

**WRIGHTSTOWN TOWNSHIP PLANNING COMMISSION
MINUTES OF MEETING OF SEPTEMBER 9, 2004**

The Wrightstown Township Planning Commission met on Thursday, September 9, 2004, in the Community Room of the Village Library, Penns Park Road, Wrightstown, PA. In attendance and voting were: Frank Davis, Chairman; John Fowler, Dennis Keating, Robert Lloyd, Ann Mark and Norman Sommer, members. Also in attendance were Mario Canales of Pickering Corts and Sommerson, Township Engineer and Rick Tralies of Boucher and James, Township Planner.

Mr. Davis called the meeting to order at 7:55 PM.

Approval of Minutes

Mr. Fowler asked that the minutes of July 22, 2004 be amended to reflect changes to page three, paragraph one. He said that paragraph one should read, "...Mrs. Fowler also mentioned that she had recently renovated a pond on her property at considerable expense and that she is concerned about the effect of the development of the Vargas tract on the ecology of the pond.

Mr. Fowler moved to accept the minutes of July 22, 2004 as amended. Mr. Lloyd seconded and the motion passed 6-0.

Proposed JMZO Amendment 2004-06: Riparian Buffers

The Commission discussed the adoption of JMZO 2004-06: Riparian Buffers, last revised on July 9, 2004. Mr. Fowler noted that the amendment was designed to protect stream corridors by establishing a 50-foot buffer, unless the 100-year floodplain extends beyond the 50-foot buffer. He noted that the amendment dealt specifically with plantings and vegetation management and structures within the buffer. He also noted that the canal, Newtown Creek and Core Creek in Newtown were exempted from the buffer requirements as they are already fully developed and inclusion would create numerous non-conformities.

In reviewing the establishment of zones and the permitted uses in each zone, Mr. Fowler questioned whether swimming pools and outdoor storage should be included in the permitted uses. He expressed concern that within the definition of use H-6, outdoor storage, is included tractor-trailers, truck terminals and auto sales.

Mr. Canales pointed out that the uses included in 903.B.13 (e)(4)(i) would be permitted by special exception and would be subject to review by the Zoning Hearing Board.

Mr. Keating said that he thought that if the Zoning Hearing Board would be required to grant a special exception for a pool within Zone Two, he felt that this would provide an adequate safeguard.

Mr. Fowler moved to recommend that the Board of Supervisors adopt Joint Municipal Zoning Ordinance Amendment 2004-06, as revised on July 9, 2004 as recommended by the Bucks County Planning Commission, with the deletion of Section 903.B.13(e)(4)(i) use H-6, outdoor storage, which might include storage of tractor-trailers, truck terminals and auto sales. Mr. Lloyd seconded and the motion passed 6-0.

Proposed JMZO Amendment 2004-17: Mid-rise Apartments

The Commission reviewed the proposed amendment, which would eliminate use B-11, mid-rise apartments, drafted July 14, 2004. Mary Eberle of Grim, Beihn & Thatcher, in her letter dated August 19, 2004, had pointed out that the jointure is not legally required to provide for every conceivable housing use and that there has been no demand for this use. She recommended that the ordinance might benefit from its deletion. All agreed that the ordinance already provides for a sufficient array of housing types, and mid-rise apartments are not in keeping with the rest of the community.

Mr. Lloyd moved to recommend that the Board of Supervisors adopt Joint Municipal Zoning Ordinance 2004-17 as drafted July 14, 2004, which deletes use B-11, mid-rise apartments. Mr. Keating seconded and the motion passed 6-0.

Proposed JMZO Amendment 2004-18: Gasoline Sales as an Accessory Use

The commission reviewed the proposed amendment as revised July 16, 2004, which would prohibit the sale of gasoline at retail stores. Mr. Davis noted that Section 803.E.1 amends the definition of retail store, however does not include such shops as those selling books, antiques, bait, art, paintball equipment, clocks and art works.

Mr. Keating suggested that paintball equipment and bait might be considered sporting goods or hobby supplies.

The Commission discussed the provisions of Section 803.E.1, and agreed that the amendment was designed to keep establishments that sell gasoline as service stations, and to keep larger mini-markets from becoming service stations.

Mr. Canales suggested that some of the uses mentioned by Mr. Davis are in the Ordinance in definition E.14, specialty cultural boutiques.

Mr. Davis asked that books be returned to the list in E.1.

Mr. Lloyd moved to recommend that the Board of Supervisors adopt Joint Municipal Zoning Ordinance 2004-18, as revised July 16, 2004, which prohibits sale of gasoline at retail stores. Ms. Mark seconded and the motion passed 6-0.

Proposed JMZO Amendment 2004-19 – Group Home Regulations

The Commission discussed proposed amendment 2004-19 as revised July 19, 2004. Mr. Davis said that it is his understanding that this proposed amendment is designed to help the ordinance comply with requirements of the Fair Housing Act and the Americans with Disabilities Act (ADA).

Mr. Fowler referred to a letter from Mr. Clemons that suggested that the Commission discuss whether the proposed amendment should provide an exclusion of group homes for alcohol and drug rehabilitation and for those adjudicated of crimes or of juvenile delinquency. Mr. Fowler said that he did not support the exclusion of such facilities.

Mr. Keating said that he thought that drug and alcohol rehabilitation might be included in the ADA, and that the ordinance might not be able to exclude them. He also questioned whether, when excluding those adjudicated of crimes, the ordinance might be excluding drug and alcohol rehabilitation group homes. He noted that many who participate in drug and alcohol rehabilitation do so as a condition of criminal adjudication. He said that he did not feel that these types of group homes should be excluded.

Mr. Sommer said that he agreed with Mr. Clemmons that the Commission should carefully consider excluding drug and alcohol rehabilitation and criminal halfway houses. He said that he is uncomfortable with bringing criminals and recovering drug addicts into the community.

After further discussion, the Commission agreed that they were unsure of what the changes to the ordinance were, nor were they sure of whether drug and alcohol rehabilitation is protected by the ADA. All agreed that more information is needed before a decision on a recommendation could be made.

Mr. Lloyd moved to table further discussion and to request a copy of the proposed ordinance with underlines and strike-outs for better comparison with the existing ordinance. Mr. Fowler seconded and the motion passed 6-0.

Correspondence

The commission discussed an e-mail from Chester Pogonowski dated August 9, 2004, in which he questioned the contents and timing of the minutes of the Planning Commission regarding the Vargas development. Mr. Davis suggested that perhaps the Planning Commission members could take turns attending the Board of Supervisors meetings to give input as to what the Planning Commission has discussed, and to expound on the recommendations made.

When questioned as to the order in which plans are presented to the Board of Supervisors and to the Planning Commission, in particular the current Toll Brothers plans, Mr.

Canales said that a developer could bring a sketch plan to the Board of Supervisors if it had not yet been reviewed by the Planning Commission.

Mr. Canales reminded the Commission of upcoming matters to be reviewed, including JMZO 2004-12 – Agricultural Sales of Food Products; Keeping of Livestock and Nursery and Winery Uses; the Vargas and Hibbs Tracts; CVS and Datesman.

Mr. Lloyd moved to adjourn at 9:15 PM. Mr. Sommer seconded and the motion passed 6-0.

Respectfully Submitted

**Mary Donaldson
Recording Secretary**