

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – SEPTEMBER 24, 2007

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on September 24, 2007. Chairman Dickson called the meeting to order at 7:35 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

Absent: John Pazdera, Planning Commission Member
 Grace Godshalk, Supervisor Liaison

APPROVAL OF MINUTES

Ms. Friedman moved, Mr. Bush seconded and it was unanimously carried to approve the Minutes of August 27, 2007 as written.

DISCUSSION AND MOTION ON PROPOSED AMENDMENT TO THE CODIFIED ZONING ORDINANCE RELATING TO ARTICLE IXA TRADITIONAL NEIGHBORHOOD DEVELOPMENT (T.N.D.) WHICH IS AN AMENDMENT TO THE LOWER MAKEFIELD TOWNSHIP CODIFIED ZONING ORDINANCE OF 1966, AS AMENDED. THIS PROPOSED AMENDMENT INCLUDES THE REZONIGN OF CERTAIN TAX PARCELS AS NOTED THEREIN

Mr. Carter VanDyke was present and stated at the last meeting they reviewed a number of technical changes that were recommended by the Bucks County Planning Commission. During that discussion Public Comment was taken and there was discussion on ATM's and signs. Mr. VanDyke reviewed some minor typographical corrections that were made to the last draft.

Mr. VanDyke noted page #5 where there is discussion about banks and financial institutions; and the last sentence now states, "The Board of Supervisors shall regulate the hours of operation of drive-in windows and automatic teller machines."

Page #6 was noted and Mr. VanDyke stated significant changes have been made regarding signs. He noted the section regarding back-lit signs reminding the Commission about previous discussions regarding glare with back-lit signs, and they have indicated “back-lit signs are prohibited and signs shall be lit externally only with low lumens to minimize glare.” Mr. Cylinder questioned the word “low,” and asked if they could not put a number to this. Mr. Majewski stated he did not feel a number would be appropriate since when it comes in to the Township, each situation would be reviewed on its own merits. Ms. Friedman asked if they could have a “not to exceed” figure; however, Mr. Majewski stated he would assume that everyone would just go up to this figure. Mr. Donaghy stated he feels the language proposed is appropriate. Ms. Frick noted the signs will also be reviewed by HARB.

Mr. Cylinder asked if there is a light meter which could be used similar to a sound meter. Mr. Majewski stated this relates to glare that would be detectable to people driving along the road, and he does not feel there is a number that could be put to this in the Ordinance.

Ms. Frick asked if this will apply to existing businesses as well; and Mr. VanDyke stated existing businesses would be “grandfathered” unless they came in to make changes.

Ms. Friedman asked if they could make a request of the existing businesses to come into compliance with this requirement; and Mr. Donaghy stated while this could be requested, it could not be required unless they make changes. Mr. Donaghy stated if any of the existing businesses want to take advantage of the new Ordinance, they would have to comply with the new Regulations.

Mr. VanDyke noted the Section regarding free-standing signs. He noted there are some existing free-standing signs currently in the Village. He stated (c) was changed to prohibit free-standing signs unless the building is greater than 10,000 square feet in size. The maximum height permitted for the sign is 8’ with the maximum sign area 4 square feet per side. He stated they do allow signs on buildings, and they have proposed that signs in the rear should be one half the size of the signs permitted on the side facing the street. Mr. Donaghy stated he feels the 10,000 square feet should be clarified and related it to gross floor area. Mr. VanDyke agreed to make this change. Mr. Donaghy noted the maximum height permitted for these signs and asked if this is greater than what is permitted; and Mr. VanDyke stated this is correct, and if they qualify, they could have a taller sign than would otherwise be permitted.

Language for wall-mounted signs was acceptable to the Planning Commission.

The section regarding projecting signs was noted. Mr. Cylinder asked about the height of the sign noting someone could hit their head on the sign. Mr. VanDyke stated it must be 7’ clear underneath. Mr. Cylinder stated he still feels they should be higher. Mr. Cylinder asked if these signs would be over a right-of-way, and it was noted they

would not. They would have to be within the property line. Mr. VanDyke noted they could be over a sidewalk. Mr. VanDyke stated these signs would still be subject to HARB review. Mr. Donaghy noted the current Ordinance stated it should be 7'6" clear, and Mr. Vandyke agreed to change the requirement to be 7'6" high.

Section (f) was noted, and Ms. Frick questioned why this only indicates fronting on a State highway or arterial road, and she felt all signs would be subject to approval by HARB. Mr. VanDyke agreed and will make a change to this Section. Mr. Donaghy stated since they are referring to Section 200-83(E.) (2), he does not feel they even need this; and Mr. VanDyke agreed to take out the extra language.

The Section regarding signs permitted on each frontage was noted, and Mr. Majewski stated he does not feel the Section referenced is correct. After some time trying to find the correct Section number, it was agreed that further research will be done on this, and the Section number corrected.

The Section regarding parallel signs was noted. There was discussion about the use of the term "historically traditional place on the building." Mr. Cylinder asked if this would apply to new buildings; and Mr. VanDyke stated it would. Mr. Cylinder questioned how there would be a "historically traditional place" on a new building. It was agreed to change the language to take out this reference.

Section (j) was noted and some minor language changes were made regarding directional signs which Mr. VanDyke agreed to make.

Mr. Donaghy noted Page 7 D (2) it should be Section 200-36C (2) to (5) rather than (b) through (e).

Mr. Bruce Jones, Woodside Presbyterian Church stated he had the opportunity to brief their Governing Body about including the Church property in the TND, and he was asked to be present this evening as their spokesperson. He stated he does not feel he has all their comments back yet but knew that the Planning Commission was proceeding with this tonight so he decided to come in with what they had to date. He noted Page 8 regarding maximum height of a building, and stated steeples are normally a structural member of most churches and having a restriction for a Church would mean that any Church that would want to develop in the District would have to immediately seek a Variance to deal with placing steeples on Churches which are historically appropriate. Ms. Frick stated the Definition Section of the Zoning Ordinance excludes steeples.

Mr. Jones noted Page 10 B.(1) and stated he feels a Church should be included in this Section as well; and Mr. VanDyke agreed to make this change.

Mr. Jones noted Page 11 regarding shade trees and asked if there are existing trees along the street, would they have to be removed and replaced with different trees or would existing trees be “grandfathered” in. It was noted they would not be required to remove trees.

Mr. Jones noted Page 14 E. (2) and asked if the intention is to have parking on both sides of every street or one side versus another; and if this is the case, how would this be prioritized. Mr. VanDyke stated it feels this Section is not clear as the intent was for this on new streets and not existing highways. It was suggested to insert “new” before “streets.” Mr. Donaghy asked if they may not want to have parking on an existing street if there was a business that wanted to have this. Mr. VanDyke stated he wanted the Township to be able to have on-street parking if appropriate. Mr. Majewski stated these regulations would not apply to the Church as they have a pending Application which is “grandfathered” in. Mr. Jones stated if the Church continued to grow, they may want to come back in and they would need to know how to operate under the TND. Mr. Cylinder asked if there is sufficient right-of-way in front of the Church to do what is required, and Mr. Majewski stated there would be sufficient right-of-way and no land would be required from the Church. Mr. VanDyke stated the Church may be able to meet their on-site parking needs by having on-street parking. Mr. Majewski stated he feels the language as written is proper and no changes were made to this Section of the Ordinance.

Page 14 F. (1) was noted regarding a parking lot not being a dominant aspect of the streetscape. Mr. VanDyke stated what this is referring to is what is referred to as a “snout house” where a garage dominates the front of a property. Mr. Jones stated if there is a further Application for the Church they may need to have parking along Edgewood Road or Heacock Road; and they would not be able to comply with this provision depending on how they perceive “dominant.” Mr. Donaghy stated this would only apply if they chose to come under the TND requirements; and if they chose to do so, they would need to take this into account. Mr. Jones stated assuming they put ten spaces in the area as opposed to the thirty-four originally proposed, would that be a non-dominant installation of parking or would it be considered dominant. Mr. Cylinder stated he feels this would depend if there were landscaping or berms. Mr. Dickson stated he feels dominant would be more than 50% if they wished to quantify it, but he feels they would have to also consider the aesthetics. Mr. VanDyke stated there is nothing that precluded making the building more dominant, and it could be moved forward toward the street noting the setbacks are very generous.

Page 16 Item H (2) was noted which brings up the concept of other landscaping being “essential” and lists a number of items. Mr. Jones questioned what they mean as “essential.” Mr. Donaghy stated he feels they should indicate that these are just examples of items that could be considered. Mr. Cylinder stated he does not feel this listing adds anything to the Ordinance since if someone did want to propose these items, they would be subject to review anyway. Mr. Donaghy stated he feels they are encouraging use of

these items, and these items are not otherwise provided as being encouraged in the TND. Ms. Frick stated this Section indicates that approval by the Board of Supervisors is required, and she noted not everything that comes to the Township gets approved by the Board of Supervisors since it may not be a Land Development Plan. She noted if someone were just to come in for a Building Permit, it would not require approval by the Board of Supervisors. Mr. Bush stated he agrees that there is no need for this paragraph since he feels everything that is here is covered already elsewhere. Mr. Donaghy stated he feels this is a good list of items that are encouraged for the TND. Mr. Jones suggested it be stated more as a philosophy. Mr. VanDyke stated he agrees some language changes need to be made and possibly they should make a distinction between private and public space. He agreed to work further on this Section.

Page 17 (5) was noted regarding first floor elevations. Mr. Jones stated the Church would have a relatively large footprint; and if there is an elevation change greater than 30” over what would be the proposed footprint of the building, he would ask what would define ground level for the structure. Mr. Majewski stated they may want to change “natural grade” to “grade level” which is defined. Mr. VanDyke agreed to make this change. Mr. VanDyke stated this applies only to Residential, not Commercial. Mr. Bush noted the last sentence of (5) regarding basement access via large window wells or exterior enclosed cellar stairs and added he felt it was now required that finished basements in Residential structures have this. Mr. Majewski stated there may be an unfinished basement for which they would still want to have access. Mr. VanDyke stated the Historic Commission wanted this put in. Ms. Frick stated if this only applies to Residential and not Commercial, there needs to be more clarification on this. She also noted the proposal for structures to be half Commercial and half Residential. It was agreed to revise the sentence regarding “mounding up of the grade around a house” and take out “around the house.” The last sentence was noted regarding review by HARB, and it was noted HARB could not review this if the basement were in the rear of the building; and Mr. VanDyke agreed to take this out.

Mr. Jones noted the top of Page 24 with regard to being “visible from a state highway,” and noted he did not feel there were State highways in the District and that they were all Township roads. Mr. Majewski stated Yardley-Langhorne and Stony Hill Roads are State highways. It was noted that on both sides of the Church there are Township roads. Mr. VanDyke stated this Section should be changed to read “state highway or Township road.”

Mr. Jim Keba, 1767 Yardley-Langhorne Road, stated when this went before the Board of Supervisors they had commented that the size of efficiencies of 300 square feet were too small, and he asked if this was changed. Mr. VanDyke stated it was not, and the Historic Commission wanted this size to encourage these units. He felt the Board of Supervisors was willing to go along with this.

Mr. Keba asked if the on-street parking will be metered and if there will be any hourly limits. Mr. VanDyke stated it would be up to the Township to make a decision on this. He stated usually when you have meters it is because there is not sufficient turn over of parking, and usually the prime abusers of meters are the store owners who use the spaces themselves.

Mr. Keba noted Page 23 regarding the loading areas and asked if this is designated for 10,000 square feet per business or for combined 10,000 square feet in a building. Mr. VanDyke stated this would be on a per-parcel basis. He stated if there is a site with less than 10,000 square feet, they will probably not have loading. He stated the Township may decide to dedicate a space in the street for loading to accommodate drop offs by a van, UPS, etc.

Ms. Frick noted Page 24, paragraphs 2 and 3 which she feels is confusing. She noted the reference to “state highway” also needs to be changed to “state highway or Township road.” She also noted the reference to “historic structure” and asked what defines “historic structure,” and Mr. VanDyke stated there may be a few historic structures which front on Stony Hill Road that may be re-located; and the Historic Commission and HARB were concerned that if they were re-located to a development that does not have public streets, the Historic Commission and HARB would lose their ability to ensure that those structures were properly maintained. Ms. Frick stated the reference to whether or not it can be seen from a state highway also needs clarification as you could travel on I-95 and see everything. Mr. Donaghy asked if there is any definition in the Ordinance of an “historic structure.” Ms. Frick stated there is a definition. Mr. VanDyke noted the second paragraph and stated in talking to the Township professionals, they were concerned that there will be a lot of internal streets specifically on the Troilo Tract ;and Mr. Troilo has indicated he is willing to let the HARB look at the buildings, but it is burden to have every one of the buildings come before HARB and the Board of Supervisors and noted much of the construction may not be on public streets. Ms. Frick suggested that they change this to “do not front on a State highway or Township Road” as opposed to are “not visible from a state highway.” Mr. VanDyke agreed to make this change.

Mr. Donaghy asked if there is any reason for the beginning of the first sentence of the second paragraph on page 24 which states “After the development is complete,” and Mr. VanDyke agreed to eliminate those words and instead start that sentence with “All applications for a building permit....”

Ms. Frick stated she still feels there is some confusion as there is already language for historic structures that anything in the Historic District has to get a Certificate of Appropriateness, and she questions how this will coincide with all other buildings that do not front on a State highway or Township road not having to come before HARB as this is incorrect as they would if they are in the H/C District. Mr. VanDyke stated he will have to review this further with Mr. Truelove.

Mr. VanDyke stated there is a Public Hearing which has been advertised by the Board of Supervisors for October 3, and he questioned the best way for them to proceed noting some of the comments made this evening may open up other issues. He stated if they could open up the Hearing, they could then continue it to make these changes.

Mr. Dickson stated the Planning Commission has been discussing making a recommendation on the Ordinance to the Board of Supervisors as amended and pass it along at this time to save time as they understand there is a desire to move this Ordinance along.

Ms. Joyce Bigley, 1793 Yardley-Langhorne Road, stated she lives across from Heston Hall and asked about free-standing signs. Mr. VanDyke stated they have permitted free-standing signs if they have a building of more than 10,000 square feet. He noted Heston Hall would be grandfathered. Ms. Bigley asked about signs on a building. Mr. VanDyke stated if a sign is on the building, it would be four square feet. Ms. Bigley stated looking out her front door, she feels like she will be looking at buildings with signs facing her. She stated it will look like a billboard going down from one building to the next.

Ms. Friedman stated they could have some signs on a wrought iron display hanging perpendicular to the building. Ms. Bigley stated she feels it would be better to have the free-standing type signs or signs coming out perpendicular as opposed to having to look at signs on each building facing her home. Ms. Friedman stated they will not look like billboards, because they will have historic integrity. Ms. Bigley asked about the free-standing signs; and Mr. VanDyke stated a free-standing sign would have to be outside of the right-of-way.

Ms. Bigley asked for a further explanation on basements. Mr. VanDyke stated the Historic Commission did not want to see a mounding up of the front of the properties so that the rear of the house could have a walk-out basement. He stated this would not be apropos of an Historic District. He stated typically a building is about 18” above the natural grade. He stated recognizing the grade could change, they have allowed some flexibility of up to 30”. Ms. Bigley asked if you already have a basement and want to have a walk-out basement, would this be permitted; and Mr. VanDyke stated you could do this.

Ms. Friedman moved, Mr. Bush seconded and it was unanimously carried to recommend to the Board of Supervisors the acceptance of the ninth draft last revised 9/18/07 of the TND Overlay Ordinance as presented with the agreed upon final edits and corrections as indicated.

#576 – THE GATHERINGS AT YARDLEY – PRELIMINARY PLAN DISCUSSION

Ms. Friedman noted she worked with Mr. Thomas Mirande approximately twenty-five years ago in a volunteer capacity, but does not feel that she needs to recuse herself from any decisions on this matter. Mr. Donaghy stated he does not feel this presents a conflict.

Mr. Thomas Mirande, Mr. David Conn, attorney, Mr. Greg Elko, engineer, and Mr. Anand Bhatt, engineer, were present. Mr. Conn stated they have tried to address as many of the issues that were previously raised as possible. He stated they have also heard from the EAC since they last met with the Planning Commission. He stated the parcel is currently agriculture space with one dwelling used for rental purposes. It is an Estate asset at this point, and the owners do not live on the property.

Mr. Elko stated this is a 17.5 acre site. An aerial photo with topographic features overlaid was shown. Dobry Road is to the south and the Oxford Valley Mall is off the site by 200' to 300'. The Makefield Executive Quarters is to the north. The railroad runs along the northwestern property line. He noted a Residential zoned property and stated the remainder to the south, east, and north are all Zoned C-3 as is the site itself. He stated there is an existing dwelling on the site, and the rest is open meadow with a few stands of isolated trees. At the far northern and northwestern perimeter, there are some larger stands of trees. There are isolated areas of wetlands of approximately one half acre total in three distinct areas shown on the drawing in yellow. There are no floodplains or steep slopes. The change of elevation is 12' with the high point in the southeast and the low point an existing culvert under the railroad tracks. He noted the location of the low point that drains the site underneath the railroad tracks and a low point in the northeastern corner that drains run off from the site off to the northeast. He stated surrounding them are an office complex, light commercial, and residential uses. He stated the formal right-of-way of Dobry Road ends at the right-of-way of the railroad tracks, and there is a private driveway that services a lot that is on the other side of the railroad tracks.

Mr. Elko stated they originally were considering 70 units based on the C-3 Zoning with a mix of single-family detached and single-family attached dwellings. They next prepared a Plan showing 67 units with a mix of attached and detached single-family dwellings. The next Plan based on further input from the Township showed 62 units with a mix of attached and detached dwellings. The current Plan has 59 units with 25 single-family and 34 townhouses. Density is 3.6 dwelling units per acre.

Mr. Elko stated the site takes access off Dobry Road via two connections – one on the eastern side and one on the western side. There are also off-site improvements, and they propose to widen Dobry Road from the eastern access out to Oxford Valley Road in accordance with Township requirements. They propose a stormwater management basin which will be a wet pond located in the northeast corner of the site and an infiltration

basin on the southern property line. Public water and sewer are proposed both of which are being extended from Oxford Valley Road to the site. They also propose open space and recreation based on Ordinance requirements.

Mr. Elko stated their planning took into consideration the existing features on the site. He stated there are three locations of wetlands which are proposed to be preserved; and in addition to the preservation of these three wetland areas, there is a 75' wetlands buffer which will also be preserved. He stated there is also a water course setback of 25' required and the water course on the site is the culvert. Woodlands disturbances are limited by the Ordinance, and they propose to preserve 45% of the woodlands on site.

Mr. Elko stated the wet pond is located at the northeastern low point of the site. It is an area where the soil does not have infiltration capacity. To promote infiltration, they have sited two other stormwater features – one an infiltration basin which is an above-ground basin located along the property line at a location he showed on the Plan, and the other is a below ground infiltration basin located between the single-family and townhouse units at a location he showed on the Plan.

Mr. Elko stated there are two open space areas identified as Open Space A and Open Space B. Open Space A is 3.8 acres comprised of natural features and existing wooded areas and a flat area around the perimeter of the site and includes the wetlands at the western end of the property, the buffer area, and all the wetlands preservation along the northwestern property line, and the perimeter open space along the northeastern property line. Open Space B is smaller than A but is co-joined to Open Space A and is behind Units 44 to 55, and they propose some recreation space in this area as well. Recreation Space A is .3 acres located next to the entrance drive, and Recreation Space B is located behind the Units previously noted and is a recreation area of approximately 20,000 square feet. He noted a location on the Plan where they had originally proposed a community garden, bocce courts, and recreational trails. He noted they also propose a trail around the wet pond. He stated they would like to get input from the Planning Commission on the appropriateness of the open space and recreation areas proposed. He stated based on their experience with this type of lay-out, they have found what they have proposed to be successful. He stated there was also discussion about putting the community garden behind the Units noted and the bocce courts or fitness trail along the main part of the entrance drive.

Mr. Cylinder stated when this Plan was previously presented, it was presented as age-restricted housing, and he asked if they are still pursuing this; and Mr. Mirande stated they are. Mr. Cylinder asked how many stories the buildings will be, and Mr. Mirande stated they are all ranch homes. Mr. Cylinder stated the buildings as shown on the site plan seem to be rather large for the lot. Mr. Mirande stated the square footage of the building is 1,800 square feet and the lots are a minimum of 6,000 for the single-family lots and the townhouses lots are a minimum of 2,000 square feet.

Ms. Friedman asked how far apart are the single-family homes from each other, and Mr. Mirande stated there is 20' between them; and typically in active adult communities you will see 5' between units. Mr. Cylinder asked how they handle windows on the side; and Mr. Mirande stated they have built this product a number of times and usually the windows are staggered in the units with fewer windows on the sides.

Mr. Cylinder stated it appears that the garages face directly onto the street, and Mr. Mirande agreed. Mr. Cylinder asked why they put the higher density units in the back and the lower density in the front. Mr. Elko stated the existing higher density areas are where they have proposed their higher density units as this makes a more natural transition. Mr. Cylinder stated the part of the project which generates more traffic will have to travel through the area which generates less traffic. Mr. Elko stated the single-family units are primarily located along Dobry Road because that is where the less-dense area is surrounding them. He stated he did not feel it would be appropriate to put townhouses along this area, so they have proposed to put them in the back.

Mr. Cylinder stated Dobry Road is a dead end street, and he asked why they did not show a turn around at the end. Mr. Elko noted the area is impacted by a lot of natural resources and the only people going to the end would be the people living or visiting the house on the other side of the railroad track. Mr. Bush stated this is an unguarded railroad crossing and people who are not familiar with the area could go too far down and find themselves crossing an unprotected railroad track. Mr. Bush questioned if the Township has had any discussions with the developer as to what could be done with respect to signage. Mr. Elko stated they do have on their Plans a No Outlet and Dead End Street sign placed after the second entrance. Mr. Majewski stated he and the Township traffic engineer have indicated there should be additional signage to warn that there is a railroad crossing.

Mr. Cylinder stated this railroad is for major freight trains and there have been discussions about passenger trains on this line as well. He stated currently it is a high speed railroad and generates a lot of noise. He asked what they will do to buffer the sights and sound of the railroad for the houses which back up to these tracks. Mr. Elko stated the Development Plans do show a berm located along the units closest to the railroad. He stated they also propose a heavily vegetated evergreen screen for the top of the berm. With respect to the noise, they will address this by possibly providing some type of fence which would be erected at the top of the berm with the boards together to create an effective sound barrier. Mr. Cylinder asked why they do not have a continuous berm along the rear as they only show it behind seven units. Mr. Elko stated they could not do this without impacting the existing wetlands and water course buffers. Mr. Mirande stated it is heavily wooded in this area. Mr. Cylinder stated woods to not do much for sound. Mr. Cylinder asked if they could install the fence without a berm; and Mr. Elko stated the fence would still go through the wetlands and buffers, and the Ordinance prohibits this. Mr. Majewski stated if the Planning Commission feels this is a good idea and the Board of Supervisors agrees, they could do this. Mr. Majewski stated

he feels a fence would be a good idea. Mr. Cylinder stated he feels a fence would also be good to help keep people from walking onto the tracks from this area. Mr. Elko stated they would also have to obtain a Permit from DEP. The Applicants stated they have no objection to installing a fence.

Mr. Dickson stated the Township has allowed a number of residential developments to be built adjacent to railroad tracks; and the Township is currently considering resident concerns about train noise. He stated it appears this development will be impacted by this as well, and the Township could be receiving complaints about this in the future. He stated he feels there should be full disclosure about the railroad.

Mr. Cylinder asked if the proposed pond will have any value other than as a retention basin. Mr. Elko stated it will be a wet pond. Mr. Cylinder stated the pond shown on the latest Plan is very mechanical looking, and does not have a natural shape or aesthetic look. Mr. Elko stated the pond will have a fountain and a walking trail with a gazebo overlooking the pond. Mr. Cylinder asked about the configuration of the land as graded. Mr. Elko stated some of the comments raised by Mr. Majewski will require them to make grading changes. Mr. Cylinder asked that they make the pond look more aesthetic and more useful.

Mr. Cylinder noted the lack of open space in the center of the property. He also noted the access to the open space areas to the rear and to the area near Dobry Road does not seem to be readily accessible to the central portion. He asked about the possibility of opening up an area in the center even if it resulted in the loss of some lots. He noted a portion of land between Lots #30 and #15 and feels if they could add to this open space area by taking out one or two lots, they could have an open area in the center with some reconfiguration to provide an area which gives more form to the development.

Mr. Cylinder stated currently their plan only looks like a subdivision. He stated there may be some ways where they could improve the salability as well by opening up a portion of the center area.

Mr. Cylinder noted the entrance to the west and stated the radius of the road could be shortened which would allow better access for Lot #26. Mr. Cylinder stated Lot #42, while oversized, has a poor shape. He stated possibly they could improve this by tightening the curve.

Ms. Friedman asked if these properties will have basements, and Mr. Elko stated they will. Mr. Cylinder asked if they have a high water table, and Mr. Elko stated they do; and if there is a problem, they will have to make provisions for this.

Ms. Friedman asked if the EAC discussed the use of rain gardens and stormwater management since there is only one small rain garden proposed. She asked if they could add some more of these and create more on-site water retention. She asked if there are any problems with water drainage, and Mr. Elko stated they do not believe the site will have any problems with water. He stated the EAC did provide them with quite an exhaustive list of comments which they are prepared to incorporate; but they are not shown on this Plan, and they will meet with the EAC to go over these items.

Ms. Friedman stated she feels if they add other ways of addressing stormwater management, it will create a more open space feel.

Mr. Cylinder asked if the lots will be sold fee simple, and Mr. Mirande stated they will, and the Homeowners Association will own the open space. The streets will be public streets. The cartway proposed is 30', although Mr. Majewski stated the new Plan shows 36'.

Mr. Elko noted the letter from Schoor DePalma dated 9/4/07 and stated they will comply with 90% of the items most of which are technical. He noted Item #1 lists the Waivers being requested. He noted Comments B and C deal with improvements to Dobry Road. He stated Comment B speaks to improving the street to Township standard which would require widening the street, installing a curb, and an underground drainage system to convey run off. He stated they are proposing to widen the Road to Township standards, but they are requesting a Waiver for the curbs and instead of an underground detention basin to have more of a natural BMP along the roadside swale.

Ms. Friedman noted their concern with the end of the Road, and the railroad tracks, and stated it appears that the residence there can only be accessed by crossing the railroad. She asked if it would be possible to have a drop-down gate accessed by a card or code used by some private communities so that people are prohibited from crossing the railroad into this private driveway. Mr. Majewski stated he feels they could approach the residents and asked if they would like this or they could have a cul-de-sac in this area to further delineate this rather than just with signs. Mr. Cylinder asked if that property has any other access, and Mr. Elko stated they do not.

With regard to Comment D, Mr. Elko stated they are not proposing sidewalks other than the interior part of the road. He stated the only reason to provide a sidewalk on Dobry Road would be to promote pedestrian traffic, and they do not feel this would be necessary. Mr. Majewski stated the Bucks County Planning Commission did suggest that they continue the sidewalk down to the second entrance. He stated he does not feel they want to encourage people walking close to the railroad.

With regard to Comment E, Mr. Elko stated they are proposing 20' easements and currently the easement location is between the single-family and townhouse units.

He stated in discussing this with Mr. Majewski, they can increase this to 25' which would be 10' on one side and 15' on the other without impacting the lots; and it would provide adequate storage area, excavation, and allow for future maintenance of the underground system. In doing this, they may need another easement for this same Section, Sub- Section B which discusses the provision to place easements centered on the property line.

Item F was noted which discusses minimum grade of a basin bottom. Mr. Elko stated the Ordinance provision requires 2%; and because they are proposing a wet pond, they are proposing a flat bottom basin of 0% so that they can maintain it as a wet pond.

Item #2 was noted which discusses the requirement for a minimum of 20% of base site area to be devoted to open space, and Mr. Majewski was questioning the open space they were providing along the eastern side. Mr. Elko stated the open space in this area is 30' wide. He stated the plan proposes grading and landscaping of the entire area. They considered converting the units to daylight or English-type basements, and the grade would be allowed to pull away from the property line; and for this entire area they would preserve as much of the existing grade and wood line as possible. They could then save more of the area, and it would be more conducive to considering this as open space.

Item #3 was noted which discusses the percentage of wooded area to be removed, and Mr. Elko stated by the revision just discussed under Item #2, this would resolve this issue, and they will have more than 40% of the wooded areas remaining.

Item #4 was noted which discusses a minimum of 350 square feet of recreation land to be provided per dwelling unit, and Mr. Elko stated they feel they are providing this. He stated they were asked to clarify the intention of the recreation areas. Mr. Elko stated originally they had proposed a community garden for Recreation Area A and bocce courts or a fitness trail for Recreation Area B; but they may now decide to flip these recognizing that the community garden may be more appropriate in the rear where it would be in the rear yards which would be a more passive activity; and the more active type of recreation would be in the front where they have access to sidewalks and would be more accessible to the residents.

Ms. Friedman asked how they propose to access the gardens; and Mr. Elko stated there is a trail proposed around the basin which would access the gardens. Mr. Cylinder stated if the garden were in the location in the rear, it would require people to carry materials a significant distance. He also stated this would also involve having people working in people's back yards as opposed to if it were moved to the front recreation area, they could drive their cars to that location. He feels it would be better to have a buffer in the back area than a garden which would be more open. Mr. Elko stated the property is 80' wide, and the entire area would be 16 square feet. Ms. Friedman stated while she likes the garden idea, it seems that the townhouses would be subject to looking at this when

there could be problems with improper maintenance between seasons. Mr. Majewski stated during the season it can also present sight problems with small fences, etc. Mr. Elko stated they could evaluate some other uses.

Mr. Conn stated they could have trails or a bocce pit which would encourage more people staying in the area. Mr. Cylinder stated he does not feel they want to encourage people being so close to the rear yards of the homes. He feels if there is to be an active recreation area or a garden, they should have this more centrally located. Ms. Friedman stated she would not want the recreation to impose on certain residences. Mr. Mirande stated they have built other communities without recreation. Mr. Dickson stated he feels a walking trail is fine. Ms. Friedman also suggested an arboretum with benches. Mr. Cylinder stated prior discussions indicated that this was to be developed for people who were not interested in communal activities.

Mr. Cylinder stated while the Plan presented is not a great Plan, it is something that they can work with. He stated he feels the presentation made by this developer is better than what he has seen in the past. He discussed his philosophy of planning.

Ms. Friedman stated with regard to the open space, she appreciates the fact that they are looking to add things; but noted they will have a Homeowners Association, and if they give them enough area to work with possibly the Association will decide what they want to have. Mr. Majewski stated possibly they would also provide them money to build on the open space. Ms. Friedman stated she feels they should provide adequate space throughout the community and not just in two spaces.

Items #14, #24, and #37 were noted with regard to stormwater management. Mr. Elko stated they have discussed this matter with Mr. Majewski and potential resolutions which have to do with volume control and treatment of runoff to the wet pond in the northeast corner of the site. He stated they will incorporate some revisions to the Plan that may include irrigation to put water back into the site and may make the pond deeper.

Mr. Cylinder stated he feels they should put fish in it. Mr. Elko stated most of the EAC comments were related to volume control, and they intend to address them.

Mr. Bush stated at one point he feels there was discussion about a potential traffic light at the intersection of Dobry Road and Oxford Valley Road, and he asked if this is still contemplated. Mr. Elko stated it is not. He stated the traffic generated by this and surrounding traffic would not meet the Warrants. There is discussion of widening Dobry Road from the entrance closest to Oxford Valley Road down to Oxford Valley Road. Mr. Bush stated there is a drop off in elevation, and Mr. Elko stated they will do grading and drainage improvements.

Mr. Cylinder asked if there is a bike path on Oxford Valley Road, and it was noted there is. Mr. Cylinder asked if they will connect this, and Mr. Elko stated the sidewalk is extending to the path.

Mr. Majewski noted some stripping changes for left turns onto Dobry Road may need to be considered.

Mr. Michael Quinn, 1654 Dobry Road, stated the existing hedgerow is 100 years old, and he has maintained this over the years. He stated they are now showing the trees to be removed. He stated they are beautiful mature trees and provide shade and a nice buffer between his property and the new Development. Mr. Quinn stated he is also interested in possibly being hooked up to sewer and water if this is possible. Ms. Friedman stated this will come up when the Plans are more solidified. Mr. Dickson stated he should discuss this matter with Mr. Hoffmeister. Mr. Elko stated with regard to the trees, the changes discussed with regard to the open space should accommodate keeping most of the trees.

Mr. Joe Shenard, 1667 Dobry Road, stated he is concerned with the first driveway which will be directly across from his driveway. Ms. Friedman stated lights coming out of the new Development would be hitting his house at night. Mr. Shenard stated if they moved the road up, it would be across from an empty field and would impact no one.

OTHER BUSINESS

Ms. Frick stated there will not be a meeting on Monday, October 8th as it is a Holiday. The next meeting will be Monday, October 22. Ms. Friedman stated she may not be able to attend that meeting.

Mr. Dickson noted the e-mail from Mr. Majewski regarding a walk-through of the tract across from Shady Brook Farm which has been scheduled for Wednesday, October 10, from 4:00 p.m. to 5:00 p.m.

There being no further business, Ms. Friedman moved, Mr. Cylinder seconded and it was unanimously carried to adjourn the meeting at 10:40 p.m.

Respectfully Submitted,

Karen Friedman, Secretary