

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – APRIL 14, 2008

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on April 14, 2008. Chairman Bush called the meeting to order at 7:30 p.m.

Those present:

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

Others: Nancy Frick, Director Zoning, Inspection, and Planning
 John Donaghy, Township Solicitor
 Carrie Konnovitch, Township Engineer
 Steve Santarsiero, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Pazdera moved, Ms. Friedman seconded and it was unanimously carried to approve the Minutes of January 28, 2008 as corrected.

Mr. Pazdera moved and Ms. Friedman seconded to approve the Minutes of February 11, 2008 as corrected. Motion carried with Mr. Dickson abstained.

#562A – DOGWOOD DRIVE (FORMERLY KNOWN AS HARMONY LANE)
INFORMAL SKETCH PLAN REVIEW

Edward Murphy, attorney, was present with John Baionna and Greg Glitzer. Mr. Bush stated a prior plan for this property was previously presented to the Planning Commission. He stated notification is not normally done for a Sketch Plan, but because neighbors were notified in the past, the Township did notify the neighbors in both Lower Makefield and Falls Township of the meeting this evening.

Mr. Murphy showed a copy of the plan which was previously before the Planning Commission which proposed ten single-family detached dwelling lots. The property, which is Zoned R-2, is slightly less than 15 acres and is near the intersection of Delaware Rim Road and Dogwood Drive. He stated there is a significant amount of wooded area associated with the property. The prior plan contemplated the extension of off-site water and sewer lines by the Applicant and the Township including an extension of a sewer line

from the Chanticleer pump station through the wooded area and back out to Delaware Rim. There were also proposed extensions of water and sewer lines off of Spur Road to provide service to some existing properties as well as extension of water and sewer down Delaware Rim from Chanticleer. Mr. Murphy stated because the developer was proposing off-site sewer and water extensions for the benefit of the Township, there was contemplation of relief being obtained from the natural resource protection standards of the Ordinance. He stated as the planning progressed, it became obvious that the relief was not going to occur; and as a result, the developer at that time eliminated those off-site considerations and decided to revise the plan to bring it into compliance with the Ordinance. This new plan is the subject of the discussion this evening.

Mr. Murphy showed a copy of the new Sketch Plan which proposes five lots. Extensions of public water and public sewer lines from the Chanticleer project through a small section of Delaware Rim and along Dogwood are proposed to provide service to the five new homes. The lots range in size from three quarters of an acre to slightly less than two acres and will be serviced by a cul-de-sac. He stated that he believes the Sketch Plan submitted complies with the Township Ordinances.

Mr. Glitzer stated they will follow low-impact design requirements, and they will preserve some of the features that were requested by the Township when the original ten-lot plan was reviewed. He stated the lots have been pulled in and there is a shallower front setback in accordance with LID standards. He stated they have provided a more generous building envelope and these will be bigger homes on five lots as opposed to the prior ten.

Mr. Glitzer stated the Township staff indicated that there was not a need to affix a cul-de-sac bulb to the end of Dogwood Drive. He stated they have done some soil testing and feel there are opportunities for infiltration along the contour of the back of the lots. He noted the existing berm along the back of the lots that front on Delaware Rim Drive, and he stated they will keep this intact as much as possible, and there will be minimal disturbance to the woods in the area.

Mr. Glitzer stated based on resource protection standards they have used a 12,500 square foot lot to establish the Zoning criteria, but because of the desire to encompass the riparian quarter and the valley in common space, the lots are significantly oversized from the Zoning minimum. He showed on the plan the limits of the common land; and while they are not yet certain as to how this land will be allocated, at the minimum a Homeowners Association of the five lots would be established.

Mr. Cylinder asked if Dogwood Drive would remain dedicated, and Mr. Glitzer stated it would remain public. Mr. Cylinder asked if the connection shown conforms with the Subdivision Design Regulations. Mr. Glitzer stated looking at the angles required for a new intersection, it would not meet those angles, so they would need a Subdivision Waiver, but the curve of the road is compliant.

Mr. Cylinder asked about the soil type and noted the designation on the Plan. Mr. Glitzer stated it is Urban Land. He stated there was a spoil pile on the site, but it has naturally re-forested. He stated Urban Land means it is disturbed and added that other parts of the site are mapped as Bowmansville. Mr. Cylinder stated Urban Land is normally land that has been disturbed because there was construction there, and he asked what was there that makes this Urban Land. Mr. Glitzer stated he is not certain what was there but believes the parts that were spoil piles were from the construction of the adjacent development. Mr. Cylinder stated the entire site is shown as Urban Land and asked if there may be any environmental issues. Mr. Glitzer stated there are none that they know of adding that they have dug test pits. He stated Urban Land mapping on the fringe of an existing development is quite typical.

Mr. Pazdera stated, while he prefers five lots compared to the previous amount proposed, he still has a problem with the proposal as the homes are now larger and will be sold at significant expense to people who will not be able to construct anything in their rear yard because the house would be sitting on the building envelope line. Mr. Glitzer stated this will be part of their marketing package. He stated they are showing the building envelope and there will be allowances for decks within the bigger “box.” Mr. Pazdera stated purchasers of houses in this price range would normally want something larger than a 10’ by 10’ deck. He stated he feels every lot has been limited. Mr. Murphy stated this is the way the Ordinance is written. Mr. Frick stated she agrees with Mr. Pazdera’s comments noting they are having problems currently with Chanticleer because the homeowners want rear yards that they can use.

Mr. Bush stated when the Applicant was previously before the Planning Commission they discussed hooking up some of the residences on Dogwood Drive to public sewer; and he asked if this still part of the plan. Mr. Murphy stated it is not. He stated the residents would be welcome to hook up if they could get to the Applicant’s proposed extension, but the Applicant no longer proposes to do any of the off-site work.

Mr. Cylinder noted the large amount of open space and stated if it is not turned over to the Township, he would like to see a statement on the Plans that there will be no further subdivision. Mr. Murphy stated their understanding is that it will be either an HOA-owned property with a conservation easement on it or some type of restriction so that it will remain in its current condition. He does not feel the Township would want to take ownership of it. Mr. Cylinder stated he feels the Township will want to be assured that this land will not be further developed.

Mr. Bush asked about the clearing to take place along the rear of the new properties which back up to Delaware Rim Drive as residents present at a prior meeting had raised this issue. Mr. Glitzer noted the areas shown in lighter green on the plan where clearing is proposed to take place.

Mr. Santarsiero joined the meeting at this time.

Mr. Cylinder stated the problem with use of the rear yards might be overcome by obtaining a Variance for the front yard which would permit them to move the houses forward five to ten feet. He feels they could use a hardship argument because the land itself slopes rather significantly. Mr. Murphy stated while they will look into this, he would be reluctant to consider anything that would require a Variance.

Mr. Bush noted where Dogwood Drive comes off existing Dogwood Drive, and he asked if they were considering stop signs. He stated he is in favor of the angle of the road. Mr. Glitzer agreed they could control this with a stop sign. Mr. Cylinder asked if they discussed the possibility abandoning the right-of-way and leaving it as a drive, and Mr. Murphy stated they have not although this is feasible if the Township and homeowners were in favor of this.

Mr. Dickson thanked the Applicants for responding to the concerns expressed about the prior plan. He stated he feels what is being presented now is much more realistic. Mr. Murphy stated the original plan was conceived three to four years ago when there was significant interest expressed about extension of public waters and sewers to the areas surrounding the site, but it was found not be financially feasible. Once this was no longer a consideration, it was easier for them to reduce the number of lots.

Ms. Michelle Stambaugh, Woodside Road, stated she is concerned about the impact on the existing wells in this area if they construct additional homes. Mr. Murphy stated the new lots are going to be served by public sewer and water and not by private wells so there should be no impact.

#560A – 917 BIG OAK ROAD (FORMERLY KNOWN AS FERRI TRACT) INFORMAL SKETCH PLAN REVIEW

Mr. Edward Murphy, attorney, was present with Mr. John Baionna and Mr. Greg Glitzer. Mr. Murphy stated the prior applicant, Orleans, actively pursued the subdivision of this tract for some time and was close to having the plan approved when the Agreement of Sale terminated and was not renewed. As a result, the property was subsequently sold to the current owner. In the intervening period, the Township adopted the Low Impact Development Ordinance. He stated they will now have the opportunity to see the impact of the LID Ordinance, and he asked Mr. Baionna to review the Sketch Plan and highlight

the principal changes that have been occasioned by virtue of the LID since this is the principal Ordinance which applies to this particular site.

Mr. Baionna stated the alignment and location of the roadway is basically the same as it was in the prior Application. He stated there is one entrance to the site off of Big Oak Road with a long winding cul-de-sac. He stated the main site features are a corridor of wetlands and a stream down the middle running northward into a larger wetland area and pond which subsequently empties out into an adjacent storm sewer in Big Oak Road. He stated as a result of the Low Impact Development Ordinance, the buffer requirements were increased from fifty feet to seventy-five feet. He stated the Ordinance also allows for buffer width averaging so there is no effect on the stormwater management design proposed previously. He stated because they reduced the buffer in one area, they have increased it in the very end of the cul-de-sac which is directly upstream of the higher quality wetlands. Two homes have been eliminated from this area. He stated a recalculation of the site capacity was required because of the increased buffer, and this resulted in a reduction of the minimum lot area to 12,500 square feet compared to 15,000 prior to the LID Ordinance regulations. He stated the lot sizes are down 10 to 15 feet. Previously they had proposed side entry garages and now they will have front entry garages. They were able to maintain the fifteen unit count as was proposed on the prior plan. The fifteen unit count includes the existing home which will be maintained. He stated as a result of the Low Impact Development Ordinance, the main changes are smaller homes, smaller yards, an increased buffer area upstream of the wetlands, and a reduced cul-de-sac length.

Mr. Baionna stated the site will be served by public sewer and water as previously proposed with some alignment changes which will bring the lines along the west to the front entrance. The prior alignment came down the eastern side through an easement and into the site. They will now maintain it all in the public right-of-way and have a complete gravity sewer compared to the prior plan which proposed four of the lots to be served by a grinder pump. He stated the new proposal will also provide gravity sewer to the western property line which will allow the Township to extend this in the future. The emergency access has changed from the east to the south out to the Hilltop section of Falls Township. There is a 10% reduction in impervious surface with a little over an acre increase in wetlands buffer.

Mr. Bush noted open spaces area #1 and #2 and asked who would have responsibility for these areas. Mr. Murphy stated both of these areas include stormwater management facilities; and if the Township does not take dedication, a Homeowners Association would be established to assume responsibility. He stated the Township in the past has taken ownership of some stormwater basins, but he is not sure that this is the Township's current thinking.

Mr. Cylinder asked if they anticipate any active recreation facility at the site, and Mr. Murphy stated they do not. Mr. Cylinder asked if there is a place where they could provide something if the Homeowners Association were interested in this. Mr. Baionna stated the only thing he feels would be available would be trails through the woodlands. Mr. Murphy noted the area is fairly wet.

Mr. Dickson stated he assumes the greenhouses, storage trailer, and concrete pad will be removed; and Mr. Murphy stated this is correct. Mr. Baionna stated the prior owner has taken some of these items away already.

Mr. Bush asked if the road has moved closer to Falls Township than in the prior plan, and Mr. Baionna stated the alignment and right-of-way of the proposed road are identical as is the center line. He stated the only thing that has changed is the length of the cul-de-sac which has moved further south. He stated the cartway has been narrowed to 26 feet in accordance with the requirements of the Low Impact Development Ordinance.

Mr. Murphy stated there was previously concern voiced by the Falls Township residents who share a boundary line about any stormwater impact, and in the final design of the prior plan and in the proposed Sketch plan, all the stormwater is being directed toward the wetland area to feed the wetlands and no storm water will be directed toward the south toward Falls Township.

Mr. Cylinder asked if they have had any discussions with Falls Township about connecting a through street for emergency access; and Mr. Murphy stated there was significant discussion when they were present with the prior plan and Falls Township indicated they did not want to see a permanent interconnection but they were willing to have an emergency connection and that is what is shown. He stated there is a sidewalk to permit walkers to get to the Schools.

Mr. Cylinder asked about proposed improvements to Big Oak Road, and Mr. Baionna stated there is currently a paved bikepath along the majority of their frontage. He stated residents from the new development and those in Falls could go down the sidewalk in the new development, meet the asphalt bikepath in the front, and cross the street at the hatch marks shown on the Sketch Plan to get to the Middle School property. Mr. Cylinder asked the distance from the emergency access to the end of the cul-de-sac, and Mr. Baionna stated it is approximately 700 feet. Mr. Cylinder asked the maximum length permitted for a cul-de-sac, and Ms. Frick stated it is 450'. Mr. Murphy stated they understand that they will have to get a Waiver.

Ms. Friedman asked if the houses are a minimum of 30' apart, and Mr. Baionna stated they are. Ms. Frick stated this is why they had to go with a front-entry garage.

Mr. Cylinder asked if basements are proposed, and Mr. Baionna stated while he is not sure what the developer intends, basements are likely.

Mr. Pazdera stated he is concerned that there are a number of lots which have rear yards which cannot be used. Ms. Frick stated Lots #4 through #8 would not be able to do anything including install a fence.

Mr. Cylinder asked if any of the stormwater management areas will have permanent pools of water. Mr. Glitzer stated in the prior plan area 1 was a bio-retention area so it would pool for some time after rain. Area 2 was going to be designed with a wetland bottom. Mr. Cylinder stated since there is no recreation proposed, possibly they could have a permanent pond which could be used for fishing and ice skating. Ms. Friedman stated there could be liability problems. Mr. Baionna stated the site currently has a pond near the front, and they intend to keep this.

Mr. Santarsiero stated the prior Applicant for this site was before the Board of Supervisors approximately two years ago, and stormwater was an issue. He stated he felt the Applicant was going to do a hydrology report. Mr. Glitzer stated a groundwater mounding analysis was done and submitted to the Township engineer. He stated the review process was never completed because the Plan was put on hold. Mr. Santarsiero stated this will still be a concern of the Board and they will want to follow through on the results of the report and determine how it will ultimately impact the residents in Falls Township. He stated the other issue discussed by the Board of Supervisors had to do with people living on Big Oak Road in Lower Makefield who were concerned about stormwater issues and were interested in connecting to the public sewers. Mr. Santarsiero asked how this Plan differs from the previous plan recognizing that there is a larger wetlands area being shown, and they propose directing all the water to the wetlands. Mr. Murphy stated with regard to the sanitary sewers they have met with Mr. Hoffmeister who had input in the re-design of the sewer system. He stated the entire system will be handled by gravity, and there will be no grinder pumps. He stated this still does not prohibit the people across the street from making a connection, and he feels they could connect now either via gravity or a force main.

With regard to the stormwater management issues raised by Mr. Santarsiero, Mr. Baionna stated they had to follow the LID Ordinance and reduce runoff – both peak flow rates and volume. They will take care of the water on site, and they will make the situation in the surrounding area somewhat better. Mr. Santarsiero stated he recognizes that it is not the developer's responsibility to solve existing problems, but wants to make sure that they will not make the situation worse. Mr. Santarsiero asked if they have gone before the Environmental Advisory Council yet, and Mr. Glitzer stated while they have not, they do intend to go before them. Mr. Glitzer stated there will be a 10% reduction in impervious surface, and they have increased the wetland buffer and possibly there are opportunities for restoring a wet meadow.

Mr. Peter Prince asked about increased traffic on Big Oak Road noting the location of the Schools in the area. He stated there is existing speeding on Big Oak Road.

Mr. Santarsiero stated while there is no requirement to do so, he feels the Township would ask the Applicant to provide their plans to the Citizens Traffic Commission so they can comment on the impact. Mr. Santarsiero stated he feels this issue was raised with the prior Applicant as well. Mr. Santarsiero stated when this matter goes before the Citizens Traffic Commission they will try to notify the surrounding residents of that meeting as well. Mr. Prince stated he has brought the speeding issue to the attention of the Township previously, and they have done nothing about it and he is considering taking the matter to the Governor since the speed limit is not being enforced. Mr. Santarsiero stated last year there were a number of open meetings with the Traffic Commission where they solicited input from the residents about these types of issues; and while they have completed their report and made recommendations to the Board of Supervisors as to what the Township should be pursuing in the way of road improvements, it is not too late to still come before the Citizens Traffic Commission with additional concerns. He stated they meet the third Monday of each month. Mr. Santarsiero stated there are a number of traffic-calming measures which could be taken.

Ms. Karen Gates stated she lives to the west of the proposed development. She asked about costs to connect to the public sewer for the area homeowners. Mr. Murphy stated this question would be better directed to Mr. Hoffmeister. He stated it has been designed so that it is feasible to connect, but he would not be able to answer anything having to do with the direct process or costs to connect. Ms. Gates stated she is concerned with the possibility of headlights shining into her home, and she would like there to be an evergreen buffer at the shrub line particularly now that there are front-entry garages. Mr. Glitzer noted Ms. Frick's prior comments regarding the fact that certain lots would not be able to have a fence, and he stated they have pulled the drainage easement in away from the common property line and they will do some buffering as well. Ms. Gates stated there is a significant drainage ditch between her property and the proposed development. She stated she had believed that the ditch was on the Ferri property until a survey was done which indicated it may be on her property. She stated it may be possible to make use of this and direct water to the ditch as opposed to into the basements of the new homes. She stated there may be a problem working in this area because her farm has a conservation easement and they would not be able to cut down trees, but she would be willing to have them come onto her property to do work to help make use of the ditch if this would help with the water situation.

Mr. Mark Sanford, 879 Big Oak Road, stated he is concerned with the impact from headlights onto his property. He stated he is also getting water runoff at his northwest corner, and debris has built up and caused erosion in his driveway. He stated possibly it could be bermed back to the developer's property. Mr. Murphy stated if they can get permission to go into this area from the regulatory agencies, they would be willing to restore it. Mr. Sanford stated it may be possible for the developer to grade it so that the water does not get down into this area, and Mr. Murphy stated they will look into this.

OTHER BUSINESS

Mr. Cylinder stated he has been concerned for some time with traffic build up in the corridor from Oxford Valley Road to the Newtown By-Pass and the Stony Hill Road corridor. He stated the traffic situation is bad and with several new projects being considered, the Planning Commission should ask the Board of Supervisors to have the Planning Commission or the Traffic Commission investigate this and ask the developers to participate in an overall circulation plan for the area.

Ms. Friedman asked who would pay for this, and Mr. Cylinder stated the developers should pay for it. He reviewed other work being done which he feels will attract more traffic to come to the area. He stated he feels there should be a road connection at Lockheed Martin to where the hospital might go. He stated they might also want to talk to the other Townships as well since the problems extend into Newtown and Falls. He stated he feels the Planning Commission should discuss this matter amongst themselves before they start telling developers what they should do. He reviewed a number of traffic issues which are causing him concern.

Mr. Bush stated the Planning Commission members are all concerned about the things that Mr. Cylinder has raised, but many of these issues are very expensive and are out of the Planning Commission's control. He stated there is a Regional Traffic Commission, although he is not sure that they have looked into all the issues raised by Mr. Cylinder. Mr. Cylinder asked if they should ask them to look into these issues. Ms. Friedman stated she feels that Commission was dissolved. Ms. Friedman stated while they are all concerned with the items Mr. Cylinder has raised, she questioned how far into the future they should speculate to make road improvements now for some point in the future. She stated while they do have to deal with each development as it comes before them, there is a bit of an overview from the Master Plan.

Ms. Frick stated the Township traffic engineer does review the development plans. Mr. Cylinder asked if the traffic engineer is aware of what the circulation will be like ten years from now. Ms. Frick stated the traffic engineer does receive the plans and meets with the Citizens Traffic Commission on these plans.

Mr. Cylinder stated he would still like to have a vision of the traffic in the future.

Ms. Friedman stated she anticipates that at some point in the future, the area will fail with respect to traffic as there is no way to protect it from the volume of traffic twenty-five years from now. Mr. Cylinder expressed concern with the current location of Stony Hill Road and stated it should have gone up Lindenhurst Road.

Mr. Dickson stated it is not possible to go back and correct all the mistakes which were made over the last twenty to thirty years. Mr. Dickson stated they need to review the plans project by project, and the Township is limited by law as to what they can require developers to do.

Ms. Frick reviewed difficulties already taking place with Chanticleer and the inability of the homeowners to make use of their yards. She stated she has similar concerns with the developments discussed this evening. Mr. Cylinder stated they should determine whether they can require in the Zoning Ordinance that each lot have at least a 50' usable rear yard. Mr. Donaghy stated while they could put this in the Ordinance, it would be subject to requests for Variances if it makes it impossible to develop and meet natural resource requirements, etc. Ms. Frick stated it was suggested this evening that the developers request a Variance for the front yard which would make sense since people do not use their front yards, and this would give them more space in the rear yard. Mr. Donaghy stated the new Ordinance does encourage this.

Mr. Bush stated with regard to the traffic concerns raised by Mr. Cylinder, if there were a Regional Traffic Commission this would be the group to refer the concerns to. He suggested that the Planning Commission members consider further how they might deal with these issues.

CANCEL APRIL 28 MEETING

It was agreed to cancel the April 28, 2008 meeting due to lack of Agenda items.

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

Respectfully Submitted,

Richard Cylinder, Secretary