

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JANUARY 8, 2007

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 8, 2007. Mr. Donaghy called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Dean Dickson, Chairman
 Tony Bush, Vice Chairman
 Karen Friedman, Secretary
 Richard Cylinder, Member

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

Absent: John Pazdera, Planning Commission Member

REORGANIZATION: ELECTION OF OFFICERS

Mr. Donaghy called for nominations for the office of Chairman of the Planning Commission for 2007. Ms. Friedman moved and Mr. Bush seconded the nomination of Dean Dickson as Chairman. There were no further nominations, and the Motion carried with Mr. Dickson abstained.

The meeting was turned over to Mr. Dickson.

Mr. Dickson called for nominations for the office of Vice Chairman of the Planning Commission for 2007. Ms. Friedman moved and Mr. Dickson seconded the nomination of Tony Bush as Vice Chairman. There were no further nominations, and the Motion carried unanimously.

Mr. Dickson called for nominations for the office of Secretary of the Planning Commission for 2007. Mr. Bush moved and Mr. Cylinder seconded the nomination of Karen Friedman as Secretary. There were no further nominations, and the Motion carried unanimously.

APPROVAL OF MINUTES

Ms. Friedman moved, Mr. Bush seconded and it was unanimously carried to approve the Minutes of September 25, 2006 as written.

Mr. Bush moved and Mr. Cylinder seconded to approve the Minutes of October 23, 2006 as corrected. Motion carried with Ms. Friedman abstained.

Mrs. Godshalk joined the meeting at this time.

EDGEWOOD VILLAGE HISTORIC DISTRICT PROPOSED ZONING ORDINANCE OVERLAY DISTRICT DISCUSSION

Mr. Dickson stated it does not appear that there is a representative present from the Historic Commission. Ms. Friedman stated she does have questions for them. Ms. Frick stated at the last meeting it was indicated that the Planning Commission would be discussing this matter at tonight's meeting. She noted that at the last meeting when Mr. VanDyke and Ms. Stambaugh were present the Planning Commission did not have the Ordinance and had asked that they provide this to Ms. Frick who then forwarded it to the Planning Commission. Ms. Frick stated she also notified the residents that the matter was to be discussed this evening.

Mr. Dickson suggested that each member make their comments and they could then open the matter up to the audience.

Ms. Friedman noted Page 1 under the Definition of "Inn" it states an Inn is "a business that includes a restaurant and banquet facility," and she asked if it might be better to state, "a business that MAY include a restaurant and banquet facility," or is this a requirement. She stated she does not feel an Inn necessarily has to have food. Mr. Bush stated it does not define what a banquet facility is. Ms. Friedman stated she feels they need to discuss this with them when they come back before the Planning Commission.

Ms. Friedman noted under the same definition they indicate that "rooms cannot be used for extended stays that are greater than three months duration," and asked why they had chosen three months. Mr. Majewski stated he feels more than three months would mean someone was renting the place as opposed to a room being used by someone who is in the area for a few months. Ms. Friedman asked if there is anything in the Township regulations that would be less or more than this, and Ms. Frick stated they do not have this in Zoning.

A gentleman from the audience stated those in the audience do not know what is being discussed since they do not have a copy of the proposed Ordinance. Ms. Friedman stated it is not the norm that those in the audience would have a copy of a working copy of a draft Ordinance. Ms. Frick stated it was her understanding that tonight's meeting was to be a work session, and Mr. Dickson agreed. Mrs. Godshalk stated many of those present this evening in the audience are residents of Edgewood Village, and she feels everyone who lives there should have a copy of what is being discussed. Mr. Cylinder stated while this may be true, the Planning Commission did not write the proposed Ordinance, and at the last meeting, the Planning Commission did not have a copy when Mr. VanDyke and Ms. Stambaugh made their presentation. Ms. Friedman stated she does not feel this was done in the past when the Board was considering Ordinances, and the surrounding residents were not provided copies. She stated this is only the first review process for the Ordinance. She stated once the Planning Commission reviews it and discusses it with Mr. VanDyke and Ms. Stambaugh, it will most likely get revised and it would then be made available for public review at the Township Building. A gentleman asked if there will be another meeting; and Ms. Friedman stated there must be because the people who wrote the Ordinance are not present this evening to answer the Planning Commission's questions. She stated the residents are welcome to make comments at this evening's meeting as well once they open it up to public comment.

Mr. Majewski stated this Ordinance is a Traditional Neighborhood Development Overlay Ordinance, and this means that within Edgewood Village this Ordinance will allow a Traditional Neighborhood Development to be developed within that area. He read the definition of a Traditional Neighborhood Development as noted in the Ordinance. He stated basically what they envision for Edgewood Village is what was seen in previous presentations which is a mix of commercial, offices, residences, possibly apartment above some of the buildings; and this Ordinance will allow that to be accommodated within the District. He stated as part of that there are a number of requirements and definitions to be considered. It also establishes permitted uses which are allowed in the District.

Ms. Friedman stated this Ordinance will define the vision and set out certain parameters.

Mr. Dickson stated it is their understanding that there will be another meeting of the Planning Commission and the Historic Commission with Mr. VanDyke being present.

One individual asked when the document will be available for the public's review. Ms. Frick stated once it is advertised, sent to the Public Law Library, and Bucks County Planning Commission, she feels it will be available at the Township Building for review.

One gentleman stated he felt they were invited this evening to participate in the process but it appears that they are only to sit and listen to the questions the Planning Commission has about the document. He feels he is being excluded from the process and

questions why he was invited. Ms. Frick stated the Planning Commission had asked at their last meeting that the residents be notified when the matter was being discussed. Ms. Friedman stated they are trying to adhere to open Government so that residents are always aware of any meeting they are having on behalf of the residents' interests. She stated this is only the beginning stage of the Ordinance, and they will open this evening's meeting up for public comment once the Planning Commission makes their comments.

A gentleman stated it appears that the public cannot see the document until it is published, finalized, and voted on. Ms. Frick stated this is incorrect – it will not be voted on prior to being made available to the public. She stated it must first be advertised. Mr. Donaghy stated at this point it is only a "raw" document and is only a proposal that was received by the Planning Commission. He stated once the Planning Commission has had an opportunity to go through the Ordinance and make comments, the document will possibly be revised; and it will then be advertised, and it will be a public document at that time. Mr. Dickson stated the residents will be able to make comments this evening as well. Mrs. Godshalk stated she feels that anything that is in the Township Office is a public document. One resident questioned how long the Planning Commission anticipated that it would take for the Planning Commission members to make their comments and then open it up to public comment, and it was indicated they would estimate the Planning Commission comments could take at least one hour.

At this point a majority of those present in the audience left the meeting.

Mr. Dickson stated the Planning Commission may be asking questions among themselves since no one from the Historic Commission is present to answer them. Ms. Friedman stated she does have some questions that are basically Township questions. Ms. Frick stated she was under the impression that this was a Planning Commission work session and Mr. VanDyke and the Historic Commission would be invited back. She stated Mr. VanDyke and Ms. Stambaugh had indicated they would be back once the matter was on the Planning Commission's Agenda to make a Motion or recommendation. Ms. Friedman stated she feels they need those who wrote the Ordinance present so the Planning Commission can ask them their questions. Mr. Majewski stated he did assist in part of the creation of the Ordinance and may be able to answer some of the questions.

Mr. Donaghy suggested that the Planning Commission raise all their questions.

Mr. Dickson stated the discussion would be on the record as part of the Minutes, and Mr. VanDyke could address them when he comes back.

Mr. Cylinder noted on page 1 there are controls written into the Definitions and normally this is not done. He noted "Green Space" on Page 1 as well as Page 11 which is where the Green Space regulations are. He stated he feels the last part of the Green Space definition on Page 1 should go on Page 11 with the rest of the regulations. He stated the

only regulations that could be in this part on Page 1 is currently on Page 11 which is the definition of Green Space which must be at least 2500 square feet and that anything less than that would not be Green Space. Mr. Dickson stated he feels Page 1 is a definition where page 11 is a requirement. Mr. Cylinder stated he agrees, and this is why the part of Page 1 that is a requirement should be back with the rest of the requirements. He stated this is also true with regard to the Inn. He also stated on Page 11 they discuss deed restrictions and part of the definition is that the Green Space in order to qualify as green space should be deed restricted.

Page 2, Section Three was noted No. 1 that states “The Zoning Map ...Amended so as to add the following parcels...,” and Ms. Friedman asked what these parcels were before if they are being added to the Commercial District. She stated she would have the same question for No. 2. Mr. Majewski noted several of the parcels added are those on Stony Hill Road from Yardley Langhorne Road going up toward I-95 on the left and right hand sides of the road which are currently not within the H/C District, and there was thought given to including them in that District. Ms. Friedman questioned why they were not included previously, and Mrs. Godshalk stated they were impediments since they were not historical. Ms. Friedman asked why they are now being included. Mrs. Godshalk stated she is not sure and feels it may be because some of the homeowners asked for this. Ms. Friedman stated she felt this was Edgewood Historic Village, and Mr. Majewski stated he feels this would be a question for Mr. VanDyke. Ms. Friedman stated if they loosen up the boundaries for properties to be included, she feels this could create havoc as others next to the ones just permitted in, may also want to be included. Mrs. Godshalk stated she feels they should have a map. Mr. Cylinder asked that the map be provided to the Planning Commission from Mr. VanDyke. Mr. Majewski stated he feels a few of the other parcels are on Yardley-Langhorne Road on the south side between I-95 and Stony Hill Road. He stated a number of those property owners were requesting to be added to the District, and he feels it was contemplated that this may be a good idea. He agrees that they need to see on a map which parcels they are talking about. Ms. Friedman stated there must be a logical determination as to where the boundaries end.

Mr. Bush asked if the expansion has included the Township Park space on Edgewood Road. Mr. Majewski stated that Park is not currently in the Historic/Commercial District and he feels the expansion contemplates extending it out to more logical boundaries along Stony Hill Road up to I-95, along Yardley-Langhorne Road on both sides of the road to I-95, and possibly in the easterly direction. Ms. Friedman stated they need to see this visually to determine what would happen if they increase the boundaries and what would happen on the adjoining properties. Mr. Bush noted the Masons had also indicated that they wanted to be included as well. Mrs. Godshalk stated even if they are not in the Historic/Commercial District, they are in the District that must comply with HARB requirements. She stated the Fire House, Masonic Hall, etc. were not included because there was no road when the Historic/Commercial District was created. She stated

Heacock Road was added later. She stated the Masonic property is currently zoned Residential. Ms. Friedman stated she feels they need to carefully consider this.

Mr. Majewski stated the Traditional Neighborhood Development Overlay will include the existing Historic/Commercial District and all the additional parcels listed.

Mr. Donaghy asked if “Traditional Neighborhood” separately defined anywhere, and Mr. Majewski stated it is not, and it would be a good idea to define it.

Page 3 – Letter E was noted, and Ms. Friedman asked who will determine the “incentives.” Mr. Cylinder stated he assumes it would be from increased density which will increase the value of the land. Mrs. Godshalk stated she feels it was to allow people who were living in something that was not up to standard, to bring it up to standard and use it for one of the uses that will now be allowed. She stated the economic incentives would be tax deductible. Ms. Friedman stated she feels this section seems vague. Mr. Bush stated this is another example of why they need someone from the Historic Commission present. He stated reading this broadly, he feels some of the incentives they could be talking about could be shared parking lots, etc. Mr. Donaghy stated this Section is meant to be broad as it is a general statement of the intentions. Mrs. Godshalk stated the economic incentive is to allow them to open up a shop, etc. which someone living in a home in a Residential District would not be permitted to do. Ms. Friedman stated she feels this could be read in such a way that a property owner may indicate that in order for them to participate in this, they may request a special favor. Mr. Donaghy stated it is only incentives that might be included within the Ordinance itself, and is not so broad to say that the Township will give them economic incentives.

Mr. Cylinder noted Letter F on Page 3 and stated he would like to see that this be stated positively rather than negatively and would suggest that it state, “would contribute or enhance the integrity of the Historical District.”

With regard to Page 4, Ms. Friedman noted the last sentence of the first paragraph which states, “There is no minimal lot size for application of the overlay district,” and stated she would like a further explanation of this since in other areas of the Ordinance there are minimum sizes stated. Mr. Cylinder stated he feels the sentence should be eliminated if there is no minimum required. Mr. Bush stated in other Sections they are describing minimums for different types of uses. Ms. Friedman questioned why they would have this statement on Page 4 if they are going to present minimums for different types of uses. Mr. Bush stated it does state, “unless otherwise provided for by this Section.” Mr. Majewski stated he feels they may be able to strike the last sentence at the top of Page 4. He stated he felt it was meant to communicate that anyone could do this within the District. Mr. Donaghy stated his concern is that this may be interpreted as saying it supersedes minimum lot sizes. Mr. Cylinder stated he feels if it appears that it is conflicting with other Sections, they should strike it.

Mrs. Godshalk stated when they discuss multiple family units, she is concerned about party walls. She asked if they would go to the Building Code for the actual construction since she feels these should be concrete walls between units. Ms. Frick stated this would be mandated by the State Code. Mr. Dickson asked if they are discussing new construction or renovation to existing structures. Ms. Frick stated she feels it could be either. Mr. Dickson stated if that is the case, it should state it. He stated there will be new structures built in the District, and there was a discussion with the Historic Commission about maintaining the integrity of the existing structures. He feels this is an important consideration. Mr. Donaghy stated if it were a building that could be converted to a Manor House through renovation or addition, they may want to clarify this.

Mr. Cylinder stated there could be separate regulations for conversions. Mr. Cylinder stated there are also other Building Code issues. He stated if they are permitting restaurants or some other commercial use with housing on the second floor, there would be different Code requirements than if it were all Residential. He stated this would be particularly true if there was a restaurant with a kitchen. Mr. Donaghy stated nothing would supersede any of the Building Code requirements.

Mr. Bush stated he also feels they must consider the definition of a family.
Mr. Majewski stated they did revise this definition in October, 2005.

Mr. Cylinder noted A (2)(b) which states “any bank with a drive-through window shall not take direct access from a main State highway.” He questioned what a “main State highway” would be. He stated it should simply state “State highway.” Mrs. Godshalk stated she feels it should state “State road” rather than “State highway.” Mr. Donaghy stated the Ordinance already defines different kinds of streets, and he is not sure what they intended. Mr. Cylinder stated it should be “arterial or collector road” rather than “State highway.”

Mr. Cylinder asked if the Township has taken any position on allowing drive-in windows. He stated he felt this was to be a walking community. He stated they prohibit drive-ins for everything except banks, and he is not sure why banks should be an exception. Mr. Majewski stated he does not feel the Township has taken a position on this, and this is something the Planning Commission could comment on. Mr. Cylinder stated drive-in windows do take up a lot of space to accommodate cars moving around. He feels it is appropriate for the shopping center but may not be for this area. He stated a walk-up facility would be fine. Ms. Friedman stated two years ago a bank attempted to come in on a triangular-lot in the Edgewood District. She stated one of the issues was the drive-in window because of the dangerous traffic patterns. Mrs. Godshalk stated most banks will not operate unless they have a drive-in window. Mr. Majewski stated it would be a policy decision whether they want to allow these in Edgewood Village.

Mr. Cylinder noted Item A (3) regarding “two-family dwellings” and stated he is not in favor of this terminology. He stated a dwelling is not defined in this way. He stated what they are talking about are semi-detached units. Mr. Donaghy stated “two-family dwelling” is defined in the Zoning Ordinance under “Dwelling” and as a Sub-Section “Two-Family Dwelling.”

Mr. Cylinder noted Item A (4)(a) where it states “each dwellings,” and he stated the “s” should be removed. He also noted A(4)(c) and stated he feels it should state, “ a minimum of three and a maximum of five townhouse dwellings.” He stated if you would get below three, you would be in a two-family dwelling.

Mr. Cylinder stated he also feels they need to discuss with Mr. VanDyke the issue of quads since these are a different type of unit. He stated he has been involved with them in the past, and there is no front or back to the structures; and it is actually all front. He stated this implies a traffic pattern that is different from the others. He feels this should be discussed with Mr. VanDyke as to why this type of unit should be included. He stated he is not necessarily against them, but feels they do pose some design issues that you do not get with the other type of units that have been defined.

Mr. Dickson noted A (2) and asked why “travel agency” is in parentheses with a question mark. Mr. Majewski stated he assumes it is because they want to know what people think about this use. It was noted the Planning Commission was not sure whether the intent was to limit this use from the first floor, and it may need to be reworded depending on what the intent is. Ms. Friedman stated the way she reads it, it seems that only a bank or possibly a travel agency could occupy the first floor, and she does not feel this is necessarily appropriate either. Mr. Dickson stated this would be exclusionary since they would be excluding other uses. He stated they will need to ask the Historic Commission about this. Mrs. Godshalk stated they would need to know what Section 200-36 is. Mr. Majewski stated this Section lists prohibited uses which he read to the Planning Commission. He stated they may have wanted to have more retail activities on the first floor. Ms. Friedman noted a travel agency would be considered retail. It was suggested that they discuss this matter with Mr. VanDyke.

Page 5 (8) regarding a tavern or bar was noted. Mr. Friedman stated 8 (b) states, “such tavern or bar has a valid liquor license,” and she stated Lower Makefield Township is a dry Township; and she questioned why this was included. Mr. Bush stated this is correct except for the two State-owned liquor stores and the Township Golf Course; and unless there is a Referendum reversing this, he does not feel this will occur. Mr. Donaghy stated he feels this should be removed. Mr. Bush asked if there is an expectation by someone that a Referendum is contemplated, and suggested they discuss this with Mr. VanDyke.

Mr. Bush noted (12)(a) regarding the requirement that signage being made of “natural materials.” He stated he is concerned that this may not show a lot of foresight as it is not known what technology may bring in the future and how natural materials are defined may change so that this wording may be too limiting. Mrs. Godshalk stated they have not had any problem with this to date. She stated currently those in the District have to go before the HARB for review of their sign, and it is then approved by the Board of Supervisors. Ms. Frick stated they are very specific as to the materials they want on the signs in the District. Mr. Cylinder stated he assumes they would still be subject to the requirements of the General Sign Ordinance, and Ms. Frick agreed.

Mr. Cylinder noted Item (7) (b) regarding Inn rooms not all being in one building. Mr. Donaghy stated they used the Inn at Peddlers Village (Golden Plough) as an example of an Inn that has rooms in multiple buildings. Mrs. Godshalk stated this is often seen in Historic areas where there are separate buildings within which you may stay.

Mr. Cylinder questioned Item (10) Home Occupation and asked if this should not be an Accessory Use under (11). Mr. Majewski stated Home Occupation is not listed as a primary use in the Zoning Ordinance as it is Accessory. Mr. Donaghy suggested that this be re-worded since Residence would be the primary use.

Page 6 was noted, and Ms. Friedman stated she feels there needs to be additional discussion on all areas under lot area and design standards with regard to the impervious surface being permitted. She stated she feels what they are permitting is a significant amount of impervious surface, and she is concerned about the amount of stormwater that will be generated. Mrs. Godshalk stated she feels they are considering taking it underground directly into the storm sewers. Mr. Majewski stated he agrees this is a high percentage which needs some justification from Mr. VanDyke as to how this will work out. He stated they previously discussed that the green space will lower the overall impervious surface percentages. Ms. Friedman stated her concern is that there could be a lot of impervious surface in certain areas which could be difficult to manage. She stated they will need to look at this on a map and feels there should be further discussion as to how this will work. Mr. Majewski stated there are a number of smaller lots that are already developed at a significantly high percentage of impervious surface; and if they add some parking for those lots, they may go up to this higher percentage. He stated stormwater management is a big issue when you have densely-covered development. Ms. Friedman stated they may need to comply with the LID management practices with regard to how they do the pavers for the parking, etc. Mr. Dickson stated he can see where they will be looking for Waivers from the LID Ordinance. Mr. Bush stated he feels they need to hear from the drafters of the Ordinance as to what they are contemplating.

Mr. Cylinder noted Commercial Uses (f) which indicates “maximum building coverage: forty (40)feet, and he feels they mean 40%.

Page 7 was noted and the Planning Commission noted this page also would be related to their concerns with the impervious surface.

Mr. Cylinder stated the building setback requirement from Edgewood, Yardley-Langhorne and Stony Hill Road is listed as twenty feet from the centerline with a maximum of a forty foot cartway. He stated this would mean that those roads could never get widened. Mr. Majewski stated he does not feel it is contemplated to ever widen those roads. Mr. Cylinder stated he does not like the term “never.” He stated he does not feel they should consider not allowing that to ever happen. He stated to put new buildings in these locations in a way that they can never be improved in any way means they are making assumptions that parking on the street, etc. will be a good idea ten to twenty years from now. He stated it was not a good idea ten to twenty years ago. He does not feel they should put in these kinds of restrictions so that future people cannot make up their own minds. Mrs. Godshalk stated they would be losing a lot of buildings in the Historic Village as there is not much widening that could take place without impacting existing buildings. Mr. Cylinder stated some day they may get moved. He stated he does not feel they should be putting in new buildings to encroach on the right-of-way. He stated while the older buildings are not planned to be re-located now, he is not certain what might happen in the future. He stated he feels the only other alternative would be if they considered a by-pass for Edgewood Road and Stony Hill Road, and they could then preserve the intersection. He stated he brought this matter up previously. He stated there are people in the Township that use the intersection every day, and he does not feel they will be happy to drive past parked cars on narrow roads. Ms. Friedman stated the only thing she sees as a possibility in the future is that cars will not be permitted to be parked there.

Mr. Dickson stated he feels the Police Department and PennDOT will have to comment on these Plans particularly with regard to traffic. Mrs. Godshalk stated there is already a traffic-calming plan for Stony Hill Road. Ms. Frick stated Mr. VanDyke did discuss PennDOT requirements and traffic-calming. Mr. Cylinder stated he feels the people need to recognize that traffic-calming means the traffic will go slower.

Mr. Cylinder noted B(2)(a)(1) “unenclosed porch: 6 foot setback,” and he stated he feels this is going to encourage Variance requests in the future. He stated someone who has an open porch may want to enclose it in the future, and will therefore request a Variance which will require them to go to the Zoning Hearing Board.

Page 8 was noted, and Ms. Friedman noted the matter of re-locating historic homes. She stated she is concerned that once they start relocating the homes, they will have changed the original historic ambience. She stated they are already considering relocating six of

the thirty-one structures. Mr. Bush stated he understood there were thirty-five homes, seventeen historic homes. Ms. Friedman stated relocating six out of seventeen homes is a concern. Mrs. Godshalk stated she feels they would lose their historic designation. Ms. Friedman stated she feels they need to discuss this further with Mr. VanDyke. Ms. Frick stated they previously indicated they are considering re-locating three buildings on Stony Hill Road to another portion of the Flowers Tract. Mrs. Godshalk stated she is not comfortable with re-locating any of the properties. She stated they were allowing infill between the houses so they would have larger areas rather than moving them and putting up big structures which is not what they wanted.

Page 9 was noted and Mr. Cylinder stated these are not regulations and are only descriptions. He does not feel this means anything. Mr. Dickson stated he feels these are clarifications.

Page 10 was noted. Ms. Friedman noted the last two sentences under (13). She stated she does not understand what this leaves the Township open to. Mr. Dickson stated he is concerned with the phrase “whether or not it has been legally established.” A number of other Planning Commission members expressed similar concerns. Mr. Donaghy stated he feels they are trying to state that even if you are not creating a Subdivision of separate lots, you still have to show on the Land Development Plan the location of the lots and meet certain setback requirements. He stated currently there are restrictions on distance between buildings, etc. Ms. Friedman stated she feels they could state “all lots shall be laid out so that the dimensional coverage and all other requirements specified in this Ordinance shall be satisfied.” Mr. Donaghy stated they may not be “lots.” Ms. Friedman suggested that they state “any future development on an individual lot shall conform to this initial use designation for that particular lot.” Mr. Donaghy stated it may not be a “lot” as you think of “lots,” and it may be the entire parcel. He stated if there is a condominium, they are not separate lots. Mr. Donaghy stated he is not certain about this and feels they need to discuss this further with the Historic Commission and Mr. VanDyke.

Mr. Bush noted A and B regarding developments greater than one acre and he questioned how many parcels would fall under this category in the Historic area. Mr. Majewski stated this would depend if they are considering the expanded area or the current area. He stated for the expanded area it might be three or four, and in the unexpanded area it may be two. Mrs. Godshalk stated a particular use might mean one lot would be one acre and another 1 ½ and until that happens, they would not know what is happening within the tract. Mr. Majewski stated someone could also buy up several smaller parcels and do it as a development in which case it would qualify over the one acre. Mr. Donaghy stated they do use the term “tract” which would be the overall area of the land development so that even if they subdivide that into multiple lots, you would look at the overall tract size. Mr. Bush stated these two provisions are talking about all developments greater than one acre. Mr. Donaghy stated while this is correct, it also speaks about “25% of the total tract

area.” Mr. Donaghy stated he feels this could be clarified. He added “tract” and “lot” are defined in the Ordinance.

Mr. Cylinder stated under A. (1) second line it states “... may comprise up to sixty percent of the total tract area” and under (a) it states “... retail development may comprise up to sixty percent of the total tract area.” He asked if there is commercial or retail, where would the Office and Civic come from. He asked if this means you could not put in Civic and Office uses if you use sixty percent commercial or retail, and Mr. Donaghy stated he feels this is the correct reading of this portion. Mr. Cylinder asked if they want to allow this to happen. Mr. Majewski stated he feels they want to encourage more commercial/retail rather than office. Mr. Cylinder asked if this is what they want to see. Mrs. Godshalk stated from the beginning of the Historic/Commercial Village Ordinance, they wanted to have a large amount of Residential to support the businesses. She stated the intent was to have smaller businesses that would take the foot traffic because of the limited amount of parking spaces. She stated the people who lived there would be walking and supporting the commercial that goes in. She stated the commercial/retail would be depending on the people who live there in this Village atmosphere. She stated she feels 60% may be too high. She stated there is a need for apartments and houses in the Village. Mr. Donaghy stated they are discussing developments with retail below and residential above, but here they are discussing 60% of the total tract area; and he stated he is not sure if they mean 60% of the footprint so that there could also be 60% non-Residential and 60% Residential which would be on top. He stated he feels they need to clarify this.

Page 11 was noted, and Mr. Cylinder stated he feels Items (1) and (2) should be in parallel. He stated he does not feel they need all the wording listed and feels they should state under (2) “There shall be a mix of dwelling unit types as follows: ...” He stated he also feels (c) townhouse and (d) manor should be put together as they are really the same kind of unit and it is just a matter of how they are organized. He stated if they are trying to make four units look like a single building, it will look like a large structure that will look out of scale to the rest of the structures. Ms. Friedman stated she envisioned this as one large building with four different historic-looking facades. Mr. Cylinder stated the townhouses would be like this. He stated the manor house would be one on each corner. He stated it is an economical kind of building. Mr. Donaghy stated the has seen Manor Houses in the past, and the intention was to have them look like a single home with four separate entrances. Mr. Cylinder stated while he does not have an objection to this type of structure if they want to build them, he does not feel the Ordinance should require that the developer be tied down to building both of these types. He does not feel there is a benefit to the Township or anyone else to tie them down to these types. He noted there are other housing types that they did not include such as Atrium and zero-lot line houses.

Mr. Cylinder stated he feels they should ask Mr. VanDyke what they have in mind and why they are proposing this. It was suggested that they seek further clarification on this. Mr. Cylinder stated he feels quads are a problem because of the parking arrangements which are difficult to handle. Ms. Frick noted Rose Hollow is a quad development, and she has not heard complaints about that development. Mr. Cylinder stated the main advantage he is aware of is that they are rather inexpensive to build. He stated he does not have a problem with this, but does not feel they should require them to build them.

Mr. Cylinder noted D – Green Space Requirements which states “...any property that directly abuts lots with existing single-family detached dwellings.” He asked if this should not refer to another Zoning District rather than individual houses. Mr. Donaghy stated he does not know what they intended but feels you would interpret this as any single-family detached dwelling on an abutting lot that exists at the time that you seek to develop your lot. Ms. Friedman stated she feels it is to protect the ones that are already existing. Mr. Donaghy stated it would also mean if someone were to build a new single-family dwelling after the adoption of the Ordinance, the next one that comes in would have to provide this. Mr. Cylinder stated maybe it should require it along the Zoning District line rather than refer to existing houses.

Page 12 was noted. Ms. Friedman noted (6) which states “alleys that are two-way shall be at least sixteen feet in width,” and she asked if this is sufficient for two cars to pass comfortably. Mr. Majewski stated he does not feel they could pass comfortably. Mr. Majewski agreed to look into what would be an appropriate width.

Mr. Bush noted E (1) which states, “Streets, alleys and access ways shall form an interconnected vehicular circulation network to the maximum extent possible as determined by the Board of Supervisors.” He asked why this is included. Ms. Frick stated she feels they indicated that using this on the Flowers Tract, the traffic could come in off of Yardley-Langhorne and go out onto Stony Hill. Mr. Majewski stated he feels by their use of the word “interconnected” they mean you do not just have a number of “lolly-pop” cul-de-sacs all over. Mr. Cylinder stated he feels they want to make sure that when you go into the development you can go from one place to another within the development without having to leave the development and go on a main road and then go back into the development again. Mr. Cylinder did question why they stated “...as determined by the Board of Supervisors” as this would apply to everything.

Mr. Cylinder noted (4) at the top of the page which he feels is “up in the air.” Ms. Frick stated this is similar to the Open Space. Ms. Friedman stated she feels it should state “green space shall be owned and maintained in a form that is in compliance with Township regulations and Ordinances” rather than refer to a group of people. Mr. Donaghy stated the Open Space provisions have specific provisions as to who may own it, and he would be more comfortable if there were specific standards. Mr. Majewski stated this may be more appropriate in the SALDO. Mr. Donaghy stated the one about Open Space is in the Zoning Ordinance - Section 200-74.

Mr. Cylinder noted (3) states, “Green spaces shall be at least 2,500 square feet in area...” and he feels it should state “A green space” and feels there should be a reference to the shape and that one dimension should be at least a certain number of feet so you do not get a long skinny piece. Ms. Friedman stated this may be the only way to get any green space in the District. Mr. Cylinder stated he feels there should be a minimum width to it so you do not have a six foot strip of green space. Mrs. Godshalk stated she is more concerned with who will be maintaining this so that the Township does not have to maintain it.

Mr. Cylinder stated he feels there should be a reference in E (5) or on the following page about curb cuts and recommended that it state, “Except for alley access, no curb cut shall be permitted on streets serving lots having access to an alley.” Ms. Friedman stated they may need a curb cut for handicap access. Mrs. Godshalk stated she feels curb cut is defined as a curb into a driveway. She stated this would mean that there are no curb cuts permitted on homes facing alleys. Ms. Frick stated curb cut can be a handicap access and they should make this clearer.

With regard to Page 13, Mr. Bush noted E (10) which states, “20% of impervious surface credits shall be given for Township approved pervious paving used in alleys, parking areas, and driveways.” He asked if there is anything currently in existence where the Township now gives impervious surface credits. Ms. Frick stated they do not. Mr. Majewski stated there has been consideration given that this may be a good idea. Mr. Bush asked if there was some other context in which this was discussed before some of the existing Planning Commission members were on the Board, and Ms. Frick stated it was not; although she feels it may have been discussed by Township staff. Mr. Majewski stated he feels it has also been discussed at the Zoning Hearing Board where people come in and want credit for pervious pavement. Ms. Friedman stated this is why it is important that they come up with the proper number relating to the prior discussion regarding the permitted amount of impervious surface coverage.

Mr. Cylinder noted the discussion about garages and asked if all parking has to be in garages. He asked if people could have an open lot at the back of their house off of an alley to park or does it have to be a garage. Mr. Cylinder noted that F (2) states “To the maximum extent possible as determined by the Board of Supervisors, garages shall be accessed from an alley.” Ms. Frick stated this would be if you have a garage. Mr. Majewski stated if you only have a parking space, you do not have to comply with this. He stated they may have a parking space but not a garage. Mr. Cylinder asked if the open parking space would have to be in the front of the building and a garage in the back. Ms. Friedman stated they are allowing parking in the street and people could therefore park in front of their homes. Mr. Cylinder stated he is discussing parking on the property itself. He stated it later states, “Where garages are located from the side or front of a house, the garage setback from edge of the sidewalk shall be no greater than 13 feet,” and he asked if this should not also apply to any parking space. Mr. Donaghy stated this only

seems to be applicable where you have a garage. He stated if they do not have a garage, and only have a parking apron, they would not be subject to this requirement to access it from the alleyway and could access it from anywhere. Ms. Friedman stated she felt the purpose of this was to hide the garage. Mr. Donaghy stated it also seems to say that while they are hiding the garages, they are not hiding parking aprons. Mrs. Godshalk stated they would not have parking aprons in the front. Mr. Donaghy stated while this may be the intent, the Ordinance does not state this. Mr. Majewski stated he feels they need to clarify this to insure that all parking other than on-street parking is in the rear. Mr. Donaghy stated according to this, only garages are required to be in the back of the house, and Mr. Cylinder is indicating that they should not limit this only to garages and it should be that any parking facility should be in the rear. Mr. Bush stated at F (2) they could change it to say “parking areas” rather than just “garages.” Mr. Majewski suggested that they go back to Mr. VanDyke for further clarification.

Mr. Cylinder asked if there is a definition of “parking apron.” Mr. Majewski stated he is not sure; but he feels if they do not, it should be defined.

Mr. Bush noted Page 14 H (1) and (2) and asked if someone had one parcel and wanted to do landscaping, a broad reading of this section indicates that they would need approval from the Board of Supervisors. Mrs. Godshalk stated they have to go to HARB first and then to the Board of Supervisors. Ms. Frick stated they are required to obtain a Certificate of Appropriateness for any outside alterations, although this may be limited to the structure. Mr. Bush stated this portion indicates it would be for “other landscaping in the form of perimeter buffers, screens, foundation plantings, ...” Mr. Donaghy stated it indicates it is to be approved by the Board of Supervisors. Mr. Bush stated he questions if the Board wants to be involved in approving foundation plantings for one lot. It was agreed that there should be further clarification on this.

Mr. Cylinder noted G (1) which states “sidewalks of at least 4’ in width shall be constructed and maintained along all streets,” and asked if there is a requirement that there be a grass strip between the sidewalk and the curb. He stated if the sidewalk is going to be up against the street, he feels this would be tight. Mr. Majewski stated he feels it should be 5’ wide. He stated if there is parking perpendicular to the curb, this would result in a vehicle overhang onto the sidewalk and 4’ would not be sufficient. Mr. Cylinder asked if perpendicular parking is going to be allowed in the Commercial area, and Ms. Frick stated she believes this is their intent. Mr. Bush stated the typical sidewalk in a development is 4’, and he feels this is sufficient. Ms. Friedman stated she would like to have 4’ since this would result in less impervious surface. Mr. Majewski stated this is already covered in SALDO, and it may be more appropriate to leave it there. Ms. Frick stated there may be a case when they do not have to go through Subdivision and Land Development. Mr. Majewski stated the question would be if they have an existing building or existing lot, would they be required to install a sidewalk; and Ms. Frick stated currently they would not. Mr. Cylinder asked if they are going to have

perpendicular parking, as they have only discussed longitudinal parking up until now. Mr. Majewski stated he does not feel this is spelled out anywhere, and possibly it should be. Mr. Cylinder stated if they are going to have stores in the Commercial area, they will need more than 4' of sidewalk. Mr. Majewski stated he feels this needs to be clarified. Mr. Bush stated Page 9 does indicate that there will be on-street parallel parking and there is no mention of perpendicular parking.

Mr. Dickson noted H (3) where they discuss “native shrubs” and asked if they should not refer to the new Ordinance. It was noted this has not yet been passed. Mr. Cylinder stated he feels that Ordinance will get passed before the Ordinance they are discussing this evening. Mr. Cylinder stated assuming it is passed, they would have to comply with that Ordinance.

Mr. Bush noted Page 15, last sentence of paragraph #3 which stated “No building shall be designed to enhance an individual merchant brand, such as with awning treatment, special windows, or unique color or as frequently seen with franchise establishments.” He asked if awnings are something that is not permitted in general in the Historic District. He noted this was not addressed elsewhere. Mr. Donaghy stated he is not sure that they can legitimately do what is stated in this sentence. Ms. Frick stated HARB will have control over this as they review all the structures.

Ms. Friedman noted Page 16 J (1) where it states “...parking.. in the streetscape... to serve as an insulator between moving vehicles and pedestrians walking along the adjoining sidewalks.” Ms. Friedman stated she is concerned with there being parking on both sides of the street and the potential of children on bicycles weaving between parked cars into moving traffic. Mr. Majewski stated while this is a good point, he is not sure how they could address this. Mr. Dickson stated he feels they should discuss this with Mr. VanDyke. Mr. Majewski stated people are more likely to walk on the sidewalks if there are cars parked which buffer you from the traffic flow. He is not sure how they could address Ms. Friedman’s concern.

Mr. Bush noted Page 17, second paragraph, second to last statement which states “Unless explicitly stated to the contrary, the property owner of the parking facility accepts responsibility for operating, maintaining, and accepting liability for personal injury and property damage;” and he stated this may not be an accurate recitation of the law as it currently exists and should be stricken. He stated this relates to a Shared Parking Agreement. Ms. Frick stated they do currently have Shared Parking Agreements in the Township, and she noted the Woodside Presbyterian Church/GMAC Building. Mr. Bush stated he feels certain they would have an indemnity clause in their Agreement. Mr. Donaghy stated he is not sure that this statement in the Ordinance is an appropriate Zoning requirement. He feels this is a liability issue and not a Zoning issue.

Mr. Bush noted Page 21 K (1) (b) regarding outdoor storage and display materials and questioned what this means. He stated he feels they will have to discuss this with Mr. VanDyke and the Historic Commission. Ms. Frick stated she took this to mean that if any of the permitted uses wanted to store any of their materials outside, this would be prohibited. Mr. Bush stated it also states “or display materials,” and Ms. Frick stated this could be referring to a rack of merchandise, etc. Mr. Cylinder stated he does not necessarily agree that this should be prohibited, and he suggested that they discuss this with Mr. VanDyke.

Mr. Cylinder noted K (1) (a) indicates that “Loading areas shall be a minimum of eight feet wide and forty feet long. They must be located within 400 feet of all non-residential uses.” He stated he feels 400 feet is a large distance for this area, and it could take them outside of the District. It was agreed that they need to discuss this matter with Mr. VanDyke.

Mrs. Godshalk stated she feels they should look at the trash requirements. She stated the Township EAC has indicated to all office buildings that they must do recycling, and the building where her office is located has now gone from one dumpster to four dumpsters with separate containers for recycling. She stated this takes up a significant amount of space. She stated people are also coming to these properties and dumping their own trash. She stated the only way to control this would be to lock the dumpsters and those picking up the trash would have to have access. Ms. Frick stated she has received complaints about the overflow at certain areas, and she has had discussions with the owners who have indicated that people are coming in and illegally dumping items at their dumpsters. Mr. Bush stated if they locked the dumpsters, it would not stop someone from dumping next to the dumpster. Mr. Dickson stated if the dumpsters were locked, there would have to be coordination with the trash haulers who would have to have keys for the dumpsters or a common lock. Mr. Dickson stated it appears this is an issue related to the entire Township not just for the Overlay District they are now discussing.

Mr. Matthew DeSanto, Jr. 755 Stony Hill Road, stated he, his father at 765 Stony Hill Road, and Mr. Sam Stewart own properties that border the Historic District as you go toward I-95. He thanked the Township for inviting them to the meeting. He stated they are not against the project. He asked if their properties will be included, and

Mr. Majewski stated he is not sure, and this is why they have requested a map. Ms. Frick stated she believes these properties are proposed to be included. Mr. DeSanto asked who will make the decision whether or not these properties will be included, and Mr. Majewski stated ultimately it will be the Board of Supervisors. Mr. DeSanto stated they would like to know the advantages and disadvantages of being included.

Mrs. Godshalk stated originally they were excluded because the State and National excluded impediments.

Mr. DeSanto asked if they are discussing only the buildings on the Flowers Tract or the entire area past the Masonic Temple; and it was noted because they do not have a map, it is difficult to tell. Mrs. Godshalk stated if their property is included, they would have to adhere to all of these regulations.

Mr. DeSanto stated there are no detention basins, and if you look at where their properties are situated, they have a strategic piece of property for the development of the area. He stated they are not against the development but want to know what is going on. Mr. DeSanto stated they do have existing water problems. Ms. Friedman stated this is why they want to have more discussion about stormwater management.

Mr. Sam Stewart stated they did see a sketch of the Flowers Tract at one of the Township meetings.

Mr. DeSanto, Sr. stated the ground is graded down to their property, so the water comes down to their properties. Mr. Stewart stated they do not want to get flooded.

There was further discussion on the possible relocation of the historic homes, and Mr. Dickson stated if they fall apart, they have to be reconstructed. Mrs. Godshalk stated moving the homes would defeat the whole purpose of the Historic District.

Ms. Friedman suggested that they have Mr. VanDyke come back and go into more detail as to the parcels being considered to be added to the District, and invite the residents back. It was noted they will also need to see a map. Mr. DeSanto, Jr. stated they need to look at ways of expanding the area. He stated his property goes from Stony Hill Road to I-95. Mrs. Godshalk stated there is a 150' setback required from I-95. Mr. DeSanto stated his property is 800' deep. Mrs. Godshalk stated there is also the road setback. Mr. DeSanto asked to be notified of the next time the matter is discussed, and was advised that the residents will be notified.

Ms. Friedman stated she feels they need to request that there be another meeting with Mr. VanDyke. There was discussion as to when they would be asked to come back. Mr. Bush stated he feels Mr. VanDyke needs to review the Minutes of this evening's meeting as soon as they are in Draft form. Ms. Friedman stated whether the meeting is in two weeks or four weeks, she wants to make sure that they can accomplish as much as they need to at the next meeting on behalf of the residents especially. Ms. Frick stated she understands that they want a map, the residents notified, and have Mr. VanDyke and Ms. Stambaugh present. They will be provided with a copy of the Draft Minutes of this evening's meeting so they know what was discussed. Ms. Friedman asked that they be advised that stormwater management will be a big topic of discussion. Mr. Bush stated this may be an issue for which he needs to bring someone else with him. Ms. Frick stated once he reviews the Draft Minutes, Mr. VanDyke will understand what he needs to bring.

Mr. Donaghy stated if they make any revisions to the Ordinance perhaps they could e-mail a copy to the Township. Ms. Frick stated possibly she could provide a few working copies next time for the audience to share. Mr. Dickson asked if there is precedent that this has been done in the past, and Ms. Frick stated this has not done previously to her knowledge when working copies were made available. Mr. Donaghy stated they will have to label it in such a way that it is not in final form. Mr. Donaghy also stated he feels they will need several more meetings on this matter.

Mr. Cylinder asked if they will also be coming in with recommendation for the Subdivision Land Development Ordinance as well, and Mr. Majewski stated he feels they will only be coming in with what has been presented.

OTHER BUSINESS

Mr. Majewski stated he e-mailed everyone at the end of last week information regarding 777 Township Line Road – Liberty Property Trust. He stated they had come before the Planning Commission for the Special Exception. He stated at the Zoning Hearing Board they did receive the Use approval for Medical Offices within that building, but they did not get approval for the drop-off that they wanted to install. He stated at the Zoning Hearing Board meeting they did submit a revised Plan which they hoped to get approved that night, but the Zoning Hearing Board took no action on that. He asked if the Planning Commission had reviewed this revision and if it addressed their concerns.

Ms. Friedman stated she is not in favor of it as they are doing one-way; and the way they have it going, it is still weaving around through the parking areas and this does not address any of their concerns.

Ms. Frick asked if Mr. Majewski is supposed to get back to the Applicant with the Planning Commission's feeling on the revision; and Mr. Majewski stated he already told them he feels they were "off the mark," on this, and he advised them he would reach out informally to the Planning Commission to get their comments.

Ms. Friedman stated if they cannot address it any better than what they have presented, she would be in favor of eliminating the drop-off area. Mr. Bush stated when they were present they indicated that only 1% of their patients would be interested in using this drop-off. Mr. Donaghy stated they seemed adamant that they wanted a drop-off area.

Mr. Cylinder stated he discussed this with Mr. Majewski and advised him that he did not feel this worked well. He stated he suggested if they wanted to have a separate entrance possibly it should be in the front. He stated it would not have to be the same as the main entrance to the building. He stated he does not see any way they could re-design the side.

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Mr. Majewski stated he feels they may want to come back before the Planning Commission and review this. Ms. Frick stated they could come back with a Sketch before they re-design for the Revised Land Development. Mr. Donaghy stated they did indicate at the Zoning Hearing Board that they felt they could by-pass coming in for Land Development; and he indicated to them that they could not.

Mr. Cylinder stated he feels they need to look at the Subdivision and Land Development Ordinance which permitted projects like this which are poorly designed.

There being no further business, Ms. Friedman moved, Mr. Bush seconded and it was unanimously carried to adjourn the meeting at 10:30 p.m.

Respectfully Submitted,

Karen Friedman, Secretary