

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – OCTOBER 30, 2023

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on October 30, 2023. Mr. Costello called the meeting to order and called the Roll.

Those present:

Planning Commission:       Adrian Costello, Chair  
  Tejinder Gill, Vice Chair  
  Colin Coyle, Secretary/Supervisor Liaison  
  Tony Bush, Member  
  John DeLorenzo, Member

Others:                           James Majewski, Community Development Director  
  Dan McLoone, Planner  
  Barbara Kirk, Township Solicitor  
  Paul DiFiore, Township Engineer

APPROVAL OF MINUTES

Mr. Bush moved, Mr. Coyle seconded and it was unanimously carried to approve the Minutes of September 11, 2023 as written.

Mr. DeLorenzo moved, Mr. Coyle seconded and it was unanimously carried to approve the Minutes of September 25, 2023 as written.

#691 – POINT (TROILO) LAND DEVELOPMENT

Preliminary Plan Approval

Tax Parcel #20-021-003

H-C Historic Commercial Zoning/TND Traditional Neighborhood Development Overlay

1674 Edgewood Road at Yardley-Langhorne Road

Proposed renovation of the existing Ishmael house into a 1-unit dwelling, replication of the existing Quill house into a 2-unit dwelling, construction of 1 new 2-story dwelling containing 2 units & 2 new 2-story dwellings each containing 4 units with 28 on-site parking spaces

Mr. Edward Murphy, attorney, was present with Mr. C. T. Troilo, owner, and Mr. John Richardson, engineer. Mr. Murphy stated the project has been the subject of numerous discussions with various Boards and Commission in the Township over the last four years.

Mr. Murphy stated they have received review letters from the Bucks County Planning Commission, the Township's traffic consultant, and the office of the Township engineer with regard to the latest set of Revised Plans. Mr. Murphy stated the comments are effectively "will comply" items although Mr. Richardson will discuss one minor item with regard to the emergency access.

Mr. Murphy stated prior to the meeting Mr. DeFiore spoke to him about two other comments that did not appear within the review letter; and these were discussed briefly with Mr. Troilo and Mr. Richardson. Mr. Murphy stated one involves the need to get a PennDOT Permit, if required, for the emergency access opening; however, Mr. Richardson was not sure about that since he believes where that opening is might be a Township road as opposed to PennDOT. He stated they will get the Highway Occupancy Permit if it is part of PennDOT's jurisdiction.

Mr. Murphy stated the other item was the suggested shifting of one of the access points which Mr. Richardson is aware of since it was marked on one of the Plans; and they have no issue with re-locating that access a few more feet closer to the throat of the parking lot. Mr. Majewski stated that was in the letter from SAFE Engineering for the crosswalk. He added in this way the crosswalk will be closer to the where people are exiting from the site and provides a little extra room away from the intersection for visibility.

Mr. Murphy stated Mr. DeFiore also made a comment about the suggested extension of the length of sidewalk. Mr. Murphy stated Mr. Richardson felt that they were doing sidewalk all the way across the frontage; but they will do whatever Mr. DeFiore wants.

Ms. Kirk stated the extension of the sidewalk is going to be to the property line and the basin outlet pipe should be revised. Mr. Richardson stated the review letter states that it is about 24' to 27' short of the property line and it seems to suggest a Fee-In-Lieu of. He stated they would prefer paying the Fee-In-Lieu because the basin discharge is there as that is the low point of the site. He added that they are concerned that water could run over the sidewalk in the winter and freeze, and they would prefer to pay the Fee-In-Lieu.

Mr. Murphy stated Mr. DeFiore is aware of that although his staff believes that there is a way to engineer it to avoid that condition rather than having

to re-visit it later. Mr. Murphy stated they agree to work out a solution off-line, and they agree to do whatever is agreed upon. Mr. DeFiore stated his office would like sidewalk to extend to the property line to keep the continuity of the sidewalks and to look at adjusting the drainage pipe and/or the grading to make that work.

Mr. Murphy stated in the SAFE Highway Engineering letter there is a calculation of the suggested amount of the Traffic Impact Fee, and he stated that may or may not be correct because he does not believe the reviewer knew the number of units on the site. He stated they agree to work with the Township on what that amount should be. Ms. Kirk stated the Condition would be subject to payment of the Traffic Impact Fee in accordance with Township Ordinance, and Mr. Murphy stated they would be fine with that.

Ms. Kirk stated with regard to the sidewalk extension, this is Comment #47 in Remington Vernick's review letter, and the Applicant has agreed to comply with that rather than requesting to pay a Fee-In-Lieu subject to the approval of the Township engineer with regard to the extension; and Mr. Murphy agreed. Mr. Murphy added that he assumes that everyone would agree that if there is not a way to re-engineer it to avoid to creating a hazardous condition, they will pay the Fee. He stated it will be resolved to everyone's satisfaction.

Mr. Coyle stated he believes that the comment in the review letter with regard to the extension of the sidewalk was to make it contiguous with neighboring sidewalks, but he does not believe that there is a neighboring sidewalk to be concerned with. Mr. Majewski agreed that there is no neighboring sidewalk.

Mr. Coyle stated he understands that the neighboring property is the CVS, and that is graded to drainage basins that this project would connect to.

Mr. Richardson stated there is an intermediate property which is a chapel, and the CVS is down the street a little further. Mr. Majewski stated there is also a doctor's office on that property.

Mr. Majewski stated where they have the trash enclosure, there are a couple of large trees on the neighboring property; and they have shown the asphalt cutting straight through to that. He asked that they pull the asphalt away from the trees a little bit which will provide extra room to better insure the survivability of those trees; and Mr. Richardson stated that should not be a problem.

Mr. Coyle stated if there is no neighboring sidewalk to be contiguous to, he does not see any value to increasing the impervious surface on the property; and he would be comfortable with payment of Fee-In-Lieu.

Mr. Costello stated if something were to happen with the adjoining properties, there would be a gap where it is not connecting and would

have to be addressed in the future. Mr. DeFiore stated he agrees; and the reason they wanted to look at it now is because there is the opportunity to adjust the drainage pipe. He stated there are several options, and they can work with the Applicant off-line. He stated to do this now would be easier than dealing with it in the future since it connects to the basin. Mr. Costello agreed. Mr. Murphy stated provided we can create a condition where there is not overflow in the winter and an icy condition, they will do it; and if that cannot be done to everyone's satisfaction, they will pay a Fee-In-Lieu.

Mr. Bush stated the other reason to do it is because this is supposed to be a walkable village and that needs to be in the forefront of any property in this area.

Ms. Kirk stated the EAC has recommended pervious paving for the parking lot according to their review letter of October 12, 2023. Mr. Murphy stated he believes this was discussed previously, and they told them they were not inclined to do that because it is a parking lot that will get a fair amount of use. Mr. Costello stated they provided two examples in their letter where this was done – Makefield Elementary and a portion of the Wegman's parking lot. Mr. Richardson stated the stormwater management on site captures the vast majority of the impervious surface, and he does not feel the pervious paving is needed. He stated in theory the pervious asphalt would essentially

do exactly what the dry well is doing. He stated pervious asphalt is porous and rainwater can drain through it. He stated normally you would lay that on top of a fairly thick stone bed; and while normally under asphalt you would have 6" of stone with porous paving you would use 1 foot or 18" of stone. He stated the water would run into that stone and infiltrate in. He stated what they have designed on the site is a dry well which is the same thing although it is in one specific location. He stated water enters the dry well and infiltrates into the ground.

Mr. McLoone asked what portion of the parking area is captured and gets into the basin, and Mr. Richardson stated it is 100% of the parking lot area. He added that there is a little bit on the periphery at the emergency access and by the driveway close to the right-of-way where you cannot really capture that area.

Mr. McLoone stated he feels the design as proposed is sufficient as it is capturing the rainwater as noted and meeting the peak flows.

Mr. Bush stated he understands that the Applicant's engineer is saying that it is not too much traffic on the pervious surface, but that the design is adequate.

Mr. Richardson stated one of the problems with pervious asphalt is that it is a high-maintenance item which tends to degrade over time. He stated no matter

how much maintenance is done, in about ten years it degrades to the point that it almost becomes essentially asphalt again. He stated maintenance is costly, and it does degrade over time. Mr. Richardson stated the believe that a more long-term solution would be the dry well which has been designed.

Mr. Gill stated they previously discussed the pedestrian crossing, and he asked if that has been resolved. Mr. Richardson stated in the SAFE letter it was suggested moving the pedestrian crossing on Edgewood Road down closer to the dry well away from the intersection. Mr. Bush asked to be shown where it is proposed to be, and this was shown on the Plan. Mr. Gill asked if they are doing anything with signage for this crossing. Mr. Richardson noted on the Plan where SAFE has suggested the crossing be moved to based on the speed study that they did. He stated the Plans call for signs stating “Pedestrian Crossing Ahead,” and SAFE Engineering recommended the same sign as proposed but that the signs be in a slightly different location.

Mr. Richardson also noted on the Plan the painted island proposed which is not curbed with the purpose being to force traffic out so that they can see past the building. He stated the Township’s traffic engineer suggested that it should be re-oriented slightly, but the concept is the same.



Mr. Gill asked if drivers will still be permitted to make a left at that location, and Mr. Richardson you will still be able to make a left.

Mr. Majewski stated there was some concern about traffic coming down Yardley-Langhorne Road toward Stony Hill and the ability to make a left; and one of the issues with an island versus painting was that with painting, they would be able to go over a lot easier. He stated very few tractor-trailers come down that way for deliveries because they know that it is easier to come in the other way.

Mr. Richardson stated with regard to the impervious surface issue and the emergency access, in one of the review letters it was suggested to either turn that into a full-service driveway or to render it obvious that it is emergency-access only via grass pavers or some surface that would be approvable by the Fire Marshall but still be driveable and would hopefully allow vegetation to grow through. Mr. Richardson stated of the two options, the Applicant would prefer the grass paver option which they feel will look nicer; and they prefer not to have traffic exiting and entering off of Yardley-Langhorne Road. Mr. Richardson stated that would also help the impervious out on that corner. Mr. Majewski stated the Fire Marshall would be okay with that.

Ms. Kirk stated Mr. Majewski had commented about trucks making a left off of Yardley-Langhorne Road onto Edgewood Road at the intersection. She stated Edgewood Road is a Township road, and she asked if we could install a sign saying “No Trucks Allowed.” Mr. Majewski stated that would have to be approved by PennDOT because it is traffic from Yardley-Langhorne which is a State highway onto our road. He stated to prohibit that left would require approval from PennDOT. He stated we might want to look into pursuing that although the Township traffic engineer did not see that as a high priority given what he observed. Ms. Kirk stated if they are going to submit for an HOP Permit for the emergency access, it may make sense to add that in.

Mr. Richardson stated they could request it if the Township wanted them to.

Mr. Majewski stated while it does not happen often, when it does occur, it is very difficult since a tractor-trailer needs to wait for cars to clear in order to be able to make that turn. Mr. Coyle stated that would not have to happen with this Application, and the Township could discuss this with PennDOT at any time; and Mr. Majewski agreed.

Mr. Bush stated while it is not part of this Application, it is reasonable to assume that the Giant property and/or McCaffrey’s property will be redeveloped in the not too distant future. He asked if what we are talking about for this road will make sense if anything on those properties is

reoriented toward Edgewood. Mr. Majewski stated he does not feel it will impact anything they are doing here. He stated Giant is talking about making some modifications to that store. He stated he is not sure what the Rite-Aid plans are given their bankruptcy issue.

Mr. Coyle noted Item #45 about better protecting the stormwater inlet from run-off from the dumpster, and he asked if that is something the developer has agreed to address. Mr. Richardson stated they will comply, and they will utilize the filter that has been requested. Mr. Coyle asked if #49 is a “will comply” as well, and Mr. Richardson agreed.

Mr. Coyle moved and Mr. Bush seconded to recommend approval of the proposed Land Development Plan subject to compliance with all terms and conditions of the review letter prepared by the Township engineer dated October 24, 2023 with approval of all requested Waivers except as noted later in this motion; compliance with the recommendations of the Township traffic engineer, SAFE Highway, dated October 19, 2023; compliance with the recommendations of the Township’s Citizens Traffic Commission per e-mail memo dated October 3, 2023; and compliance with the recommendations of the Bucks County Planning Commission dated September 22, 2023 regarding basis for Waivers, historical preservation, review by Township’s HARB, native plantings, tree protection, and the installation of sidewalks. Subject to the following additional Conditions:

With respect to the aforementioned review letter of the Township engineer, the Applicant will meet with the Township engineer in order to determine if the sidewalk along Yardley-Langhorne Road can be feasibly extended to the edge of the property line and drainage relocated accordingly, and will make that extension if feasible; if not they will pay a Fee-In-Lieu. With regard to Item #51 in the aforementioned letter, the Applicant agrees to provide a more significant buffer of pervious surface around the trees near the dumpster area, and the Applicant will, if necessary, obtain a Highway Occupancy Permit from PennDOT for the emergency access onto Langhorne-Yardley Road State Route 2049.

Mr. Costello stated he understands that one of the Waivers was the parking space size. Mr. Majewski stated it is not technically a Waiver adding our Ordinance says all spaces must be 10' by 20' unless during the course of the approval, you deem that 9' by 18' is acceptable. He stated to reduce impervious surface we have indicated that is what we would like to see. Mr. Bush stated he would agree with that for a Residential location, but he does not feel it is appropriate for a Commercial location as can be seen in many of the supermarket parking lots that do not have the larger spaces where it causes problems. Mr. Majewski agreed that wherever there is a high turnover that is when you need the larger spots.

Motion carried unanimously.

#689 – 1101 BIG OAK ROAD SUBDIVISION

Sewage Facilities Planning Modules Component 4A – Municipal Planning Agency Review

Mr. Majewski stated usually they do the Planning Module mailer which is an Application to DEP that says that we are in compliance with all of the sewer regulations and that we have verified that we have capacity from all of the conveyance and treatment facilities downstream. He stated in this case the development was not on the Connection Management Plan for the Neshaminy Interceptor; and they could not do the Planning Module mailer exemption so they had to go through full Planning Module Approval. He stated those Planning Modules have been reviewed by Ebert Engineering, the Township's Sewer engineer; and also they signed off for capacity from Bucks County Water and Sewer Authority, City of Philadelphia Treatment Plant, possibly Township of Falls Authority, and Lower Makefield Township. Mr. Majewski stated they have demonstrated that they have capacity for all of the conveyances downstream to the treatment plants, and we need the Planning Commission to recommend approval of the Planning Modules. He stated had they been on the Connection Management Plan it would have been a much-simpler process for them.

Mr. Gill moved, Mr. DeLorenzo seconded and it was unanimously carried to approve the Planning Modules.

ACKNOWLEDGE RECEIPT OF PLANS FOR TIMKO-NOYES PROPERTY

No action required

Minor Subdivision

Tax Parcel #20-034-020-004

Zoned R-2 Residential Medium-Density

Proposed plan to subdivide a 4.175 acre lot into 2 single-family Residential lots

Mr. Majewski stated they had submitted a Sketch Plan some time ago, but then withdrew it and it never appeared in front of the Planning Commission. He stated they have now prepared Plans and are looking to move forward with a two-lot Subdivision at the intersection of Edgewood Road and Sandy Run Road. He stated the Plans will be forwarded to everyone for review.

Mr. Bush stated the Planning Commission discussed at the September 11 meeting about not putting this type of issue on the Agenda. Ms. Kirk stated she did send Mr. Majewski an e-mail in that regard following that meeting. Mr. Bush stated we did not do this previously and just started doing this about two years ago. He stated there was an issue when the Torbert Farm was on the Agenda for acknowledgment of the Plan and it indicated “Not for Discussion,” yet there was still a full room of people. Mr. Bush stated while that was an unusual situation, on September 11 the only thing on the Agenda was Acknowledgement of a Plan. He stated if it is “just calendaring something,” he asked why they could not just put it on the calendar, put it on the Township Website, and take it off of the Agenda. He stated there is nothing really for the Planning Commission to do, and it is really just an internal calendaring issue. Mr. Majewski stated it is also

a transparency issue as we have had complaints for some time about not being transparent no matter what we do. He stated this was an attempt to be transparent and provide notice. He stated if the consensus of the Planning Commission is not to do this, we can stop doing it. Mr. Bush stated while he is in favor of transparency, he feels it would be best to put it on the stand-alone Website for Plans that he learned about recently. He stated when it is put on the Agenda, even if it says "No Action," there can be a full room. Mr. Costello stated he agrees that it would not have to be on the Agenda as a separate item, and the Planning Commission could just be advised under Other Business that Plans have come in. Mr. Coyle stated there could be a section "Town Planner's Report" that appears on the Agenda when necessary, and Mr. Majewski could deliver the Receipt of Plans verbally, and it would not have to be an Agenda item, but could be read into the Record. This was acceptable to the Planning Commission.

Mr. Bush stated at the September 11 meeting the only item on the Agenda was acknowledgement of a Plan and there was no action required of the Planning Commission yet the Commission and professionals were all present. Mr. Costello asked if that is the only thing on an Agenda could Mr. Majewski just e-mail Ms. Kirk and the Planning Commission members. Ms. Kirk suggested that if that is the only item, it should be listed on the next month's Agenda as

suggested by Mr. Coyle and it could indicate confirmation of Plans and the date received. Mr. Costello asked if the clock can start before that is done, and Ms. Kirk agreed.

Mr. Majewski stated as referred to by Mr. Bush, the Township did just start a new platform that makes the sharing of this information much easier.

He stated while that is not up and running yet for Plans, he wants to have that up and running in the next month or so.

There being no further business, Mr. Bush moved, Mr. Gill seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Colin Coyle, Secretary