

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JUNE 7, 2021

The regular meeting of the Planning Commission of the Township of Lower Makefield was held remotely on June 7, 2021. Mr. Bush called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Tony Bush, Chair
 Ross Bruch, Vice Chair
 Adrian Costello, Secretary
 Dawn Stern, Member

Others: James Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 Daniel Grenier, Supervisor Liaison (joined
 meeting in progress)

Absent: Tejinder Gill, Planning Commission Member

APPROVAL OF MINUTES

Mr. Costello moved, Mr. Bruch seconded and it was unanimously carried to approve the Minutes of April 5, 2021 as written.

#682 MILLER LOT LINE CHANGE

Tax Parcel #20-016-047 and #20-016-047-001

H-C Historic Commercial Zoning District

1648 Langhorne-Yardley Road

Proposed plan to shift existing Lot Line between the two parcels to the east resulting in a 2.40 acre Lot containing the existing dwelling, carriage house, garage and spring house and a 2.46 acre vacant Lot

Mr. David Miller was present with his son, Mr. Steven Miller. Mr. Miller stated he has lived on the property for over fifty years. It is a 5 acre property, and they are proposing to divide it basically in half as shown on the Plan. He stated all of the buildings are on the right hand side of the orange line shown on the Plan. He stated to the left of the orange line there are no existing buildings.

Mr. Miller stated they are interested in selling the property, but there may not be a large market for a house on five acres. He stated the proposal is to make this Lot Line change so there would be two parcels. He stated someone may want to buy both of the parcels, or they could buy the 2 ½ acre Lot with the buildings or the 2 ½ acre Lot that is undeveloped. Mr. Miller stated the line that they are proposing is not a new line, and it was on there when there was a previous owner who wanted to sell off various Lots although that did not happen. Mr. Miller stated all they are proposing is to make a new line where an old line had already been; however, now the Tax Parcel sizes would change.

Mr. Majewski stated the Lot Line is moving over about 100', and he noted the area on the Plan.

Mr. Bush noted a different Lot line on the Plan, and he asked Mr. Majewski if that is a line that exists or one that previously existed. Mr. Majewski stated that is an existing line between the property owned by Mr. Miller and Tax Parcel #20-16-048 which previously had a house on it; however, the house burned down. Mr. Miller stated that is not his property.

Mr. Majewski stated the proposal is to make the smaller parcel larger which will make the two parcels more evenly apportioned.

Mr. Miller stated they have sewer and water and it is a saleable piece of property either way.

Mr. Bush noted the review letter from Remington & Vernick dated April 19. Mr. Miller stated they received that, and his engineer was provided with the letter, and his engineer then provided a follow-up letter to Remington & Vernick answering all of their questions. Mr. Miller stated there was some items missing from the Plan which were added. He stated the only thing they were not willing to comply with was that the Township engineer had indicated that "generally the Lot Line would be perpendicular to the road;" and they had indicated in their response to the Township engineer that they were following the original line that was there, and it works out better for everyone if it is not perpendicular.

Mr. Bush noted that the Planning Commission did not see that response letter, and he asked Mr. Pockl if he is satisfied with the Applicant's responses. Mr. Pockl asked for the date of that letter since he did not receive it. Mr. Miller stated it was sent to Mr. Majewski on May 4, 2021 from Dumack Engineering. Mr. Majewski stated he did not have that response letter in his records.

Mr. Miller reviewed the comments which were responded to from Mr. Pockl's letter indicating that they would comply with all of the comment other than the comment related to the Lot line being perpendicular adding that the Township engineer used the term "in general" which he felt indicated that was not a requirement. Mr. Miller stated their response back to the Township was that the "Plan proposes moving the Lot Line to the location and orientation it once occupied prior to a previous Lot Line change. This can be seen on the Plans as evident by the existing monuments at this location. We believe that reverting to the previous location has validity."

Mr. Pockl stated with regard to his Comment #5 with regard to the Lot Lines generally being at right angles, given the explanation just provided he is comfortable with the Applicant's response. Mr. Pockl stated he has not seen the revised submission or the response letter; but if the Planning Commission wishes to make a recommendation, they could approve it contingent upon properly addressing the Township engineer's comments. Mr. Miller agreed to send the Township the Revised Plan and his engineer's response letter.

Ms. Kirk stated Comment #5 made reference to a Section of the Subdivision and Land Development Ordinance about the right angles/radial lines to street lines; and she asked if that would require a Waiver. Mr. Pockl stated it states "in general" so he feels there is "wobble room" and a Waiver would not be required.

Mr. Costello stated it appears that there is one building that is close to where the new line will be, and he asked if there will be any setback issues. Mr. Miller stated he was told that the setback shown on the drawing is in compliance with the Code. Mr. Pockl stated he believes in the H-C District, the setback required for an accessory building is 2 ½' or 5', and they are at 9.85'.

Mr. Majewski stated as noted by Mr. Miller the proposed line coincides with the stone monument at the rear of the property and also with a concrete monument that was found in the front of the property so that was some prior configuration on the Lots, and they are proposing reverting back to it.

Mr. Grenier joined the meeting and noted that several areas are labeled as wooded areas, and he asked if they qualify as woodlands as defined by Township Code adding he did not see any setbacks. Mr. Majewski stated most of them are defined as woodlands; however, since they are not doing any actual work at this time, it cannot be determined what they are going to disturb in order to determine what the setbacks would be.

Mr. Grenier stated they have noted the stream buffers, and he asked if they have done a wetlands delineation. Mr. Miller stated there is a setback shown on the Plan, but he is not sure what a wetlands delineation is. Mr. Grenier stated a wetlands scientist would go out and mark the boundaries of the wetland. He stated Lower Makefield has a wetlands setback requirement; and if they are going to impact the wetlands with future development, the Army Corps of Engineers and the Pennsylvania Department of Environmental Protection have regulations that require Permits in the event that they might impact wetlands, floodways, riparian zones, etc. He stated wetlands are regulated at the local, State, and Federal levels. He stated they are typically part of our base plan requirements in terms of identifying existing natural resources at the site in addition to streams, woodlands, other buffers, steep slopes, etc.

Mr. Miller stated he is not sure how that would relate to a Lot line change since they are not asking to build anything.

Mr. Grenier stated if Lot lines are moved in certain areas where there might be “dense resources,” they might create a Lot that could not be built on because of the various constraints.

Mr. Grenier asked how they determined the stream limits and the extent of the wooded area, and Mr. Miller stated the engineer did this. Mr. Grenier asked if there was a topographic survey to determine the center line of the stream, and Mr. Pockl stated there was. Mr. Pockl stated they do show a 50' wide stream buffer, and that stream buffer is approximately 260' from the new Lot line. He added that is the buffer, and the limits of the stream would be another 50' so it is over 300' to the stream from where the new Lot line is.

Mr. Grenier asked if they are required to show existing resources; and Ms. Kirk stated they did, and she noted the second page provided which is the Existing Features Plan which includes the Table of Calculations for Natural Resources on both Lots outlining the natural resources that exist and what is being disturbed. Ms. Kirk stated based on that, there are no resources being disturbed.

Mr. Grenier stated Mr. Miller just indicated that he did not know what a wetlands delineation was, and he asked how they know that what has been submitted is correct. Mr. Bush stated Mr. Miller is present without his engineer tonight, but the Plan was done by his engineer. Mr. Grenier stated looking at the Existing Resources Plan he does not see anything labeled as woodlands “or certain buffers,” so he does not know how correct the Plan is. Mr. Pockl stated on Sheet 2 they have a Natural Resource Calculation Table for both the new parcel and the existing parcel. He added he did a rough check on the areas they have associated with woodlands, and it seems logical. He stated they do have wetland and water course buffer a half acre on the property that contains the stream, and they show that as 50’ wide on either side of the limits of the stream. He stated the stream is not mapped in a floodplain. He stated they also show some steep slopes on the property, and those are included in the Natural Resource Calculation Table. He stated he was fairly confident with the information the Applicant provided.

There was no one from the public wishing to speak at this time.

Mr. Bruch asked if the concerns raised by Mr. Grenier play into the Lot Line change itself or are those all potential issues for a developer of the parcel. Mr. Grenier stated if you move a Lot Line such that one of the Lots is heavy on a resource that makes it constrained so that it cannot be built on versus another which could be built on, it can change what they are allowed to build. He stated there could then be a future developer coming in and requesting a lot of Variances on a Lot. He stated he is concerned that when you look at the aerial photograph, much of that area is wooded, and there is a stream. He stated he does not see any Notes on the Plan as to who did the survey, and normally on the Plans there would be certain Notes to indicate how they developed the edge of the woodlands; and if they were able to “call out where the stream is,” that typically means they would do a wetlands and stream delineation at one time so that someone would be responsible for those lines. Mr. Grenier stated when they go to development, they are going to have to have the State and Army Corps come out and agree with the lines; and ultimately those lines are what would be regulated. He stated what they have on the Plan for the edge of the stream “just as it is would not fly with the State or the Army Corps of Engineers.” He stated they can move the Lot Line, but the resources as depicted when it “comes to a regulatory standpoint really mean a lot.” Mr. Grenier stated they would not be able to go through for a State or Federal Permit with what has been provided. He agreed they are just moving a Lot Line, and they are not developing; however, he is concerned that they might need Waivers to get this “technically through our process” if certain features are not shown.

Mr. Pockl stated in his review letter he had indicated that the surveyor needed to sign the Plan certifying that the Plan represents the survey he made, and he also had a comment that the stream shown on the property should be identified and the limits of the stream should be clarified on the Plan. Mr. Pockl stated it is unclear that the stream shown is the edge of water/top of bank, and the location of the stream buffer may need to be adjusted accordingly. Mr. Pockl stated any approval of the Lot Line Plan would have to meet the standards in his review letter.

Mr. Bush advised Mr. Grenier that prior to when he joined the meeting this evening, the Applicant indicated that his engineer did respond to the Remington & Vernick letter although it was indicated the Township did not receive it. Mr. Bush stated Mr. Miller read his engineer's response dated May 4 indicating that most items will comply, and there are Revised Plans. Mr. Miller will provide another copy of the information they submitted to Mr. Pockl and Mr. Majewski.

Mr. Grenier asked if the Planning Commission can vote on this tonight if there is a Revised Plan, and Mr. Bush stated they could recommend it conditionally subject to the Township's receipt of the documents which were read to them this evening. Mr. Bush stated this is a Lot Line change proposal as opposed to a Development Plan; and if the Planning Commission were to recommend approval, and the Board ultimately approved the Lot Line change for an undevelopable piece of the property that would be the property owner's problem as it would make it hard for him to sell.

Mr. Miller stated they are only at Phase 1. He stated they may sell the property to one person, and there may not be any development.

Mr. Costello stated it seems that most of what has been referred to is on the developed Lot, and all this proposal is doing is making the undeveloped Lot bigger. He stated what is being proposed is moving the Lot back to where it used to be. Mr. Miller stated he has been told by the professionals there would be a benefit by having larger Lots. Mr. Costello stated unless there is a way that by reducing the developed Lot there could be issues, he does not see how they could create any additional issues that did not exist with the Lot that was already separate.

Mr. Grenier asked with the Lot Line change, given the Zoning and the density requirements in that Zone, how does that change what they are potentially able to build there versus what they could now if they did not move the line.

Mr. Majewski stated he believes they could have built “a couple of units” on the parcel that is on the west side that is currently vacant; and by moving the Lot Line over 100’, they could fit “another couple of units in there if someone chose to do so.” Mr. Majewski stated at that point they would have to do a full set of Land Development Plans and again re-map all of the resources showing what they are planning to preserve and what the setbacks are. He stated since there is no development, they cannot show the setbacks to an “undefined resource disturbance.”

Mr. Grenier stated he is Liaison to the Historic Architectural Review Board which reviews anything that is in this District, and this is a site that has been discussed recently. Mr. Miller stated he has worked with HARB over the years. Mr. Grenier stated he wanted to make sure that moving the Lot Line does not create unintended consequences for either Mr. Miller or the Township because of “density limits that may result.”

Mr. Costello moved and Ms. Stern seconded to conditionally approve the Lot Line changed based on receiving the updated Plans and the letter that complies with discussions tonight and Mr. Pockl’s comments.

Ms. Kirk noted Item #5 in Mr. Pockl’s review letter indicating that generally lines are right angles or radial to street lines, so the Motion may need to be amended to approve the proposed Lot Line change without the lines being at right angles or radial to street lines.

Mr. Costello moved to amend the Motion to add that with regard Item #5 of Mr. Pockl’s letter they are following the general original Lot Line rather than the radially-perpendicular Lot Line that the Township recommended.

Ms. Stern seconded the Motion to amend, and the Motion as amended carried unanimously.

OTHER BUSINESS

Mr. Majewski stated the Township has received a Plan for a Lot Line change and Minor Subdivision where they are proposing development, and that will be coming before the Planning Commission next month.

Ms. Kirk stated Mr. Majewski had indicated that there was a Revised Plan submitted by Mr. Troilo for the Ismael and Quill Houses for renovation, and she asked if that will be coming back to the Planning Commission.

Mr. Majewski stated he believes that will be coming back before the Planning Commission based on input from HARB and his own input on the lay-out, and hopefully they will come up with a Plan that gets closure with where they want to get with that project. Mr. Majewski stated the Applicants tried to take into account feedback from the Planning Commission and HARB.

Mr. Bush asked Mr. Grenier if there is any information as to when Lower Makefield may resume in-person meetings. Mr. Grenier stated the Board has been looking into this. He stated the Township Manager will be putting out formal guidance soon, and he believes they could start having in-person meetings as soon as next month but there will be specific requirements for masks and other best practices when people are in the Township Building. He stated Yardley Borough had their last meeting in person. He stated there will be guidance as to going back to the prior meeting schedule within the next month.

Mr. Majewski stated the next meeting of the Planning Commission will be held on July 12, 2012; and he asked to be advised if any of the Planning Commission members are unavailable.

There being no further business, Mr. Costello moved, Mr. Bruch seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Adrian Costello, Secretary