

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – SEPTEMBER 12, 2022

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on September 12, 2022. Mr. Costello called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Adrian Costello, Vice Chair
 Dawn Stern, Secretary (joined meeting in progress)
 Tony Bush, Member
 Tejinder Gill, Member

Others: James Majewski, Community Development Director
 Dan McLoone, Planner
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 Daniel Grenier, Supervisor Liaison

Absent: Ross Bruch, Planning Commission Chair

APPROVAL OF MINUTES

Mr. Bush moved, Mr. Gill seconded and it was unanimously carried to approve the Minutes of July 11, 2022 as written.

Ms. Stern joined the meeting at this time.

#689 – 1101 BIG OAK ROAD MAJOR SUBDIVISION DISCUSSION
Tax Parcel #20-034-127
R-2 Residential Medium Density Zoning District
1101 Big Oak Road & Elbow Lane

Proposed plan to subdivide a 6.07-acre lot (containing an existing dwelling and garage to be removed) into 6 single-family Residential lots

Mr. Edward Murphy, attorney, was present on behalf of the Applicant, Triumph Construction Group. He stated the Application this evening is for discussion purposes only and no recommendation is being sought this evening. He stated the intention is to review and resubmit Revised Plans based on the review comments that have been received to date. He stated to date review letters have been issued by Mr. Pockl's office, Bucks County Planning Commission, the EAC, the Fire Marshall, Mr. Majewski's office, the Township traffic engineer, and the Township's Traffic Advisory Committee. Mr. Murphy stated since the Planning Commission had not publicly seen the Plans, they felt it was best to attend the meeting this evening, review what is proposed, and solicit any additional comments.

Mr. Murphy stated also present this evening is Ms. Kristin Holmes, the project engineer, and Ms. Terry Nardone, a principal with Triumph Construction Group.

Mr. Murphy stated the site is a little over six acres with frontage on Big Oak Road and Elbow Lane. There are three proposed new single-family homes that will take access to Big Oak Road. He stated currently Lot 1 will take access by itself from an existing driveway on Big Oak, and the other two lots – Lots 2 and 3 – would access Big Oak Road from a shared-use, common driveway. Mr. Murphy stated the other three lots are proposed to take access from Elbow Lane in the back, and each of those lots would have their own separate driveway access.

Mr. Murphy stated the development would be served by public water and sewer that are located in the beds of the streets upon which they abut. He stated stormwater will be managed in the traditional way, and there is a larger basin in front of Lot 2 running parallel to Big Oak Road as shown on the Plan.

Mr. Murphy stated Ms. Holmes has gone through the review letters. He stated there are Waivers being requested which could be discussed tonight or at a subsequent meeting. He stated he does not believe the Waiver list will change based on the review comments and the responses that the Applicant intends to incorporate into the new Plans that will be submitted in the next week or so.

Mr. Murphy stated there seems to be a difference of opinion with regard to whether or not the existing driveway that services Lot 1 on Big Oak Road should be retained or that access to that Lot should also be accessed from the common driveway. He stated the Township's Traffic Advisory Committee recommended the consolidation of those driveways; however, the Township's traffic consultant does not recommend that, and he feels the arrangement proposed on the Plan is fairly common, and he does not believe there is any value in combining that third driveway with the shared driveway.

Mr. Murphy stated they understand the concern about tree disturbance, and they are aware of the Ordinance limitation with regard to tree disturbance. He stated their intention is to comply with the Ordinance. More information has been requested as to the extent and size of the trees that will be removed, and Ms. Holmes is in the process of doing the additional detailed studies and calculations to be re-submitted. He stated he feels it is premature to discuss this further until the more detailed plans and calculations are submitted.

Mr. Majewski noted there is a little bit of woods between the two lots that are on Elbow Lane (Lots 5 and 6), and he asked if it would be possible to eliminate that little sliver of woods and preserve more woods on the side or front of one of those properties. Ms. Holmes stated with regard to the required setbacks for the buildings, they come off of the natural resource protection areas; and in order to maintain the side yard setbacks for Lots 5 and 6, they have taken it from the limit of the woodlands there. She stated they could look into this further adding that they have the detailed survey back which shows all of those trees. She stated they are looking into trying to preserve individual trees as much as possible. She stated on Lot 6, they will probably be straightening the driveway out because there is a large tree toward Elbow Lane that they are looking to preserve. She stated there are some larger trees in the middle of the Lot that they are looking to preserve.

Ms. Pockl stated he and Ms. Holmes had discussed the tree disturbance and the location of the proposed utilities going to the homes, and Ms. Holmes had indicated she would look into possibly relocating the utilities services for the individual homes down the driveway to address Comment #1 in his review letter; and he asked Ms. Holmes if she has looked into that. Ms. Holmes stated they are looking into bringing the utilities either along the edge of the driveway itself or within the driveway so that they are not creating any additional disturbance to the woodlands line.

Mr. Pockl stated they have the level spreaders for the underground stormwater system for Lots 4, 5, and 6 that create additional disturbance, and he asked if it would be possible to have a “bubble-up” spreader on top of the system itself so that they could preserve more area instead of having to pipe it to a location further downgrade and have a level spreader. Mr. Pockl stated they would have to redo some stormwater calculations in order to look at that. Ms. Holmes stated she could look into that. She stated she believes that they were trying to get to a lower elevation for some of the discharge points in order to allow that to flow out of the system, but they could look

into that further. She stated they did include the area surrounding the level spreader as disturbance to the woodlands in the initial calculations and submissions, but they could look into shortening that.

Ms. Bush stated the EAC was concerned about Lots 3 through 6, and Mr. Murphy stated those are the Lots on Elbow Lane. Mr. Bush stated there are setbacks of 16' or less to the woodlands, and the EAC also observed that there was no space between the driveway surface and some of the protected woodlands. Mr. Bush stated they asked what could be done to preserve that land going forward after the developer is done with the project. Mr. Murphy stated they could consider whether or not they could establish Conservation Easements on certain of the areas that are not going to be disturbed as part of the construction and this could further protect/preserve those areas. Mr. Bush stated a homeowner in the future may clear out trees, etc.

Mr. Pockl stated this site is to the west of Freeman's Farm and across from Charles Boehm Middle School on Big Oak Road. He stated there is an existing bike path that fronts along Big Oak Road in front of Lots 1 and 2, and it is the intention for that bike path to remain and be maintained; and Ms. Holmes agreed.

Mr. Bush stated Mr. Pockl's comment letter discussed only one of the six Waivers that were being requested, and he asked if Mr. Pockl had any comments about the other five Waivers. Mr. Murphy stated they updated the Waiver letter today. He stated the first Waiver is to permit the combination of Preliminary and Final Plans, and that would depend on what Mr. Pockl and others feel about the quality of the Plans once they are revised and resubmitted. Mr. Murphy stated this is not an unusual request provided that the detail contained in the Plans otherwise meets the requirements for a Final Plan submission.

Mr. Murphy stated the second Waiver is from requiring all existing resources within 500' be shown. He stated typically they address that issue by providing a recent aerial photograph that would provide that level of detail without having to do individual property surveys.

Mr. Murphy stated the third Waiver is a request to avoid having to provide an impact statement for properties that are already developed on adjacent parcels. He stated their intention is to do a By-Right Subdivision and they are not seeking any Zoning Variances. He stated they are doing an ERSAM.

Mr. Murphy stated there is also a request to alter the submission package as to the number of Plans and reports that get submitted. He stated they have requested this regularly, but the SALDO continues to call out the older requirements. Mr. Majewski stated given the electronics and in order to save an inordinate amount of paper that both the Applicant has to produce and the Township has to store, this is something that he strongly requested that they ask for as it makes sense from the Township's perspective.

Mr. Murphy stated the next request is an overlapping section in the SALDO, and they are providing an ERSAM which he feels addresses the Waiver about not having to go too far beyond the site boundaries.

Mr. Murphy stated the next Waiver request is from having to provide the required number of street trees on Big Oak and Elbow; however, that is only because utility interference would inhibit their ability. He stated they are willing to plant the trees elsewhere; and whatever the Township feels can be physically accommodated along the property frontages, they will do. He stated if there is a recommendation for another location on the site, they will do that as well.

Mr. Murphy stated he feels the Waiver request for the number of number of replacement trees that would otherwise be required should be deferred. He stated Ms. Holmes has indicated they will provide updated calculations, and they will then have better numbers and a better understanding of what is required.

Ms. Kirk asked if there will be an arborist involved when they do the calculations to see if there are any dead and diseased emerald ash trees since that has come up previously. Mr. Murphy stated there will be an arborist.

Mr. Murphy noted Lot 3 where it starts to turn at Elbow Lane, and there is an issue about the Lot Line not being exactly perpendicular to the roadway. He stated this would be a technical Waiver.

Mr. Murphy stated while he does not believe that the Waivers will change with the submission of Revised Plans, they will revisit this again.

Mr. Pockl stated Mr. Murphy has suggested deferring Waiver #6 which relates to the replacement trees, and he feels we should defer Waiver #5 as well with regard to the street trees so we can see the condition and species of the existing

vegetation. Mr. Pockl stated the Township may prefer to put street trees in, as replacement for the existing vegetation. Mr. Pockl stated he would have no objection to any of the other Waiver requests.

Mr. Bush asked Ms. Kirk to expand on her request to have an arborist go with the Applicant to look at trees that may be damaged by ash disease and how that factors into the overall calculation as to the number of trees that need to be removed and replaced. Ms. Kirk stated she is aware that when there are trees on a property that are diseased by the emerald ash borer beetle, it is costly to have the tree removed. She stated an Applicant will come in and say as part of the Land Development process, that they will come in at their cost and remove a tree to prevent the disease from spreading to other trees. She stated as a result the EAC has been inclined to recommend that they be given credit for not having to make a direct replacement tree/trees on the basis that they have eliminated a diseased tree that could negatively effect the rest of the woodlands/trees that are replaced.

Mr. Grenier stated with regard to the emerald ash borer it is a formal tree survey that is conducted so that they can identify individual trees, species, and caliper. He stated the onus is on the Applicant to prove that the tree is diseased and not say “it is diseased, we are going to cut it down, and get credit for it.” Ms. Kirk stated that is why she asked if there would be a certified arborist making that determination.

Mr. Gill asked about the SAFE report with regard to the Traffic Impact Fee of \$19,000. Mr. Majewski stated the Township has an Ordinance that requires that all new developments account for the new weekday afternoon p.m. peak trips that are generated by a development, and they are subject to a Traffic Impact Fee based on a Township-wide Traffic Study that the Township did about thirty years ago that established what improvements were needed by the Township in order to make the traffic in the Township better. He stated at that time a Fee was established which has increased every year by the inflationary rate; and the current rate for this Service Area, Service Area 2, is \$3,226 which is multiplied by the five new trips generated by the new homes. Mr. Majewski stated it had been shown as six; however since one house is already there and is generating traffic, they do not have to pay the Fee for that so the total number will be slightly lower than what was shown.

Mr. Bush stated it may be a matter for future discussion to consider that the Study was done thirty years ago. He stated this property is near Boehm and the other Middle Schools, and a lot more people are driving their children to school than before; and the traffic is totally different on that road than it was thirty years ago as it may be elsewhere in the Township. He asked if there is any Township-wide initiative to re-visit that Traffic Plan, and Mr. Majewski stated that has been discussed. Mr. Majewski added that Traffic Plan took into account all of the traffic that was there and accounted for the ultimate build-out of the entire Township including all of the vacant properties including this property that had only one house on six acres. He stated they estimated how many new trips would be generated over the years based on that. He stated they came up with different areas that needed improvements, and those areas were allotted a Fee based on that. Mr. Majewski stated the Township just got a Grant for the traffic signal at Pine Grove and Big Oak Roads, and that was one of the items that was listed in the Study that was done thirty years ago. He stated monies that were paid in for developments in that area paid toward that.

Mr. Costello asked how the six acres is split out by lot. Ms. Holmes stated the average is .9 acres apiece, but there is a slight variation between each of them. Mr. Costello noted Lot 3 which appears to be 1 ½ acres, and Ms. Holmes stated that is because it is a flag lot and has to be larger to meet the flag lot requirement.

Mr. Costello noted the shared driveway, adding he feels they are trying to “squeeze something in that the geometry makes difficult.” He asked if there was a thought to re-configuring the Lot Line between Lots 3 and 4 and bringing the driveway for Lot 3 out to Elbow Lane rather than Big Oak. Ms. Holmes stated they could look at that; however, the reason for the shared drive was to reduce the number of curb cuts along Big Oak which is a larger road than Elbow Lane and be able to maintain the existing driveway and provide the one new driveway. She stated it was also to help to minimize tree disturbance/tree removal. She stated on that portion of Lot 3 they placed the house purposely in order to minimize tree disturbance as there is a clearing there, and most of the frontage of Big Oak Road is also clear and open. She stated they strategically placed each of the dwellings to minimize the tree removal. She stated on Elbow Lane there is one curb cut with a driveway there today which is being used by a tree removal/mulch business so Lot 4 was placed within that clearing of the canopy in order to minimize the tree disturbance and use that same driveway. Mr. Costello stated he was looking at eliminating a driveway on a busy road that has two cars potentially coming in and out at the same time or where one of the residents may be entertaining versus separating them with two entrances.

There was further discussion about the process to be followed, and Ms. Holmes stated there is a specific procedure outlined within the Ordinance as far as Sketch Plans, meetings, etc.; and they were asking to not have to exactly follow that procedure with the Application process. Mr. Murphy stated they are not looking to avoid doing anything. Mr. Majewski stated some things are not mandatory, and he particularly noted the Sketch Plan although the Township does recommend having a pre-Application conference. Mr. Majewski stated he saw a copy of a prior version of this Plan early on, and he had offered his comments which changed their lay-out slightly. Mr. Majewski stated while technically they did not exactly go through the process, the process has basically been followed. He stated they mapped out all of the environmental restrictions before they did their lay-out and tried to place the houses in areas that were clear. Mr. Costello stated he just wanted to make sure that it was all being covered, and people have the ability to make comment.

Mr. Costello stated he has comments with regard to the trees; however, he feels it does make sense that they come up with specifics first and have the EAC comment on that before he makes his comments.

Mr. Bush stated this is on the Falls Township border, and he asked Mr. Majewski if there is a reason why Falls would have “thoughts about this development;” and Mr. Majewski stated he did not feel they would.

Mr. Gill asked who would be responsible for maintaining the shared driveway; and Mr. Murphy stated the property owners typically share responsibility, and there is a document called a Shared Use Common Driveway Easement Agreement that the Township solicitor reviews and is Recorded against both parcels. He stated the document spells out the obligations and responsibilities that each property has to maintain the driveway, what the percentage of cost allocation for improvements would be, etc. This would be tied to the Deed.

Mr. Grenier asked Ms. Holmes to describe the design of the stormwater systems and who will ultimately have ownership, the maintenance requirements, and long-term O & M for each of the systems. Ms. Holmes stated there is a rain garden proposed along the frontage of Big Oak Road which is intended to capture run-off from Lots 2 and 3. Ms. Holmes stated this is depicted in a different shade of green on the rendering. She stated it is a small area between the house and the street along Big Oak which will have a meadow mix planting within it so that it is more of a naturalized surface intended to promote infiltration into the ground within that area and will

then discharge toward Big Oak Road into the storm system in Big Oak Road. Ms. Holmes stated that is intended to capture the new impervious from Lots 2 and 3.

Mr. Grenier asked if an HOA will be set up to maintain that, and Ms. Holmes stated that will be the requirement of the individual homeowner as it is more of an on-lot system. She stated even though it is collecting run-off from two lots, it is entirely contained within Lot 2 so that would be the responsibility of that individual homeowner. She stated the owner of Lot 2 would be responsible for the stormwater management for Lot 3 which is the neighbor to the rear. She added that Lot 1 is an existing house and driveway, and there is no new impervious proposed as part of that Lot so no stormwater management is required for that first lot on Big Oak Road.

Mr. Grenier stated if the lot on the corner of Elbow Lane were to come in off of Elbow Lane that would split their impervious area and require a “reworking” of the stormwater management system. Ms. Holmes stated the site drains from Elbow Lane toward Big Oak Road so those three lots all drain toward Big Oak which is a big reason why they placed the rain garden where they did because it does naturally today collect and drain toward that location. She stated if they were to place a new driveway on Elbow, it would not necessarily change that because the drainage pattern would still be running toward Big Oak and toward that corner. Mr. Grenier asked if they would have to grade that way and potentially put in general grading in that direction to make sure the flows go that way after development of the driveway on the other side of the house. Ms. Holmes stated the grading that they currently have shown for the proposed condition swales around both sides of the dwelling on the third lot so that it goes around and follows the drainage pattern to get toward Big Oak Road, and they would make sure that those drainage patterns and the proposed grading make that work.

Mr. Grenier stated he read that they were not getting very good infiltration due to native conditions, and he asked if it is mostly rock. Ms. Holmes stated she would have to confirm what the limiting zone was on the rain garden. She stated it was designed as a managed-release concept from DEP; and because they have the zero rates there, it is purposely designed to maintain the criteria that the State mandates for that type of facility. She stated it has an underdrain within the system so if there is no infiltration as things are stabilized, the drainage would collect within the underdrain and be released from the facility so that there is a way out. Mr. Grenier asked if this has been run by the Conservation District to get their review of the

design on the rain garden; and Ms. Holmes stated it has not been submitted yet as they usually like to wait to get the first round of comments back from the Township consultants to make sure that there are no major changes, and they then make the submission. She stated it would be submitted as part of the next submission package.

Ms. Holmes stated Lots 4 through 6 will each have their own on-lot underground seepage pit in the rear of the house. She stated it is not illustrated on the Rendering Plan, but it is part of the Grading and Utility Plan within the Plan set. She stated they each have a rectangular area toward the back corner of their property that has an underground seepage pit that would collect the run-off from the house and the associated impervious areas. She stated they will infiltrate there, and they did get infiltration rates with the testing that was done at each of those locations. She stated each of them would have a level spreader discharge pipe from each of the pits in order to allow the water to release at a slow pace and not concentrate the flow from the discharge. She stated it is in the back left corner when looking at the Plan for each of those lots. She stated this portion of the property also continues to drain from right to left toward Big Oak so everything is draining toward the back left corner of each lot.

Mr. Grenier asked how much tree clearing they have to do specific to the level spreaders so that they can install them and not cause any erosion around tree roots. Ms. Holmes stated it would just be a small utility trench for the installation of the pipe itself, and the level spreader is only 5' to 10' wide. She stated it is intended to be done without removal of trees, and that is one of the things they are looking at now that they have the tree survey completed to make sure that they are working between tree canopies of the existing trees.

Mr. Grenier asked the type of spreader being put in, and Ms. Holmes stated it is a stone level spreader. She stated there would be an inlet with a stone trench with perforated pipe running for a length on each of those lots. She stated those were all calculated based on the flows that are getting to each of the pits and releasing. Mr. Grenier asked if those will also be the responsibility of the individual homeowners, and Ms. Holmes agreed.

Mr. Grenier asked Mr. Pockl if he had any concerns with what has been discussed. Mr. Pockl stated with regard to the rain garden, the report indicates seepage of groundwater into the pit at 30" below grade and then rock encountered at 56" below grade up by the rain garden. He added that he requested that they do another infiltration test up by the rain garden to see if there is any location maybe on the other side of the rain garden where they could get some infiltration.

Mr. Pockl stated he also asked that they look into pulling the level spreader back and putting it directly on top of the stone system and then just having that bubble up to the surface and run-off from there which he feels would require less tree disturbance and a smaller footprint. Mr. Pockl stated they indicated that they would look at that.

Mr. Pockl stated also in his review letter he indicated that he wants them to provide calculations to demonstrate that they are not increasing the rate of run-off from the individual lots of Lots 4, 5, and 6 as there are some portions of those lots that drain to the east; and he wants to make sure that they are not increasing the rate of run-off onto their neighbor.

Mr. Grenier asked the contour interval there adding he feels it looks fairly flat. Ms. Holmes stated it is 1'. Mr. Grenier stated it is fairly flat on the "more southern three lots." Ms. Holmes stated she does not consider it flat, and there are some steep slopes within Lot 3. Mr. Grenier stated he is asking about Lots 4, 5, and 6 as the further away from Big Oak the flatter it looks. Mr. Holmes stated there is a high point that runs along the edge of Elbow Lane and then it pushes everything toward the east. She stated she would not consider it flat along there, and there is a pretty regular contour interval from Elbow Lane toward the east with an elevation drop of about 9' from front to back of each lot.

Mr. Grenier asked if they have done calculations yet that show that the post is less than the pre; and Ms. Holmes stated that is what Mr. Pockl is asking for, and they are in the process of doing that. Ms. Holmes added that in the post-construction management report they have provided it based on one point of analysis based on the NPDES Permit requirement, and they are providing supplemental data based on Mr. Pockl's request for each individual lot as well.

Mr. Grenier stated ultimately there will be four different discharge points as part of the stormwater management system with the rain garden and the three lots on the right, and Ms. Holmes agreed.

Mr. Majewski stated they did actual on-site infiltration testing in the areas proposed. He stated he knows that there are a lot of boulders where Summit Drive is as that is the edge of the glacial deposits. He stated he wanted to make sure that was accounted for. Ms. Holmes stated it is part of the requirements of the NPDES Permit, and they did do the testing at the actual locations.

Mr. Majewski asked if basements are proposed, and Ms. Holmes stated they are. Mr. Pockl stated the underground stormwater management systems are located downgrade of the house, and therefore groundwater mounding underneath the earth would not be an issue for basements for the proposed houses with the clear distance that they have shown on the Plan. He stated they did infiltration testing at the locations of the underground stormwater management systems, and they got about one inch in an hour. He stated Lot 6 had a half inch per hour.

Mr. Grenier asked how deep is groundwater, and Mr. Pockl stated it varies. He stated on Lot 6, they did not encounter any type of groundwater and they hit rock at 6'. He stated on Lot 5, they hit rock at 5'. He stated on Lot 4, there was no groundwater observed, and they hit rock at 5'.

Mr. Grenier stated across Big Oak there is the "Rock Run floodplain," which is a regulated floodway; but it seems that the Applicant's property is several feet above that. He asked Ms. Holmes if she is able to confirm that.

Ms. Holmes stated they are not within any mapped flood hazard area.

Mr. Grenier stated he is thinking more about groundwater, and it looks like they are several feet above the elevation of the stream and the floodway which "normally you would have groundwater very shallow." He stated if that cuts through "that works in their favor."

Mr. Doug Marshall, 1009 N. Elbow Lane, stated he lives in Yardley Crest which is the adjacent development, and he would like to have all of the associated letters and recommendations by all those who have submitted documentation. He stated he would like to be able to share this and discuss it with his neighbors. Mr. Majewski stated he will post all of this on-line.

Mr. Marshall stated the schematic shown earlier showed that each house had a green area around it which he interpreted as lawn as opposed to woods. He stated that entire area where the houses are planned to be developed is a wooded area. He stated in the center of the property that has been sold, there is a fairly large meadow where there are no trees. He stated he assumes that the lawn would have to involve the removal of

some trees. He stated he wants to make sure that they are only talking about 25% of the trees being “knocked down.” He stated Lower Makefield Township does value the tree foliage which adds to the quality of life. Mr. Marshall stated house #4 is in the center of the logging operation and does not have trees in it, but at all of the other houses, the lawns will take up space where trees are located.

Mr. Marshall stated he saw a surveyor from Cavanaugh Surveyor out there in the last ten days, and he assumes that he is a vendor associated with the Township. He stated he does not know if that report has been submitted; and if not, he feels this is a “very preliminary and tentative meeting even for an open discussion meeting.”

Mr. Marshall stated he feels it is very important that they comply with the 25% “Code number;” and he looks forward to looking over the documentation.

Ms. Holmes stated Cavanaugh was there on behalf of the Applicant, and they were out recently to do the tree survey. Mr. Marshall asked if a report has been submitted to the Township, and Ms. Holmes stated they are working on the re-submission package.

Mr. Marshall asked if the Township has an independent vendor to confirm rather than just relying on someone who has a vested interest. He asked if the Township just accepts the developer’s report from their surveyor or do they hire their own. Mr. Majewski stated they accept the professional surveyor’s report and that they accurately depicted the trees that were located. He stated if he were to note an inordinate number of trees to be dead or diseased and dying, we would go out and check that out to verify and make sure that it is in fact accurate. Mr. Marshall stated he would like to see a copy of that report because if he feels in some way it may not be accurate based on his anecdotal knowledge of the property, he may want to hire his own person.

Mr. Grenier stated with regard to the tree report, the EAC will review it and they are very knowledgeable about tree health and species. He stated the Township engineer will also review it as will the Township staff. He stated he will also review it personally.

Ms. Cathy Stramara, 1103 Irving Road, stated she is concerned about the traffic. She stated the traffic coming out of William Penn Middle School backs through their parking lot, up Derbyshire Road, and blocks the connection between Derbyshire Road and Big Oak Road with traffic on Big Oak attempting to move

into Derbyshire from both directions. She stated this happens every morning and afternoon. She stated in the afternoon there is the additional problem of the school buses all leaving the site at the same time, and they block the entrance to Derbyshire and then divert up Irving Road and take Esther and block the exit from Esther onto Big Oak. She stated while the traffic impact from the houses does not seem like much, it may be enough to make the situation even more difficult than it currently is.

Ms. Stramara stated there is also a problem with the water flow. She stated the houses across the street from this development on Big Oak slope down to Irving which is the low point. She stated the intersections of Irving Road and Esther and Irving Road and Derbyshire already flood out two to three times a year to the point where the Police come and block the intersections. She stated any water that is added to that area that cuts across the road or down through Derbyshire is going to flood that area out more than it already does. She stated the water could come across from the common driveway during a heavy storm, and it will flood out the existing houses worse than they are already.

Ms. Karen Gates, 955 Big Oak Road, stated she owns the horse farm. She stated water is her biggest concern, and she feels the systems proposed for water drastically underestimate the water situation on the property. She stated the water rushes down from the front to the back, and she noted a low area on the Plan that will have a foot of water that will stay there for a week and a half after a big storm. She stated before the bike path, the Bartlett's had a pipe that went to the ditch which she showed on the Plan, and that kept the area fine; and it was swaled to keep the water away from their house. She stated when the bike path went in, the pipe was taken away from the ditch, and it has been a "nightmare" ever since; and it is constantly running over into her driveway. She stated they put a pipe from their low spot into her front field to drain under the driveway so that the water would go into her front field but not cause potholes in her driveway. Ms. Gates stated she would like there to be something so that it does not come across onto her side. She stated unless there is a lot of grading done, she does not feel what they have proposed is in the right spot for where the water goes. She showed on the Plan how the water flows.

Mr. Majewski stated according to the Plan, from the rain garden they have an outlet pipe that will go out to a storm drain that is located in the road. Ms. Gates stated she understands that, but questions how the water will get to the rain garden as it is a higher spot. She stated without grading, it will not get to the rain garden. Ms. Holmes stated there is proposed

grading that will change what is existing, and there is a swale that goes around the side of the house and an inlet that will take up the water and bring it in. Ms. Gates asked if the whole low spot that tends to flood out will be raised, and Ms. Holmes stated it will because the house will be there. Ms. Holmes stated it will be higher, and there will be positive drainage away from the house and around the side toward the basin.

Ms. Gates noted the woods by her back pastures where there are several underground streams; and she hopes that if they are draining things to the eastern side of the new properties, it will not increase the amount of water that is hitting to the east across her back pasture.

Ms. Gates stated she has lived on the farm for forty-one years, and when she moved there, there was an old livestock fence line on both sides of the property. She stated for forty years she and the Bartletts had considered that the fence line was on the property line. She noted the location of her driveway which she felt was approximately 2' on her side of the fence line; however, since there was a survey done, it appears that the property line is clear to a certain point up her driveway, but from a certain location she noted on the Plan, it seems that 2' to 2 ½' of her driveway is on the adjacent property. She stated there is room to move the driveway over, but they would have to cut down two well-established trees. She stated since this will stay as woods, she asked if there could be an Easement so that she would not have to re-locate her driveway.

Mr. Majewski asked if there is a field marker that can be seen that led Ms. Gates to feel that a portion of her driveway is over the property line. Ms. Gates stated as neighbors, they had always considered the fence line was the property line; and the driveway was well inside the fence line. She stated when they surveyed for the Conservation Easement, she noticed an area which she showed on the Plan where a nail had been put about 2" in on the pavement. She stated now that more markers have been put in, the driveway is clearly over the property line in that one section. She stated she feels the next step would be to establish exactly where the line is since it runs a little bit crooked to the building so it is hard to tell.

Ms. Gates stated there are a lot of dead trees, vines, etc. in the woods which she hopes will be cleaned up.

Mr. Bush suggested that Ms. Gates discuss the driveway issue with the property owner as it is not really a Township issue.

Mr. Tom Tracy, 202 S. Esther Lane, stated after the bike path was put in on Big Oak between his property and the Bartletts, the water stays there for a couple days after a heavy rain. He stated it runs downhill and is very “soupy.” He stated anything that adds to that will not be good. He asked what kind of adjustments will be made to the land on the right hand side of the existing driveway where they are parking their cars in the grass. Ms. Holmes stated the existing structures will be demolished and a new home will be put in place there. She stated they are using the same driveway and curb cut, but there will be grading changes and modifications. Mr. Tracy stated he is on the western side of the driveway as you head south, and he asked if additional grading will be done. Ms. Holmes stated the driveway itself is on the property line, and they cannot go off the property to do grading on the adjacent property; and they will just work within the subject property.

Mr. Tracy stated the existing driveway is going to have to be lowered because it has never been easy for the Bartletts to get out and the bike path only exacerbated that. He particularly noted the pitch on it. He asked if anything is being developed on the western side of the driveway, and Ms. Holmes stated nothing is being developed, but they are revising the grading of the driveway. Mr. Tracy asked if there will be a rain garden to capture anything on that side of the property, and Ms. Holmes stated there will not. Mr. Tracy stated that is his concern.

Mr. Majewski asked Mr. Tracy if his concern is that if the driveway is raised up it might block the water and keep it more on Mr. Tracy’s property; and Mr. Tracy agreed adding that it is going to “run.” He stated there is a buffer between their homes, and there is a ditch that has been formed over time from the bike path and the water goes back into the woods; and it takes about a week for it to dry out. Mr. Tracy stated he is concerned that there is going to be more water coming his way, and that is his main objective.

Ms. Holmes stated the grading for that lot will be redone so that there is a nice slope and positive drainage throughout. She stated a new storm inlet is also proposed to capture the front lawn area and take it to the stormwater basin on the other lot.

Mr. Grenier stated he is concerned because he is hearing a lot of comments about “ponded water, soupy ground, and underground streams” even though they did not hit any ground water. He asked if there has been a wetland delineation completed at the site by a wetlands biologist or was it just a surveyor going out and doing a topographic survey. Ms. Holmes stated they

have had a wetlands delineation, and there are no wetlands on the property. She stated that was done as part of the PNDI receipt. She stated it was submitted for clearances for the PNDI and was provided to the Township with the initial submission.

Mr. Grenier stated PNDI and a wetlands delineation have nothing to do with each other, and PNDI is just an on-line data base search and indicates whether there is a threatened or endangered species, and it has nothing to do with wetlands at all. Mr. Murphy stated they understand that. Ms. Holmes stated the PNDI came back and requested a wetlands delineation which was what was provided to help with the clearance.

Mr. Grenier stated he has never seen a PNDI come back with a request for a wetlands delineation. Mr. Murphy stated they know that they are not the same. He stated Ms. Holmes indicated that a wetlands delineation was done contemporaneously with submitting the PNDI request. Ms. Holmes stated it was part of the materials re-submitted to get the clearance for the PNDI. Mr. Grenier asked if there was a PNDI hit on a specific species; and Ms. Holmes stated there was a potential hit, and they did get the clearance letter for that. Mr. Grenier stated he understands that there was a specific species called out that was probably a wetlands-dependent species, and a wetlands delineation was completed to see if there was potential habitat there for that species; and it was re-submitted to get a clearance letter, and Ms. Holmes agreed. She added it was a compilation of photographs, existing features, and a wetlands delineation that was included to re-submit for the clearance letter.

Mr. Grenier asked Mr. Majewski if we have all of that in our files, and Ms. Holmes stated it was submitted as part of the Planning Module mailer package; and Mr. Majewski agreed. Mr. Grenier stated he would like to see this. Mr. Grenier asked if the wetland delineation was ever submitted to the Army Corps for Jurisdictional Determination, and Ms. Holmes stated it was not submitted to the Army Corps.

Mr. Grenier stated he is hearing a lot of anecdotal comments about features that sound very wet that would be potentially indicative of wetland features on the site, so we should look at that report to make sure that “all the bases were covered.”

Mr. Gary Pogeler, 1108 Big Oak Road, stated he lives on the opposite side of Big Oak at the intersection of Esther Lane, and has lived there for forty-eight years. He stated when they bought it, the driveway entered out onto Big Oak Road; and after five years of living there, they got clearance to re-route the driveway to Esther Lane so they no longer have to back out onto Big Oak Road. He stated he can now see on the Plan that there are two driveways coming out onto Big Oak Road that are attached to the houses in such a way that the drivers will be able to come out head first and not have to back out which takes care of his concern.

Mr. Glenn Graiff, 1102 Big Oak Road, stated he lives directly across from Lot 1. He stated there will be even more drainage with a 3,000 square foot house since they are knocking down a 1,000 square foot house. He stated a “river” comes through the woods. He stated the water comes over the crest of Big Oak and down his driveway into his back yard and into his neighbor’s property. He stated he is also concerned about traffic and the difficulty of pulling out of his driveway when School is in. He stated there are also concerns with the ash trees. He stated what they are proposing is not a retention basin and it seems to be “just a pond.” He stated there are two new houses on Big Oak that each have their own retention basin. Ms. Holmes stated the rain garden is similar and will have a meadow mix and could have additional plantings which are intended to collect and infiltrate the water back into the ground. She stated it will also filter the water and provide groundwater recharge to the area. She stated they also have a pipe beneath the surface that is able to collect the water and pipe it out so that there is not sitting water at the surface.

Mr. Graiff asked who would fix it if it does not work and there are problems afterwards, and Mr. Majewski stated it is the responsibility of the developer to make sure that it is operational before it is turned over. Mr. Graiff stated they would not know if there was a problem if “we do not get the weather.” Mr. Graiff stated there is a lot across the street that has been vacant for a very long time at Derbyshire because it is “all wet.”

Mr. Graiff noted the property at “956” where there will be a driveway right across the street so that there will be headlights on the house.

Mr. Graiff stated this is a State road, and he asked if PennDOT has been informed about this. Ms. Holmes stated a PennDOT permit is required for the proposed driveway.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she moved here from Madison, Connecticut five years ago. She stated she lives in Yardley Crest and she liked the “beauty of the neighborhood” the sidewalks, large lot sizes, and mature trees. She stated the large trees provide privacy. She stated even though it is “only six houses, it is a six-fold increase housing density” which is significant. She stated she goes past this new development “like Prickett Preserve, and it is not insignificant to see a property being developed, and it is a big inconvenience for neighborhoods.” She stated there is a lot of traffic on Big Oak. She stated no Waivers should be granted especially for the tree Ordinance. She stated she is holding the Planning Commission accountable for “holding the Ordinance.” Ms. Tenney stated there is no substitute for trees; and while rain gardens are “nice,” they do not absorb CO₂, they do not make oxygen, and they do not provide seeds and habitat for all that live in the community. She stated the tree roots are serving a purpose, even if they are non-native, and they prevent soil erosion.

Ms. Tenney stated there are water issues because there is a significant slope. She stated because it is glacier formation, there is underground bedrock so there has to be water that runs in all different directions recognizing that water goes to the lowest area. She stated Irving Drive also has Brock Creek.

Ms. Tenney noted on the Plan where there will be additional impervious surface with trees being taken down and soil erosion. She stated she has a sump pump and it is on all the time during a normal fall and spring.

Ms. Tenney stated there is also an issue with traffic in the morning and all afternoon. She noted an area on the Plan where there is a blind curve. She stated the curve on Elbow Lane is a 90 degree angle. Ms. Tenney stated she feels it would make sense to have shared driveways at locations she showed on the Plan. She stated she had a shared driveway at her former home and there are advantages as you can share plowing and the expense of maintenance.

Ms. Tenney stated “they did not pay that much money for the property,” and a lot of developers “try to make concessions,” and she asked that they do five houses and leave the woods to help buffer the new development and the existing residents. She stated this could help save the trees and help with the erosion.

Mr. Scott Bracken, 317 Walton Drive, stated his property is at the corner of Walton and Elbow and adjacent to Lot 6. He stated he and his neighbors all have sump pumps and French drains in the basement because even though they are on top of a hill, they have had water in their basements when there is a big storm. He stated once the Freeman's Farm development went in, it did seem to help things a little bit. Mr. Bracken stated the new homes will have to have sump pumps and French drains in their basements because there is underground water which is an ongoing problem.

Mr. Bracken stated he is also concerned about how much of a privacy barrier there will be between his property and Lot 6. He stated there does not seem to be much space between the property line and the driveway and the house. He stated along the property line he noted an area which is cleared out so it will have a major negative impact on their privacy compared to what any of the other existing residences will have.

Mr. Bracken stated they discussed a seepage pit, and he asked what that is. Ms. Holmes stated it is a type of stormwater facility which is an underground stone pit with a perforated pipe within the pit itself. It is wrapped in filter fabric surrounding the entire pit area. She stated the intention for that is to filter the water through the clean stone in order to provide water quality and infiltrate some of that water back into the ground to provide groundwater recharge. She stated there is also an overflow pipe that allows for discharge from the facility for any of the larger storms to a discharge point.

Mr. Bracken stated he does not feel what they are proposing to address the amount of water is adequate for what he has experienced. He stated water problems are common for this area.

Mr. Bracken asked what will the distance be between the property line and the driveway on Lot 6. Mr. Pockl stated it is approximately 15' from the edge of the driveway to the property line according to the Plan. Mr. Bracken stated he felt it was going to be less than that. Mr. Pockl stated he measured it on the Plan.

Ms. Cheryl Dacey, 4 Williams Lane, stated she has received notices recently regarding several proposals in the area including this one. She stated one of the letters detailed the requirements to participate by becoming a Party to the proceedings; and she asked what the steps are to participate as a Party if you oppose or have questions or concerns regarding any specific project. Mr. Majewski stated he believes the letter that she is referring

to is notice of a Zoning Hearing Board Application for the Zubaida Foundation which is further down Big Oak Road toward Makefield Road. He stated they are requesting Variances to change some of the uses. He stated that is not a matter for the Planning Commission at this time, but it may come to the Planning Commission in the future depending on what they are ultimately doing.

Mr. Majewski asked Ms. Dacey to contact him, and he can provide information on what the letter meant and how to participate. He stated that proceeding will be held a week from Tuesday.

Ms. Dacey stated a number of residents from Williams Lane and other locations plan to attend that meeting. She thanked Mr. Majewski for helping her in 2019 when the Zubaida Foundation cut down dozens of trees and brought in multiple dump trucks full of rocks and gravel. She stated when she asked what they were doing, they indicated they were creating a picnic area; however, it was used as a parking lot with cars parked within 3' to 4' from her fence.

Mr. Costello stated that is not what is being discussed by the Planning Commission this evening, and he asked that Ms. Dacey follow up with Mr. Majewski about this tomorrow. Mr. Majewski stated anyone who got notice is welcome to attend the Zoning Hearing Board meeting and make comments.

Mr. Jim Dickson, 1001 Summit Drive, stated he has been an engineer for thirty-five years and has questions about setbacks, trees, water, traffic studies, and clarification on the endangered species discussion. Mr. Dickson stated with regard to the water, he lives across the street from the proposed development; and sump pumps run all the time. He stated he needed to install a generator to cover his sump pump because many times when we have storms, the power goes out, and his basement had flooded. He stated they need to do a good study as to what is there with regard to water. He stated he has built buildings in the past, and he is not comfortable with a drainage pit since with "the 100-year storm, he is not sure that is going to cut it." He stated they need to make sure that is going to solve the problem. Mr. Dickson stated the water from this property runs down the driveway onto Elbow and washes stones across the road. He stated he would like to know who did the study and have someone from the Township check it.

Mr. Dickson stated his next concern is with regard to the trees that are on the property. He stated he understands that there is a limit as to how many trees you can "cut down in Bucks County and the diameter of the trees." He stated there are many trees on that property that have been there a very long time,

and he would ask that the Supervisors make sure to save as many of the trees as they can. He stated if a builder comes in and indicates they will replace them with other trees, there is a big difference between a tree that is 30" in diameter and a tree that they will put in which is 3" to 4" in diameter. He stated he hopes there is a "management rule and someone who will watch over this so that we do not get a whole bunch of trees cut down that need to be there." He stated the aesthetics of the trees to the properties across the street make a huge difference in the value of their property. He stated putting in this development will detract from the value of his property.

Mr. Dickson asked the setbacks on the houses on Lots 5 and 6. Ms. Holmes stated the side yard setback is 15'. Mr. Dickson asked if the house will be only 15' from the road/sidewalk, and Ms. Holmes that would be a front yard setback. She stated a 30' front yard setback is required, but they are all greater than the minimum required setback from the road. Mr. Dickson stated with all of the property that they have in the back, he would appreciate it and it would be good for the new homeowners to give them a little bit more front yard and keep as many of the trees that they can in the front to help with the aesthetics. He stated he feels there are "one too many houses on this property." He stated he understands they are "into it to make as much money as they can;" but he feels they should consider that they have one too many houses, and they should re-evaluate the Plans.

Mr. Dickson asked if anyone has done a "true traffic study on this property." Mr. Majewski stated a Traffic Study is not required under the Ordinance for a Plan that conforms to the Ordinance. He stated this is a By-Right Plan provided all the calculations works out correctly. He stated there is nothing that would require a Traffic Study for the five new homes. Mr. Dickson stated it is six new homes. Mr. Majewski stated there is one existing home, so there are five new homes and the replacement of one existing. Mr. Dickson expressed concern that there was no requirement in the Township to show what the impact to traffic would be when you put in a new development especially when there is a school across the street. Mr. Majewski stated it is not required for a five-lot Subdivision.

Mr. Dickson stated there is more water than they realize, and he feels they need to look at the studies. He stated once they disturb this property, it will effect the flow of any underground water. He stated it will impact not only these houses, but everyone that is around them. He stated he hopes that there is "something in the process" that says if the impact is substantial to other properties, the builder is liable to make sure that they take care of the properties adjacent to the new development.

Mr. Dickson stated there was discussion about wetlands and the endangered species, and he would like clarification that there has been a wetlands study done and that there are no endangered species in that area. He stated he feels that this should be in the Record to make sure that it is “not brushed under the rug.”

Mr. Dickson asked what is the requirement for cutting down trees in Bucks County, and he asked what is in the Ordinance. He asked the percentage of trees that can be cut down and what is the diameter they are allowed to cut. Mr. Majewski stated the Ordinance allows for 25% of the woodlands on a site to be removed. He stated we do not necessarily have a requirements as to what size trees can be removed; however, the Applicant will provide a Tree Study. He stated if there are some trees that can be saved that are beneficial and trees that are more beneficial to be removed if they are smaller or a less desirable species, we could slightly alter the lay-out based on what the Tree Survey shows. Mr. Majewski stated the Applicant is required under the Ordinance to replace trees, and the replacement number is based on the caliper of the tree removed. He stated the larger the tree, the more trees need to be replaced. He stated they are asking for a Waiver from that; and once we get the Tree Survey we will be better able to ascertain exactly how many trees are being removed, how many are proposed to be planted, and how many replacement trees they are short of the Ordinance.

Mr. Dickson stated he would be a “huge proponent of adjusting any of the Ordinances on the number of trees that the developer can take out.” He stated we are in an environmental crisis in this Country, and there are discussions about how many trees need to be planted. He stated to take out good solid trees that have been around for a lot of years and allow someone to cut more trees down is a “huge mistake.” He stated someone “needs to be watching and making sure that we follow the Ordinance at least if not tighten it up some.” Mr. Majewski stated the Board of Supervisors did lower the threshold for the amount of trees that could be removed from 30% to 25% so the Ordinance was tightened up several years ago to allow less trees to be removed.

Mr. Majewski stated a wetlands delineation was done and there are no endangered species, and Ms. Holmes agreed adding that there are no wetlands or endangered species on the property. Mr. Grenier stated “we have to caveat that by the fact that it was their consultant who did a wetlands delineation that was provided; however, it has not been reviewed by any regulatory agencies to confirm that.” Mr. Dickson asked if that information

will be open to the public since “that review is pretty critical.” Mr. Majewski stated all reports and studies will be posted on the Website after they revise their Plans and re-submit so everyone can see the most current set of Plans and reports.

Mr. Dickson asked that they look at reducing the number of houses and also look at the setbacks off of Big Oak and push them back even further.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she would like the name of the surveyor as she is concerned that when he was surveying trees he “did not have any licensed arborist and was just putting up pink flags.” Ms. Kirk stated they will be revising their Application and resubmitting it with all of the documents including the wetlands delineation, the review from the traffic engineer, etc.; and all of that will be uploaded to the Township Website for public access. She stated this is just a “preliminary look-over.”

Ms. Tenney stated she “wants them to hire, and she wants the credentials, of the arborist who examines each tree.” Ms. Kirk stated they cannot impose this on them. Ms. Tenney stated they could hire “anybody.” Ms. Kirk stated any report that is submitted will be reviewed by the Township to insure that what is being requested for removal is a damaged or diseased tree.

Ms. Tenney stated “she is a scientist and we measure and inventory and you have to be trained.”

Mr. Grenier stated within the Ordinances there is language to the effect that the Township’s tree expert or a certified arborist has to complete this type of survey. Mr. Majewski stated he would need to check to see exactly what it says. Mr. Costello stated this will be coming back and it is not the last time that we will be discussing trees. He stated they indicated at the beginning of the meeting that the discussion about trees and any Waivers that might be requested are being held off until we have more finalized and firmed-up Plans.

Mr. Majewski stated if the Applicant gets the Plans back to the Township within a week or so, it is possible that this matter could be back for the October meeting on October 10; but if there is not enough time to review it, it would be the meeting in November. He stated the Agendas are posted the Thursday before the Monday meeting.

Mr. Grenier asked that the Applicant look at the “PCSM” Report and make sure it is very clear that their approach will meet both the quality and the quantity requirements for both the Township and the State. He stated there are a few statements that are “almost contradictory how they are stated,” and he wants to make sure that it is very clear that they are going to be able to meet the very specific DEP requirements.

There being no further business, Mr. Bush moved, Mr. Gill seconded and it was unanimously carried to adjourn the meeting at 9:40 p.m.

Respectfully Submitted,

Dawn Stern, Secretary