

BUCKINGHAM TOWNSHIP

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PLANNING COMMISSION

AGENDA

SEPTEMBER 7, 2022

Call to Order 7:30 p.m.

1. Consideration of approving draft Planning Commission minutes of April 6, 2022 and June 1, 2022.
2. Consideration of recommending Approval of the **“SF4 Properties, LLC, 3143 York Road – Froehlich’s Farm”** Conditional Use Application, TMP 06-017-023, AG-1 Zoning District, with a 60-day review expiration date of October 1, 2022.

Buckingham Township Planning Commission
Meeting Minutes

The regular meeting of the Buckingham Township Planning Commission was held September 7, 2022 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Andrea Mehling	Chairperson
	Patrick Fowles	Vice Chairperson
	Dr. Marc Sandberg	Member
	Erling Salvesen, Jr.	Member
	Louis Spadafora	Member
	Glenn Thomson	Member
	Dan Gray	Township Engineer
	Luke Rosanova	Bucks County Planning Commission
Not Present:	Rebecca Fink	Member

Mrs. Mehling called the regular meeting to order at 7:30 p.m.

Consideration of approving the draft Planning Commission minutes of April 6, 2022 and June 1, 2022.

Mr. Fowles made a motion, seconded by Mr. Salvesen, to approve, as most recently presented, the draft Planning Commission meeting minutes of April 6, 2022 and June 1, 2022. The motion carried unanimously.

Consideration of recommending Approval of the “SF4 Properties, LLC, 3143 York Road – Froehlich’s Farm” Conditional Use Application, TMP 06-017-023, AG-1 Zoning District, with a 60-day review expiration date of October 1, 2022.

Three of the owners of SF4 Properties, Brian Stover, Josh Froehlich and Colton Froehlich, were present, along with Ani Marie Zawadzki of FS Landscaping Contractors, to discuss their request for Conditional Use approval in order to host seasonal and harvest festivals throughout the year at 3143 York Road.

Mr. Stover said they have held the seasonal fall festival for the past 8 or 9 years, and when they tried to hold a summertime produce festival, they received a denial from the township, as they had failed to pull a permit for the event. Mr. Stover recognized they need to request permits for all of the event related activities to be held at the farm.

Mr. Stover explained his knowledge was that under use A10 of the Zoning Ordinance, Accessory Farm Business, the festivals were approved (i.e., hayrides, etc.) He said that under preservation, their property may have rural enterprise, including festivals, and they had requested a permit from the township to receive that permission.

Mr. Gray explained the purpose of the Conditional Use application and this evenings’ meeting is for Mr. Stover to present to the Planning Commission that their application complies with all

requirements stated in section A10 of the Zoning Ordinance. He said they are very specific requirements, along with the Conditional Use requirements listed in Article 35, Section 3500, Item B.2. Mr. Gray explained that Mr. Stover needs to explain and demonstrate how his application and use should be something that the township should approve. He said if the application is approved by the Board of Supervisors, they would have the right to do those types of activities in perpetuity as outlined in the requirements, however he would still need individual permits from the Township for each of the activities. Mr. Gray suggested that this is a procedure that most applicant's hire an attorney to guide them through.

Mr. Stover replied they had an attorney previously and spent a lot of money, but felt they could represent themselves with this application.

Mr. Stover addressed each of the items in Section A10 Accessory Farm Business, by reading the section and then responding:

- An accessory farm business is a revenue-generating venture sympathetic to, the principal agricultural or nursery use that is conducted on the land in addition to, but as an accessory to, the principal agriculture or nursery use. The use of the farm for educational tours, seasonal festivals related to products grown on the farm, craft fairs, hayrides, and horse shows shall constitute accessory farm businesses.

Mr. Stover said they have a festival with hayrides, and they grow pumpkins and corn for the typical fall festival.

- A1. The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland in Buckingham Township by allowing working farmers to market their products and services directly to the public as an accessory use and in a manner that is compatible with the rural/residential character of the Township and by limiting commercial activities and uses to commercial districts.

Mr. Stover said they do it for the community; that most people are from the township; kids and parents. He said feedback has been phenomenal, and they are looking to providing this event for the community.

- A2. This Ordinance section does not prevent or regulate the sale of farm produce grown on properties within the Township's Agricultural Security District where such retail sale is permitted under Pennsylvania Act 43 which requires that a minimum of fifty percent of the products sold shall be grown on the farm on which the retail sale occurs.

Mr. Stover said they sell pumpkins, gourds and cornstalks during the festival, and they use straw bales, with all grown on the farm.

- A3. The owner of the property on which a farm business use is proposed must operate any farm business activity directly and may not subcontract to any person or entity to operate a business on the farm. In the case of joint, partnership, or corporate ownership, one of the parties who shall hold at least 51 percent interest in the ownership of the farm business must operate the farm business and may not subcontract to any person or entity to operate a business on the farm.

Mr. Stover said they run the event themselves. He said the three guys present tonight are three of the owners, and two are also family owners; adding that they work the events themselves. Mr. Stover explained the business name "SF4" that "S" is Stover, and "F4" is the 4 Froehlich's, also the 4th generation of the farm.

- A4. All farm businesses shall meet the requirements for water supply, sewage disposal, and rest room facilities of the Bucks County Health Department and any other agency with jurisdiction.

Mr. Stover said they bring out port a johns, and the port a john company determines the number of units needed based on the estimated attendance that he tells them. He said they also have handwashing stations. Mr. Stover said the port a john company comes each night of the event, Saturday and Sunday, and pumps out the units.

- A5. The Accessory Farm Business is permitted as an accessory use only. If any of the conditions to which the use in subject cease to be met, then the accessory Farm Business Use shall also cease.

Mr. Stover had no comment.

- B. In addition to complying with subsections A.1 through A.6 above, an accessory Farm Business is subject to the following additional requirements:

- B1. Minimum lot area required – 25 contiguous owned acres.

Mr. Stover said they have this, with the area of the festival held in under 5 acres. He said the pumpkin patch is another 5-7 acres. Mr. Stover said part of the festival area is farm straw, that they bale and use in the festival area.

- B2. The accessory farm uses permitted are limited to: educational tours, seasonal festivals related to products grown on the farm, craft fairs, hayrides, and horse shows.

Mr. Stover said they comply with seasonal festivals and hayrides.

- B3. No Activity or event or structure used for an activity or event shall be located within 150 feet of a right-of-way line or property line, except for parking areas that may be located within 50 feet of a right-of-way line or property line.

Mr. Stover said they are by far meeting that criteria.

- B4. No activity or event shall continue past 9:00 p.m. Sunday through Thursday and past 11:00 p.m. Friday and Saturday.

Mr. Stover said their hours are 10-4 on Sunday, and 10-6 on Saturdays.

- 5. The following types of activities shall not be permitted:

- 5a. Outdoor concerts or amplified sounds which exceed or would exceed the decibel (dBA) limits for residential districts as set forth in Section 3017 of this Ordinance.

Mr. Stover said he had read Section 3017, and that would be loud. He said they do have singer/songwriters, but are not even close to the decibel levels.

- 5b. Mechanical rides or amusements.

Mr. Stover said they have a cow train pulled by a Kubota tractor, but no other mechanical rides, only the hayrides and cow train thing (kiddie train – small carts).

- 5c. Flea markets.

Mr. Stover said they don't anything like that for sale, except pumpkin carving kits that they sell in their garden center, as well.

- 6. Uses are subject to the following regulations on frequency and duration.

- 6a. Educational Tours – An annual permit is necessary to operate education tours. This permit shall specify the number of days per year that educational tours will take place on the farm.

Mr. Stover said they don't do educational tours, but they do have schools that come out to pick pumpkins and they take them on a hayride.

- 6b. Halloween hayrides – A permit shall be required. Halloween hayrides may operate from the first Saturday in October through October 31.

Mr. Stover said they operate the month of October for Halloween hayrides.

- 6c. Seasonal Festivals, Craft Fairs, or Horse Shows – A permit shall be required. A total of no more than nine such events shall be permitted per farm per calendar year. A single festival shall not exceed four days in duration.

Mr. Stover said they do Saturday and Sunday; meeting this criteria.

- 7. Parking for Farm Businesses: Off-street parking areas shall be provided in designated areas to accommodate all attendees at any special event, seasonal festival, craft fair, hayride, or other permitted event. Driveways from public roads to parking areas shall have a paved apron at the entrance which is a minimum of one hundred feet in length from the edge of paving and as well as a gravel tire-cleaning area fifty feet in length. Parking areas shall be adequately screened (See Section 3104(B)).

Mr. Stover said their entrance is paved at least 100', but the exit was not paved and has a tire cleaner (rocks) every bit of 100'. He said they park cars in the field. Mrs. Mehling asked if it was a "tire cleaner", and Mr. Stover said it is crushed stone. He said in years past Bob Collie, the neighbor, comes down and cleans up the dirt that was tracked out during events; he said they are aware of keeping dirt off the street.

- 8. A traffic control plan and a parking control plan must be submitted to and approved by the Township Police Department prior to receiving a permit for events other than educational tours. Two road connections are required to allow for emergencies.

Mr. Stover said they have three road connections. He said they never did a traffic control plan, but did a study of passing cars; adding he doesn't know what traffic control plan means, but would be happy to abide by whatever that means.

- 9. Access to the farm to be used for Halloween hayrides, Seasonal Festivals, or Craft Fairs must be from an arterial or collector road.

Mr. Stover said their access to the farm is from Route 263.

- 10. Lighting – No permanent outdoor lighting shall be installed or illuminated for special events; temporary lighting may be used for special events for the duration of the event only and may not shine or produce glare, as defined and regulated by Section 3016 and 3022 of this ordinance, on adjacent properties. All event-related lighting is to be turned out 30 minutes after the event has concluded.

Mr. Stover said they have brought in temporary lighting; generators with towers. He said the events don't go past 9pm. Mr. Stover said they did do a Friday night thing, but aren't doing that anymore.

- 11. Signs – A total of 32 square feet of sign area shall be permitted. The sign area may be divided into no more than two signs. The signs may be put in place no more than two weeks prior to the event and must be removed within five days of the conclusion of the event. No more than 32 square feet of sign area for the farm entertainment use shall be permitted at any time on any one property. No internally lighted signs or portable signs on wheels shall be permitted. The signs must have a sign permit and shall be subject to all applicable requirements of Article 32, Signs. No off-premises signs are permitted.

Mr. Stover said they put up little small signs that say "fall festival" in addition to the existing farm stand signs. He said they have the flag things for the entrance so people know where to turn, otherwise they enter the exit driveway.

Mr. Gray indicated that his application needed to comply with Article 35 Conditional Uses, Section 3500, as well, specifically 3500.B.2.

Mr. Stover addressed each of the items in Article 35 Conditional Uses, Section 3500.2. by reading the section and then responding:

- a. In accordance with the Township Comprehensive Plan and consistent with the spirit, purposes and intent of the applicable zoning district.
Mr. Stover said “comprehensive plan”, and guessed that was based off the A10 use. Mr. Gray replied the comprehensive plan is another book. Mr. Stover said “you got another book?”
- b. In the best interests of the Township, the community, and the public welfare, and which shall not be a detriment to the properties in the immediate vicinity.
Mr. Stover said the entire community comes to their events; neighbors, we watch kids grown for 9-10 years (we have a sign). He said the feedback is phenomenal from the community.
- c. Suitable for the property in question and designed to be constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
Mr. Stover said they maintain their grounds, that they still farm, cut and bale straw, keeping it looking nice.
- d. In conformance with all applicable requirements of this Ordinance and all Township ordinances.
Mr. Stover said in applicable with A10 ordinance, yes.
- e. Suitable in terms of effects on highway traffic and safety with arrangement for access adequate to protect streets from undue congestion and hazard. In no event shall a use be permitted if the required Traffic Impact Study shows that for an intersection within 1300 feet of the access to such use the Level of Service will decrease by one or more letter, as determined by standard engineering practice. For Use F1 Utilities no Traffic Impact Study shall be required.
Mr. Stover said they put cones out and a “slow” sign. He said if the Planning Commission wants to recommend anything else, they would be happy to comply with that, as well. He said they have several hundred cars that come out, and part of the reason they exit from the bottom drive is so they can see further right and left (different from the upper drive). He said there is a wide view there. Mr. Stover said up top closer to the house they put cones a good 100 yards down each side for awareness, and put up a “slow” sign. He repeated that down bottom, they exit where they have better sight distance.
- f. Provides for layout of open space meeting the intent of this ordinance and all open space requirements.
Mr. Stover said under the preservation rural enterprise is permitted. Mr. Gray asked if they were consistent with the preservation easement, and Mr. Stover replied “Yes”, that Bucks County comes out annually to do check-ins. Mr. Stover said they had submitted a plan with the Conditional Use application that shows the festival area in reference to buildings.

Mr. Gray informed the Planning Commission that it was up to Mr. Stover to provide he complied with all of the requirements, that he read them and replied with explanations, and now the Planning Commission’s task is to decide whether he has met the threshold required to have this use in perpetuity. He said they will still need to get permits for the individual events, but once the Conditional Use for the A10 Use is approved by the Board of Supervisors, it will be a permitted use on the property.

Mr. Stover said that these festivals are very important to them surviving as a farm and keeping it in the family.

Mrs. Mehling stated that while Mr. Stover was very enthused, she was not sure the specific ordinance requirements had been met; adding the Planning Commission needs to see things demonstrated exactly as called for in the ordinance. She said due to this reason, she was going to make a motion to recommend rejection of the application. Mrs. Mehling explained that when this application is reviewed by the Board of Supervisors, they may override the PC's recommendation.

Mrs. Mehling made a motion, seconded by Mr. Fowles, to recommend rejection of the Conditional Use Application submitted by "SF4 Properties, LLC, 3143 York Road – Froehlich's Farm" TMP 06-017-023 in the AG-1 Zoning District, due to the applicant failing to demonstrate that the proposal meets the specific requirements of the Zoning Ordinance (specifically Use A10 Accessory Farm Business and Article 3500.B.2.)

Mr. Stover asked how they are supposed to prove their compliance with the ordinance. Mr. Thomson explained they need more than verbal; they need demonstrated proof. Mr. Gray said they need to demonstrate compliance with each of the ordinance items, and it was not up to the Planning Commission to tell them what they need to do. He explained a Conditional Use is a very specific process with the burden of proof sitting on the applicant. He said this is a legal process, with a public hearing, recorded by a court stenographer, and the Board of Supervisors who will be represented by attorneys. Mr. Gray explained the Planning Commission makes a recommendation to the Board of Supervisors, and have recommended not approving the Conditional Use application as it has been submitted. Mr. Stover said "come prepared is what you're saying", and questioned if he needed to spend more money for an attorney.

The motion carried unanimously.

Mrs. Mehling made a motion, seconded by Mr. Fowles, to adjourn the Planning Commission meeting at 8:05 p.m. The motion carried unanimously.

Minutes respectfully submitted by Lori Wicen.

Minutes approved by Planning Commission on October 11, 2022.