

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JANUARY 9, 2023

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 9, 2023. Ms. Kirk called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Adrian Costello, Chair
 Tejinder Gill, Vice Chair
 Dawn Stern, Secretary
 Tony Bush, Member

Others: James Majewski, Community Development Director
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 Fredric K. Weiss, Supervisor Liaison

Absent: Ross Bruch, Planning Commission Member

REORGANIZATION

Ms. Kirk called for nominations for Chair of the Planning Commission for 2023.

Mr. Bush moved, Mr. Gill seconded and it was unanimously carried to elect Adrian Costello as Chair for 2023.

The meeting was turned over to Mr. Costello who asked for nominations for Vice Chair for 2023.

Mr. Bush moved to elect Ms. Stern as Vice Chair. Ms. Stern stated she would prefer to remain as Secretary.

Mr. Bush moved, Mr. Costello seconded and it was unanimously carried to elect Mr. Gill as Vice Chair.

Mr. Costello called for nominations for Secretary.

Mr. Bush moved, Mr. Gill seconded and it was unanimously carried to elect Ms. Stern as Secretary.

APPROVAL OF MINUTES FROM THE 11/14/2022 MEETING

Mr. Gill moved, Ms. Stern seconded and it was unanimously carried to approve the Minutes from November 14, 2022 as written.

#688 – 1273 LINDENHURST ROAD – APPROVAL OF SEWAGE FACILITIES PLANNING MODULES COMPONENT 4A – Municipal Planning Agency Review
Tax Parcel #20-003-020
R-1 Residential Low Density Zoning District

Mr. Majewski stated one of the requirements for Sewage Facilities Planning Modules is that the planning agency reviews compliance/conformance of the Planning Modules with Community Planning regulations. Mr. Majewski reviewed the form which he completed. He stated the date received was in December. Mr. Majewski stated we have a Municipal Comprehensive Plan adopted under the Municipalities Planning Code, and the Plan is consistent with that. He stated it is also consistent with the Use Development and Water Resources component of the Plan. He stated there are no encroachments on any wetlands. He stated there is also no known impact on any historical or archeological resources.

Mr. Majewski stated this is the Subdivision which was reviewed several years ago as a Sketch Plan. There is an existing historic house on the property, and that historic house is being preserved. He stated they received a Variance in order to allow a slightly higher density to allow two additional lots which enabled the developer to preserve the historic house so there is therefore no impact from this project on historical or architectural resources.

Mr. Majewski stated there is no impact on endangered or threatened species. He stated we have a Municipal Zoning Ordinance, but it is not consistent with the Zoning Ordinance to the extent that a Variance needed to be granted for the density. He stated that was granted by the Zoning Hearing Board last year. He stated we have a Subdivision and Land Development Ordinance which this proposal is consistent with. The Plans were submitted some time ago and were reviewed by all of our reviewing agencies and Committees, and the Applicant is revising the Plans to come back with a clean Plan in order to get approval from the Township. The Plan is consistent with our Municipal Official Sewage Facilities Plan. There are no other wastewater disposal needs in the area that should be considered by the Municipality.

Mr. Majewski stated if the Commission votes in favor this would be signed and submitted to the Applicant so that they can work further on their Sewage Facilities Planning Module Application to DEP.

Ms. Stern stated she understands that this is in accordance with the December 7 letter, and Mr. Majewski stated that is when they submitted the form to us to fill out. He added that we fill out the form because we are the Planning Agency, and he filled it out on behalf of the Planning Commission and just reviewed the items with the Commission that were filled out. Ms. Stern asked if everything that is set forth in the letter will be taken care of as far as further requirements, and Mr. Majewski stated this is just one component of the Application that they make to DEP. He stated there are other portions that are being worked on with the Sewer engineers from Aqua and the developer, and they have to address those items before they have a full Planning Module to submit to DEP. He stated this component indicates that what they are doing is consistent with our Municipal Plans, which it is.

Mr. Bush moved, Ms. Stern seconded and it was unanimously carried to approve the Sewage Facilities Planning Modules Component 4A for 1273 Lindenhurst Road.

2022 ANNUAL REPORT APPROVAL

Mr. Majewski stated he provided in the Planning Commission's packet the Annual Report which outlines all of the activities, the Subdivisions that were voted on and discussed, and a meeting-by-meeting summary of the actions taken and issues discussed by the Planning Commission.

Mr. Gill moved, Mr. Bush seconded and it was unanimously carried to approve the 2022 Annual Report as submitted.

DISCUSSION OF PROPOSED ORDINANCE TO AMEND THE DIMENSIONAL STANDARDS IN THE RESIDENTIAL ZONING DISTRICTS TO PROVIDE FOR AND TO ESTABLISH MANDATORY OPEN SPACE REQUIREMENTS

Mr. Majewski stated at the at the last meeting there were questions about some of the definitions of open space. He stated he has looked into this and found a few inconsistencies that need to be cleared up. He stated under the Zoning Ordinance there are several definitions. He stated one is "common open space" which is land that is intended for the use/enjoyment of the residents not including

areas that normally would not be considered open space such as streets, parking areas, areas set aside for facilities, detention/retention basins, or resource-protected land. He stated “open space” is defined as “see common open space,” although he believes “common open space” was supposed to be mainly for multi-family type uses. He stated there is another definition for “open lands” which includes resource-protected lands including farmland which is part of a Farmland Preservation Conditional Use Development. He stated there needs to be clarification on this. He stated he believes it is to a combination of open land which is encompassing of resource-protected land and actual open space that is usable.

Mr. Majewski stated in the Subdivision and Land Development Ordinance, we have the same thing where the “common open” space does not include all of those areas or resource protected land where are “open lands” are resource-protected lands including Farmland. He stated he feels that the intent of our Ordinance was to do “open lands” so we need to make a slight adjustment to our proposed Ordinance so that it is clear between Zoning and SALDO that the 25% is supposed to be open land which is inclusive of open space and resource-protected land. He stated if there were a piece of ground that was unencumbered by any kind of resources, 25% of the land at a minimum would be actual land to be used as open space for whatever purpose we deem appropriate.

Mr. Bush asked if that would be up to the Township or the developer as to whether the 25% would be resource-protected or usable open space.

Mr. Majewski stated they have to provide a minimum of 25%. He stated if there was a property that was encumbered by a lot of resources, they could not build on those so effectively they are preserving a certain percentage of land. He stated if 1% of the land was resource-protected, the other 24% they would have to provide would have to be open space of some kind. He stated if there was a property with 19% resource-protected land that could not be built on, then they would have to provide an extra 6% of open space on the property so that the net effect is that no matter what there is 25% of the property not being built upon and not used for roads, buildings, facilities, etc.

Mr. Costello stated we do not have this requirement today, and he asked what the developer would do if they wanted to develop a piece of property that had 25% of protected land. Mr. Majewski stated they would be required to preserve those resource-protected lands, and that would be considered open lands which could not be built upon. He added that because they are constrained by those resource-protected lands, they are allowed to have a higher density; and as the amount of resource-protected lands goes up, the density goes up under the

current Ordinance. He stated this proposed Ordinance takes the land that would not be resource-protected and makes them set aside land for whatever purpose the Township deems desirable.

Mr. Costello stated other than getting a developer to commit some percentage of land if it is less than 25% that is already protected, nothing is really changing from our current mode of operation, and Mr. Majewski agreed. Mr. Majewski added that the only other change made was that it was made a sliding scale. He stated currently the density goes up at different categories, and the sliding scale makes more sense.

Mr. Pockl stated we occasionally get developers who request a Variance for a higher encroachment into resource-protected land because they want to get another lot into their development. He stated if they do a cluster development they might be able to bring the houses closer together and not require a Variance to encroach on resource-protected land so this Ordinance could help in that regard.

Mr. Costello stated he is still unclear as to the limit since there are developers who will try to take advantage of this. Mr. Majewski stated there would not be much of an advantage to the developer. He stated there is a farm across from Patterson Farm that is not encumbered by a lot of resources; and under the current Zoning, netting out all requirements, they would theoretically be able to get 100 lots with recreation land and with a Fee-In-Lieu of recreation land, they would get 105 lots theoretically. However, since it is one-acre Zoning, they could not put 100 lots on 105 acres as you need land for roads, stormwater management, etc.; and they would lose 10% to 15% of the land. Mr. Majewski stated under the proposed Zoning, the site capacity calculations change because we would have the minimum 25% open space which could be a combination of resource-protected land and/or open space as we currently have it defined in the Ordinance. He stated using that percentage you get a net buildable site area of 79.9 acres so out of the 105 acres, and they would be losing about 25 acres of the property to either the Township, the Homeowners' Association, or some other entity who would preserve the land not to be used for any other purpose other than open space. He stated in the first example, the density was one unit per acre, and in the Cluster Ordinance, you have 1.25 dwelling units per acre.

Mr. Majewski added that the size of the lots go down so that they can put smaller lots, and you would not lose as much usable ground to roads or basins because the smaller lot size takes that into account. He stated they could get 94 to 99 lots with the Cluster Ordinance; and comparing the two under the current Zoning regulations, they would get 90 to 95 lots depending on whether there is recreation land facilities or not; and under the proposed Ordinance they would get 94 to 99 which is potentially a few extra lots, but we would pick up 25 acres of open space.

Ms. Kirk stated this started out potentially as a cluster overlay/open space Ordinance and then it was revised to preserve 25%. She asked if this 25% is going to be preservation of open space exclusive of resource-protected land or is the 25% minimum open space that can include resource-protected land; and Mr. Majewski stated it can include resource-protected lands. Ms. Kirk stated we will be defining it as preservation of open space being common space plus open land, and Mr. Majewski agreed.

Mr. Majewski added that he still has not finalized how to make the minor adjustment in the language although he feels the way we have open lands defined in the Ordinance is the proper terminology, and we need to make sure that it matches throughout the Ordinance so that it is consistent throughout and between Zoning and SALDO. Ms. Kirk asked if it makes sense to include a revision to the Definitions section of the Zoning Ordinance where it sets out what “open lands” and “open space” means and then just give a common term for purposes of the proposed Ordinance than incorporates both, and Mr. Majewski agreed. Mr. Majewski added that he believes that in our Ordinance there a few places that require “open space” as defined in a Makefield Glen-type project which requires 40% common open space. He stated in our Ordinance we say that “open space equals common open space,” and he feels the way that should be changed is to make those two distinctions that there is “common open space” which is required under certain multi-family or high-density Zoning, and “open space” which will be inclusive of open lands. He stated he needs to determine if we should use the term “open lands, open space” or change the definition of “open space” to be “open land,” etc. and make sure that it is consistent throughout.

Mr. Bush asked if the open lands would be owned by the Township or the Homeowners’ Association. Ms. Kirk stated they would not want to put an extreme burden on the Township to have to maintain all of the open land. She stated in some developments, the Homeowners’ Association would be responsible to maintain the open lands. She stated she feels the goal was

to keep the section dealing with the ownership under 200-74 where it could be Dedicated to the Township, owned by a Homeowners' Association, Farmland Preservation if it fell within that arena, or some land trust/conservancy.

Mr. Bush stated at the last meeting Mr. Majewski had indicated that the Township did not know until recently that a certain portion of land in a development was actually owned by the Township as dedicated recreation space although there is nothing there. He stated if the Township is going to take parcels of land like that, there should be a plan and it should be known up front so that it does not fall through the cracks. Mr. Majewski stated that is why we did an inventory of all of the Township properties a few years ago, and they were surprised by some of the parcels of land that the Township owned and by some of the parcels of land that we thought we owned and were maintaining, but it was found that we did not own them. He stated Ms. Kirk has been working on this for the past few years.

Ms. Stern asked who would determine who owns the 25% to be preserved. Mr. Majewski stated that would be decided through the planning process. He stated if the Township wanted land for a specific purpose, the land could be Dedicated to the Township. He stated if the Township does not want it, they could ask that it be owned by an HOA. He stated this is what we do for all the developments other than the one that Mr. Bush noted which was recreation land, but the Parks Department did not know that they owned it. Mr. Pockl stated the developer can offer it for Dedication, and the Township can reject it and the Township does not have to accept it for Dedication.

Mr. Bush stated there was discussion previously about encroachment into the resource-protected lands, and he asked what can be done to make sure this does not happen. He stated the homeowners may not even know it is resource-protected land because they are not the first homeowner or if they are the first homeowner, they "do not care," and they start encroaching.

Mr. Majewski stated when we updated the Ordinance approximately fifteen years ago, we put in that we needed to mark the open space in some fashion. so that it is easily understood what is protected. He stated for the most part this has worked out well, although there have not been a lot of Subdivisions since then. He stated we have also come up with policies internally as part of the planning process with regard to defense against encroachments. He stated under SALDO there are open space requirements that the land has to be a certain width to qualify as open space and a length to width ratio that makes sense so it can be discerned that they are open lands for the benefit of either the residents of the development or throughout the community.

Mr. Bush asked Mr. Majewski to discuss the current policy about encroachment in open space. Mr. Majewski stated with the benefit of aerial photography and GIS mapping from the County, when the Township inventory was done, they could see a number of places where people have encroached; and several of those people have been notified of encroachments that have to be removed in a reasonable period of time.

Ms. Kirk stated in some matters where she has been asked to participate in Zoning Hearing Board Hearings, as part of any approval, she has asked for the property owner to submit a Declaration of Restrictions that identifies the area so that it is Recorded in Doylestown that no one can build in that resource-protected area. Mr. Majewski stated that has worked out well, and he would like to do that for all Subdivisions so that it is in the Title Report and the Deed. He noted the recent construction of a house at the corner of Edgewood and Sandy Run Road where a Restrictive Covenant was done which is Recorded at the County so that it shows up on the Deed, and also they delineated the limit of the wetlands through fencing. He stated there are times when people do move the fences so the Township needs to keep watch on that.

Mr. Costello asked what would prevent an HOA in the future from subdividing out the dedicated open space. Ms. Kirk stated if they wanted to subdivide it, they would have to get approval from the Township. She stated generally when the HOA is responsible for maintenance, there are provisions in their HOA documents that they have to provide notice to the Township if they are going to do certain things that are not consistent with the original Development approval. Mr. Costello stated that in ten years, there could be a Board of Supervisors with a different mindset who would let the HOA sell it.

Mr. Majewski stated that would have to go to the Zoning Hearing Board to make their case although he questions what the hardship would be. Mr. Pockl stated it would also be a change to the Record Plan at the County.

Mr. Gill noted a recent proposed development off of Big Oak Road where there were four to five houses, and they were going to keep the trees although they were not within anyone's property line. He asked if the land where those trees are located would be counted toward the 25%. Mr. Majewski stated that plan would have had to been modified, and it would be a contiguous area that would be woodlands that would be preserved, and the houses would be clustered down a little more to limit the area. He stated there would have been an unobstructed piece of woods. He stated that property was approximately six acres, and 25% of six acres would be a little less than two acres; and they would have had to

provide that amount of land in an area that would make sense to be viewed as open space. Mr. Majewski stated the woodlands would be considered open space, but they would have had to alter the lay-out from what they proposed.

Dr. Weiss stated he feels we are going on a tangent from what the Board of Supervisors' intent was for this Ordinance. He stated the intent is not to add more homes to the land. He stated if a tract in the R-1 Zone is entitled to 100 homes considering the protected areas, adding 25% of open space, they would still be able to get 100 homes, but they would be on smaller lots. He stated he would disagree with the concept of using protected lands, woodlands/wetlands, as part of that 25% open space. He stated if a 100 acre tract had 15 acres of protected lands already, the amount of homes that would be allowed on that without open space would be 85 homes. He stated with the Cluster Development Ordinance, if you put an additional 25% open space, you could get the same amount of homes on smaller lots. He stated that is what the Board is trying to accomplish; and whatever wording is decided on, that intent should be in mind. He stated the intent is to have more open space with the same number of homes. Mr. Majewski stated that is what the Ordinance proposes.

Ms. Kirk stated Dr. Weiss is stating that it is to be open space not including resource-protected land. Mr. Majewski stated if that is what is wanted, we would have to re-write the entire Ordinance. Dr. Weiss stated if there are ten acres of protected land, the current Ordinance would allow for 80 homes; and the proposed Ordinance would call for an additional 25% open space with the same amount of homes just on smaller lots.

Mr. Bush stated at the last meeting the Planning Commission brought up the Harris Tract; and the way the proposed Ordinance is currently worded, it seems that tract could have been developed the way the developer wanted to without having to get permission, but the Township wanted to have the developer do environmental remediation on site. He stated that would not be required under the proposed Ordinance.

Mr. Costello stated in order for him to support this Ordinance, it must clarify that the open space has to come out of developable land. Dr. Weiss stated that was the intent that the Board of Supervisors wanted to go forward with this, and he apologized if it did not come out that way. Dr. Weiss stated we want additional open space as the protected space is already open; and the intent is to add additional open space, and not to change the calculation of how many homes could be on the site, and it would just allow for smaller lots.

Dr. Weiss stated with regard to the Harris Tract, it has been subdivided into developable land and undevelopable land.

Mr. Costello stated he is in favor of open space, but we cannot lose sight of the fact that there are other things that our Township is trying to accomplish with the Ordinances for the different Zones and the density calculations. He stated he is concerned that there is no limit to this. He noted the 100 acre property previously referred to by Mr. Majewski on Yardley-Newtown Road where they could theoretically take a quarter or a third of that property and put houses right up to the setbacks and leave the other third untouched. He stated they would still get the 100 houses, but they are now on less acreage. He stated he feels there is a density requirement that at some point overrides our want for open space next to high-density housing depending on what other things the Master Plan is trying to accomplish. He stated he feels without limits, a developer is going to come in with something the Township did not anticipate, and the developer will do something that the people in the Township are not going to like. Mr. Majewski stated the Ordinance does state that they cannot get any more units than they could if it was not open space.

Ms. Kirk stated the letter from the Bucks County Planning Commission asks for revisions to the draft Ordinance to include certain dimensions such as maximum density and number of units per acre. She stated if there was a 100-acre property with no resource-protected land, and 25% has to be preserved as open space, that would be 25 acres leaving 75 acres to allow for 100 homes. She asked if the Ordinance indicates that the size of the lots gets reduced proportionately to the overall percentage of what is removed. Ms. Kirk asked if that would make it easier if we include that specific language in the Ordinance that the size of each otherwise applicable lot will be reduced in proportion to the overall amount being preserved. Mr. Costello stated he feels they would have to do that. He added that his concern was what would stop a developer from giving 60% and then do the 100 houses on 4/10ths of an acre lot, or give 75% and then do the houses on ¼ acre lots. Ms. Kirk stated the developer would not be able to do that automatically and would have to get Variance approvals or the Supervisors' approval as part of Land Development. Mr. Majewski stated he agrees with Mr. Costello that they could go down to much smaller lot sizes, but the benefit that the Township would get is that we would get more than half the property preserved. Mr. Costello stated while that is a benefit as to open space, at some point we would be doing the Township a disservice with some of the other goals and objectives that the Township has. He stated if we did not have goals and objectives in terms of density of housing in specific areas, we would not have an R-1, R-2, or R-3.

Dr. Weiss stated they could recommend a minimum lot size, and Mr. Costello stated he agrees that they would have to have a minimum variance from the standard lot size for whatever District the property is in. He stated there needs to be a control on that end of it or someone will take advantage of it. Mr. Bush asked if a 10% variance would be reasonable. Ms. Kirk stated each Residential District has different density requirements. Mr. Costello stated we need to consider what is the smallest we would want the lots to be since they will be pushed into one area since the other parts of the property are going to be woods, fields, etc. Mr. Pockl stated there would be a maximum density. Mr. Costello stated he feels that they were proposing that the more land the developer gives, the lot size requirements would be less. Mr. Majewski stated that while that is correct, there is a minimum. He stated the minimum is 15,000 square feet which is a little more than a third of an acre which is probably the size of half the lots that exist in Lower Makefield. Mr. Bush stated if it was Zoned for one acre lots, a third of an acre is small. Mr. Costello stated it will also stand out. Ms. Kirk asked if it would make sense to say that at no time shall the size of the lot be reduced by more than 25%. Mr. Majewski stated they would have to drastically re-write the entire Ordinance.

Mr. Majewski noted the Farmland Preservation section of the Township and those lots have a 15,000 square foot minimum. He stated probably half the housing stock in the R-1 Zoning District already has those smaller lot sizes.

Mr. Majewski stated he will have consider Dr. Weiss' comments since that dramatically changes everything, and he is not sure how it could be done.

Ms. Kirk asked if everyone had the chance to review the comments provided by the Bucks County Planning Commission; and if so, is the Planning Commission recommending that those comments be incorporated into the final version of the proposed Ordinance. Mr. Bush stated some of that is effected by what has just been discussed, and Ms. Kirk agreed. Ms. Stern stated given everything that has been discussed tonight, she does not feel she could answer whether all of the Bucks County Planning Commission recommendations should be included.

Mr. Bush asked Mr. Majewski if he looked at how many large open properties there are in the Township which might be impacted. Mr. Majewski stated in the R-1 Zoning District there is a 110-acre property, a 55-acre property, a 135-acre property, one that is 30 acres, and one that is 35 acres. Ms. Kirk noted the property by the water tower near Kohl's, and Mr. Majewski stated that is

a 5 or 10-acre property. Mr. Majewski also noted the Harris Tract and the Jennings tract which is six acres. Mr. Majewski stated there are several other parcels that range in size from 5 to 10 acres throughout the Township.

Mr. Costello stated two of the questions that have been raised are what is included in the open space and what it is based off of and whether it includes the already protected land or is it outside of that; and the other issue is protection from getting to the “extreme end” as he still feels that is an open item that we have not yet addressed. He stated he want to make sure that someone cannot come in and take this in a direction that the Township did not intend. Mr. Majewski stated he feels the Farmland Preservation example is an excellent example of how this works. He stated looking at those developments the lots are smaller in size at 15, 000 to 20,000 square feet typically although some of them are larger, yet there are hundreds of acres of open space as you drive up Woodside and Dolington Roads where you can see acres of farmland. He stated in the proposed Ordinance, it does not have to be farmland; and it could just be land that is not used.

Dr. Weiss stated he feels a minimum lot size sounds reasonable. Mr. Majewski stated we do have that in the Ordinance. Mr. Costello stated he questions if that was what was wanted when the Township came up with R-1. He stated he understands if there is a development with $\frac{3}{4}$ of an acre lots with 20 acres of open space; but someone may come in offering 50 acres of open space with “tight-packed houses,” next to people who purchased homes in R-1.

Mr. Bush stated if the 25% would not include resource-protected land and it was open space/recreation space, it seems that it would make sense for that to be open to all Township residents if it is not resource-protected land. He stated if it is going to change the way R-1 and R-2 are going to appear, he feels everyone should get the benefit of that as well which would go against having it being taken over by an HOA and would suggest that it be taken over by the Township.

Mr. Majewski showed a slide of the northern end of the Township showing open lands that were done under a similar cluster-type Ordinance to what is being proposed. He stated what he is showing is under Farmland Preservation, and he noted the size of the lots which are \$800,000 to \$1 million homes on lots that are one third to half an acre primarily, and they are surrounded by lots of open space. Mr. Bush stated he is not talking about farms. Mr. Majewski stated it is also open space and not just farms. He showed Dolington Estates where they took all the land and it is in people’s yards. He stated those are one acre

lots and would be compared to half acre lots with a lot of open space all around it. He stated we could leave the Ordinance the way it is now, and developers could lot out everything, and we would get no open space.

Mr. Costello stated his only question is what is the limit that the Township is willing to accept to get additional open space. He stated he would like to include something that would protect the Township from an entity being able to do whatever they want. Mr. Pockl stated this goes back to the maximum density for the tract which does protect the Township; and it is a maximum density of the net buildable lot. He stated if the 25% is added in, the net buildable lot becomes smaller, and the maximum density would establish how small the lot could be. Dr. Weiss stated there should also be a minimum lot size.

Mr. Pockl showed Section 200-16 which lists lot area and density for uses other than Farmland Preservation developments. He stated it outlines what the maximum density on net buildable site area can be and minimum net lot area.

Ms. Kirk stated the Table of Performance Standards has been revised in this version. She stated adjustments were made at Mr. Majewski's recommendation to modify the Table of Performance Standards assuming 25% of the land was designated open space. Mr. Majewski stated if they feel there is a certain lot size that they want to have as a minimum that is larger than what has been done in the past, that could be done. Ms. Kirk stated the Table of Performance Standards that was just shown only works if it is 25% open space and there are no natural resource-protected areas to be protected. She stated we need to determine how to change the Performance Standards if the 25% open space is exclusive of resource-protected areas. Mr. Majewski stated that may not be able to be done legally. Ms. Kirk stated she understands from Dr. Weiss that is what the Board intended.

Dr. Weiss stated if there is a parcel of land with protected resources, if it is R-1 Zoning, we already know how many homes there could be if there is not any extra open space. He stated if 10% of the tract is protected space, then they would do the density on the remaining 90%. Mr. Majewski stated we need to consider how to blend the 25% into that. He stated at a certain point, it would not work, and they would be saying that the property could not be built on which is where we may "run into trouble." He stated he could look into that to see how we could make it work.

Ms. Kirk asked if the goal is to preserve open space, does it make more sense to create the open space regulation applicable only to those parcels that have no resource-protected lands. Mr. Bush asked how many parcels have zero resource-protected land. Mr. Pockl stated that would not account for lots that have 5% resource-protection land. Mr. Majewski stated there are a number of properties that do not have that much in the way of resource-protection land on it. He stated if you take the combination of 5% or 10% with another 15% to 20% to get to the 25%, you are preserving a combination of resource-protected land with other land. He stated if you have greater than 25% resource-protected land, that is already pretty constricted; and we would be getting open land that are just resources although a lot of people like to look at open land with nothing built on it. He stated he will have to look at it to see if what Dr. Weiss has discussed makes the Ordinance workable or not.

Dr. Weiss stated he is not concerned about the farms, and he is more concerned about tracts like the Grey Nun site which has a lot of resource-protected land, and the Board does not want to see that overdeveloped. He stated there needs to be a way for the owners of the land to develop the site realistically, but still protect the resource that we have in the Township so that we do not change the character. Mr. Majewski stated under the current Zoning, by virtue of having resource-protected land that is not built on, the developer gets a higher density automatically. He stated this was done years ago; and as you prohibit a developer from developing on land that you want to protect such as woodlands, floodplain, streams, stream corridors, steep slopes, etc. you allow them to build at a higher rate on the remaining land. He stated the Township then included farmland since they wanted that preserved, and what is being considered now is the next step. He stated it is a tradeoff in that you are taking land away from development and allowing it to be clustered on the smaller piece of property.

Dr. Weiss stated Newtown Township and Northampton Township have done this successfully. He stated the goal of this proposed Ordinance is to protect open space. He stated if the Farmland Preservation minimums are not acceptable, we should find something that is acceptable. He stated no one on the Board of Supervisors wants there to be more homes on less land. He stated if a tract is able to have 60 homes, they could still have that many homes with the open space preservation. Mr. Majewski stated the smallest lot size we have is 15,000 square feet. He stated he will provide additional examples of how this will work. Mr. Bush stated they also need to know whether this works if it is just non resource-protected land. Mr. Majewski stated he will review everything further, and circulate more information to the Planning Commission with additional examples as to the impact.

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There being no further business, Mr. Bush moved, Mr. Gill seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Dawn Stern, Secretary