

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JANUARY 27, 2020

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 27, 2020. Mr. Bryson called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Craig Bryson, Chair
 Ross Bruch, Vice Chair
 Tony Bush, Secretary
 Adrian Costello, Member

Others: James Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer

Absent: Chad Wallace, Planning Commission Member
 Frederic K. Weiss, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Costello moved, Mr. Bush seconded and it was unanimously carried to approve the Minutes of January 13, 2020 as written.

#673 – MARRAZZO PROPERTY TOWNHOUSES PRELIMINARY/FINAL SUBDIVISION PLAN
DISCUSSION AND RECOMMENDATION OF APPROVAL

Tax Parcel #20-050-001-001 (2.6 acres)
R-2 Residential Medium Density Zoning District
1301 Yardley-Morrisville Road at Sutphin Road

Mr. Edward Murphy, attorney, was present with Mr. Vince Deluca, equitable owner, and Ms. Kristin Holmes, engineer. Mr. Murphy stated this is the re-development of the Marrasso Garden Center. Mr. Murphy stated the Applicant has seen the review letters from Mr. Pockl, Mr. Ebert, Mr. Yates, and the EAC. Mr. Murphy stated three weeks ago, Mr. Majewski hosted a meeting with the developer to go over the review letters that had been issued at that time with the goal of resolving some of the issues so that by the time they reached the Planning Commission they could summarize the review letters and what, if any, changes would be made to the Plan. He stated the

meeting was very productive. Mr. Murphy stated after tonight, assuming the Planning Commission agrees with recommendations made by the consultants, if the Planning Commission is comfortable enough to make a favorable recommendation, the Applicant will revise the Plans before they go to the Board of Supervisors.

Mr. Bryson stated while there are a number of comments in the Township engineer's review letter, he feels they will be worked out between the engineer and the Applicant, and he does not see anything that will be a problem. Mr. Bryson stated there are also a number of Waivers being requested which he would like to review.

Mr. Kirk stated in Mr. Pockl's review letter there are a number of Waivers that were listed in other review letters that were not listed. She noted specifically the review letter from SAFE Highway Engineering mentioned the proposed cul-de-sac exceeds the length allowed by the Township Ordinance. She asked if that is going to be a Waiver; and Mr. Murphy stated it is, and they have an updated Waiver letter to submit tonight that includes that. Ms. Kirk stated the other one had to do with what Mr. Pockl mentioned in his review that they are coming before the Planning Commission for a Preliminary/Final Plan in one submission, and generally they are in separate submissions. Ms. Kirk stated she wants to make sure that the Planning Commission is looking at an updated list of Waivers that are being requested at this point.

Ms. Holmes stated there were some that were administrative that were on the original Waiver letter that were not necessarily on the list in Mr. Pockl's review, and it was determined they would not need a Waiver. Mr. Bryson stated Mr. Pockl's letter has thirteen Waivers, and the updated letter has ten Waivers; and Ms. Kirk stated it looks like some of them have been combined.

Ms. Holmes provided the updated letter this evening dated January 27, 2020.

Mr. Bryson stated No. 1 is a Waiver request to permit the presentation of the Preliminary and Final Plans as one submission. Mr. Bryson stated he has no issue with this.

Mr. Murphy noted the Planning Commission has seen this Plan previously. He stated last year was devoted to a number of public discussions with the Sutphin Pines community. He stated some years ago the Plan was much different.

Ms. Holmes showed the proposed access from Sutphin Road which is how the existing property takes access today. She stated it brings an internal drive through the development where there are eleven proposed single-family townhouse attached units. She stated each will have a two-car garage and a driveway that is two-cars wide. She stated additionally there is an area for overflow parking at a location she showed on the Plan. She stated the Plan she is showing this evening has been slightly revised from the original Plan submitted based on the meeting they had with the Township staff a few weeks ago. Ms. Holmes stated the lower parking area has fifteen parking spaces in one row.

Ms. Holmes stated at the end of the proposed private street, there is a turn-around area that is shown. She stated on the original submitted Plans there were four parking spaces in this area, two on each side; however, those were removed and relocated to the area below which allowed for a larger turn-around area for vehicles to be able to use.

Ms. Holmes stated there is an emergency-access proposed out to Yardley-Morrisville Road which is intended for emergency-use only. She stated they are showing that to be blocked with bollards and a chain. Mr. Bryson asked if something could be done to hide that since it is unattractive. Mr. Pockl stated Yardley-Morrisville is a State road. Mr. Bryson stated what is proposed is still unattractive. Ms. Holmes stated they are intending to use grass pavers for the access to try to blend it in as much as possible. Ms. Holmes stated there is also a lot of landscaping proposed throughout to try to blend in all the proposed improvements with the surrounding properties. She stated they have a rain garden proposed on the Sutphin Road side of the property that will help handle the stormwater management for the overall development.

Ms. Holmes stated they also have a Type 1 buffer along the adjacent shared property line with the Sutphin Pines development. She stated that is part of the Waiver request since it is the same use on the adjacent property, and that development also has an existing buffer running along the shared property all along that side. She stated the proposed buffer is essentially buffering another buffer, and part of the Waiver request for that is in regard to the shrubs and the groundcover requirements of the buffer. Mr. Majewski stated technically they need a buffer since while they are like uses, it is zoned differently than the use. He stated the Ordinance states that if it is a different use or a different Zone, it is subject to the buffer requirement.

Ms. Holmes stated they have street trees proposed along both street frontages as well as along the internal drive throughout.

Ms. Holmes stated there is an overall reduction of impervious coverage from what is there today, but they are doing the stormwater management as required even though there is a net reduction.

Mr. Murphy stated when the first Plan was submitted a number of years ago by a prior developer other than DeLuca, it contemplated fifteen to seventeen smaller townhome units. He stated certain of those units were located along the common boundary with the community pool for Sutphin Pines. He stated those units were taller and had decks off the second floor, and there was concern expressed by the Sutphin Pines community about privacy issues with regard to people using the pool. He stated they were also concerned that the units were closer to the boundary line than what is presently proposed. Mr. Murphy stated when DeLuca entered into the Agreement, they took notice of the prior issues there were with the community. He stated the number of units has been reduced by five or six, the units are wider, none of the units back up to the pool, and all the units are set back further from the common boundary line than any of the units were under the prior Plan. He stated they introduced the new Plan to the Sutphin Pines community last year, and they had a much more favorable reaction to the new Plan.

Mr. Murphy stated last fall they went to the Zoning Hearing Board to get certain items of Zoning relief. He stated that meeting was preceded by a meeting held at the Township Building that he and Mr. DeLuca hosted to explain the proposal to the community. He stated the community has been kept informed of everything the developer is doing through the community's counsel.

Mr. Murphy stated there was a comment made by either Mr. Pockl or Mr. Fiocco indicating they wanted a more dedicated area for snow; and with the four parking spaces at the end of the road, that area was not available. He stated with those spaces moved to the other area which had been shown by Ms. Holmes, this provided an area where they could stack snow.

Mr. Bryson stated he assumes from looking at the few number of people in the audience this evening compared to the number of people that had attended previous meetings, that things have mostly worked out with the neighbors; and Mr. Murphy agreed.

Mr. Pockl stated along the south property line, there is a proposed solid fence; and Ms. Holmes stated along both of the shared property lines, the locations of which she showed on the Plan, there will be a privacy fence in addition to the plantings. Mr. Pockl asked the height and material of the fence. Ms. Holmes

stated it will be a board-on-board wood fence, and a detail has been provided. She stated it is a 6' fence. Mr. DeLuca noted the fence will be finished on both sides.

Mr. Bryson asked what they will do to make sure that the snow storage area will not be in the way of trucks/vehicles trying to turn around; and Ms. Holmes stated it will be outside of the pavement area, beyond the curb line.

Ms. Kirk stated the Bucks County Planning Commission commented about a sidewalk extension along Sutphin Road as part of the proposed walkway/bike path, and she asked if that is part of the proposed Plan. Ms. Holmes stated they are not showing it as part of the Plan to date as she believes that there is no continuation for that pathway beyond the property where it is today. Mr. Majewski stated the nearest sidewalk is approximately 1000' feet down Sutphin Road. He added that there is a delineated bike lane in the area. Mr. Bryson stated he does not feel they should encourage bike riders at this intersection. Mr. Majewski stated the Master Plan does have a bike lane delineated for that area, and the bike lane already exists. Mr. Bryson asked where it is, and Mr. Majewski stated it is on Sutphin Road within the shoulder of the road.

Ms. Kirk stated the Bucks County Planning Commission indicated that twenty-eight parking spaces are required, but the Plan shows thirty-nine. Ms. Holmes stated they are now showing thirty-seven spaces. Mr. Bryson asked if they feel they need all of those spaces, and he asked if they could put some in reserve. Mr. Murphy stated there was concern about overflow parking availability in the event that people had events at their home even though there is a two-car garage and two driveway spaces for each of the units.

Ms. Holmes stated there were comments about not allowing parking on the street, but she stated there is really no space on the street for street parking. She stated they have the area where there can be overflow parking for guests of the residents.

Mr. Costello stated he understands the footprint prevents planting the required number of trees. He asked if the Waiver request is to use the Tree Bank process that the Township has or is the Waiver from the requirement. Ms. Holmes stated there are a few different landscaping Waivers being requested.

Mr. Bryson asked that they continue discussing the Waivers in order.

There was further discussion about Waiver No. 1, and Mr. Bryson stated he does not have an objection to considering Preliminary/Final. Mr. Murphy stated he assumes the Planning Commission would be in support of this Waiver subject to the Applicant revising the Plan and resubmitting it before they go to the Board of Supervisors.

Mr. Murphy stated Waiver No. 2 is a Waiver that is often requested which is to not be required to show all existing resources within 500 feet. He stated what have done in the past has been to provide a detailed aerial, and typically the Administration and Mr. Pockl feel that is more than adequate to satisfy this requirement.

Ms. Holmes stated Waiver No. 3 is an Administrative Waiver with regard to the process. She stated the existing property is fully developed with no resource protected areas, and it is a redevelopment which does not have much impact to the community. She stated they are requesting a Waiver from following the Plan procedures.

Mr. Murphy stated Waiver No. 4 is similar regarding Plan sets, and Mr. Majewski stated he is in support of request.

Ms. Holmes stated Waiver No. 5 relates to the street. She stated they are requesting Waivers from three different Sections which all relate to the internal street to allow a dead-end street. She stated that street is similar to a cul-de-sac, but does not provide the radial bulb at the end. She stated they will provide a perpendicular turn-around area. She stated the length of the street will exceed 440'. Mr. Bryson stated with the proposed emergency access, he feels emergency vehicles would be able to go straight through so he does not have a problem with this Waiver.

Mr. Murphy stated as Mr. Pockl noted earlier, Yardley-Morrisville is a PennDOT road and not a Township road; and they have contacted a PennDOT representative who indicated his support for this arrangement.

Mr. Bush asked in addition to the turn-around for emergency vehicles, was there not a concern about trash trucks; and Ms. Holmes agreed. Ms. Holmes stated on the re-submission they will provide a Circulation Plan that will include truck-turning movements for trash trucks and other large vehicles. Mr. Bryson asked if there will be one central dumping station or will there be curbside pick-up, and Ms. Holmes stated it will be curbside. Ms. Holmes stated the trucks will use the turn-around at the end in order to exit. Mr. Costello stated they should also make sure that they

can accommodate an eighteen-wheeler since residents will be needing that when they move in. Ms. Holmes stated they will show how they can accommodate different vehicles. Mr. Bryson asked if there will be a Homeowners Association since if someone has a keep for the emergency access, they could open up the gate to provide for an eighteen-wheeler since that would not occur that often. Mr. DeLuca stated it will be an HOA.

Mr. Murphy noted Waivers No. 6 and No. 7 deal with site lighting. He stated he feels the preference of the Township is to limit night light pollution if they can. He stated it is intended to be Residential-scale lighting only in front of the units at the individual driveways and not pole lights. Ms. Holmes stated the previous Waiver letter that was submitted with the Application had requested a Waiver from providing a Lighting Plan; however, they are now going to provide the Lighting Plan, and their Landscape Plan will become a Landscape/Lighting Plan. She stated based on the staff meeting that was held, they will add a pole light at the intersection with Sutphin Road; and that will be the only pole light proposed on the property. The remainder will be Residential dwelling lights. She stated the Waiver request is to not be required to provide additional pole lighting throughout the street and parking area.

Ms. Holmes stated the last three Waivers are with regard to landscaping. She stated the first is a Waiver request from providing the required number of street trees. She stated the previous Waiver request was for all streets; however, they have been able to revise the Plans and the calculations to provide compliance along Yardley-Morrisville and Sutphin Roads, and they are now just requesting the Waiver for the internal road itself. She stated they are planting wherever they feasibly can; but within the area of the dwellings due to the driveways and the utility services that come into each dwelling, there is no physical space to be able to provide additional street trees.

Mr. Bush stated there is some green space in between some of the driveways, and he asked the width of that area. Ms. Holmes stated that is where the utilities are coming through to each of the dwellings which is why they did not provide the street trees there. She stated there is approximately 10' of grass between the driveways.

Mr. Costello stated the Township provides a process to developers when they cannot put in the required number of trees, and he asked why they need a Waiver when there is already a process. Ms. Kirk stated usually it is a Waiver and a request for payment of Fee-In-Lieu, but she is not sure that is what is being asked by the developer. Mr. Murphy stated they would prefer a Waiver.

He stated during the meeting they had three weeks ago with the Township, they got clearance to try to provide as much of the required landscaping on site that they possibly could. He stated in the earlier Plan he does not believe it included landscaping along the detention area that runs parallel to Sutphin Road. He stated they have been able to try to increase the landscaping, but they are at a point where they are planting in every conceivable area on the site that is available to plant anything. He stated he does not know if Ms. Holmes has calculated what the deficit is at this point, and he assumes that deficit is something they will discuss with the Township.

Ms. Kirk advised Mr. Costello that generally street trees are along the street line, and what they are talking about is for the internal street. Mr. Murphy stated it is a partial Waiver for the street trees just for the internal area. Mr. Costello stated while he understands that, the Board of Supervisors has put in place a rule that when you cannot put in the required number of trees, that you pay money to the Tree Bank; and he does not feel they should be given a Waiver for this since the Township already has a process to deal with this.

Mr. Bryson asked if it matters if it is a publicly-dedicated street as opposed to a private street, and Mr. Majewski stated the requirement is the same.

Mr. Costello stated he would recommend that they use the process that the Township has in place. Ms. Kirk stated they would therefore be indicating that they would not recommend the Waiver and would ask for Fee-In-Lieu.

Mr. Murphy stated Ms. Holmes advised him that she did the calculation of what the deficit is between what they are showing and what the Ordinance requires, and they are short seven street trees. He stated the rest of the deficit is ground-cover plants and shrubs. He stated they are planting 600 of those, and they need a certain amount additional. Mr. Murphy stated they would agree to contribute to the Tree Bank or pay a Fee-In-Lieu for the seven trees. Mr. Murphy stated they will still be installing individual Lot foundation plantings that are not reflected so there will still be more plantings.

Mr. Bryson stated with regard to Waiver No. 8, the Applicant is agreeing to a Fee-In-Lieu of for the seven street trees.

Mr. Bryson stated Waiver No. 9 refers to the Waiver request for the number of shrubs and groundcover which Mr. Murphy just discussed. Ms. Holmes stated on the Revised Plan, they still cannot fit the additional shrubs and groundcover. She stated they are providing a privacy fence as an additional

buffering measure beyond the plantings, so they are requesting the Waiver from the required number of shrubs and groundcover. Mr. Bryson stated they will still make some of that up with some of the foundation plantings.

Mr. DeLuca stated the developer will include the foundation plantings as part of the house. Mr. Bryson asked Ms. Holmes to include a detail that states that each unit will have a certain number of shrubs as foundation plantings to make up for some of the deficit, and then they can ask for the Waiver. Ms. Kirk stated the Planning Commission could recommend Approval of the Waiver subject to foundation plantings. Ms. Holmes stated she understands that part of the Waiver would be to allow foundation plantings to count toward the buffer plantings, and Mr. Bryson agreed.

Mr. Bryson asked if there is something in the Township Code that states that they cannot use foundation plantings against the planting count, and Mr. Pockl stated they have to be within the buffer yard. Mr. Bryson stated he does not have an issue allocating those plantings against the house.

Mr. Pockl stated in the area where the parking spaces are, they are also requesting a Waiver for a reduced buffer yard as well. Ms. Holmes stated they did get a Variance for the reduced buffer yard dimensionally, and they are planting within the allocated space for the buffer yard. Mr. Bryson stated that is in addition to the privacy fence. Mr. Majewski stated the fence will provide a real buffer for the headlights.

Mr. Costello stated as he understands it the groundcover is different as the Township does not have a specific rule about this as opposed to the rule about the trees, and Mr. Majewski agreed. Ms. Kirk stated there is not a requirement for Fee-In-Lieu of groundcover.

Mr. Bryson stated it appears that the Planning Commission would recommend approval of Waiver No. 9 subject to installation of foundation plantings.

Mr. Bryson stated Waiver No. 10 is a Waiver request from providing the required number of replacement trees for an existing 36" tree to be removed. Mr. Bryson asked the penalty for the 36" tree. Ms. Holmes stated there are two trees to be removed from the property, one being the 36" tree. She stated they are providing the required replacements for the other tree. She stated they are short by seven trees. Mr. Bryson stated he is familiar with one of the trees which he feels is close to its lifecycle. Ms. Holmes stated it is right in the middle of the proposed development so they cannot save it. She stated the other tree is right next to it,

and is a smaller 10" tree. Ms. Holmes stated there are some existing street trees on Yardley-Morrisville and Sutphin. She stated what they are showing is planting new street trees; however, if they can maintain some of the existing trees in place of planting, they would do that to meet the requirement.

Mr. Bryson stated they owe the Township seven trees, and he asked if there is anywhere else they could plant those trees, although he agreed it is tight. Ms. Holmes stated they wanted to provide some kind of rear yard for each of the units, and they did not want the trees to immediately abut the decks/patios in the back.

Mr. Costello stated he feels they should comply with the process in place for replacement trees, and Mr. Bush agreed. Mr. Costello stated the Board of Supervisors has approved a process to deal with replacement trees, and he and he feels that process should be followed and there is no need for a Waiver. Mr. Bush agreed, and he added that there is no stated reason for why they should not comply with that process.

Mr. Bush stated previously there was a concern by residents of Sutphin Pines about the visibility of the pool which has been addressed, and he asked if there were any other concerns that the Sutphin Pines community raised that remain open. Mr. DeLuca stated they had several meetings with the Sutphin Pines Board and with the residents, and the developer addressed any comments and answered any questions that the residents had. He stated the Sutphin Pines residents were in favor of what was being proposed compared to what was previously proposed as to the impact of the visibility of the pool area. Mr. DeLuca stated the previous developer had also proposed three-story units with the decks on the second level which were at eye level over the fence and shrubbery to the Pool. Mr. DeLuca stated these units do not have any decks at the second level, and they have proposed patios/decks at the first level; and none of the decks are oriented toward the pool area.

Mr. Pockl stated with regard to stormwater, they did not meet the two-year post-development rate of run-off to the one-year pre-development rate of run-off; and there was not an infiltration testing report submitted. Ms. Holmes stated they are scheduling infiltration testing at the site to be able to have the report to include with the re-submission. She stated since they met with the Township, they did look at all of the stormwater management comments, and they were able to revise all of those and make adjustments so that they are in compliance. Mr. Pockl asked if that has drastically increased the size of the rain garden, and Ms. Holmes stated it has not.

Mr. Pockl asked if PennDOT has commented on taking on the flow into their system from the project, and Ms. Holmes stated they have not formally submitted to PennDOT. She stated she e-mailed PennDOT to get feedback and received a response today that conceptually everything looked okay but that PennDOT still needs to do a thorough review of the submission. She stated when she does the formal submission, she will copy the Township. Ms. Holmes stated part of the existing development currently goes out into the street system and the overall drainage so they do have calculations within the report.

Mr. Pockl stated PennDOT will do an analysis on the capacity of their system to make sure that they can manage the additional flow that is coming from this proposed development. Ms. Holmes stated they are reducing the flow and actually reducing the impervious overall, and the calculations will show that.

There was no one in the public wishing to make comment.

Mr. Bush moved, Mr. Costello seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Preliminary/Final Plan subject to compliance with all terms and conditions as set forth in the Remington & Vernick Engineers letter of January 15, 2020 as well as the other review letters from the Township sewer engineer, highway engineer, Safety Officer, and EAC with recommendation of Approval of requested Waivers as set forth in the letter of January 27, 2020 except for #8 and #10 regarding street trees and tree replacement with the recommendation that the Applicant pay either a Fee-In-Lieu of the required trees or donation to the tree bank and Waiver #9 as set forth in the January 27, 2020 letter with a recommendation to approve subject to foundation plantings in addition to submission of Revised Plans to the Township before review by the Board of Supervisors.

OTHER BUSINESS

Mr. Bryson stated the Planning Commission previously discussed that they wanted to look into Design Standards for the Overlay District. He stated he did review what had been provided at the last meeting, and he asked that the Planning Commission members review that so that they can review it at the next Planning Commission meeting if there is not a heavy Agenda. Mr. Majewski stated that they do want to start on this process. Ms. Kirk stated she feels they should consider something so that it could be advertised. Ms. Kirk asked if Mr. Majewski circulated information to the Planning Commission. Mr. Bryson stated Mr. Majewski provided information at the last meeting that had been prepared by the Bucks County Planning Commission;

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however, it was noted that a hard copy had only been provided to Mr. Bryson. Mr. Majewski agreed to circulate copies to all Planning Commission members so that they can discuss it at the next meeting.

There being no further business, the meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Tony Bush, Secretary