

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JULY 11, 2005

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on July 11, 2005. Chairman Friedman called the meeting to order at 7:33 p.m.

Those present:

Planning Commission: Karen Friedman, Chairman
Cynthia Harrison, Vice Chairman
William Taylor, Secretary
John Pazdera, Member

Others: Nancy Frick, Director Zoning, Inspection & Planning
John Koopman, Township Solicitor
James Majewski, Township Engineer
Frank Fazzalore, Supervisor Liaison

Absent: Fred Allan, Planning Commission Member

APPROVAL OF MINUTES

Mr. Pazdera moved and Ms. Harrison seconded to approve the Minutes of June 13, 2005 as written. Motion carried with Mr. Taylor abstained.

#549 – FIELDSTONE AT LOWER MAKEFIELD PRELIMINARY PLAN APPROVAL

Mr. Michael Stadulis, Mr. Michael Maccaninch, and Mr. Doug Olmstead, Boucher & James were present. Mr. Maccaninch stated since they were last before the Planning Commission, they met with the Board of Supervisors regarding the widening of Long Acre Lane and Edgewood Road. He stated the Board of Supervisors was in favor of the narrowing of Long Acre Lane to access the taper and minimize the expansion of the culvert which was similar to what the Planning Commission discussed. With regard to Edgewood Road, the Board of Supervisors did not want to limit the widening of Edgewood Road and would like to see the full improvements.

The PCS letter dated 6/28/05 was noted. Mr. Maccaninch stated they will basically comply with the items listed. He stated the Plans had been revised based on the comments previously raised by the Planning Commission. Waivers needed have previously been discussed. With regard to the disturbance along Long Acre Lane and the culvert, they are aware that they need relief from the Zoning Hearing Board. They are also agreeable to working with the Township on street names.

There was discussion on the status of the discussions with CSX with regard to the brick building. Mr. Stadulis stated he had discussions with Mr. Fedorchak about his correspondence with CSX and he has been directed to a number of different people. Recently he received a report from their environmental consultant which he provided to Mr. Fedorchak. He stated they indicated there is no asbestos, lead, or contamination to be concerned about. With regard to the demolition, they need to deal with another individual at CSX. He has contacted that individual and he will continue to pursue a demolition request. He added that they indicated that some owner prior to CSX had given an easement to SEPTA and there is electrical equipment in the building, so this could complicate the issue. Ms. Frick asked if there was a date of this Easement, but Mr. Stadulis stated no one seems to have this. He is not sure that it is an easement. Mr. Koopman asked if there is anything in writing from CSX, and Mr. Stadulis stated he does not have anything other than his own notes. Mr. Koopman stated the building is in the Railroad right-of-way and they would have to consent to take it down and someone would have to pay to have it taken down.

Ms. Friedman stated the Planning Commission received a letter from the Historic Commission regarding the Harris farmhouse. Mr. Maccaninch stated they plan to have the building remain. Ms. Frick asked their plans for the house. Mr. Maccaninch stated they are the equitable owners of the property, but the Quaker Group owns the house. He stated their agreement contemplates lotting the house out. It will be a conforming lot. Ms. Friedman stated the Historic Commission has asked that they be permitted to review and inspect the house for its historical integrity. Mr. Maccaninch stated they do not own this house and this would be something for Quaker and Mr. Harris to address. Mr. Koopman stated it is part of their Subdivision Plan. Mr. Stadulis stated he did speak to Ms. Heinz some months ago and asked if she had ever seen the inside of the house, and that they would try to make arrangements to get her in. Most recently he understands that Mr. Harris declined to let anyone into the house. They have asked Quaker to pursue this. Mr. Koopman stated this will be an issue to be resolved before they get Subdivision approval. He stated previously the Township has put provisions in place prior to a Final Subdivision approval that would attach certain conditions to insure that certain historic houses remain and this could include façade easements, restrictions against demolition, etc. Ms. Heinz stated the Historic Commission would like the house to remain on the property. She reviewed the history of the property. Ms. Friedman asked if anyone from her group has approached Mr. Harris or the Quaker Group, and Ms. Heinz stated several years ago members of the Harris family invited them to the home, but this did not take place.

There was discussion on the clean up of the site. Mr. Maccaninch stated they are proceeding with the process and submitted the notes of intent to remediate. He stated this relates to the Act II clean up process which requires that they clean up the site to a certain standard approved by DEP and the owner/developer of the property would receive immunity from liability. Mr. Koopman asked if the actual notice has been

sent to DEP since the Township did not get a copy of this. Mr. Maccaninch agreed to provide a copy. Mr. Koopman stated the Township needs to be kept abreast of any issues having to do with the clean up. He stated the Township should have a copy of the Notice of Intent and when they meet with the Supervisors at Preliminary stage, they will want some of these environmental issues resolved. Mr. Fazzalore asked if this means that Final approval will not be made until such time that the Board is satisfied with the clean-up procedures. Mr. Koopman stated the Board of Supervisors will need to deal with this and should address it at Preliminary stage so that it is either resolved or they condition Preliminary Approval upon some resolution satisfactory to the Township. He stated this has been discussed in the past but there has not been any resolution as to what if any part the Township will play in this. He stated initially there was some suggestion that the Township be involved in the Notice of Intent but the Township was not comfortable with this. He stated there have also been requests for indemnification previously which were discussed with Mr. Maccaninch's predecessor but these were not resolved. He stated he and Mr. Garton are available to discuss these matters. Mr. Koopman stated there are also Township Ordinances which provide for certain disclosure, and he feels the developer has agreed from the outset that there would be disclosure. Mr. Maccaninch agreed that they would have to disclose the Act II process. It was noted that because it is to be developed as residential, they will have to clean up to a much higher standard.

Ms. Harrison asked what they are doing with regard to the buffer along the Railroad tracks for Lots 41 through 44. Mr. Majewski stated they are proposing a six foot high board-on-board fence. Mr. Stadulis stated they also have an evergreen screening, although it is not contiguous. Mr. Majewski stated there is a drainage easement in between the landscaping and the fence.

Ms. Friedman noted the letter regarding the turning radii. Mr. Majewski stated he has looked into this, and it is acceptable.

Ms. Friedman noted the 6/20/05 CKS letter, and Mr. Maccaninch stated they will comply with this letter.

Ms. Friedman stated they have indicated that they will also comply with the 6/28/05 PCS letter, and Mr. Maccaninch agreed.

Mr. Pazdera asked if there were any problems with the Waivers requested, and Mr. Majewski stated there are not.

Ms. Heinz asked about the feeder for Brock Creek and noted the number of deer in the area. She was given the opportunity to review the Plans. She stated there is going to be a problem with the deer in the area.

Mr. Greg Burns asked about the entrance to the development and was shown the entrance on the Plans. It was noted this was shifted over from the original location in order to provide better sight distance. Mr. Burns stated he is not in favor of the entrance as shown since it is across from the rear of his home. He asked if it could be moved closer to Schuyler, and Ms. Friedman stated there would not be sufficient distance between the two streets. There were also problems with elevation of the road. The location shown was felt to be the best location to provide for a safe entrance. Mr. Burns stated he has had a number of cars in his rear yard and is also concerned with the increase in traffic as a result of this development. He asked about a traffic light. Ms. Friedman stated she does not feel those entering or exiting the road will be traveling at high rates of speed. Mr. Koopman stated the Board of Supervisors has indicated that they want improvements to Edgewood road and are not going to waive those improvements. One of the improvements is a turning lane. Mr. Majewski stated they will also widen the shoulder on the development side. Mr. Koopman stated they do not meet warrants for a traffic light at this entrance. Mr. Majewski stated possibly Schuyler will meet these warrants at some point in the future.

Mr. Taylor moved, Mr. Pazdera seconded and it was unanimously carried to recommend to the Board of Supervisors Preliminary approval of the Plans dated 10/23/03, last revised 5/20/05 subject to compliance with the PCS letter dated 6/28/05 and the CKS letter dated 6/20/05.

FENCE DISCUSSION AND MOTION

There was discussion on the fence issue which had been discussed previously by the Planning Commission. Mr. Taylor stated the issue which recently arose regarding a fence was the first time this particular problem arose, and he feels strongly that there is no reason to make a change at this time. Mr. Pazdera stated he did look at the subject property and feels no matter what fence was installed, it would have created a problem at that location. Mr. Taylor stated he feels if there was a continuous problem, it would be worth considering; but he feels the remedy may be worse than the existing condition. Ms. Friedman stated if additional situations arise, she would like to have this matter brought back for discussion.

Mr. Taylor moved, Ms. Harrison seconded and it was unanimously carried that there not be any changes to the Ordinance with regard to fences at this time.

ELM LOWNE DISCUSSION

Ms. Harrison asked for an overview of the Elm Lowne barn. Ms. Friedman stated there was a stakeholders meeting which was well attended. Those interested in supporting the

Elm Lowne rehabilitation to a Multi-Generational Cultural Arts Center were invited to hear a more-detailed viewpoint of the vision and shown the Plans from the architect as to where they stand. They are also interested in additional ideas so that a presentation can eventually be made to the public. They are interested in public input as well.

Ms. Friedman stated many people have indicated that they would like to become involved. Mr. Taylor stated until there is a marketing plan and information as to how they would finance the renovations, he feels this is far out in the future. Mr. Taylor stated it does not appear that they will get any more seating at that location than they have at the Township Building. Ms. Friedman stated the theater capacity would be 125 to 150 seats. She stated it is meant to be an intimate theater. Mr. Taylor asked how this would create any more space for the Performing Arts group. Ms. Friedman stated many of those programs generate only approximately seventy-five people in attendance. She added that the space would also not be used only by the existing Performing Arts group. She stated there are a number of other groups that could make use of the space as well.

Mr. Fazzalore stated he understands that they expect the Township to fund this, and Ms. Friedman stated the concept is that the Township would not fund it. Mr. Fazzalore stated he felt that they wanted the Township to front the money and the people using it would then pay it back. Ms. Friedman stated they have not gotten to this stage yet. She stated they have not decided how they would structure the Bond Issue. Mr. Koopman stated 501C3s can float bonds. Ms. Friedman stated they hope to have numbers in one and a half to two months and they will bring all options to the table. Ms. Friedman stated at this point they wanted to invite the stakeholders for an update. She stated currently they are only in the feasibility study stage.

EAC REPORT

Ms. Harrison stated the EAC is discussing opportunities to encourage use of native species and are considering including it in Land Use Ordinances. They plan to go to the Board of Supervisors on this. They have two tentative Fall environmental lectures proposed one on Sunday, October 16 at 2:00 p.m. on flood control and one on Wednesday, November 16 at 7:30 p.m. with topic to be announced. There was also discussion on Brock Creek. One area is under construction, and they are applying for a Grant to restore the creek bed the way it was naturally developed. They also expressed concern with the sound barriers where the highway is to be expanded over the bridge to New Jersey. They are also discussing publication racks in the Township Building Lobby and will send a letter to the Township about this. They are also going to put a native plant list on the Township Website.

There was further discussion on the sound barriers. Mr. Fazzalore stated the Township is also concerned about this. He stated the last information he received was that the Plans show they will take two houses. Mr. Fazzalore stated that the Township has indicated they would like them to expand into the center. Mr. Majewski stated while they have not

committed to this, he does feel they will go to the inside. Ms. Friedman stated some of the other EACs in the area are going to join together to protect the residents in the area. Mr. Koopman stated this is a Federal Government Highway project over which the Township has very little control.

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

Respectfully Submitted,



William Taylor, Secretary