

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – NOVEMBER 10, 2008

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on November 10, 2008. Chairman Bush called the meeting to order at 7:30 p.m.

Those present:

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

Others: Nancy Frick, Director Zoning, Inspection & Planning
 John Donaghy, Township Solicitor
 James Majewski, Township Engineer

Absent: Steve Santarsiero, Supervisor Liaison

APPROVAL OF MINUTES

Ms. Friedman moved and Mr. Pazdera seconded to approve the Minutes of September 22, 2008 as corrected. Motion carried with Mr. Bush abstained.

#592 – KRAMER LOT LINE CHANGE DISCUSSION

Caroline Edwards, attorney, was present representing the Applicants, Tony and Susan Cino who are the equitable owners of the property. They have an Agreement of Sale for the property from the Kramers, who are the legal owners. Ms. Edwards stated this is a simple lot line change, and a small parcel of 3,500 square feet is being taken from the Kramer property and being added to the Cino property. The reason for the change is that they realized at some point that the Cino's driveway encroached a bit onto the corner of the property, and they wanted to resolve this through an adjustment in the lot line. She stated the Kramer property is made up of three tax parcels, and this is a Subdivision of one of those tax parcels and will reduce the Kramer portion of the tax parcel to 2500 square feet and allow 3500 square feet to be conveyed to the Cinos. This small parcel will be merged with the Cino lot and will make the Cino property approximately 105,000 square feet in gross area including the rights-of-way. No building is being proposed. Ms. Edwards stated they have received the review letters from the Township engineer, Bucks County Planning Commission, the Fire Marshall, and the Historical Commission.

The Fire Marshall, Historical Commission, and Bucks County Planning Commission had no concerns. With regard to the Township engineer letter dated 10/21/08 there was an issue raised with regard to the Zoning notes on the Plan related to the square footage, and she stated she feels their engineer misstated this, and they will make the change to conform to what the Ordinance provides. She stated she feels this lot falls within the 0% to 25% and would meet the 16,500 square foot minimum lot area.

Mr. Majewski stated Parcel 20-37-1-2 is already an existing non-conforming lot because of the size and they will now be reducing the size. He asked if this lot is going to be consolidated with one of the other lots owned by the Kramers, and Ms. Edwards stated they had not discussed this with the Kramers. Mr. Donaghy stated this is an issue because they would be increasing the non-conformity. Ms. Edwards asked if this would require a Variance, and Mr. Donaghy stated they would need to merge it with the adjoining lot or they will have to obtain a Variance. Mr. Donaghy stated if they merged it with Parcel 20-37-1-1, they would have a lot that would be in conformity with the Ordinance. Ms. Edwards stated they would be willing to discuss this with the Kramers.

Ms. Edwards stated the only other issues raised in the CMX review letter are the Waiver requests which relate to the fact that no building is proposed on the property; and most of the Waiver items relate to providing topographic details, providing details of wells on adjoining properties, natural features, and Bucks County Department Health statement on the proposed water and sewer supply being sufficient. She stated public water and sewer supply are already in existence. Ms. Edwards stated Waiver F relates to lots on which other than residential uses are intended, and there are none. She stated with regard to underground rights-of-way and utilities, she feels everything is shown. She stated no design standards would be applicable since there are no improvements proposed.

Ms. Friedman asked if they are going to consolidate all three lots (20-37-1, 20-37-1-1, 20-37-1-2) into one property; and Ms. Edwards stated she will need to find out the area of each of the lots and what would be required to make a conforming lot. Ms. Friedman stated 20-37-1 is almost the same size as what is being allotted to the Cinos. Ms. Edwards stated if that lot were consolidated with the remainder of the lot being subdivided, it may become a conforming lot; but she will have to look into this further and discuss it with the Kramers. Ms. Friedman asked if this were to put these two parcels together such that it became a conforming lot with 20-37-1-1 remaining separate, what Plans would be made for the back lot as she does not feel that access could be viable as it is totally enclosed by land owned by others. Ms. Edwards agreed that there is no road frontage, and she would have to discuss this with the Kramers.

Mr. Bush asked if the Kramers were present this evening. Mr. and Mrs. Kramer identified themselves and were shown their property on the map. Ms. Edwards explained to the Kramers the concerns of the Planning Commission regarding increasing the non-conformity if the lot line change proceeds and the potential need for a Variance from the Zoning Hearing Board. She advised that if they merged the two lots, the Variance would not be necessary. Mrs. Kramer questioned why they get two tax bills as opposed to three, and Mr. Donaghy stated this is possible as sometimes with multiple lots owned by the same people, they only provide one tax bill with a notation that it includes the smaller parcel.

Ms. Edwards suggested that the Kramers discuss this matter with their attorney to determine whether they want to merge the one parcel to another so that there is no longer a non-conformity or if they want to request a Variance. Mr. Kramer asked why they would not want to merge the lots; and Ms. Edwards stated she would not want to advise them on what to do, but she would be willing to discuss this with their attorney as well and advise him what occurred at the meeting this evening.

Ms. Edwards reviewed the Waivers being requested. With regard to Item B regarding deed restrictions, Mr. Donaghy stated he feels they could submit a recent Title commitment which would indicate if there was anything of record. Mr. Majewski stated he had no concerns about any of the Waivers requested other than the deed restriction as noted by Mr. Donaghy. With regard to the Waiver noted as F, Ms. Friedman stated if they decide to merge two of the Kramer's lots, the numbers may change.

Ms. Frick stated she will need an extension of time, and Ms. Edwards agreed to provide this.

There being no further business, Mr. Dickson moved, Mr. Pazdera seconded and it was unanimously carried to adjourn the meeting at 7:55 p.m.

Respectfully Submitted,

Dean Dickson, Secretary