

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
JUNE 14, 2010

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on June 14, 2010. Chairman Pazdera called the meeting to order at 7:35 p.m.

Those present:

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

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

TABLING OF MINUTES

It was agreed to table the Minutes of March 22, 2010 at this time.

APPROVAL OF MINUTES

Mr. Bush moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of April 12, 2010 as corrected

Ms. Friedman moved and Mr. Bush seconded to approve the Minutes of April 26, 2010 as written. Motion carried with Mr. Dickson and Mr. Fried abstained.

#596 – ZUBAIDA FOUNDATION - PRELIMINARY PLAN DISCUSSION

Mr. Douglas Maloney, attorney, Mr. Tom Roche, engineer, and Mr. Mohamed Hussain, were present. Mr. Maloney stated the Zubaida Foundation has been part of the community since 2006 when they purchased a church facility across from the Charles Boehm School which they would like to expand. The site includes the church and what appears to be a house which is used by the congregation as a library and a guest house since for some of their holidays, they have guest speakers who come and stay at that house. Currently there are no stormwater facilities. Mr. Maloney stated the Planning

Commission saw this as a Sketch Plan in late 2009. He stated they propose to square off the existing Church on the first floor and add a second floor addition of 6,300 square feet. In addition, they will add parking so that they will comply with the Ordinance requirements as well as add stormwater management. He stated the property slopes from the south toward Big Oak Road, and currently it is sheet flow directly into Big Oak Road where there are some stormwater inlets. He stated they are adding two basins, one in the upper right hand corner of the property and an underground storage facility as well as pervious pavers in one area of the parking lot. He stated they will also add a French drain so as to capture the stormwater that is flowing down the existing driveway.

Mr. Maloney stated they are not expecting an expansion of the Congregation, and the reason for the addition is because currently they have one large room where everyone is for worship services; and there are no classrooms, counseling rooms, offices, etc. This expansion will allow them more flexibility for smaller groups.

The April 6 letter from Mr. Majewski was noted; and Mr. Maloney stated since that letter was received, they have submitted a Revised Stormwater Management Plan which has been reviewed, and there is a review letter from Mr. Majewski dated June 7.

Mr. Maloney stated the April 6 letter lists the Waivers being requested, and Mr. Majewski stated he has no problem with the Waviers they are requesting.

Mr. Maloney stated they will comply with Items #2 and #3. Mr. Maloney noted with regard to Item #3 which relates to parking requirements, the Ordinance allows a calculation based on the number of seats in the sanctuary or the square footage; and in the Mosque, there are no seats so they have calculated it by square footage. Ms. Friedman asked if 80 spaces would be appropriate according to the Ordinance requirements. Mr. Majewski stated they will need to check the rough architectural lay-out of the building to confirm the square footage.

Item #4 was noted regarding parking stall size, and Mr. Maloney stated this will be determined by the Board of Supervisors.

Mr. Maloney stated they will comply with Items #5 to #7.

Mr. Maloney showed on the Plan the two existing driveways which are not currently connected, but are proposed to be connected. He showed on the Plan how traffic will flow. He stated there will be directional signs, and they are currently working with PennDOT.

There was discussion on Item #8 regarding sidewalks. Mr. Maloney stated there is currently not a sidewalk on Big Oak Road, and they are not proposing one. Mr. Pazdera stated the Plans do show a 4' sidewalk on Big Oak Road, and they are required to have a 5' sidewalk. Mr. Roche stated they have had discussions about this with PennDOT, and they will comply with ADA requirements that call for a wider area every 200' so that two wheelchairs could pass. Mr. Majewski stated since the Ordinance calls for a 5' width, they will have to request a partial Waiver for this. Mr. Maloney discussed the matter further with his client, and indicated that they are not proposing sidewalk along Big Oak Road even though it is shown on the Plan, so they will request a Waiver for this.

Mr. Maloney stated they will comply with Item #9.

Item #10 was noted regarding the requirement that parking lots be separated from buildings by a minimum distance of 20 feet. Mr. Maloney showed on the Plan where they are proposing to square off the building on the east side, and he stated they will request a Waiver on this since they are increasing the non-conformity. Mr. Maloney stated the new parking lot in front of the building does comply with the 20 foot separation requirement.

Mr. Maloney stated they will comply with Items #11 to #13.

Mr. Majewski stated Items #14 through #17 are superseded by the subsequent June 7 letter since they revised their Stormwater Report to provide additional information, and his June 7 letter refers to those items. Mr. Majewski stated he had requested additional soil logs to verify infiltration in the upper detention basin; and after doing seven soil logs, they determined that infiltration will not work. He stated at the rear of the property there are large car-size boulders through the area, and this is why there is a problem getting infiltration on the site. Ms. Friedman stated the paperwork she reviewed indicated that the calculations were based on a two-year storm, and she felt it was to have been done based on a 50 or 100 year storm. Mr. Majewski stated infiltration calculations are based on a two-year storm. He stated they do have to account for controlling the water for the larger storms. He stated they have a detention basin and an underground basin which he feels will be sufficient to handle this.

Mr. Bush stated at some point in December, the EAC was concerned that there was not an EIA report because of the potential for detrimental impact to the downstream properties. Mr. Majewski stated he did walk the site with Mr. Roche and Mr. Hussain to go over the stormwater report; and one of the suggestions he gave them was within the woods upstream of where all the water is coming down the hill, if they built a 1' high berm, it would hold back some of the water and slow it down so the detention basin can keep up with the water coming down the hill. Mr. Majewski stated it will then go into the storm sewer system which discharges downstream of the major erosion on Rock Run.

The June 7 letter from Mr. Majewski was noted, and Mr. Maloney stated they will comply with Items #1, #2, and #3.

Mr. Maloney noted the letter from Gilmore & Associates. He stated they will comply with Item #1. They will request a Waiver with regard to Item #2. Mr. Maloney stated Item #3 no longer applies since it deals with an infiltration basin, and these basins will not infiltrate. He stated this relates to Item #4 as well. He stated with regard to Item #5; while it will not infiltrate, they will have BMPs to pre treat the water. Mr. Roche stated they have proposed structural and non-structural BMP measures within the site. He stated they have protected the woodlands for which there will be an easement. He stated they are trying to use only the area that has already been disturbed and not increase the disturbance area. Mr. Roche stated they are also trying to minimize soil compaction. They will also provide additional landscaping. He stated they are not requesting any Waivers to increase the permitted impervious surface. He stated they are proposing pervious pavement and the infiltration berm as requested by Mr. Majewski. He stated Basin #1 will be naturalized which provides additional vegetation to provide for additional water retention and water quality measures. He stated the detention basins themselves will reduce the velocities and peak rates prior to the stormwater leaving the site. He stated they are also providing water quality measures such as filters in the inlets during construction and a “snout” device to help control debris and contaminants getting out of the first basin into the underground basin. They will also have sediment control measures during construction.

Mr. Maloney noted Item #6 and stated this not longer applies since there will not be infiltration.

Mr. Maloney stated they will comply with Item #7.

With regard to Item #8, Mr. Maloney stated they are removing asphalt in the rear of the building back to the woodlands, and they will instead provide a concrete walkway along the back. He stated there are three doors in the rear, and these will remain as they are fire exits, and there will be a small walkway along the back.

Mr. Maloney stated they will comply with Item #9.

Ms. Friedman noted the Dumack Engineering paperwork dated 3/4/10 Page 1, Comment #2 under Zoning. She stated the Ordinance indicates that no more than 30% should be disturbed, and the comment is that the Plan shows over 49% would be disturbed which would require a Variance. She stated the comment indicates that the Plan should be revised to clearly show where the disturbance is proposed to determine whether a Variance is required. She stated they have answered that they are complying with the request to show the disturbance proposed, but she asked if they are changing

any of the amount to be disturbed or are they requesting a Variance. Mr. Maloney stated he understands that they did survey it and determined that they did not need a Variance. Mr. Majewski stated the way they had their slopes shaded it was unclear as to the classification of the slopes and what they were disturbing. It was then determined that a Variance was not needed.

The TPD letter was noted. Mr. Maloney stated they will comply with Item #1. Mr. Maloney noted Item #4 indicated that an auxiliary lane analysis may be necessary; but Mr. Maloney stated PennDOT has already reviewed the Plans and determined that they will not require any auxiliary lanes. Item #7 was noted regarding the cartway width, and they are requesting a Waiver for this. Item #9 was noted regarding the westernmost, enter-only driveway, which is less than 40' from one of the Charles Boehm Middle School driveways, and indicates a Waiver will be required for this. Mr. Maloney stated he is not sure that they need a Waiver for this since it is an existing non-conformity; but if it is necessary, they will add this to their Waiver request letter. Mr. Maloney stated they will comply with Items #11 and #13. Item #21 was noted which indicates that the Board of Supervisors will have to approve the parking spaces smaller than 10' by 20'.

Item #22 was noted which indicates that the existing handicapped parking stalls are not in deep enough as they are 17' to 18' as they exist. He stated if a Waiver is required for this, they will add it to their Waiver request list. He stated those spaces are existing on the eastern side of the building. Mr. Pazdera asked if this is a Waiver the Township can grant since it is Federal law. Mr. Maloney stated they did not want to have to move the handicapped spaces to the small parking lot on the western side which would be further away from the building. Mr. Pazdera stated the law also requires that they have to be the closest spaces to the accessible entrance. Mr. Majewski asked the width of the driveway aisle, and Mr. Roche stated it varies. Mr. Maloney stated he recognizes that they will have to comply with this; and if they have to move the handicapped parking, they will do so. Mr. Majewski stated if they can keep them in an area that is the closest accessible pathway and also meet the other requirements, this would be the preferred alternative. Mr. Maloney agreed to look into this. He stated he also feels the main entrance may be moved.

Mr. Maloney stated Items #23 and #24 are no longer applicable.

The Pennsylvania American Water Company letter was noted; and Mr. Pazdera stated they indicated that it is difficult to determine if the building will be sprinklered, and Mr. Maloney stated they will comply with State L & I requirements.

The EAC letter dated 2/8/10 was noted. Mr. Roche stated they have a new response letter to the EAC review dated 6/8/10. Mr. Roche stated they have provided an ERSAM which was sent to the EAC. Ms. Frick stated she feels what was submitted was a Revised Stormwater Management Report and not an ERSAM, and Mr. Roche agreed and stated it will be submitted. Mr. Maloney stated Comment #2 in the 12/30/09 EAC letter is about the four-step process for determining the most appropriate site lay out, but Mr. Maloney stated this is difficult to do with an already-developed site. He stated they have provided several different versions of the Plan with lay-outs, and they are showing the least impact to the site and the surrounding areas.

Mr. Maloney was provided a copy this evening of the 2/8/10 EAC letter. He noted Item #1, and Mr. Roche stated they will comply and have provided inlets in the rear. Mr. Roche stated Item #2 no longer applies. Items #3 and #4 were noted, and Mr. Maloney stated these do not apply since they deal with the infiltration rates.

Mr. Maloney stated they will comply with Item #5. Item #6 was noted and requests a planting buffer be installed at the front of the property to visually buffer the new parking area, and Mr. Roche stated they will comply as much as they are able. Item #7 was noted regarding lighting, and Mr. Maloney stated they do not know if they can comply with this because of the cost of LED fixtures. Mr. Majewski stated he would be able to provide pricing for this. Mr. Maloney stated the lighting will be shielded.

Mr. Geoff Goll, member of the EAC, stated they have not reviewed the revised Plans and would like to review them although they feel the Applicant is going in the right direction.

Mr. Maloney stated Revised Plans are being done, and they wanted to wait until they got all the review letters and comments from the Planning Commission.

Mr. Pazdera asked about the depth of the water in the basin if there were a large storm and noted the proximity of the playground on the property. He asked if there is a concern about the possibility of a child falling into the basin. Mr. Majewski asked the depth from the 100' storm water level to the bottom of the basin adding it may be appropriate to put up a fence along that area. Mr. Roche stated it is 2.61 feet. Mr. Pazdera stated while this is not a lot of depth, there is also a fairly significant slope at the one corner of the playground; and he is concerned a child could roll down the hill. He stated currently there is not a fence around the playground. Mr. Hussain stated a 100 year storm has only a 1% chance of occurring, but Mr. Pazdera stated they have had approximately three of these in the last ten years.

Mr. Fried asked the size of their congregation, and Mr. Hussain stated they are currently at 150, and they are looking for 200 maximum. Mr. Fried asked how often services or other activities are held at the facility, and Mr. Hussain stated once a week there is a Friday prayer which is between 1 p.m. and 2 p.m. which gets the most attendance. He stated there could also be a wedding or a funeral. He stated the traffic they get never peaks at the time the other traffic in the area peaks. He stated the balance of activities would be after dark. Mr. Fried asked if the guest speakers come for the services or at other times, and Mr. Hussain stated this would be when they arrange a program of some sort and during Ramadan. He stated this is the time when outsiders would be staying at the guest house for the whole month. Mr. Fried asked if they draw from the County for their events or is it normally just their community, and Mr. Hussain stated it is just their congregation. Mr. Fried asked where people park now when they come to the facility, and Mr. Hussain stated they have asked the School principal if they can park at the School across the street if they have a large event. Mr. Fried stated he did see a letter from some time ago from the School District indicating that it was not a problem. Mr. Fried asked if the 80 parking spaces proposed will be sufficient to handle most of their needs, and Mr. Hussain stated this will help them very much on Friday since they currently have to park on the grass, and 30 more parking spaces will serve their purposes. Mr. Fried asked if they would have a problem if they expanded to more than 200 people; and Mr. Hussain stated if they grew further, they would have to consider other alternatives.

Mr. Maloney provided a copy of the letter from the Bucks County Conservation District which was sent to Middletown rather than Lower Makefield. Ms. Frick noted that the Applicant's engineer did not want the Plan to be sent to the Bucks County Planning Commission or the Bucks County Conservation District, and she advised that they did have to send the Plans to both. She stated the engineer indicated it would be sent to Bucks County Planning Commission shortly thereafter, but to date it has not been reviewed by the Bucks County Planning Commission which is an Ordinance requirement. Mr. Maloney stated they have a review letter from the Bucks County Planning Commission from 2009; and Ms. Frick stated there have been revisions, and it will have to go back to the Bucks County Planning Commission for review.

Mr. Pazdera stated there are still too many outstanding issues for the Planning Commission to make a recommendation this evening. Ms. Frick stated they will need an Extension.

#606-A – APPROVAL OF NEW CINGULAR WIRELESS PCS D/B/A AT&T
MOBILITY CONDITIONAL USE APPLICATION – T.P.M. 20-17-47-1
WOODSIDE ROAD

There was no one present representing the Applicant. Ms. Frick stated the Planning Commission will have to move on this since the Conditional Use Hearing is scheduled for Wednesday night at the Board of Supervisors' meeting.

Mr. Pazdera stated they are adding a transport dish to one part of the tower. Mr. Pazdera stated the structural report they submitted was based on the 2006 Codes, and he assumes they did this because their Design Contract was based on the Codes before they changed January 1; however, the Application was submitted after the fact. He stated he is not sure how the Township will deal with this. Mr. Majewski stated he believes the date on the structural report was 2009. Ms. Carlton stated they will need to see if there are any inconsistencies. Mr. Pazdera stated he would like to see a whole set of Plans that are coordinated.

Mr. Bush moved, Mr. Dickson seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Conditional Use Application Plans last revised 3/5/10 subject to compliance with the current IBC Code 2009 and subject to compliance with the 5/28/10 Remington & Vernick letter.

OTHER BUSINESS

Ms. Friedman stated she would like there to be future evaluation of the Matrix project. She stated she goes by the intersection of Big Oak Road and Oxford Valley Road often; and she is noticing that for the left turn coming from Oxford Valley onto Big Oak down Sugarman Way, there are approximately 35 cars stacking up between 4:30 p.m. and 6:00 p.m.. She stated the light only allows approximately 12 to 13 cars to go through. She stated because of this some people are also going into the second lane and it is blocking the whole lane prior to getting to the left hand turn lane, and people are getting impatient and cutting out. Mr. Dickson stated he feels there have been accidents there already. Mr. Fried stated this is happening at other times of the day as well.

Ms. Frick stated Mr. Murphy would like to present a Sketch Plan for the property to the Planning Commission prior to going to the Board of Supervisors on 7/21/10, and the Planning Commission could review this at their meeting on June 28th or after the 7/21 Board of Supervisors meeting. It was agreed to review this on June 28th. Mr. Pazdera stated it would be helpful to the Planning Commission if they could see something on this in advance of the meeting. Ms. Friedman stated she will be unable to attend that meeting.

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There being no further business, Mr. Dickson moved, Mr. Bush seconded and it was unanimously carried to adjourn the meeting at 9:05 p.m.

Respectfully Submitted,

Dean Dickson, Secretary