

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JANUARY 22, 2007

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 22, 2007. Chairman Dickson called the meeting to order at 7:35 p.m.

Those present:

Planning Commission: Dean Dickson, Chairman
 Tony Bush, Vice Chairman
 Karen Friedman, Secretary
 Richard Cylinder, Member
 John Pazdera, Member

Others: Nancy Frick, Director Zoning, Inspection & Planning
 Maureen Carlton, Township Solicitor
 James Majewski, Township Engineer
 Grace Godshalk, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Pazdera moved, Ms. Friedman seconded and it was unanimously carried to approve the Minutes of December 11, 2006 as written.

#576 – THE GATHERINGS AT YARDLEY – PRELIMINARY PLAN DISCUSSION

Mr. David Conn, attorney, Mr. Christopher Gillen, Vice President of Operations for Beazer Homes, and Mr. Thomas Mirande, Vice President of Land Acquisition and Approvals for Beazer Homes, were present. Mr. Dickson noted the letter from Mr. Gillen dated 1/9/07 asking that this matter be placed on the Agenda and indicating that their purpose was not to obtain a Decision, but to receive input from the Planning Commission on the Sketch Plan and Waiver requests.

Mr. Conn stated they submitted a Preliminary Land Development Application in October of 2006 and have received review letters. For this evening, they have put together the beginning of what they feel their Final Application will look like. They intend to solicit input from the Planning Commission and residents present this evening with regard to what the Final submission should look like. Mr. Conn stated following the input received this evening and from additional meetings with the Township engineer, they feel they will be in a position to put together the Final Application fairly quickly.

Mr. Gillen distributed the Annual Report for Beazer Homes. He stated they are a National homebuilder traded on the New York Stock Exchange and one of the ten largest builders in the Country. He stated their headquarters are in Atlanta, Georgia; and they build in over twenty-one States. Regionally, their biggest presence is in New Jersey where they settled over four hundred homes last year. Their Pennsylvania Office is located in Warrington, Bucks County. He stated even though they have the strength of a National builder, they have local representation. He stated he has lived in Montgomery County for twenty years, and Mr. Mirande resides in Bucks County and has local ties to Lower Makefield Township.

Mr. Gillen stated Beazer Homes designs a variety of products. They have single-family homes ranging from 1,500 square feet to 3,500+ square feet. They also build two and three-story town homes and three and four-story condominiums with elevators. They are most proud of their active adult product line which is what they are presenting this evening. He stated they have built several of these in the surrounding area. He stated they look for a high degree of customer satisfaction and have a number of National programs to monitor this.

Mr. Mirande stated he has been a resident of Bucks County for twenty years, and for a number of years lived in Lower Makefield. He stated he currently has relatives who live in Lower Makefield and nearby communities. He presented brochures on two active adult communities they are currently building in New Jersey. He stated for Lower Makefield they plan sixty-two homes – twenty-seven will be single-family homes similar to what they are currently building in Cape May and thirty-five will be townhouses similar to those being built in Absecon and which have already been built in Lawrenceville. The tract in Lower Makefield is seventeen acres. They have been working on this site for six years and reached agreement with the owners last year.

Mr. Mirande stated they wanted to come before the Board with a project that they felt could realistically be built on the site. He stated they are showing a pond feature in the rear and two entry roads off of Dobry Road. He stated they chose not to include an amenity package in this development. He stated they have built communities with and without amenity packages. He stated across the street from their proposed project, the Matrix project will be built which will have a large Clubhouse and recreation package. He stated they feel that there is a marketplace for people who live locally who would desire not to be involved in a Clubhouse and recreation package and do not want to pay for it. He stated his parents live in Flowers Mill where their monthly fees are \$168 a month; and they do not use the Clubhouse, although they have an active lifestyle. He stated what they are proposing is designed for local people who already have a life and are not looking to join or be part of anything in the development. He noted the number of private facilities they could make use of if they desired. He stated this is designed to be a low-cost, high-quality product. He stated where they have done communities without

amenity packages, the cost would be \$50 a month for a maintenance fee. He stated a full package with amenities could be \$170 a month so what they are proposing would be a savings.

Mr. Conn stated the Preliminary Application originally proposed sixty-seven homes; and in response to the review letters they have already received, they have cut down the density and are now proposing sixty-two homes. He stated the area is zoned C-3/Commercial, but is part of the Overlay District for age-restricted housing that was passed last year.

Ms. Friedman asked how the configuration of the Development has changed from the Sketch Plan apart from the reduction of six homes. She noted she did not receive any information that the number had been reduced. Mr. Mirande stated they just re-designed this; and before they submitted it to the Township, they wanted to come to the Planning Commission for feedback. He showed on the Plan the second entrance along Dobry Road where three units were eliminated which were bordering the wetlands. He also noted another area where lots were eliminated. He stated they also designed an area for a pond as opposed to a detention basin. Ms. Friedman asked if the pond will be fed through stormwater management techniques, and Mr. Mirande stated it will.

Ms. Friedman stated this is a 17.5 acre parcel and asked Mr. Majewski if there is sufficient room to construct sixty-two homes given the requirements for buffers in certain areas, stormwater management, 20% resource protection, and common open space. Mr. Majewski stated under the current configuration, he does not feel they can meet the requirements. He stated he met with a number of their representatives recently to review some of the technical comments; and at that time he had indicated that he did not feel they were fulfilling the open space requirement, or the requirement to provide recreation land. He stated he feels they may need to have fewer lots to make this project work.

Ms. Friedman asked if common open space is different from recreation land per unit that is to be set aside, and Mr. Majewski stated he will have to review the Ordinance in this regard. Ms. Friedman stated she feels the development seems dense in order to meet the Township requirements for buffering, open space, and resource protection needed.

Mr. Cylinder asked how many units per acre are shown, and Mr. Mirande stated it is 3.54. Mr. Cylinder noted the pictures of the units being shown. He stated they indicated these were built elsewhere, and he asked if they are proposing to build these in Lower Makefield; and Mr. Mirande stated they are. Mr. Cylinder asked the width of the unit shown, and Mr. Mirande stated it is 40' wide. Mr. Cylinder stated it appears the lots are 55' feet wide, and he asked if the lots are wide enough to provide sufficient side yard, and Mr. Gillen stated they are. Mr. Cylinder stated the houses would have windows facing each other at the side yard and they would be close together. He noted with zero

lot line houses, there would be more room in the side yards and they would not have windows facing each other. He asked if they considered this for this site. The developer agreed to look into this. Mr. Cylinder stated he was not certain whether the Planning Commission would be in favor of this or whether the Township Ordinances permit it. Mr. Cylinder stated with lots this small and narrow they may want to consider it. Mr. Cylinder noted the townhouses in the rear and asked if they are the same width as the model shown in the picture. Mr. Gillen noted the picture would be their attached product although it is shown in the brochure as a stand-alone. He stated they are 34' wide.

Mr. Mirande suggested that they look at their Lawrenceville community to see what the community would look like. Mr. Mirande stated at that location they did all townhouses, and it is very charming similar to a little Village. He stated it is more difficult to do a mix.

Mr. Cylinder asked if they would not normally put the higher density in the front and the lower density in the rear; and Mr. Gillen stated they have two entrances and the first entrance would primarily be for the single-family homes and the second entrance for the attached homes.

Mr. Cylinder stated they indicated the residents would not be joining any organization and he asked if they will have any common areas on the site. Mr. Gillen stated they will have a Homeowners Association which will be responsible for maintaining the open space and the yards. There will not be a clubhouse. Mr. Cylinder stated he feels they would have to have a maintenance facility, and Mr. Mirande stated they would not since they would contract out for these services.

Mr. Cylinder asked if the developer will stay involved after construction, and Mr. Mirande stated they will not as they will complete the buildings and then turn it over to the Homeowners' Association.

Mr. Cylinder noted the location of the railroad in the rear and asked if there is a way they will buffer this from the units. Mr. Gillen stated they plan a landscape buffer. Mr. Cylinder asked the elevation of the railroad compared to their site, and Mr. Gillen stated it is a few feet higher than existing grade. Mr. Cylinder asked about a berm or solid barrier, and Mr. Majewski stated this is one of the requirements of the Type 1 buffer that is required. He stated if it is not a requirement, it would still be a good idea. Mr. Gillen stated they have not yet looked into a berm at this location but they could do this.

Mr. Bush stated train noise is a very big issue in the Township for people living even further away from the tracks than this proposed development, and he feels it would be important to build something that would dampen the train noise. Mr. Mirande stated he understood there was discussion about silencing the whistles, and Mrs. Godshalk stated a

study is being done about silent times. She stated there are certain developments in the Township that back up to I-95 and others that back up to the railroad, and those residents want the Township to install sound barriers. She feels it would be good if the developer put them in during the construction phase. She noted there is also a Truth-In-Advertising Ordinance which requires that they declare to prospective purchasers what is behind their homes.

Mr. Cylinder asked if anyone is aware of the possibility for public transportation such as a train stop near the site, and Mr. Majewski stated he did not feel this would be done. Mrs. Godshalk stated there was discussion at one time about a developer in Middletown who was proposing to put in a stop at Township Line Road, but nothing came of this. Mr. Cylinder stated with this proposed development and Matrix going in, it may be a good opportunity for a train stop.

Mr. Bush stated he understands that they received a review letter from the Environmental Advisory Council, and he asked if they have responded to this. Mr. Gillen stated they only received the letter Thursday, and they have not yet responded to it.

Mr. Pazdera asked how they will handle spill-over parking. Mr. Gillen stated two cars can be parked in the driveway, and they have two-car garages. They have additional parking on the street in certain areas which he showed on the Plan. Mr. Mirande estimated that they have twenty spill-over spaces.

Ms. Friedman asked for an overview as to how they are going to handle stormwater on the property. Mr. Rob Cunningham stated after they met with Mr. Majewski on Thursday, they recognized they needed to make adjustments and they are looking into more creative designs to retain volume. They propose to install a pond to hold back some of the volume. They will work with the Township to resolve any issues they have. Ms. Friedman stated it appears they are at a preliminary phase in this regard, and Mr. Cunningham agreed and stated they are still working on this and will make this right when they come back for Final Approval.

Mr. Cylinder asked if the pond will be a permanent water body, and Mr. Gillen stated it will. He stated it will change in level, and they also intend to have an aerator. Mr. Conn stated they intend to make the Plan work so there is no increase in volume. Mr. Cylinder asked if the pond could be designed in a way that it looks more natural, and Mr. Gillen stated it is their goal to make it a feature. It will be landscaped.

Ms. Friedman stated she sees that they are planning on requesting a Waiver for three homes with driveways that are 20' from a neighboring street as opposed to the required 40'. Mr. Gillen stated they are no longer going to request that Waiver.

Mr. Cylinder asked if they propose basements, and Mr. Mirande stated there will be basements. Mr. Majewski stated he is concerned about this as there is a high water table, and they will be asking them how they will handle this. Mr. Conn stated based on their preliminary test pits on the site, groundwater was found nine to thirteen feet below existing grade, and the site design includes some fill areas where basements would be approximately two feet above the ground water table. Mr. Majewski stated once they provide the elevations on the Plans, his office will evaluate this further.

Mr. Pazdera noted a retaining wall on the north side of the old Plan, and Mr. Cunningham stated this has been removed. Mr. Pazdera asked if they contemplate a way to show a pedestrian connection to the Makefield Executive Quarters, and Mr. Conn stated they are looking into seeing whether this will work.

Mr. Cylinder asked the age limit for these units, and Mr. Gill stated it is fifty-five.

Mrs. Godshalk asked if there will be an off-site operation of the Homeowners' Association or will the homeowners organize this. She also asked who will make sure that the residents are fifty-five and over. Mr. Mirande stated a management company will be hired, and they will charge the homeowners directly. Mr. Gillen stated they will be involved in the Board until they are approximately 75% settled out. Mrs. Godshalk asked if they will make sure that the residents are the correct age, and Mr. Gillen stated they will. Mr. Conn stated this will also be written into the By-Laws. Mrs. Godshalk stated the Law states that 10% of the occupants do not have to be fifty-five and over. Mr. Conn stated he feels it is 20% of the residents that do not have to be fifty-five and over, but it is the intention of their organization that it will be 100% fifty-five and over.

Mr. Cylinder asked if it could be written into the Subdivision Plan that the Township has permission to enforce the provisions of the By-Laws. He stated if the people who live in the development do not enforce their own regulations, he questioned if the Township could have the right to do so; and Mr. Mirande stated they could write this in as well. Mrs. Godshalk stated she is concerned that the Township will be asked to do this work since this could also involve Matrix. Mr. Cylinder stated his concern is whether the Township would like the safeguard of being able to enforce this if the homeowners do not. Mrs. Godshalk stated the Township would not be receiving any payment for setting up a Department to enforce these rules which is why they need to make sure that they have very strict rules which can be upheld. Mr. Gillen stated he has been on five Boards over the years involving these active adult communities, and they usually have very strict rules. Mr. Conn stated the Association By-Laws typically have the ability to assess homeowners who are in violation.

Mr. Dickson stated his questions came from the EAC report. He stated he is concerned with the overflow of the stormwater into the Makefield Executive Quarters property. Mr. Conn stated this is the origin for the pond concept so that they can retain volume up to a two-year storm, and there should be no overflow other than that which existed before the development.

Mr. Mike Quinn, 1654 Dobry Road, noted the location of the telephone poles and asked if the developer intends to install underground wiring; and Mr. Mirande stated they will. Mr. Quinn noted the existing homes connect to the poles and asked if they will be running lines to the existing homes with an associated hook-up fee. Mr. Quinn also asked about the sewer system and whether they were putting a pipeline in Dobry Road.

Mr. Mirande stated the proposal is to run it down Oxford Valley Road. Mr. Quinn asked if it will be mandatory for the local residents to hook up. He stated currently they are on a septic system. Mrs. Godshalk stated if a sewer does pass by a house, usually they have a certain period of time when they can hook in. She stated normally people do want to hook into the public system. She stated if the residents want this, they should get together as a community to make sure that the developer does the preliminary work to make it available to the residents. Mr. Quinn asked about the overhead wiring and asked if the developer will take the wiring across the road to the people who reside on the opposite side. Mr. Majewski stated PECO would take care of that issue. He stated with regard to the telephone poles, he feels they generally leave them in, and just relocate them further off the roadway for roadway widening. Mr. Quinn asked if they will widen Dobry Road, and Mr. Majewski stated the Traffic Engineer has indicated that they feel Dobry Road should be widened somewhat. He stated there is some discussion that 26' wide would be an appropriate width for this road which is currently 18' wide. The road widening would be on the developer's side.

Mr. Larry Borda, 504 Heritage Oak Drive, asked if the developer will pay for the road widening, and Mr. Majewski stated they will. Mr. Borda stated this will have some impact on the traffic improvements that are being contemplated under the Matrix Plan, and asked if this will be factored in the new construction that is allocated for Matrix. Mr. Majewski stated there is a review letter from the Traffic Engineer who had questions about this, and there will be further discussion with the Applicant to insure that they coincide properly with the Matrix improvements.

Mrs. Godshalk stated currently there is no traffic signal at Dobry Road and Oxford Valley Road so people turning left into this development going toward the railroad, may have a problem making a left turn as the road is very busy. She stated she feels this will have to be looked into before they receive approval.

Mr. Jim Bray stated he is a resident of Lower Makefield and Chairman of the Environmental Advisory Board. He asked if this project will fall under the Low Impact Development guidelines. He stated if it is determined that it does not, he feels it would show good intent on the part of the developer if they would still conform to the LID guidelines. Ms. Carlton stated the Application is not governed by the new guidelines but will be governed by the guidelines in effect at the time of Application. Mr. Conn stated they will ask their engineer to review the guidelines. Mr. Mirande stated they want to be a good neighbor.

#555 – FIORELLO GROVE – FINAL PLAN RECOMMENDATION

Henry VanBlunk, attorney, and Mr. Joe Marrazzo, Applicant, were present. Mr. VanBlunk stated they are present with the Final Plan. He stated this Plan has been reviewed a number of times at the Preliminary Plan stage. He noted the Schoor DePalma 1/15/07 review letter. He stated Item 1 lists the Waivers they are requesting. Mr. Majewski stated the Planning Commission never officially acted on these during the Preliminary Plan Approval. Mr. VanBlunk stated they will clarify the Section from which the Waiver is being requested. Mr. Majewski stated they are requesting a Waiver from that Section of the Ordinance since they are voluntarily restricting the amount of impervious surface they will have on the lots since the property has so much resource protected land. He has no objection to the Township granting the Waiver being requested. Mr. VanBlunk stated he and Mr. Donaghy have agreed that as opposed to doing a Deed Restriction on each individual lot, they will do a Declaration of Covenant against the entire tract. Mr. Cylinder asked if it is enforceable by all the property owners and the Township; and Mr. VanBlunk stated it is, and the Township will have the right to enforce it as would the other lot owners.

Mr. VanBlunk stated they will comply with all other items in the Schoor DePalma letter. With regard to Item #5, Mr. VanBlunk stated he assumes this will be recorded prior to the Development Agreement.

Mr. Majewski stated the Environmental Advisory Council wanted additional information included in the stormwater management report to show how their Plans comply with the Ordinance, and Mr. VanBlunk stated they will provide this.

Mr. Bush stated in the EAC report it discusses that a State Assemblyman was proposing a dam behind these three proposed homes, and he asked the status of this project. Mr. Majewski stated he feels that was proposed to be further upstream from these properties and is up near Stony Hill Road. He stated he feels the DEP has withdrawn their support for this project.

There was no public comment

Mr. Pazdera moved and Mr. Bush seconded to recommend to the Board of Supervisors approval of the Final Plan dated 7/7/05, last revised 11/3/06 subject to compliance with the Schoor DePalma review letter dated 1/15/07, noting that the Planning Commission supports the Waiver request from SALDO 178-93A.(5), subject to general compliance with the EAC letter dated 1/12/07 and the Remington Vernick letter dated 12/27/06. Motion carried with Ms. Friedman opposed.

#577 – RICK VAN HORN – SKETCH PLAN REVIEW

Ms. Frick stated while this is a Sketch Plan, they did ask that the Township engineer review this.

Mr. Steve Lange, engineer, and Mr. Rick Van Horn, 585 Heacock Road, Applicant, were present. Mr. Lange stated this is a single-lot Subdivision for a lot approximately 90,000 square feet to be subdivided into a 40,000 square foot lot in the rear. It will be a flag lot. The existing lot in the front will be 35,000 square feet. The property is located on Heacock Road. The Sunrise Development is to the north and an existing subdivision is to the south. The topography is such that it drains from Heacock Road to the west down toward the southeast corner of the site. The ground to the south is actually higher on Pin Oak Circle. He stated the jurisdictional delineation has not been determined by the Corps. He stated they are present this evening to take comments from the Planning Commission and the public.

Mr. Pazdera noted the 12/13/06 review letter and asked if they have looked at the impact these issues will have on their ability to proceed with development. Mr. Lange stated this is why they are waiting for the jurisdictional delineation so that they can make that determination. He stated they understand that if 100' buffers are required, they will have to request Variances from the Zoning Hearing Board. Mr. Majewski stated the Township requires 100' buffers from all water courses where the predominant vegetation is cut grass or vegetation less than 12" in height; and he noted this entire property is basically cut grass down to the stream that runs on the side of the property to the south. He stated he feels they also need a Variance because the Zoning Ordinance requires that all setbacks be measured from the limits of the Resource Protected lands, so they would need this additional Variance if they receive the first Variance to allow the setback to be measured from less than the resource-protected land.

Mrs. Godshalk stated she felt there was a bridge on the tract where it is wet.

Mr. Van Horn stated he has never seen this, and he has owned the property for fourteen years.

Mr. Majewski stated he also feels a Variance would be required for the number of lots allowed since the property is encumbered by all of these environmental restrictions, he feels the calculations may show that only one dwelling unit is allowed, and they would have to go to the Zoning Hearing Board for this as well.

Mr. Cylinder asked what would be the basis of the hardship, and Mr. Majewski stated they would have to address this with the Zoning Hearing Board.

Mr. Bush stated when Sunrise was approved, the Planning Commission had many concerns about water issues and those concerns have not gone away especially because where those water issues are located is where Mr. Van Horn would like to develop. He stated he feels the concerns noted by the EAC in their 12/14/06 letter are paramount.

Mr. Dickson stated there needs to be some cooperation with the Sunrise engineer in some areas.

Mr. Majewski stated one of the ideas was that they would connect through the Sunrise property for their utilities, and he does not feel this would be feasible so they are looking for alternate ways to do this. He suggested that they contact the Water Company and the Township Sewer Engineer to go over those issues.

Ms. Friedman stated until she sees something more conclusive as to how stormwater is being managed, it is difficult to comment.

Mr. Dickson stated no soil testing has been done to indicate whether the method of stormwater management proposed is feasible. He stated he is also concerned with the comments in the EAC letter which indicate that the property contains all resource protected lands and would preclude the existence of any building envelope on the site.

Ms. Friedman stated it appears there are two water courses. Mr. Van Horn noted where water is discharging on the property. Mr. Majewski stated there is significant flow as it carries the water from the development across the street as well. Ms. Friedman asked if they propose a basement in the new home in the rear, and Mr. Van Horn stated he would like to do this assuming it is possible.

Mr. Cylinder stated he does not know how they can look favorably on a property that the Township engineer has indicated is a fully developed piece of ground according to the Ordinances. He stated if the Zoning Hearing Board finds there is a basis to do this, the Planning Commission could then review it. It was noted they are only seeking comments at this time and not a recommendation.

Ms. Friedman stated she would like to see the water courses, wetlands, and protected resource areas shown on the Plan. She stated without this she cannot make any reasonable evaluations.

Mr. Pazdera stated he feels it appears that there are so many problems with the site, it would not be worth pursuing although that would be up to the Applicant.

Ms. Friedman asked about the water table, and Mr. Lange stated they have not yet done on-site testing; and this would give them more direction.

Mr. Dickson asked if this were approved by the Township, would he subdivide and sell the property; and Mr. Van Horn stated he was proposing to build a house for his family at that site, and move from the house in the front to the back property and either sell or rent out the front property. Mr. Cylinder asked if he has public sewer, and Mr. Van Horn stated he has a well and sewer with a tank. Mr. Cylinder asked if he would propose this as well for the new house, and Mr. Van Horn stated for the sewer he would propose a discharge line. He stated Sunrise has agreed to provide public water but it appears they will have to go down Stony Hill Road to the front of Heacock Road and get to the property that way. Mr. Cylinder again asked about the sewer system, and Mr. Lange stated he has a grinder pump and a force main that discharges into the public sewer. Mr. Majewski stated they cannot go by gravity, and it gets pumped out and goes by low pressure.

Mr. Larry Borda, 508 Hidden Oak Drive, noted the location of his home on the Plan. He stated Mr. Van Horn is a good neighbor, and he would like to see him be successful with this; but he is concerned about the flow through the swale and the impact this property in conjunction with Sunrise will have on the adjoining neighbors.

Ms. Joy Bernard, 1593 Pin Oak Circle, stated her property is behind Mr. Van Horn's. She stated Mr. Van Horn is a very good neighbor, and she also wants to see him be successful. She is only concerned about the stormwater management. She stated there is always water in her rear yard. She stated the creek has grown over the last twenty years because of the development in the area. She stated with Sunrise building, there will be more water emptying out to the back, and she is not sure what will happen to Mr. Van Horn's property or her own. She stated since Mr. McFadden has moved out and stopped mowing, there is an area where it is wetlands despite the report from the Army Corps for Sunrise that indicated there were no wetlands. She stated they should find out where the water table is located.

Ms. Friedman asked if they are planning on moving earth to elevate that section of land, and Mr. Van Horn stated they have not discussed this yet.

January 22, 2007

Planning Commission – page 12 of 12

Ms. Bernard stated there is a lot of erosion in the rear yards and sink holes are appearing. She is not sure if this has anything to do with the water table or not.

OTHER BUSINESS

Ms. Frick stated discussion of Edgewood Village will be on the Planning Commission's next Agenda. Ms. Stambaugh and Mr. VanDyke will be in attendance, and they were provided a copy of the Draft Minutes from the last meeting when this was discussed by the Planning Commission.

There being no further business, Ms. Friedman moved, Mr. Bush seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Karen Friedman, Secretary