

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – NOVEMBER 25, 2013

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on November 25, 2013. Chairman Bush called the meeting to order at 7:35 p.m.

Those present:

Planning Commission: Tony Bush, Chairman
 Karen Friedman, Vice Chair
 Mark Fried, Member

Others: Nancy Frick, Director Zoning, Inspection, & Planning
 Nathan Fox, Township Solicitor
 Mark Eisold, Township Engineer (joined meeting in
 progress)
 Mary Ellen Saylor, Township Engineer
 Kristin Tyler, Supervisor Liaison

Absent: John Pazdera, Planning Commission Secretary
 Dean Dickson, Planning Commission Member

APPROVAL OF MINUTES

Ms. Friedman moved and Mr. Fried seconded to approve the Minutes of October 28, 2013 as written. Motion carried with Mr. Fried abstained.

COMPREHENSIVE MASTER PLAN UPDATE DISCUSSION OF OPEN SPACE AND CONSERVATION PLANNING

Ms. Lisa Wolff and Ms. Gail Friedman from the Bucks County Planning Commission were present. Ms. Wolff stated they have updated some of this information. She stated the Township's Open Space Plan that was updated in 2009 states that the Township owns over 1,200 acres of open space land that includes Township-owned land for parks, natural areas and natural resource lands, the Patterson Farm, and the Makefield Highlands Golf Course. She stated the 2009 updated Plan also includes an inventory of potential open space lands that was developed by the Township's Environmental Advisory Council, and it is a prioritized list based on a range of criteria related to ecological and historical importance, potential recreational use, and potential connections to other open space areas and greenway connections.

Ms. Wolff stated this information was added to this Chapter of the Master Plan to make this section more current.

Ms. Wolff stated Page #2 discusses funding for Open Space Preservation and notes the Township and County Programs. She stated over the last fourteen years, the Township voters also approved two local Bond Referenda for the Township to borrow money for open space purposes. She stated the first was in 1999 when the Township borrowed \$7.5 million for open space and land preservation, and that money was used to purchase land and easements for the Samost Tracts, Snipes Farm, Elm Lowne, Prospect Farm, Gates Farm, Ruth Wright Farm, and additional land connected to the Five Mile Woods Nature Preserve.

Ms. Wolff stated the narrative also mentions Patterson Farm; however, she spoke with Alan Dresser from the EAC, and he indicated that the Patterson Farm was purchased before the Bond Referendum so she will re-word this section to make it accurate. She stated the Patterson Farm was purchased in 1998, and the Bond Referendum was the following year under which the other properties were purchased.

Ms. Wolff stated in 2008 the Township voters approved the borrowing of over \$15 million for recreation and open space purposes; however, Mr. Dresser has indicated that money has not been spent. She stated the EAC is actively working on efforts to continue to purchase Conservation Easements and Open Space within the next few years. She stated Mr. Dresser suggested that she add a sentence to state to date “the money has not been spent” to make it more clear.

Ms. Friedman stated where they have listed how the Bond monies were used, she would suggest that next to Elm Lowne it should be indicated that the property has been sold and include the date that it was sold. Ms. Wolff stated Mr. Dresser recommended this as well, and they will add this. Mr. Bush asked if the proceeds from that sale went back into the Open Space fund or did it go to the General Fund. Ms. Wolff stated she understands that there was enough to pay off what was owed on it, and Mr. Dresser indicated that he felt some of the money went into the paving of roads. Mr. Bush stated he feels it then probably went into the General Fund. Ms. Friedman stated she feels if properties bought with Bond monies are sold in the future, the money should be returned to the Fund so that more open space can be purchased and not used for other expenditures. She recommended that this statement be included in the Master Plan. Mr. Bush stated even if this is not what happened in the past, a recommendation for the Master Plan should be that going forward if properties are sold or leased that were purchased with Open Space money, that the proceeds go back into Open Space to be used to purchase additional properties or maintain existing open space.

Mr. Fried questioned what would happen if properties were sold that had been purchased with County Open Space money. Mr. Fox stated if properties are sold that were purchased with Township Bond money it should go back to the Township and segregated for the purpose of purchase of other open space.

Mr. Eisold joined the meeting at this time.

Ms. Wolff stated in November, 2007 County voters renewed the Bucks County Open Space program by approving an \$87 million Bond for open space preservation. She stated this program consists of five separate components – Farmland Preservation, Municipal Open Space, Delaware River front, Natural Areas, and County Park Land. She stated Lower Makefield was allocated \$824,605 under the Municipal Open Space component. She stated she understands that every community received a base of \$200,000 and there was a factor based on land area that added additional money. She stated to date the Township has used \$386,250 for the purchase of a seven acre parcel along W. Ferry and Big Oak Roads which is currently a mowed detention basin; and the EAC is hopeful to have that become naturalized.

Mr. Fried asked if the Planning Commission could make a recommendation for the purchase of open space, and Ms. Frick stated she feels they could. Ms. Wolff stated she understands that the EAC acts as the Township's Open Space Committee.

Ms. Gail Friedman stated typically the parcels the Township is interested in are listed in the Open Space Plan. Ms. Wolff stated the 2009 Open Space Plan does list potential open space properties to be considered in the future, and it is prioritized.

Ms. Wolff stated the 2008 Bond included a component on the Delaware River front, and this is a competitive Grant program available to all Delaware River communities. She stated the projects must be related to natural resource preservation and recreation purposes; but to date the Township has not applied for funding under that component.

Ms. Wolff stated the next Section is entitled Current Planning and Zoning Policies (page #2 and #3) and this includes the Township's policies regarding Open Space Preservation. She stated the only changes are under #2, which has been revised to indicate the current Zoning definition of open lands which are defined as "Resource protected lands including farmland which is part of a Farmland Preservation Conditional Use Development, or common open space;" and #4 which references the current Open Space Plan and Open Space Inventory.

Ms. Wolff stated Agricultural Areas on Page #3 is a new Section in the Open Space Chapter. She stated previously most of this material was included in the Natural Resources Chapter of the Plan. She stated since Farmland Preservation has been a part of the Township's Open Space Planning, it seemed logical to move that narrative to this Section. She stated updates to this Section include referencing the current Open Space Plan, updating the acreage owned by the Farmland Preservation Corporation which is 334 acres, and updating the acreage within the Township's Agricultural Security District which is now 794 acres.

Ms. Wolff noted the bottom of Page #4 onto Page #5 which describes the Township's major Open Space resources. She stated they have noted a change under the Five Mile Woods, and the acreage has been updated to reflect additional land through easement purchases and to state that a part-time Naturalist is employed by the Township to oversee programs at the Preserve. Ms. Wolff stated there was previously significant discussion several months ago when they reviewed the Park & Recreation section. She stated Five Mile Woods was listed under Open Space in the 2003 Master Plan so it does follow the decisions made when they discussed the previous Chapter to keep it in this Section.

Ms. Wolff noted #3 which references the Falls of the Delaware River Park, and this has been deleted since this future Park is mentioned in the Park & Recreation Planning Chapter. She stated she wanted to be consistent since on the next page they deleted the reference to Edgewood Village open area which is now Veteran's Park, and this is why they deleted the reference to the Falls of the Delaware County Park; however, she noted that there is a recommendation for coordination and enhancement of Open Space Preservation which she would like to keep in the document.

Ms. Wolff noted #5 on the top of Page #6 with regard to the Patterson Farm. She stated information has been added to indicate that the greenhouse operation is on approximately three acres of the Farm. She stated the Wright/Kimmell Farm under #6 has been added, and since the last Master Plan was approved in 2003 there was an addition to preserve the Wright Farm which is 82.3 acres along 332 and Lindenhurst Road which was preserved with an Agricultural Easement under the County Agricultural Land Preservation Program. She stated this is the first and only property in the Township that is preserved under the County's Program. Ms. Wolff stated she deleted the reference to Elm Lowne.

Mr. Bush stated the Satterthwaite Parcel was subdivided out of the Patterson Farm, and they should note this. Ms. Tyler stated at this point the Zoning Hearing Board denied the Application for the equine hospital, and the Applicant has filed an Appeal.

Ms. Wolff stated #7 referenced the Edgewood Village open area, and that has been deleted in this Chapter since it is now known as Veterans Park and is discussed in the Park & Rec Chapter.

Ms. Friedman stated if the Township still uses acreage on the Patterson Farm for leaf mulching, she feels something should be included to indicate this use and other uses being made of the Farm. Ms. Wolff stated they have indicated that the Patterson Farm is scenic and agricultural open space but they could add more specific language. Mr. Eisold stated his understanding is that the leaf mulching is being phased out at the Patterson Farm, and there are other locations which are being used for leaves; and he specifically noted the Snipes parcel. He stated while the use at the Satterthwaite property is under Appeal, if the Applicant should win that Appeal, there is a requirement that the leaf operation has to be removed adjacent to that property.

Mr. Fried asked if they have indicated that the Satterthwaite Parcel has been Subdivided out, and Ms. Wolff stated she had not made any notation on this as she was not sure how the Township wanted to handle this. Ms. Friedman asked if the Township will try to have someone else use that parcel if the Appeal is denied for the equine hospital. Mr. Fried stated at a minimum they should indicate in the Plan that this is a separate parcel. Ms. Tyler suggested language to indicate that 5.14 acres of the Patterson Farm was subdivided in 2011.

Mr. Fried asked if there is mention of what restrictions are on each parcel of Open Space since some of them do have restrictions. Ms. Wolff stated she does not feel this is noted. Mr. Fried asked if they should make note of any restrictions. He stated with regard to the Satterthwaite parcel, the Board of Supervisors had the right to sell this parcel; however, there may be other open space properties where there are restrictions which would not allow this depending on how it was purchased either by the County or with other funds. Mr. Fried stated when the Township purchased Patterson Farm there were agreements made that it would not be developed until the owners passed away. Mr. Bush stated they might have a map in the Appendix showing what is protected. Ms. Wolff stated she is not sure that this would be easy to do since there are numerous parcels that may have many different restrictions or covenants. Mr. Fried stated they could instead include a statement that not all open space is equal as far as the restrictions and covenants, and if someone wanted to know more they could come to the Township to ask these questions. He stated a statement could be included that different open space parcels have different levels of restrictions based on how and when they were purchased and what type of funds were used to purchase the property. Ms. Wolff stated they will look through the Chapter to see where this could be noted.

Ms. Wolff stated under #8 additional information has been included where it discusses stream corridors. She stated the Plan currently states that there are stream corridors in the Township that have open space values due to floodplains and vegetation and they have added the comment, “As discussed in the Chapter on Parks and Recreation planning these stream corridors also provide greenways opportunities to host trails and provide connections.”

Ms. Wolff stated the last Section from Page #6 to Page #8 is Future Needs and Recommendations for Actions, and there is minimal change to this. She stated they did take out the reference to two potential parks – Brock Creek Link Park and the Falls of the Delaware Park because they are mentioned in the Park & Rec Chapter. She stated they did add the first recommendation on Farmland Preservation which states, “The Township should encourage future developers to make use of the Farmland Preservation Development option for properties.” She stated this is existing language from the document but has been moved to this new location. Ms. Friedman stated she feels the statement should read, “The Township should continue to encourage...” because the Township has been doing this all along.

Ms. Wolff stated last month they discussed Community Facilities, and Ms. Friedman has been working on getting additional information from the School District, and there will be a meeting with the Township Manager this week to get some Township Administration information. Ms. Wolff stated more information will also be forthcoming on wastewater because they did receive information from Bucks County Water and Sewer Authority. Ms. Wolff stated they also re-wrote the Library Section. Ms. Wolff stated they will provide this by the January meeting at the latest. She stated the next Chapter they would like to discuss with the Planning Commission is Historical Resources and History of the Township.

The next meeting when this matter will be discussed will be December 9.

#631 MARGARET BRUNO – PRELIMINARY/FINAL PLAN DISCUSSION AND MOTION TO RECOMMEND APPROVAL

Mr. Eric Clase, engineer, was present with Mr. Mike Ranniello and Mr. Mark Ranniello who Mr. Clase indicated have an interest in this property and will speak on Ms. Bruno’s behalf.

Mr. Clase stated the property is an existing property of a little over one acre which fronts on Yardley-Morrisville Road where Ms. Bruno’s current residence is located. He stated the back part of the property is the subject of this evening’s two-lot Subdivision. It has partial frontage on Linden Avenue which is a private road which has not been dedicated to the Township. He stated the majority of the property has

frontage on the paper street portion of Linden Avenue which has not been developed and has not been maintained by the Township. Mr. Clase stated existing on the site to be developed is a tennis court with a fence that is to be removed. He stated the site is Zoned R-2 – Residential Medium Density.

Mr. Clase stated they previously received two Variances on the property from the Zoning Hearing Board, and the Planning Commission had been provided copies of these previously. Mr. Clase stated they received a Variance from Section 200-52 dealing with density of the property and from Section 200-64 which deals with the minimum frontage on a street.

Mr. Clase stated they received some review letters from the Township professionals, and there is a list of Waivers they are requesting; and he provided the list to the Planning Commission this evening. Mr. Clase stated the Waivers being requested are referred to in the Boucher & James letter dated 11/5/13. He stated the first Waiver being requested is from Section 178-28.N which relates to the location map in the upper right hand corner of the Plan. He stated the reason for the Waiver request is so that they can show it at a scale that is readable and give a feeling for the sizes of lots around the property. He stated if they went to the required one inch equals eight hundred feet it would be too small to make out.

Mr. Clase stated the second Waiver they are requesting is from Section 178-28.AA.(2) which requires them to locate on site all trees of 15” or greater in caliper. He stated they walked the site with the Township landscape architect from Boucher & James, and they located the size and species of all trees to be removed; and at that time it was determined that this was acceptable to the Township engineer as meeting the requirements implied by the Ordinance so they are requesting a partial Waiver so they do not have to locate the other trees that are to remain on site.

Ms. Friedman stated her concern is that those trees could disappear at some point during construction. Mr. Eisold stated they did calculate the trees to be removed to calculate the replacement trees which is the key. He stated also on the Plan they show tree protection fencing that will be put up to protect the other trees. He stated this is a wooded area, and there are no calculations required for the trees that are to remain provided the fence is put up and they are not disturbed during construction.

Ms. Frick asked the hardship for showing the trees, and Mr. Eisold stated it would result in a cost since this is a wooded area and will not really change during construction. Mr. Clase stated there is a limit of disturbance and tree protection fencing; and if they go any further into the wooded area, they would violate the Zoning ordinance. He stated one of the first things they will do during construction is to stake out this area.

Ms. Friedman stated her concern is that by not showing existing trees, this may adversely effect the property going forward when it is sold. Mr. Eisold stated it does show it is a wooded area although it does not show each individual tree. Ms. Friedman stated she feels they should show that this is protected area so there is documentation although she does not need details of every tree. She stated she feels it should indicate that this area should not be infringed upon, and Mr. Eisold agreed they should document this on the Plan.

Mr. Clase stated the third Waiver they are requesting is to Section 178-44.C with regard to the minimal angle coming off a road which is required to be 60 degrees. He stated in this case Linden Avenue is a private road, and the property has very limited frontage along Linden Avenue. He stated what they are proposing is to put in a driveway that connects to the existing cartway of Linden Avenue. He stated the shape proposed is not too drastic, and they would be coming up Linden Avenue and up the driveway. He stated they are asking for a Waiver on the angle of the driveway attached to Linden Avenue. Mr. Clase stated typically the recommendation is a 90 degree connection, but you are allowed to go down to 60 degrees; and they are asking to be able to provide the lay out shown on the Plan which shows driving off the end of the road into the driveway. Ms. Friedman asked if they believe any part of the road past that will be used for anything else, and Mr. Clase stated it will not. Ms. Frick asked about the property across the street; and Mr. Clase stated the property across the street is owned by the Ranniellos, and they are not going to be doing anything either. Mr. Clase stated the end of Linden Avenue currently is the paper street, and they are actually absorbing it into the property which is their right.

Ms. Friedman asked if they will be making the entrance to the driveway a little bit larger. Mr. Eisold stated what is being proposed is unorthodox and is of concern. He stated you have a full street that is dead ending and it turns into a driveway. He stated this is not a normal situation. Ms. Friedman asked about access by emergency vehicles, and Mr. Clase stated typically they would drive up to the end of Linden Avenue and access from the road. He stated they would never pull into the driveway of any of these homes along Linden Avenue, and they would stop on the road and run the hoses in. Mr. Eisold stated the entrance into this driveway is not what you would normally see in a development, and they did raise this in a few comments including the sewer engineer's comment since the lateral is skirted in at an angle as opposed to coming in front of the house and going at a 90 degree angle.

Ms. Friedman asked about the functionality since someone may not realize that this is a driveway and approach the property. Mr. Eisold stated for people going in there and finding out they are on the wrong street, it would be awkward.

Mr. Clase stated they did have a meeting on site prior to tonight's meeting, and they could take the end of private road and go forty more feet which would give them the 90 degree perpendicular connection. He stated since the Ranniellos do own the property across the street, they would sign off on extending another 40 feet from the end of Linden Avenue; and there would be no disturbance to trees. Mr. Eisold stated this would get the perpendicular driveway and get the sewer close to perpendicular if they were to do the sewer. Mr. Eisold stated currently it is a dead-end street and what Mr. Clase is proposing is pushing it a little further back, and Mr. Clase agreed that they would be continuing the dead end of the private road. Mr. Eisold stated this would give a 90 degree entrance into the property which he feels makes sense. Mr. Eisold stated he feels since this is a private road, this could be done. Mr. Eisold stated the accessway through this must be maintained by all property owners in the future though it is not paved or constructed; and they could not put something in which would deter people from going through there. Mr. Clase stated it would be paved to Township's standards, and they would provide an access easement to the lot owners. Mr. Eisold stated if they extend it 40', Waiver request #3 will not be required.

Mr. Clase stated under the Zoning Ordinance comments in the engineer's 11/5 letter, #1 relates to the right-of-way issue; and this property is absorbing to the center line and the developer and Township's solicitors have discussed this, and it is permitted by right. With regard to Subdivision and Land Development Ordinance comments, they will comply with Item #2. He stated Item #3 relates to the extension just discussed. They will comply with Item #4.

Mr. Clase stated with regard to Item #5 this relates to Section 178-85.H. – not 83, and the Applicant will offer a Fee-In-Lieu of tree replacement. He stated the site is wooded, and they would not be able to add any more trees to the site. He stated this is permitted under Section 178-85.H.4B. Ms. Friedman asked if there are areas in the Township where there is a need for trees; and Mr. Eisold stated there are a lot of areas that need trees, and he particularly noted Samost and Veterans Square.

Mr. Clase stated they will comply with all the rest of the items in the Boucher & James 11/5/13 letter – Items #6 through #14.

Mr. Clase noted the 11/8 Tri-State Engineers letter, and he stated the only issue is Comment #2 where they are asking for the sewer main to be extended 160' and a new manhole be installed which would be a financial hardship to the Applicant. He stated they feel installing a lateral coming from the home going into the stub coming out of the manhole would not be a problem. He stated providing an

extension of the main and another manhole would be for people in the future to tie into. He stated this is a paper street, and there is no further development along here; and it would be a financial hardship if they were forced to install an extension and a manhole when a simple lateral connection would serve their purpose.

Mr. Bush asked Mr. Clase if his statement regarding “no further development” is because nothing is currently planned for this or because there is no room for it. Mr. Clase stated there is no room for it; and it is a paper street, and they are claiming the paper street on their side, and the Ranniellos will most likely one day claim to the center line on their side so the street will never go through. Mr. Fox asked if there is any possible property behind this that would require access over this portion of the paper street; and Mr. Clase stated he does not feel there is, although he is not 100% sure. Mr. Bush asked if the property to the right is capable of being developed, and it was noted it is already developed.

Ms. Friedman noted the Bucks County Planning Commission letter Page #2, Item #1 which discusses the issue of the paper street, and they indicated that the property owner on the other side could take possession of it and build an infiltration trench within that area; and she asked if this would impact the manhole/sewer/laterals. Mr. Clase stated previously they showed an infiltration trench along the frontage of the property, but they have relocated this to the west/left side of the driveway so there is no longer a conflict.

Mr. Eisold stated with regard to the comment from Tri-State, typically in a Subdivision that has a full street in front of it, the sewer would run the length of the street and the lateral would come off at 90 degrees and going into each house up and down the street. He stated because the sewer is quite a ways down the street instead of running the sewer up, installing a manhole, and taking 90 degrees as is typical, the Applicant wants to leave the sewer where it is and run a lateral which is a smaller pipe from the existing sewer and curve into the property. Mr. Fried asked this distance, and Mr. Eisold stated total length up the street would be approximately 100' and then it would take a bend and go from the clean out to the house which is approximately another 60'. Mr. Eisold stated a lateral is being shown which would be a 4" to 6" pipe as opposed to an 8" main with a manhole which would be more costly.

Mr. Fried asked the difference in cost, and Mr. Eisold estimated it could cost 50% more if they were required to have the 8" main and they would have to install a manhole as well. Mr. Chase stated he feels what Tri-State is recommending would cost them ten times as much which he feels would be 50% more for the main and \$4,000 to \$5,000 for the manhole.

Mr. Fried asked if there would be a circumstance where doing it as proposed by the Applicant could cause a problem in the future particularly if this property owner or the owners across the street were to sell their properties. Mr. Clase stated knowing they could never develop the area, they would be willing to provide sanitary easements through there so that if the Township ever felt the need to extend it, they could. He stated this would involve taking down trees. Ms. Frick stated that this would then be at the Township's cost. There was discussion on the potential for future development and an area was noted where future developer could take place.

Mr. Fried stated he feels they need to know if this is just a recommendation or a Township requirement. Mr. Clase stated Page 3 of Tri-State's review letter summarizes the conversation he had with the Tri-State engineer. Mr. Eisold stated Tri-state has recommended that it be extended 160', and Mr. Clase stated they would be comfortable extending it 100' and when he discussed this compromise with the Tri-State reviewing engineer, he was comfortable with this. The Planning Commission agreed to this as well.

Mr. Clase noted the 9/18 letter from Bucks County Planning Commission which they will comply with.

Mr. Clase stated they have an Approval from the Bucks County Conservation District, but they know that they will have to update this Approval when they are at Final. He stated the letter from the Bucks County Conservation District is dated 9/9. Ms. Frick stated the Township did not send this to the Bucks County Conservation District as Mr. Clase had indicated they did not want the Township to send it to them. Mr. Clase stated this was on the most recent submission, and they have an Approval from them from the first submission which is why he indicated that it will have to be updated.

Mr. Clase stated they also have the two Variances from the Zoning Hearing Board.

Mr. Clase stated they have heard that the Fire Chief submitted a letter, but they have not seen it. Ms. Frick stated it was sent to the Applicant, Margaret Bruno.

Mr. Fried moved and Ms. Friedman seconded to recommend to the Board of Supervisors Approval of the Preliminary/Final Minor Subdivision Plan dated 8/12/13, last revised 10/9/13 subject to the Township review letters and the following:

- 1) Boucher & James, Inc. letter dated 11/5/13 specifically Item #5 related to Fee-In-Lieu of tree replacement be applied to Veterans Square Park and/or Samost ball fields tree replacement;

- 2) Removal of Waiver request #3 from SALDO Section 178-44.C based upon Applicant's proposed 40' extension of Linden Avenue;
- 3) Tri-State Engineers Land Surveyor's Inc. letter dated 11/8/13 sewer lateral from manhole A571 be an extension of 100';
- 4) The Planning Commission recommends Approval of remainder of Applicant's Waiver requests from Section 178-28.N of SALDO and section 178-28.AA.(2) of SALDO;
- 5) Subject to Applicant getting an updated approval from the Bucks County Conservation District;
- 6) A Note be placed on the Plan to indicate "existing woodlands are to remain."

Mr. Fried stated at the start of the discussion Mr. Clase indicated that the Ranniello had an interest in this Plan, and he asked what that interest is. Mr. Ranniello stated they want to purchase the property and get it approved. Ms. Frick stated they are residents of the Township that live in this area.

Motion carried unanimously.

There being no further business, Ms. Friedman moved, Mr. Fried seconded and it was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Tony Bush, Chairman