

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
SEPTEMBER 28, 2009

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on September 28, 2009. Chairman Friedman called the meeting to order at 7:40 p.m. Ms. Friedman stated the T-Mobile and Brookside Swim Club matters will not be heard this evening. She stated this evening is Yom Kippur, and Mr. Bush, Mr. Fried, and Mr. Simon will be unable to attend the meeting this evening; and she wished them a happy holiday.

Those present:

Planning Commission: Karen Friedman, Chair
 John Pazdera, Vice Chair
 Dean Dickson, Secretary

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

Absent: Mark Fried, Planning Commission Secretary
 Tony Bush, Planning Commission Member
 Jason Simon, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of July 27, 2009 as written.

#600-A-CLEARWIRE US, LLC CONDITIONAL USE APPLICATION
T.P.N. 20-32-2 – OLD OXFORD VALLEY ROAD

Ms. Dolores Roberts, attorney, was present with Mr. Mario Calabretta and Mr. Arnold Dawinan. Ms. Roberts stated this is an Application for a Conditional Use. She stated they are proposing co-location on an existing monopole at 135 Old Oxford Valley Road which is within the Overlay District. She stated they are proposing to add three panel antenna at a height of 90' and three microwave dishes at a height of 121'.

The overall height of the monopole is not being increased. They will also add one equipment cabinet to be located on a 3' by 6' platform within the existing fenced-in compound, and the fenced-in area will not be expanded. The site will be unmanned with

occasional site visits by Clearwire technicians for maintenance, and no additional parking is required for this facility. She stated no additional driveways, gravel, parking, or fencing is required; and the existing access can be used.

Ms. Roberts submitted this evening the electromagnetic emissions analysis which concludes that they comply with the standards and there are no health concerns. She stated the radiofrequency emissions from the site will not produce any dust, noise, odor, glare, pollution, or additional lighting; and there will be no interference with electronic devices as a result of this site.

Ms. Roberts stated Clearwire is FCC licensed to provide broadband wireless internet service, and is mandated to provide reliable wireless communication service for the area. She provided this evening the radio frequency maps. She stated these show surrounding sites without the coverage and the surrounding sites after the equipment has been added. She stated as shown on the propagation maps there is an existing significant gap in coverage for the area, and the proposed facility will fill the existing gap in coverage. She stated the proposed height is the minimum height needed to fill this significant gap.

Ms. Roberts stated they are proposing to use an existing tower within Lower Makefield, and the use of existing towers is encouraged by the Township Ordinance; and Conditional Use Approval is required. She stated the proposed facility conforms to the requirements of Section 200-50.1 and no dimensional relief is needed.

Mr. Majewski stated on the diagram showing the coverage, to the right of the sketch they show Tower PA-PHL0513; and he stated he does not believe that tower has been constructed. Mr. Dawinan agreed and stated this is the proposed site they are still working on for site acquisition.

Ms. Friedman stated structural analysis reports were submitted for the other towers to be considered this evening, but she did not receive one for this project. Ms. Roberts stated they have not submitted a structural report and asked that approval be granted conditioned on providing such a report. Mr. Donaghy stated the Planning Commission is giving an advisory opinion, and the Board of Supervisors will make the final decision. He stated the Planning Commission could recommend approval subject to receipt of the structural analysis which is an Ordinance requirement that must be met. Ms. Roberts stated they are working on this.

Ms. Friedman stated they are proposing to place dishes at the same place where Sprint has antenna, and she asked if they need an agreement with Sprint in order to permit this. She stated she has not seen two companies come in at one level. Mr. Calabretta stated there is room to place the dishes at that level. Mr. Dawinan stated there is an FCC License provided to Clearwire and Sprint, and they are designed not to interfere with other communication devices and frequencies by other carriers. He stated they could

provide a letter guaranteeing that there will be no interference with other providers with this co-location. Ms. Friedman stated she would feel more comfortable if they had this, and a copy was provided this evening.

Mr. Pazdera asked about the height of the monopole, and Mr. Calabretta stated the height is listed as 132', but the height being shown is from grade so that to the top it is 133'. Mr. Calabretta stated he is not sure that any field work has been done to verify the height, but the manufacturer's drawing indicated it is 132'. Mr. Pazdera stated they should make sure that the structural report matches the drawings.

Mr. Donaghy asked if they have seen Mr. Majewski's letter of 8/28/09, and Ms. Roberts stated the only issue that causes concern is the screening requirement since they are renting space on the existing tower, and it is the landlord's obligation to provide the screening. Mr. Donaghy stated he feels they should ascertain if the landlord is going to comply with this before they go before the Board of Supervisors, and Ms. Roberts agreed to do so.

Mr. Pazdera moved and Mr. Dickson seconded to recommend to the Board of Supervisors' approval of the Conditional Use Application, Plans last revised 7/31/09 subject to compliance with the Remington Vernick letter of 8/28/09, subject to Applicant submitting a structural analysis for review by the Township engineer prior to proceeding, and will also insure that the height of the monopole coordinates with the structural analysis provided.

Mr. John Galloway, 1714 Makefield Road, asked if the structural analysis will include the idea that additional wind will perform some function against the additional weight on the existing structure. Mr. Calabretta stated there are National Codes that specify this, and they will meet those requirements.

Motion carried unanimously.

#601-A-CLEARWIRE US, LLC – CONDITIONAL USE APPLICATION
T.P.N. 20-16-41-5 – STONY HILL ROAD

Mr. Nicholas Talvacchia, attorney, was present with Mr. Mario Calabretta, and Mr. Arnold Dawinan. Mr. Talvacchia stated they are requesting a Conditional Use to co-locate on an existing 118' monopole in the O/R Zone which is a permitted use. He stated they are proposing to add three panel antennas and three dish antennas located at a height of 90' above ground level for the panel antennas and 89.3' for the dish antennas. They are also proposing an equipment shelter on a raised 3' by 6' platform in the fenced area. He stated they do not feel a Variance is required.

Mr. Talvacchia stated they have submitted the structural report dated 6/26/09. He provided this evening an electromagnetic emissions analysis dated 8/11/09 consistent with the FCC requirements. He also provided this evening the propagation studies. Mr. Talvacchia stated the propagation studies show in the white area the lack of reliable service and the second page shows coverage with this facility which will fill in the gap.

Mr. Pazdera asked the height of the monopole, and Mr. Calabretta stated the drawing states 130'; however, Mr. Pazdera stated the structural report indicates 132'. Mr. Calabretta stated there could be a difference between the height indicated by the manufacturer and the dimensions on the structural report would indicate grade. He agreed to make sure that they are compatible.

Mr. Pazdera noted the letter from Mr. Majewski dated 8/28/09 Item 1 indicates that the previous structural analysis of the tower indicated that the tower was at the limit of its structural capacity. Mr. Calabretta stated the complete report indicates that what they are proposing is adequate, and he agreed to provide a copy of the complete report.

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Conditional Use for the Plans dated last revised 7/22/09 subject to compliance with the Remington Vernick letter dated 8/28/09 and submission of the full structural analysis.

#603-A - CLEARVIEW US, LLC – CONDITIONAL USE APPLICATION
T.P.N. 20-34-22-1 - EDGEWOOD ROAD

Mr. Nicholas Talvacchia, attorney, was present with Mr. Mario Calabretta, and Mr. Arnold Dawinan. Mr. Talvacchia stated this is an application for a co-location on an existing 190' tower located behind the Township Municipal Building on Edgewood Road. He stated this is a permitted use under the Ordinance. He stated they propose to add three panel antennas and three microwave dishes at 110' on the existing tower. He stated they also propose an equipment shelter on a 3' by 6' platform within the existing fenced area. They do not feel a Variance is required. He stated the structural analysis has been submitted.

Mr. Talvacchia submitted this evening a copy of the electromagnetic emissions analysis meeting the requirements of the FCC. He stated as a FCC licensed telecommunications provider, they need the proposed site in order to provide reliable coverage to their customers. He also presented the propagation study.

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Conditional Use for the Plans dated last revised 7/13/09 subject to compliance with the Remington Vernick letter dated 9/21/09.

#604-A CLEARWIRE US, LLC – CONDITIONAL USE APPLICATION
T.P.N. 20-17-47-1 – WOODSIDE ROAD

Mr. Nicholas Talvacchia, attorney, was present with Mr. Mario Calabretta, and Mr. Arnold Dawinan. Mr. Talvacchia stated this is an Application for a co-location on an existing tower located on Woodside Road. He stated they propose to add three panel antenna and three dish antennas at 105' and an equipment shelter on a 3' by 6' platform in an existing fenced-in area. He stated they do not require Variance relief.

Mr. Talvacchia stated they submitted a structural report, and this evening he submitted an electromagnetic report dated 7/16/09 which indicates compliance with the Federal requirements for emissions. He stated they are required to provide reliable service in this area, and it requires this site in order to do so.

Mr. Dickson stated on this Application they have provided a Level I Structural Evaluation and for the other Applications, he provided a structural analysis. He asked if there is a difference. Mr. Calabretta stated the conclusions are the same, and it is only a format change as different companies have different formats.

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Conditional Use Plan last revised 7/13/09 subject to compliance with the Remington Vernick letter dated 9/18/09.

#562-A – DOGWOOD DRIVE (AKA HARMONY LANE) PRELIMINARY PLAN
DISCUSSION

Mr. Edward Murphy, attorney, and Mr. Greg Glitzer, engineer, were present. Mr. Glitzer stated since the last time the Planning Commission saw this Plan there has been a significant reduction in lots from ten to five. In addition they have taken advantage of the Low Impact Development standards and have pulled the development in closer making it more compact, thus reducing the tree disturbance. He stated with regard to how they take access to Dogwood Drive, the Township staff suggested that they continue Dogwood Drive into the development and then make a turn of the end of Dogwood Drive back into the extension. He stated this will preserve the fill pile behind the existing lots on Delaware Rim Drive which is a wooded area; and through the entire process, this was a desirable planning feature to preserve the mound which has since been revegetated. He stated this pushed the disturbance envelope to the left on the Plan.

He stated they did not want to create a situation where there would be headlight glare into the existing homes on the other side of the road.

Mr. Glitzer stated they have also abandoned the larger sewer connection project to Spur Road and throughout the site, and they have instead gone with a simple extension of sewer and water service up to the Chanticleer project. He stated they are working with the Sewer Department and Water Company to see if there are properties which can be connected off site.

The Remington Vernick review letter dated 8/24/09 was noted. Mr. Murphy stated Page 2 lists the Waivers requested including the Waiver for length of cul-de-sac from the maximum permitted of 440' to the proposed 700'. He stated this is actually an extension of Dogwood Drive. Mr. Glitzer stated they are measuring the length from the center of Delaware Rim Drive so over half of the distance is already existing roadbed of Dogwood Drive. The total new length is less than the Ordinance requirements. Mr. Murphy stated this issue has been reviewed previously and both the Planning Commission and Mr. Majewski were in favor of this Waiver.

Mr. Murphy stated Item 2 is a Waiver request for the requirement for sidewalks on both sides of the internal street, and this recommendation is based on the new LID Ordinance which discourages sidewalks on both sides.

Mr. Murphy stated the third Waiver deals with the fact that they are not proposing a typical detention basin, but rather they are proposing a naturalized basin to insure minimal maintenance. He stated the Ordinance suggests to the contrary and that basins should provide for regular maintenance as the Ordinance at that time did not contemplate this type of naturalized basin.

Mr. Glitzer stated the EAC and Mr. Majewski under Item 12 in his letter deal with the basins. Mr. Glitzer stated the EAC has suggested that they look into doing some underground stormwater management within the roadbed which he agrees is an up and coming trend closely aligned with LID. He showed a picture of a project they are working on in Solebury where they have an 18' wide road, and on the downstream side they have a continuous infiltration bed. He stated he feels this is worth exploring for this development in Lower Makefield. He stated this will allow them to save approximately one third of an acre of woodlands. He stated this allows them to treat the run off at the source. He stated before they proceed with changing the Plans, he would like to make sure that this is something that the Township would like them to proceed with, and whether or not the Township would take dedication of this. He stated there are only five lots, and he does not feel a Homeowners Association would be able to take care of this road. He stated they know from the soils at this location in Lower Makefield that they will not have the same infiltration rates they had at the development in Solebury. He stated they will need to have some underground pipe storage to make up for this difference in infiltration rates. Mr. Majewski stated there could be more of a maintenance problem with this as opposed to installing a larger basin. He stated they are proposing to have a Homeowners Association take care of the detention basin, and by

putting the storage in along the right-of-way, the burden would then shift to the Township; and they should discuss this with the Board of Supervisors and the Public Works Department. He stated currently the Township does maintain a lot of storm sewer pipe in the Township. Mr. Murphy asked that Mr. Majewski make these inquiries before they proceed to make any further revisions to the Plan. Mr. Majewski stated Public Works has not done anything quite like this, and they should discuss this with them.

The Planning Commission had no problem with the Waivers being requested.

Item #2 was noted and Mr. Murphy stated the Township solicitor should comment on this. Mr. Donaghy stated they have done some research on this; and while they need to do some additional research, there are cases which indicate you cannot “mix and match” between the Ordinances. He stated they need to use the ones in effect at the time they applied, or the later one. He stated the alternative is they could request Variances, which would presumably be granted, to bring it into line with the new Ordinances. Mr. Murphy stated he assumes that the Township would prefer that the developer comply with the Low Impact Development Ordinance, and Mr. Donaghy agreed.

Mr. Murphy stated they will comply with Items #3, #4, and #5.

Mr. Murphy stated Items #6 and #7 also deal with the Ordinances not catching up with the Low Impact Development standards. Mr. Glitzer stated they would request a Waiver from SALDO if they cannot take advantage of the Low Impact Development standards for cartway width and curbing. Ms. Friedman asked about the cartway width of 26’, and Mr. Glitzer stated two cars could still pass. Item #8 was also noted with regard to signs on this 26’ wide road and the need for “no parking,” “one-way,” etc. signs which could become excessive. He stated he feels it may be better to allow them to police themselves. Mr. Majewski stated he does not see the need to have “no parking” signs on a 26’ wide road. He added existing Delaware Rim Drive is 26’ wide.

Mr. Murphy stated they will comply with Items #9 and #10.

Item #11 was noted, and Mr. Murphy stated they are having ongoing discussions with both PA American and the Sewer Administrator about the extent to which public sewers will be extended from the current terminus in Chanticleer.

Item #12 was noted, and Mr. Glitzer stated this relates to the green street discussed earlier including underground storage in the right-of-way and partially in the roadway. He stated they will need input from the Board of Supervisors to see if there is an interest in taking dedication of this. He stated if there is no interest, they will discuss with their client whether they feel this would be marketable as a Homeowners Association item

which he feels it would probably not. He stated they also need to review the test pits in this area. If the concept does not work, they will go back and adjust the grading and bring the bottom of the basin up.

Mr. Murphy stated they will comply with Items #13, #14, and #15.

Mr. Glitzer noted the Environmental Advisory Council's review letters of 7/14/09 and 9/10/09. Mr. Glitzer stated the 7/14/09 letter discussed the potential for a green street approach, and in the 9/10/09 letter there were details of stormwater management reporting which Mr. Glitzer stated they will take care of. Mr. Glitzer stated there was a question about the presence of a possible jurisdictional water course on the site; and to the extent they need to pursue a jurisdictional determination for the delineation that was done, they are prepared to do this. He stated they do not feel this is a water course.

Ms. Friedman stated no recommendation will be made by the Planning Commission this evening as they are still waiting for additional letters from the EAC.

Mr. Dickson asked if the EAC has received a copy of the stormwater management plans; and Mr. Murphy stated they have, and this was the subject of their most recent 9/10 review.

Mr. Dickson also noted the letter from Captain Roche indicating that he did not feel they should call the new street Dogwood Drive since it veers off existing Dogwood creating a distinct separate street and intersection, and it could cause confusion for first responders if the street has the same name. Mr. Glitzer stated they do not have an objection to changing the name, and would agree to whatever the Police Department recommends. Mr. Dickson stated Captain Roche has suggested Dogwood Court or Dogwood Circle. He also recommended that the houses be numbered differently such that if the old houses have two digit addresses, the new houses should have three digits. Mr. Majewski stated the Township does have a policy and for this street they would go with a four digit numbering system.

Mr. John Flynn, 4 Dogwood Drive, stated there is already a Dogwood Court in Morrisville with a 19067 zip code which is already creating confusion, so he does not feel they should name this new street Dogwood Court. Mr. Flynn also asked what is being considered for the extension of sewer and water to the current residents. Mr. Glitzer stated the review comment suggested that public sewers be made available to the residents of Dogwood Drive and along the site's frontage with Delaware Rim, but they were not sure the residents were all interested in this or that the Applicant was able to provide this. He stated if there are failing systems along the route, the Health Department will ask the Applicant to make accommodations to tie in those systems. He stated the final route has been established for the new Subdivision and will include grinder pumps. They will pump up to a point; and at some point, there will be gravity flow. A decision

has not been made on whether the Applicant will have to make accommodations for existing homes, but the Applicant would be resistant to running a gravity sewer along Delaware Rim Drive as this would be off site. He stated there were ten lots proposed on the previous Plan, and they felt there was a desire for a broader sewer proposal in the area to connect a large number of homes; and they were prepared to do that, but the density had to be there to carry that cost. When that proposal was met with little support, they scaled it back to the by-right Plan presented this evening; but this does not allow them to sewer the additional areas. He stated they are still working on a Plan with the Township.

Mr. Flynn stated the first two existing homes on Dogwood Drive/Delaware Rim are older homes which were built in 1969, and they are using old septic systems. He stated the other homes are sand mound systems which he does not feel present a health concern. Mr. Flynn stated Sunny Knolls is one of the only developments left in the Township that is on a septic system, and he asked if the Township has any thoughts of sewerage those homes. Mr. Majewski stated they are looking at that in conjunction with this development and are also looking into providing public water to the entire area. Mr. Glitzer stated where their sewers traverse homes with potentially failing systems, he feels they could tie in; but extending outside of their route would be an off-site improvement, and while they would discuss how they could facilitate this through easements, they would have to seriously discuss who would pay for this.

Mr. Patrick Frain, 16 Delaware Rim asked if the five new homes will be similar in size to the Chanticleer homes, and Mr. Glitzer stated they have a proposed building envelope which fits within the allowable building envelope, and they would compare this to what is surrounding the property; and he feels the homes will probably be slightly smaller than Chanticleer. Mr. Majewski stated based on the footprint they have available, he feels the homes will be midway between the homes on Delaware Rim Drive and Chanticleer. Mr. Glitzer stated the lots range in size from 25,000 square feet to 77,000 square feet.

Mr. Frain asked about the green street proposal, and Mr. Glitzer stated this suggestion came from the EAC in their review, and he has been involved with some of these types of streets. Mr. Frain stated he understands that the EAC wants to have naturalized basins as opposed to basins that are regularly mowed. Mr. Majewski stated they have shown on the Plan a naturalized basin with meadow-type plantings. Mr. Murphy stated the EAC has since asked them to consider the green street concept as well. Mr. Majewski stated the EAC wants to reduce the amount of clearing to build the basin. Mr. Glitzer reviewed how the green street works which includes filter fabric and river stone. He stated there are concerns with road salts and cinders, so they have shown on the proposal a small grass strip with the river stone meandering away from the edge of the paving. He stated this would be for the new impervious from the right-of-way and not on existing Dogwood. Mr. Glitzer stated they will cut off a lot of the drainage that comes down the street currently, and they will take it away from the edge of existing Dogwood.

Mr. Flynn asked Mr. Majewski about his feeling on the Township taking dedication of this road. Mr. Majewski stated when they push the road through to a cul-de-sac, the Township would take over this part. He stated with regard to the last few homes on the old portion of Dogwood, this would have to be discussed with the Board of Supervisors.

Mr. Jeff Fogel, 12 Dogwood, stated he feels this will promote speeding coming down their street, and some of his neighbors are already speeding. He is concerned with the children in the street with the additional cars. He stated there is no shoulder, and the street is not lit. Mr. Glitzer stated they were trying to eliminate tree clearing. He stated this does break the old part of Dogwood Drive in two. He stated there will be a stop sign. He stated they could also install some traffic calming in at the intersection by using raised patterned asphalt. He stated he does not feel going back to the “T” intersection would alleviate the problems they are having. Mr. Fogel stated the street being shown will promote speeding. He stated he feels there should be a “T” intersection even if it involves a problem with headlight glare.

Mr. Fogel stated during the storm on 8/3, the whole bottom of the street was washed away, and he does not feel what they are proposing will help. He stated each year he has to have a few feet of stone brought in. He stated the street is not dedicated, and no one knows who owns the street. Mr. Majewski stated the portion of the road where it narrows down is not the Township’s property. Mr. Glitzer stated he feels their plan will reduce the run off, although it will not solve the entire problem.

There were further questions about the detention basin; and Mr. Glitzer stated they will plant it with a meadow mix, and it will be mowed twice a year. There was a question as to who would take dedication of this, and Mr. Murphy stated if the Township does not accept dedication, the Homeowners Association would or it may be assigned to the adjacent homeowner. Ms. Friedman stated they will consider this further once a decision is made on the concept and ownership of the green street.

Ms. Gloria Astor, Delaware Rim, stated she was present when the houses were built and the Township did not take dedication. She stated the people who purchased the homes had to build their own road. She stated the developer is now getting permission to use the road, and she asked how they could use it if it is not dedicated. Ms. Friedman stated this question is beyond the auspices of the Planning Commission.

Mr. Frain asked if the Citizens Traffic Commission should get involved in this, and Mr. Majewski stated this would be more of a legal issue. Mr. Donaghy stated the Township would have to make a determination that it was advantageous for the Township to look into this, and the individual lot owners could also make the determination on their own through their own counsel. He added at this point, the Township is not being asked to take dedication or requiring that the area be dedicated.

Mr. Fogel asked if the residents can see a copy of the Plans for this development, and Ms. Frick stated Plans are on file at the Township Building. Mr. Murphy stated the Applicant would be willing to provide a copy to the residents.

Mr. Murphy stated he does not know that there will be another letter sent by the EAC, and Ms. Friedman stated she was advised that they are going to send another letter to the Township.

#599 – LUTHERAN CHURCH OF THE RESURRECTION - PRELIMINARY PLAN DISCUSSION AND EXTENSION

Mr. Edward Murphy, attorney, was present with Mr. John Bionna, engineer. Ms. Frick stated Mr. Murphy indicated they will provide an extension tomorrow until 12/31/09.

Ms. Friedman stated she understands they are discussing two Phases, and Phase I has a Part A and Part B with Part A being a 700 square foot expansion of the facility at ground level and Part B has to do with a second story on a part of the building. She stated the paperwork indicated that Phase II will be addressed in four to five years with a new set of Plans. Ms. Friedman stated in reviewing the paperwork, in some areas it indicated that they would like to get approval for all of Phase I, but in other areas it indicated that they were only considering Phase IA. Ms. Friedman stated they only received paperwork on Phase I A. Mr. Murphy stated he had a discussion with Ms. Frick about this, and the Plans that were submitted identified two Phases with Phase I A being the 700 square foot addition at ground level and Phase I B contemplating a second story addition to a portion of the building. He stated Mr. Bionna's cover letter forwarding the Plans to the Township made reference to Phase IA, but the Plans that were submitted and were reviewed by Mr. Majewski were for both Phase IA and IB. He also believes the Bucks County Planning Commission review was for Phase IA and IB. Ms. Frick stated the Planning Commission did receive Plans showing Phase IA and IB. Mr. Murphy stated he did discuss with Ms. Frick that to the extent this issue created some confusion, their preference would be to discuss both Phases this evening; but if the Planning Commission is not prepared to move forward tonight, they would reconsider this another evening.

Ms. Frick asked the square footage for the second-story addition, and Mr. Bionna stated he does not know. Mr. Murphy stated they will provide this.

Ms. Friedman asked the use for the 700 square foot addition. She stated she would also like to know what is proposed for Phase IB because she has parking lot and traffic concerns depending on what they are intending.

Mr. Bionna stated this matter has been before the Zoning Hearing Board. He stated the Plan shows in orange Phase I which is an office, classroom, and storage which will ultimately be the stairwell for Phase IB. He stated the yellow on the Plan is the existing Church. He stated architectural drawings have not been completed for the second floor. It will be above existing space with no new impervious surface. He stated this is a future Phase anticipated to be done one to two years in the future. He stated they would like to proceed with Phase IA as soon as possible with the Church planning on proceeding as they get additional funding. Mr. Bionna stated Phase II is a larger sanctuary, narthex and rearranged parking and drop off.

Mr. Bionna stated the existing chapel, which is the largest individual use on the site, is what dictates the parking. Currently there are 84 parking stalls on the site. He stated with Phase II there will be more seating in the Church, and this will increase the parking requirements. This is anticipated to take place in four to five years. They are not requesting approval for this. Mr. Bionna stated they still wanted to make sure that everything was known about their ultimate plans.

Mr. Bionna stated Phase IA is working toward additional classrooms upstairs which will be in Phase IB.

Mr. Bionna stated there have been drainage issues in the past, and they can discuss this tonight. He stated at this point, they are only doing one small portion of the entire project. Ms. Friedman asked if they would need more parking if there were additional classrooms on the second floor, and Mr. Bionna stated the Church use is the biggest single use, and parking is counted on that individual use. He stated the problem with the existing classrooms is that they are currently overcrowded, and they want to be able to spread out. They are hoping that Church membership will grow, and then they will have the need for Phase II – a larger Church and parking lot.

Mr. Dickson stated in the Zoning Hearing Findings of Fact, a representative of the Church testified that they have between 550 and 600 baptized members, and they have indicated that there are only 84 parking spaces. Mr. Dickson stated the Findings of Fact also indicated that the Church representative testified that the current worship experience is that they are 80% full, and they are limited in terms of new things that can be accomplished. He stated Pastor Cox indicated that the proposed expansion would provide the ability to accommodate additional congregants. Mr. Dickson stated if they already have 550 to 600 members with only 84 spaces, additional congregants would imply that they would need additional parking spaces. Mr. Majewski stated at the Zoning Hearing Board, they indicated that while they may have 550 to 600 members, they do not all go to Church. He stated the Ordinance requirements for parking are based on the number of seats for the religious service. He stated he does not recall how many seats there are in the Chapel.

Ms. Friedman asked if the Church is currently in the proper ratio for seats to parking. Mr. Majewski stated based on the one space per three permanent seats, if they have less than 252 permanent seats, the 84 space parking lot would be compliant. He stated he does not recall from the Zoning Hearing Board testimony how many seats they have currently in the facility.

Mr. Dickson stated over the last few years, a number of Churches have appeared before the Planning Commission, and parking has always been an issue. He stated he is concerned with the projected number of additional congregants. Mr. Murphy stated this is why they are proposing Land Development, and they do contemplate a staged expansion of the facility which has been sanctioned by the Zoning Hearing Board. This will include an expansion of the parking area in the future if the congregation expands.

Mr. Majewski stated currently they have three services, and he is not sure if they have the capability of adding a fourth service.

Ms. Friedman asked if the parking expansion will take place prior to Phase II, and Mr. Bionna stated it would be part of Phase II. They will not do any parking lot expansion until Phase II has been reviewed and approved.

Mr. Dickson asked if the Zoning Hearing Board approval covered Phase I and Phase II including the parking lot expansion and additional impervious surface; and Mr. Donaghy stated the presentation before the Zoning Hearing Board when relief was granted was based upon all the projected improvements; and the Zoning Hearing Board took into account that if the addition to the chapel area were to be constructed, there would be a need for additional parking, and this was part of the approval. He stated he does not feel there were any Variances from the parking requirements, and the only issue in that regard related to the impervious surface requirements and the need to look at certain types of parking spaces.

Ms. Frick stated the Zoning Hearing Board did not consider Phase IB, the second story addition, because it did not increase the impervious surface; and Mr. Donaghy stated he feels it was part of the Plan. Mr. Bionna stated it was shown on the Variance Plan as part of Phase I. Ms. Frick stated they will need to know what the square footage is for the second-story addition.

The Remington Vernick review letter dated 8/27/09 was noted. Mr. Murphy stated they have listed the Waivers being requested. He stated I.A discusses a Waiver for the requirements for the pre-Plan conference and the four-step design process for this first building addition. Mr. Bionna stated this includes the site visit with the EAC members and a more detailed evaluation of the site. He stated in this case the site is substantially developed, and they are only adding a small increase of impervious surface. He stated

they felt for Phase I it would not be necessary to go through the whole process, but they agree that this would be worthwhile at Phase II.

Item 1.B is a Waiver request with regard to landscaping, and Mr. Murphy stated for this Phase, they are not proposing any additional landscaping.

Item 1.C is a Waiver request for a lighting plan in that they are not proposing any new lighting for Phases IA or IB.

Item 1.D indicated that they are not proposing to take any pavement core samples on the existing streets.

Item 1.E is a Waiver request from the Environmental Impact Assessment requirement. Mr. Bionna stated what is being proposed is only a small impact to an already-developed site, and added that they agree that for Phase II, which is the larger building and because of the impact it may have, the Environment Impact Assessment should be prepared at that point in time.

Item 1.F relates to the fact that they are not proposing any new street trees, and Item 1.G relates to the fact that they are not proposing any new buffers at this point, although Phase II would involve some additional buffers that were discussed at the Zoning Hearing Board level.

Mr. Murphy stated they will comply with Item #2. Mr. Bionna stated there are two trees to be removed, and they will show this on the Plan. Mr. Majewski stated they will have to replace any trees removed.

Mr. Murphy stated they will comply with Items #3 through #7.

Ms. Friedman asked if there will be any additional lighting for Phase IA, and Mr. Bionna stated there is an existing entrance and a recessed spot light at the entrance. He stated the entrance will be pushed out with the new 700 square foot addition, and there will be similar entry lighting. He stated there will be no additional pole-mounted lighting with the addition in Phase I, and there will be nothing shining on neighboring properties. Mr. Bionna stated there is one pole-mounted light in the parking lot which will remain.

Mr. Murphy stated when they return to the Planning Commission, they will provide a Plan showing the second story addition.

Ms. Friedman asked if there is anything that they can do now with regard to plantings or buffering to help soften the impact of the proposed future addition to take place in four to five years. She stated by doing planting now, they would have more substantial plantings already in place when they start the Phase II construction. Mr. Bionna stated there is a

wooded boundary on the eastern and southern side. He stated some of the trees are deciduous so that the leaves do fall and there could be some visibility. He stated on the western end toward Makefield there is a stretch where there is not a buffer, but this is beyond where the front of the building extends. Mr. Majewski stated possibly the tree replacement required could be put in the area where buffering is needed.

Ms. Cynthia Stockten, 391 S. Milton Drive, asked for details of Phase II, and Mr. Bionna stated architectural for this have not yet been prepared.

Mr. Curtis Panzer, 687 Friar Drive, stated the wooded boundary being referenced is on the adjoining neighbors' properties, and is not on property owned by the Church. He stated there is a burden to the neighbors, and he feels it is reasonable to ask about the needs of the Church and if the plans are consistent with their needs. He stated the neighbors asked early on if they had done a survey to see if there is a need. He stated they have heard that 80% of the capacity is currently being used; and if there was a survey, they would know if this is going down or up. He stated they also heard previously that they tried to have an additional service, but that it was poorly attended, so he assumes it is not really that crowded or people would have started using the additional service. He stated they were told that they did not have a survey, but if they build the addition, people will come; and he does not feel that this is a satisfactory basis for the building. He stated the Church is already exceeding the limits on impervious surface. He stated although the new Plan does attempt to alleviate part of the problem by using pervious materials, he does not feel they are entitled to recognize that as a way of reducing the impervious surface.

Ms. Friedman stated at this point they are only considering Phase I. Mr. Donaghy stated there are conditions which were placed as part of the Zoning Hearing Board ruling.

Mr. Panzer stated there is a long history of water run off from the Church during periods of heavy rain, and to increase this in the future would be a problem.

Mr. Roy Perez-Daple, 1703 Makefield Road, stated he never had an issue with the Church and he does not have an issue with the 700 foot addition, but would like to see a rendering of the elevation. He stated he is concerned with the progressive development being proposed and would like to see the full scope of the project. He stated he would like to know how they will handle the traffic and the new congregants and other activities for non congregants. Mr. Perez-Daple stated there are currently traffic problems at the corner.

Ms. Andrea Shearer, 1631 Makefield Road, stated she feels Phase II will come within 25' of the property line on the south side, and there would be no way to buffer the expansion. She stated she did see some renderings about one year ago, and what they were proposing was pretty big. She stated 700 square feet is not a problem, but she does have a problem with Phase II. Mr. Majewski stated the proposed Phase II future addition is greater than 50' from the property line – not 25' – and is within the allowed setback.

Mr. Bill Ceverallo, 690 Friar Drive, stated there is an underground stream and the property at 700 Friar Drive which adjoins the Church has had a problem where their driveway sunk. He stated his own driveway and yard constantly sinks. He stated there is a very high water table in the area. He stated Mr. Bionna indicated that they will have additional classrooms but that there will not be times when the classes and Church are used at the same time. Mr. Bionna stated the maximum use will be the sanctuary use, and the Church typically does not hold classes when the services are going on. Mr. Ceverallo asked if there could be a water survey done, and Mr. Bionna stated they have tested the site twice. Mr. Ceverallo stated there are water problems in the area. Mr. Bionna stated they have only tested their own site, and they have not tested the surrounding area.

Ms. Linda Brookstein, 699 Friar Drive, stated she has a mold problem, and there are faulty underground pipes. She stated she has spent thousands of dollars on this. She stated they live on a swamp, and she does not know how the houses in the area were approved.

Ms. Friedman stated the Planning Commission's goal is to make sure that whatever is added on this site, will not add to the problems.

Mr. Stockton stated because of the amount of rain, they have had this year, their back yard has never dried up.

Ms. Friedman stated at this time they are only dealing with the 700 square foot addition, and the second story which will not add any additional impervious surface.

Mr. Dave Probst, 394 S. Milton, stated since he purchased his home twelve years ago, he has heard about water problems. He stated the entire neighborhood was built on a swamp, and there is an underground stream. He stated when the Township grants impervious surface Variances for a deck or an in-law suite, or for a Church, they should consider the whole region; and the Township engineer should look at this. Mr. Donaghy stated the Zoning Hearing Board grants Variances and not the Township engineer. He stated the Zoning Hearing Board does consider each case on its own merit. Mr. Probst stated incrementally over time, this does have an impact. Mr. Majewski stated when the Township adopted their impervious surface requirements years ago, the impervious surface that it allowed on older lots was significantly lower than on a newer lot because

new lots have stormwater management systems built in. He stated the older neighborhoods are held to a higher standard and are permitted to have less impervious surface than a new lot. Mr. Probst stated over the years they are chiseling away at this. He noted someone in his neighborhood built a stone deck without a Permit, and the Zoning Hearing Board did require them to remove other impervious surface; however, this was never done, and there was no enforcement of this Condition. Mr. Probst stated he also has traffic concerns since in this half mile area there are four churches which all hold services on Sunday. He is concerned with the potential expansion of other Churches in the area. Mr. Probst stated it has been stated that the Congregation is only 50% from Lower Makefield, and you can follow the Spanish signs from the Calhoun Street Bridge right to the Church. He stated he is not sure if they are leasing the building to other congregations or doing other things, but they are bringing people from other States and other areas into the Township and this is impacting the quality of life and property values of those living in Lower Makefield. He stated this is not about religious freedom and protectionism; and if they cannot grow in Lower Makefield, there are a lot of places that they can grow, and the Township does not have to give them the space to grow.

Mr. Dickson stated the Zoning Haring Board has already ruled on some of these issues.

Ms. Friedman stated the Township does have a new stricter stormwater management policy, and they take water very seriously. She stated she does not feel a 700 square foot addition will have much of an impact.

OTHER BUSINESS

Ms. Frick stated there will not be a meeting of the Planning Commission held on October 12 as the Office is closed that day.

There being no further business, Mr. Dickson moved, Mr. Pazdera seconded and it was unanimously carried to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,

Karen Friedman, Chair

