

WRIGHTSTOWN TOWNSHIP PLANNING COMMISSION
MINUTES OF MEETING OF JULY 10, 2008
DRAFT – Posted 07/18/08

The Wrightstown Township Planning Commission met on July 10, 2008 at the Wrightstown Township Building, 2203 Second Street Pike, Wrightstown. In attendance and voting were: Frank Davis, Chair; John Halderman, Vice Chair; Joseph Conroy, Ann Mark, William Perry (late), James Peruto (late) and Lary Whalen, Members. Also in attendance were Judith Stern Goldstein, Township Planner and Mario Canales, Township Engineer.

Call to Order: Mr. Davis called the meeting to order at 8:00 p.m.

Approval of Minutes: *Dr. Mark moved to accept the minutes of May 8, 2008. Mr. Whalen seconded and the motion passed 5-0.*

(Messrs. Peruto and Perry arrived)

JMZO 2008-04 – Wetland Transitions: Ms. Goldstein reviewed this amendment, which proposes a buffer for wetland areas of 50 feet, or if the average upland slope of the adjacent 300 feet of land is in excess of 10% then the wetland transition areas would be increased by 4 feet for each degree of slope above 10%, not to exceed 100 feet. She said that flat wetlands areas are more vulnerable than sloped areas; this formula could be re-evaluated to better protect the flat areas. She also pointed out a few areas of inconsistency in language and definition of “wetland”, “alluvial soils” and “hydric soils”.

The Commission reviewed the zoning districts included in the new ordinance, noting that existing structures would be grandfathered, and that the Delaware Canal area is in a separate protection area under Section 903.12.

Dr. Mark asked about the section which addresses the wildlife on the PNDI list, and asked how that would be determined. Ms. Goldstein said that there is a form required by the State, but this is another area of the proposed ordinance which might need some revision.

Mr. Perry had some concern about abandoned uses, such as farmland that is no longer farmed, and has reverted to meadow or woodland. Ms. Goldstein said that she has seen this issue when nursery uses become woodlands. She said that the use would still be considered nursery if the trees could be moved; otherwise the property would be considered woodland and would be governed by woodland regulations.

Dr. Conroy and Mr. Peruto also expressed some concern about further reducing property owners’ rights to use their properties. Dr. Conroy said that he was particularly concerned about the possible restriction of up to 100 feet beyond the wetland, which could be a sizeable portion of a property. In response to Mr. Peruto’s question, Ms. Goldstein said that animals would be permitted in the transition area.

Mr. Halderman moved to recommend that the Board of Supervisors adopt JMZO 2008-04, subject to revision to reflect Ms. Goldstein's comments on inconsistent language. Dr. Mark seconded and the motion passed 5-0-2, with Dr. Conroy and Mr. Perry abstaining.

JMZO 2008-05 - Detention Basins: Ms. Goldstein explained that this amendment would clarify some ambiguity in the existing ordinance so that detention basins cannot be included in the minimum required open space. This clears up some perceived loopholes.

Mr. Peruto asked whether this ordinance would permit a municipality to do some unsightly maintenance to a detention basin. Ms. Goldstein said that the Township can do some very limited things to correct problems with stormwater management; however this provision is already in existence and is not changed by the ordinance.

Dr. Conroy moved to recommend that the Board of Supervisors adopt JMZO 2008-05- Detention Basins. Mr. Whalen seconded and the motion passed 7-0.

JMZO 2008-06 - Permit for Disturbance of Natural Resources: Ms. Goldstein reviewed this ordinance and said that it would require a permit for a property owner to disturb natural resources. Residents would be required to demonstrate compliance with the ordinance before a disturbance could take place. She said that the ordinance is aimed primarily at homeowners.

The Commission discussed this ordinance, and had some concerns about what the permit application would require of the homeowners. They did not want residents to be required to have, for example, professionally drawn plans for minor, do it yourself, improvements to their properties. They also felt that areas included in the list of natural resources on I.1, should match the list in Article 9 of the JMZO, or it should reference Article 9. They discussed whether, in addition to fines, violators would have to replace disturbed resources.

Ms. Goldstein said that each Township in the Jointure would develop its own application, and would set its own requirements. The Board and Planning Commission would work with the Code Enforcement Officer and Township Manager to develop an application that would specify whether professionally prepared plans would be required for small projects like removing a few trees to build a patio. It would also be up to each municipality to determine when or whether restitution would be required of residents who violate the ordinance.

Ms. Jane Magne recounted an instance in which a resident was required to provide trees on Township owned property after he had removed trees from his own property. This would be something the Township might want to consider in the application.

Messrs. Perry and Peruto each had concerns about the Township exercising too much control over the residents' use of their property.

Mr. Halderman noted that this ordinance requires that residents show compliance with an existing ordinance but is not placing new restrictions on the residents. The Township will create

its own application and it would be at the discretion of the Zoning Officer whether an application would be necessary. This is also a tool for seeking a remedy for violators.

Mr. Peruto said that he would like to see a minimum threshold that would trigger the need for a permit.

Again Ms. Goldstein said that this would be at the discretion of the zoning officer. The application could be developed with the Commission's concerns taken into account. She noted that the three municipalities in the Jointure would have different criteria for the permit. Right now the Zoning Officer is not involved until a violation has occurred. This could prevent a violation from occurring.

Mr. Halderman moved to recommend that the Board of Supervisors adopt JMZO 2008-06, with a change to reflect that "replacement MAY be required at the discretion of the Board of Supervisors." Dr. Conroy seconded and the motion passed 7-0.

JMZO 2008-07 – Electronic Message Centers: Ms. Goldstein explained that in recent cases, the courts have upheld ordinances that prohibit all electronic message center signage. The ordinance presented is content neutral, so that even bank "time and temperature" signs and firehouse signs announcing pancake breakfasts are prohibited. The case law suggests that all electronic signs must be treated the same. Where no exception is made, the ordinances have been upheld.

Dr. Conroy asked whether this would also prohibit signs that tell drivers the speed at which they are traveling. Ms. Goldstein said that she is not sure; this might fall under "highway signage."

Dr. Mark moved to recommend that the Board of Supervisors adopt JMZO 2008-07. Mr. Whalen seconded and the motion passed 7-0.

Mr. Halderman moved to adjourn at 9:55 p.m. Mr. Perry seconded and the motion passed 7-0.

Respectfully Submitted:

**Mary Donaldson
Recording Secretary**