parry indicated was construed through discussions with the Township. A yield plan had been provided with the Conditional Use application which afforded approximately 154 lots. With the neighborhood lotting standards that were in effect at the time, they were entitled to a density bonus which took them up to the 185 homes they originally proposed.

- Mr. Raisner indicated that his understanding was that a blanket stipulation to cover all variances and waivers was included in the proposal. Mr. Parry responded that had initially been the case, however they recently agreed to change that and will call out in the stipulated agreement what interpretations the township is taken concerning zoning matters related to the project and also what waivers are being granted. Mr. Imms indicated there would be no variances or special exceptions being granted by the stipulation. Mr. Raisner then asked for confirmation that THP will be complying with all zoning issues to which Mr. Parry responded that the Township had agreed to waive all interpretations, which include five categories. Mr. Parry further stated that all variances required relate to the township's ownership of the golf course at the end of the 35 year term. They will proceed with a zoning hearing as necessary, however, they will not be able to pass ownership of the golf course to the Township if relief is not granted from the zoning hearing board. Issues regarding the riparian corridor would be included in the interpretations. Mr. Parry presented a copy of the ordinance interpretations to settle the appeal and the relief requested due to the Township's request to extend the course and ownership of same.
- Mr. Raisner clarified that there would be no blanket stipulations for any interpretations not included in the list Mr. Parry presented, to which Mr. Parry agreed was correct. Mr. Raisner further clarified that there would be no blanket stipulation for waivers not listed, to which Mr. Parry again agreed. Mr. Parry indicated that all interpretations and conditional uses being granted would be spelled out clearly in the stipulation.
- Mr. Sacks clarified that the township would own the land from the beginning, but would not have ownership of the golf course for 35 years. THP would retain ownership of the clubhouse, however, the pro shop and cart storage would go to the township. THP plans to build an attractive clubhouse, similar to the Indian Valley Country Club in terms of size that they could use for company events.
- Mr. Giannini questioned how the commercial use in a residential area would be dealt with as far as zoning relief. Would they be required to seek relief from the Zoning Hearing Board? Mr. Imms explained that some issues will be resolved by the acceptance of certain interpretations, and others would need to get relief from the Zoning Hearing Board. Mr. Raisner clarified that to mean relief would not be required for the commercial use because it would be interpreted as an accessory use with a restaurant and liquor license.
- Mr. Sacks was concerned that upon the township's ownership of the golf course, they may decide to turn it back into open space and questioned where would that leave the clubhouse. In the same respect, if the township chose to run the golf course they would need a clubhouse.
- Mr. Sacks questioned if gas tanks would be installed to fuel the maintenance vehicles. Mr. Parry indicated that had not been addressed but didn't believe it would be required.
- Mr. McMaster asked for clarification of the road improvements and upgrades to provide safety. Mr. Parry explained they would be making road improvements along the entire frontage of the development and any other improvements required through the traffic study. He asked if the Township would prefer to see a traffic light at the intersection of Shelly Road and Old Skippack. Mr. McMaster indicated he would like whatever would warrant improving the intersection to insure safety for the residents.

- Mr. McMaster asked for specifics to the water usage to irrigate the golf course, to which Mr. Parry did not have with him.
- Mr. McMaster indicated he would not like to see signs restricting the residents from the greenway as he has seen in other golf course communities. Mr. Parry indicated that was not their desire.
- Mr. Giannini referred to a report from Whittemore and Haigh that indicates the estimated usage of water to irrigate the golf course during the driest summer months is 76 to 94 percent of the daily available recharge, based on 216,000 gallons per day. The plan proposes nearly twice that usage, which would be utilizing approximately 150 to 200 percent of the recharge. He was concerned how that would affect the wells in the area three years from now when the local wells start to run dry and the developer is no longer around to rectify the problem.
- Mr. Nase questioned how much of the three million dollar offer will need to go into amending the township to adjust for the THP development. He wondered how the rationality of the three million dollars was determined.
- Mr. Nase asked THP to consider changing a portion of the houses to age restricted. The single story homes could offer more of a view shed.
- Mr. Raisner asked if there were any community connection trails on the plan. Mr. Parry responded there were not. Mr. Raisner asked if there were sidewalks proposed. Mr. Parry indicated that there were sidewalks along the interior roads and they were willing to put them on the exterior roads, however, they felt they would not be needed. One example given was the golf cart path along Shelly Road. Mr. Raisner asked if the golf cart path would be open to all residents to walk. Mr. Parry admitted he was not a golfer and did not know if that would cause a problem. Mr. Raisner advised Mr. Parry that easements were obtained in other adjoining developments with the desire to one day connect them to the THP site to bring it into the community. He suggested consideration be given to connection of a community trail.
- Mr. Giannini was concerned that there is relief or interpretations requested with regard to issues out of the township's jurisdiction. If THP does not get the necessary permits from the Army Corp. of Engineers, would the township be in breach of the agreement? Mr. Imms responded that the developer is obligated to obtain all of the necessary permits. If they don't obtain the permits, the developer will need to modify the plan to comply with the requirements. The township cannot agree to things the township does not regulate.
- Mr. Sacks asked how the determination between the golf course and greenway could be determined. He was curious as to whether the greenway space was open for residents to access if not playing golf. Mr. Imms indicated there was no requirement that greenway space be accessible to the public. Mr. Poatsy felt it was wrong to deny access to the people that own this township. Mr. Imms explained that no one owns the township. Mr. Raisner asked if it is THP's desire to open any portion of the greenway area to the general public that would not be playing golf. Mr. Parry indicated he did not know the answer. He would have to look into that matter. THP had never built a golf course before.
- Mr. Raisner asked if THP was looking for waivers for filtering buffer around the parcel. Mr. Parry indicated they were requesting a waiver. Their intent was to offer views of the golf course from the existing roads. They would be willing to install the buffering if that is what the township preferred or they could place it elsewhere. It would be the township's choice.

- Mr. Poatsy questioned how THP was able to be placed on the agenda without a proper submission 14 business days prior to the meeting. Mr. Hagey responded that THP has been on the agenda for several months and that Mr. Parry agreed to come in since requests were made for a representative of THP to attend a meeting.
- Mr. Poatsy felt the discussion proved more than one person should be involved in the negotiations.
- Mr. Poatsy suggested using a spray irrigation system for sewage management utilizing the waste from the development to irrigate the golf course which would avoid disturbing the balance of the water.
- Mr. Poatsy was concerned about golf balls hitting the houses. He reiterated his belief that the golf course should have been built first with the house locations secondary.
- Mr. Poatsy stated his concern that a sewer service along Old Skippack Road will require extensive costs for hook up that may force some older residents from their homes for lack of funding.
- Mr. Poatsy further stated that THP should not be treated with any special exceptions not given to all other developers in the township. They should be required to go through the full planning review process. There should be no time limits and the Planning Commission should be given the necessary time needed to fully review the plan.
- Mr. Poatsy feels THP should reserve an area for the township to build a club house in the future when the township takes over owner of the golf course.
- Mr. Poatsy feels it should be included in the stipulation that if THP offers complimentary golfing for whatever reason, the 4% of the costs being waived should still go to the township.
- Mr. Poatsy felt that THP should provide personal guarantees from the owners in the event the golf course fails. That is not a burden that should fall on the township.
- Mr. Poatsy felt recreational facilities should be provided for the residents other than the golf course, such as a “tot lot” or pavilion for picnics.
- Mr. Poatsy doesn’t want to see any signs trashing up the township directing people to the THP development and golf course.
- Mr. Poatsy would like to know how many trees are being taken down and how many will be installed. He would like berms to block the houses from the road.

Public comments and questions included:

- Tom Harker asked who would own the parking lot. Mr. Parry indicated THP would, however, there would be an easement given to the township so the township can use it, as well as golfers, when the township owns the golf course. Mr. Harker further indicated that he is an avid golfer and had concerns with balls being hit onto Shelly Road due to the location of several holes. He also mentioned that although it’s nice the THP has the American flag flying in many places, they are not always lighted at night, which is proper flag etiquette.
- Carl Ifert offered to trade the rear lot of his property on Shelly Road that abuts the proposed golf course with the strip along Old Skippack Road that also abuts his property. He could then maintain it with trees and landscaping that may be more pleasing to the township. He also thought a local farm might be interested in

farming the ground. Mr. Nase indicated he liked the idea of utilizing some of the open space for farming if that could be a possibility.

- Ken VanLuvanee from Spring Mount Road mentioned his concerns with his understanding that all interpretations were covered under a blanket waiver. He was advised that no interpretations had been agreed on as of yet.
- Tom Brown indicated that the estimated children in the additional 10 homes requested by THP will be costing an average of about \$150,000 a year to educate. It was his opinion that the \$3,000,000.00 offer would be going back into accommodating for this extra expense. Mr. Imms explained that the \$3,000,000.00 would not be going toward that expense. Mr. Raisner also pointed out that since a yield plan was not offered, there may be more than 10 additional homes to consider that analysis on.
- Maria Landis asked if the agreement presented to the township residents and Planning Commission would be signed. Mr. Hagey indicated that everyone would have the opportunity to review the contract before it gets signed.
- Mary Larson asked how much time would be given to review the agreement and would the Planning Commission be able to give any input or would their hands be tied. Mr. Hagey indicated that there was no set amount of time to review the agreement and that the Planning Commission would have the same capacity to make a recommendation to the board as with any other development.
- Carl Ifert presented a map from Montgomery County showing areas in the township that have sewage issues which must be addressed in our 537 plan. He is thankful to THP for providing a resolution to one of the problem areas because the township cannot afford to make these improvements on its own. Mr. Sacks felt we should not jump to accept THP's offer without investigating other options that might solve the problem and be less detrimental to the township. Mr. Giannini agreed, adding we shouldn't short circuit regulations that were put in place after much thought and consideration.
- Mr. Bolen from Old Skippack Road asked if the paths in the golf course would be paved. Mr. Parry indicated that they would. Mr. Bolen further stated that when he lived in a golf course community in Florida, pedestrians and cyclists had the right of way. He also questioned if the expansion to the sewage plant would allow for future connections if needed or would it have to be expanded again at a later time as is the case in Lower Salford.
- Mr. Parry indicated that he had been taking notes and had a lot to consider.
- With regard to the timeline imposed on the township by THP, Mr. Poatsy asked Mr. Parry what the township can do if THP does not respond in a timely matter. Mr. Parry indicated that there are provisions in the agreement that would extend the timeline if THP was responsible for delay the review process. Mr. Poatsy also wanted some guarantee that THP would follow through with their requirements. Mr. Poatsy referred to incidents in Red Hill and Lower Salford but Mr. Parry was not familiar with either. Mr. Poatsy indicated he would like to see financials and a golf study.
- Mr. Giannini indicated that the tract is unique and it could be award winning if given a chance, which is what we should strive for. The Planning Commission wouldn't be doing their job if they did anything less.
- Mr. Poatsy asked if Mr. Parry would be back when the public is aware of his attendance, to which Mr. Parry agreed he would.

- Mr. O'Donnell asked when THP was added to the agenda and was told by Mr. Giannini it had been on the agenda for the past several months for discussion but that he had not been aware a representative would be present for this meeting although felt it had been productive.
- Mr. O'Donnell asked Mr. Parry how long he had been with THP. Mr. Parry indicated five and a half years. Mr. O'Donnell further went on to ask if THP had ever developed this size development during that time. Mr. Parry indicated that they had. They currently had a development going into Skippack Township with 225 units and commercial space. There is another in Upper Hanover Township with 736 units and 55,000 square feet of commercial space and another in Franconia and Hatfield Townships with 225 units. Mr. Parry felt THP is very familiar and experienced in developing large communities. Mr. O'Donnell asked if any of the developments mentioned had been approved by the Township prior to THP making a formal submission. Mr. Parry indicated they had not. Mr. O'Donnell asked if any of those developments had been approved within 18 months. Mr. Parry indicated he did not know. Mr. O'Donnell indicated that if the response period was 45 days for THP to respond to township concerns, that would only allow for approximately 12 reviews by the Planning Commission. He asked Mr. Parry if any of the other developments had been approved in that many reviews and Mr. Parry indicated they had. Mr. O'Donnell further pointed out that THP had never built a golf course before so they could not determine how long the review process might take.
- Mr. O'Donnell was concerned that the increased students to the school district would raise the taxes for everyone in the township and implored everyone to look into the statistics.

No further action was taken.

On a motion made by Mr. Nase and seconded by Mr. Sacks, the minutes of the September 5, 2007 meeting stood unanimously approved as amended.

The meeting adjourned at 10:45 p.m.

Respectfully Submitted,

Susan Rosato
Assistant Secretary