

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – SEPTEMBER 10, 2007

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on September 10, 2007. Chairman Dickson called the meeting to order at 7:35 p.m.

Those present:

Planning Commission: Dean Dickson, Chairman
 Tony Bush, Vice Chairman (joined meeting in progress)
 Karen Friedman, Secretary
 Richard Cylinder, Member
 John Pazdera, Member

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

DISCUSSION OF 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 REZONING OF
CERTAIN TAX PARCELS AS NOTED THEREIN

Mr. Carter VanDyke was present and stated the attorney suggested that they make certain revisions and these were done by Mr. Truelove with a final review by the Bucks County Planning Commission. Mr. VanDyke stated he provided a number of documents to the Planning Commission including an outline which discusses the Overlay and includes five maps listing all the Tax Parcels. He noted the parcels on Yardley-Langhorne Road which will be rezoned from R-4 to H/C Commercial with the TND Overlay on Map #1 which are parcels south of Yardley-Langhorne Road. Map #2 shows a few parcels north of the Flower's Tract and the parcels opposite Stony Hill Road which are currently zoned R-1, and these would be rezoned H/C with the TND Overlay. He noted Map #3 which is a triangular parcel between Stony Hill Road and I-95 and these remain R-1 but they would also have the TND Overlay. Map #4 is a composite of the TND Overlay for the entire H/C District. Map #5 shows that there are three parcels which are Zoned C1-Commercial which are the Church property, the CVS, and the Park which are currently Zoned and are in the TND Overlay. Mr. VanDyke stated Exhibit #6 shows what the ultimate Zoning Map would look like.

Mr. Bush joined the meeting at this time.

Mrs. Godshalk asked if everyone has been notified who lives in these areas, and Ms. Frick stated they have notified all in the area as well as surrounding areas. Mr. VanDyke stated they also did postings.

Mr. VanDyke noted some definitions and other recommendations that the Bucks County Planning Commission had suggested.

Mr. VanDyke noted Page 5 that shows all the criteria for drive-in window which has been clarified. Mr. Bush noted the reference to ATMs noting that ATMs are in many places other than banks. Mr. VanDyke stated in this instance it has to do with the fact that they did not want a separate drive-in window for an ATM. Mr. Donaghy stated he feels they should either define ATM or spell it out. Mr. Bush stated they should also clarify that this refers to ATMs connected to a bank. Mr. Donaghy asked if you can regulate hours for ATMs. Ms. Frick noted they have been regulated in the Township but only through the Zoning Hearing Board Decisions or Court Orders. This has been done by way of an enclosure. Mr. Donaghy stated in order to control the hours, they may have to include a provision for an enclosure. Mr. VanDyke stated he feels the way it is written, it indicates the Board of Supervisors “may” regulate this. Mr. Donaghy stated he feels it is best to make it very clear in the Ordinance if they want the Board of Supervisors to regulate the hours. Mr. VanDyke stated they could change it from “may” to “shall.”

Mr. Majewski asked if they would allow the drive in to go out to an arterial road, and Mr. VanDyke stated they could exit there, but they could not enter. Mr. Majewski suggested that they add the word “road” after “arterial.”

Mr. VanDyke noted Page 5 with regard to a “hotel” room, and stated the Bucks County Planning Commission suggested that they change this to “overnight room;” since they were referring to an inn.

Page 6 was noted regarding accessory uses, and Mr. VanDyke stated the Bucks County Planning Commission questioned what types of home occupation were permitted. Mr. VanDyke stated they clarified this so that it would be Class I or Class II in accordance with the Zoning Ordinance.

With regard to accessory structures, the Bucks County Planning Commission suggested that they make a distinction with regard to garages as it relates to setback so there are now specific setback regulations for garages.

Mr. VanDyke noted the revisions made under Conditional Uses as it relates to banks with more than two drive-in windows.

Page 11 was noted regarding Use Composition. Mr. VanDyke stated it has previously been five acres, and the Historic Commission asked that the minimum lot size be reduced to 2.5 acres as they had some concern that the Day Care which only has a ten-year Lease, may come before the Township at some point; and they wanted to make sure that it would not only become Commercial. Paragraph B was noted and a Note will be added that this does not apply to a Place of Worship.

Page 12 was noted regarding density/intensity calculations and they have made it clear that it is to be based on the gross site area and not the net site area.

Page 23 was noted, and Mr. VanDyke stated Bucks County Planning Commission noted there are two separate enabling legislations – one is Act 247 and the other is the Historic District Act 1961 which allows for Historic Architectural Review Boards. Mr. VanDyke stated Mr. Truelove felt it would be best to clarify that the HARB review is the enabling legislation. Section 5 was noted on Page 23 regarding Hotel/Motel and it was changed to read Hotel/Motel/Inn and a new Sub-Section C will be added to show a definition of an Inn. Mr. Donaghy suggested some language clarifications to the definition as it relates to an Inn that it “may also include a restaurant,” and Mr. VanDyke agreed to make the changes suggested by Mr. Donaghy.

Mr. Dickson noted the section referring to Inns noting that on Page 5 it indicates no overnight rooms shall be occupied by the same occupant for longer than three months and in another section it states 12 weeks; and he feels they should use one time frame or the other. The Planning Commission felt it should be 12 week, and Mr. VanDyke agreed to make this change.

Mr. David Miller, 1648 Yardley-Langhorne Road, stated his property is across the street from the CVS. He noted Page 6 regarding the restriction that signs cannot be back lit, and stated he feels it should go further than this, and he does not feel there should be any spot lights. He stated there is an existing sign in the area on the Manse where there is a chiropractor and it is glaring. He feels the lights should be above the signs going down onto the sign so you do not get this glare going into your windshield in the evening. He stated he also feels there should be some reference to the brightness of the light. Mr. Miller also noted free-standing signs, and stated the CVS has large signs all over their building and a free-standing road sign. He stated he does not feel it is necessary to have that many signs for any one business. He stated he feels they should encourage that all signs be on the building, and they should limit the square footage of total signage. He feels they should get away from road side signs and in order to encourage this, they could give more square footage for signs if they put them on the building.

Mrs. Godshalk stated in the current Ordinance there is a limit on the signs per building in the Historic Village. Mr. VanDyke stated the Ordinance does reference that Section, and adds additional restrictions. Mrs. Godshalk stated having signs outside these buildings

with the limited setbacks would put the signs in the State right-of-way. Mr. VanDyke stated they cannot have signs in the State right-of-way. He stated for free-standing signs, they are discussing a sign of 2' by 3'. He stated only one sign per building is permitted – not one sign for each leaseholder.

Mr. Cylinder asked if they will have to show all the signs during the Land Development process and Mr. VanDyke stated they would and this would also be addressed at HARB who will police anything that faces the arterial roads. All this will have to be signed off before Ms. Frick could issue a Sign Permit.

Ms. Frick stated with regard to lighting, this is covered in the Ordinance. She also stated all Building Permits have to go before HARB as well before they can get a Certificate of Appropriateness.

Mrs. Godshalk stated she has had discussions about the lighting at the CVS with Mr. Majewski and he has indicated that they are in compliance with the Ordinance. She stated the effect of their lighting may be due to the fact that it is on a white building and it is reflecting out. Mr. VanDyke stated if the CVS would want to upgrade their building, they would have to comply with the new Ordinance if they want to be part of the TND as they are within the District. He noted this would only be if they wanted to put more retail on the site as opposed to just someone coming in to take over the existing building.

Mr. Donaghy noted the wording on signage may need to be changed to indicate State and/or arterial roads.”

Mr. Donaghy asked if there is any reason not to use the same language that is in the Ordinance currently that applies to HARB review for H/C Districts. He asked why they would have different language for the C-1 portion than there is for the H/C District. Mr. VanDyke agreed to use the same language or refer to the existing Ordinance.

Mr. Miller stated he does not feel it is appropriate to have numerous roadside signs in the Historic Village. Mr. Donaghy stated in the H/C District currently, it indicates free-standing signs in excess of 6' above grade are prohibited. He stated it appears that they are now increasing this to 8' feet above grade. Mr. VanDyke stated they did this because of scale, and he felt 6' was too low. There was further discussion on the need for free-standing road signs since the buildings are very close to the street. Mrs. Godshalk stated she agrees that the free-standing road signs are an impediment. Ms. Friedman asked if there is any reason to have free-standing signs from a historic perspective, and Mr. VanDyke stated there is not; and the only free-standing sign which would be within the right-of-way that they have proposed as part of the Master Plan is the Historic Edgewood Village Town Sign which will be put up by the Municipality. Mr. Bush asked if HARB discussed this, and Mr. VanDyke stated while they did not, the Historic

Commission did, but not to the extent that the Planning Commission is discussing it. Mrs. Godshalk asked if they could base the decision on a free-standing sign being permitted based on the size of the parcel. Mr. VanDyke stated they could set up a minimum site size for a free-standing sign. Ms. Frick stated HARB does not regulate the size of the sign but reviews the design, color, etc.

Mr. Cylinder asked if anyone knows whether or not Edgewood Village had free-standing signs; and Mr. Broadway, owner of the commercial establishment on the corner, stated there was not one on his facility although he feels there should have been. He stated there was a swinging sign on the Country Store. Mr. Cylinder stated if they set a lot size requirement for free-standing signs, those who do not meet the size requirement may seek a Variance from the Zoning Hearing Board on the basis of unnecessary hardship.

A number of Planning Commission members felt that they should eliminate free-standing signs. Mr. Donaghy stated currently 6' high free-standing signs are permitted in the H/C and C-1 Districts so they would have to specifically state they are not permitted. This would be only for those developing under the TND. It was noted they could go before the Zoning Hearing Board for a Variance.

Mr. VanDyke stated he will develop language regarding lighting of signs.

Mr. Miller noted Conditional Use #2 regarding drive-in windows and stated while he is against banks, if they are going to be permitted, he is opposed to drive-ins. He stated if they are going to permit drive-ins, he would be opposed to remote drive-ins as this would allow them to move it away from the bank building and toward someone else's property; and it will create noise and light. He asked why they prohibited drive-ins for other uses if they permit them for banks. Mr. Donaghy stated it is not an unusual provision to permit drive-ins for banks as this is an integral part of a bank. He stated the Township can permit them for one use and not another provided there is a rational basis.

Mr. VanDyke stated they did include this in the Ordinance, and the only drive-in permitted is for banks.

With regard to stormwater management, Mr. Miller asked what will happen with the underground system and asked if it will be self-contained and absorbed on site, or allowed to be piped to some other location. Mr. Majewski stated there could be a combination of systems depending on the types of soils. He stated provisions are usually made for an overflow pipe when an underground system gets filled, and water could be piped off somewhere which would have to be controlled. Mr. Miller asked where this will go, and Mr. Majewski stated there are some storm sewer systems in the area. He noted he recognizes there is a problem at Mr. Miller's property; and any developer in Edgewood Village will have to address the impact to downstream areas. Mr. Miller noted the language in the Ordinance that stated "all larger storms shall be addressed by a

regional stormwater management system approved by the Township,” and he asked if this has been considered by the Township already. Mr. Majewski stated they have been starting to look into this, and they recognize that there are existing problems in the Village.

Mr. Miller again noted his displeasure with the lighting at the CVS. Mr. VanDyke noted there is a type of antique lighting fixture where the light comes out from the source and goes out into all directions. He noted other kinds of antique lighting fixtures which do not shine in this way. He stated they could develop language to indicate that the source of light should be directed down. Mrs. Godshalk asked about requiring a certain light fixture for the entire Village so that they would all be the same. Mr. VanDyke stated in the Design Guidelines they do have language on lighting. Mr. Majewski stated the SALDO does reference the Design Guidelines, and that the lights should be non-glare lights focused downward. Mr. VanDyke stated there are two types of fixtures discussed – one for parking lots and the other ornamental.

Mr. Cylinder asked about the possibility of gas lights, and Mr. Broadway stated a gas line does go up Yardley-Langhorne Road. Mr. Cylinder stated the quality of light given off by gas lights is very attractive. Mr. VanDyke stated proper light is uniform lighting which is very safe. Mr. Cylinder stated if they provide low-level lighting directed down on relatively short poles in keeping with the scale of the buildings, these lights would be much more effective when you plant trees as the lights would not be covered by the tree. He stated it is often better to have more smaller lights than fewer higher lights. Mr. VanDyke stated he feels the Subdivision Ordinance does address this; and when it goes before the HARB and the Planning Commission to sign off, they could consider this.

Mr. Miller asked about sewer and water. He stated he brought this up at the Supervisors' meeting, and Ron Smith indicated this was an integral part of developing the Village so that everyone living there would have access to sewer and water – not just the developers coming in. He stated this has not been mentioned in the Ordinance. Mr. Miller stated he feels it should be mentioned under the statement of purpose and intent. Mr. Donaghy stated he does not feel this is appropriate to have this in the Zoning Ordinance. Mr. Vandyke stated he feels the appropriate place would be the 537 Plan. Mr. Majewski stated this is correct, and that Plan does envision that the entire Township would have public sewer and water. He stated all properties within 1,000 feet of an existing public water system or 1,500 feet of a sanitary sewer system must tie in if they are going through the Subdivision and Land Development process. Mr. Miller asked about the rest of the residents in Lower Makefield who are not developing their property. Mr. Majewski stated the Township has been looking into how to address this so that when someone comes in to develop their property, any system they bring in will help out the most number of residents in the area. Mr. Miller stated this would be fine if it were going by your house to get to the development. He stated there are a number of items listed in

“Purpose and Intent,” and he feels sewer and water would be appropriate as well. Mr. Donaghy stated he feels this statement is more appropriate for the 537 Plan. Mr. Miller stated he feels there should then be some reference under Intents and Purposes that the Township is encouraged to abide by the 537 Plan. Mr. Donaghy stated the Township has to abide by the 537 Plan with regard to any new development.

Mr. David Broadway, owner of the corner property, stated there is sewer and water on Langhorne-Yardley Road now which runs from the Grange to the corner of Stony Hill Road and Langhorne-Yardley Road. He stated he is hooked up to public water, and the Day Care is hooked up to water and sewer. He stated when McCaffrey developed his property, he brought in sewer and water. He asked why this would not be accessible to anyone living on Stony Hill Road. Mr. Dickson stated the Planning Commission does not regulate water and sewer, and he feels this question should be directed to Mr. Hoffmeister and the Water Company.

Mr. Matt DeSantos, 755 Stony Hill Road, noted the change referenced by Mr. VanDyke for use composition from 5 acres to 2.5 acres and asked that he elaborate on this as well as how this will affect his property. Mr. VanDyke stated they wanted the Day Care Parcel (Map #2 - Tax Parcels #20-16-36-001, and #20-16-036) to be required to be a mixed use project were they to come in and develop the site after the ten year Lease is up.

Mr. Jim Keba, 1767 Yardley-Langhorne Road, stated while drive-ins are now an integral part of banks today, they were not in the past. He stated in the future other uses may want to have drive-in windows as well. Mr. Donaghy stated from a legal standpoint it would not matter if you permit them for banks and not permit them for anyone else or not permit them at all. He stated if the issue is that ultimately you cannot establish a bank, pharmacy, etc. without a drive-in window, the argument would be the same; and the Court would not look to see that you permitted it for a bank but not for anyone else. He stated if you wanted to prohibit drive-ins windows for every use, you could do so; but you would then not get any banks in the area. Mr. Keba stated there is nothing in the Ordinance that would limit any one use. He stated there are currently two banks in the area, and he questions if there will be a limit on the number of banks. Mr. VanDyke stated they did look into this, but they could not find a way to do it which would be defensible. Ms. Friedman stated parcel size could limit the number of banks as a practical matter. Mr. Cylinder asked how much land would be needed for a bank with a drive-in window, and Mr. VanDyke stated you could do it with a minimum of 10,000 square feet.

Mr. Keba stated at the last meeting Mr. VanDyke indicated that Mr. Keba would not be mandated to put in a sidewalk in front of his property unless he was going to develop his property for Commercial use. He asked if this is accurate. Mr. VanDyke stated currently there is a 33' wide right-of-way in front of Mr. Keba's property, and it is unlikely that the Township would put in a sidewalk and on-street parking through condemnation.

He stated if Mr. Keba came in for Land Development, he would be required to do this according to the Ordinance. Mrs. Godshalk stated she feels most of the on-street parking was to be on Stony Hill Road in order to help traffic-calming. She stated on-street parking does slow down traffic, and the ultimate goal is to have a 25 mile per hour speed limit with parking on the street and a median with plantings. Mr. Keba stated since the Flowers Tract will be developed, he feels the same argument could be made for going from the underpass under I-95 all the way to the intersection. Mr. VanDyke agreed. Mr. Keba stated this would be across the street from his house. He asked if his side would also have to have on-street parking and sidewalks. Mrs. Godshalk stated she does not feel Mr. Keba would be so mandated; but if the entire strip were to be developed, it may be done for him, although she could not say this for sure. Mr. Dickson stated he does not feel there was anything in the Ordinance that specifically addresses this. Mr. Keba stated while it does not say this, when he asked about this at the Supervisors' meeting, Mr. Ron Smith said he should "shut his front door." Mrs. Godshalk stated as you get to the corner, some of the buildings are very close to the road; and she does not feel there could be much road widening along that area. Mr. Donaghy stated there is nothing in the Ordinance that mandates sidewalks; although if Mr. Keba would develop it, he would be required to do so. Mr. VanDyke stated a developer may also be willing, at the request of the Township, to put in sidewalks and on-street parking in front of Mr. Keba's property if Mr. Keba was willing to have this done and felt it would improve the value of his property. Mr. Keba stated at this point in time he is a resident and intends to stay that way but does not want to become landlocked between Commercial establishments that have sidewalks that end at his property with on-street parking out front while he is trying to get in and out of his driveway.

Mr. Bruce Jones, Woodside Church, stated they received this information on 8/30/07, and the Church has not had an opportunity to properly consider the proposed changes to the Ordinance or the potential of including their property in the TND. He stated he has identified 28 items, and they would like to be able to have the Church consider this further before any action is taken. Mr. VanDyke stated this would not preclude the Church from developing under the current Zoning which is C-1. He stated the Overlay does provide more flexibility.

Ms. Frick stated when they did the new notifications anyone who was involved in a re-zoning of a parcel received notice again by Certified mail and regular mail. Ms. Frick noted this matter is to be considered by the Board of Supervisors at their meeting on October 3 so that there would be time to put the matter back on the Planning Commission Agenda for September 24. Mr. Donaghy stated since the Amendments have been provided, the Planning Commission could make a recommendation this evening to the Board of Supervisors relating to the suggested Amendments or do it at the next Planning Commission meeting. It was the consensus of the Planning Commission that they would like to have Mr. VanDyke come back on September 24 for a final review of the items discussed this evening, and they will make a recommendation to the Board of Supervisors

at that time. The public was reminded that this matter will be considered again on 9/24/07; and it was agreed by the Planning Commission that no further notices need be sent out to the public regarding the meeting to be held on 9/24/07.

#562-A – HARMONY LANE PRELIMINARY PLAN DISCUSSION

Mr. John Baionno, engineer, was present. Mr. Baionno stated this plan was originally submitted one year ago and has gone through Plan review by the Township engineer. Mr. Baionno stated he has also met with Mr. Majewski on several occasions. He stated that prior to making any further revisions, he wanted to discuss some of the changes they are considering. Mr. Baionno stated the property is located west of Delaware Rim, adjacent to Makefield Highlands Golf Course. He noted existing Dogwood Drive on the Plan, and stated it is partially improved opposite the proposed Harmony Lane development. He noted on the plan where Delaware Rim ends. He also noted the location of the Chanticleer Subdivision on the Plan.

Mr. Baionno stated Harmony Lane is 14.7 acres, the majority of which is wooded. He stated there is a drainage channel which runs south to north toward Dyers Creek. He stated they propose to widen Dogwood Drive and construct a 400' cul-de-sac for ten single-family homes. He stated there are no public sewer or water facilities in the area. He stated Chanticleer is in the process of installing these. Mr. Baionno noted the yellow lines on the Plan where the Harmony Lane developer plans to install the sanitary sewer. They will extend it toward Dogwood Drive to help facilitate connection to the existing properties. Water will be extended in a similar fashion. Mr. Baionno stated they also propose a public easement across the westerly portion of their site so that in the future the Township could tie in both the sanitary sewer and water to the residents along Spur Drive, Sunnyside Lane, and the parcels to the west. Currently there are no facilities on Delaware Rim, but in the future with the tie-in to Chanticleer, they could tie in at some point.

Mr. Baionno stated they propose ten lots in sizes ranging from 18,000 to 22,000 square feet. They are proposing some alternatives as to woodland disturbance. He stated the Plan proposes a maximum disturbance of 30% of the woodlands. This would not provide the required 12,500 square feet of net lot area which means there will not be 12,500 square feet of usable land for each lot as this would require more cutting down of trees. He stated when he discussed this matter with the Planning Commission and Board of Supervisors over a year ago, there were favorable feelings on both Boards as to the scenario he presented with regard to providing the ability to the Township to tie into sewer and water and woodlands disturbance – either a reduced usable lot area or increased lot area with more woodlands disturbance.

Mr. Baionno stated this plan was submitted prior to the LID, but they met with Mr. Majewski and made some changes along those lines. They have reduced the front yards to 30' so that the houses are closer to the roadway, and the driveways are shorter. He stated previously the cartways were 36' wide, and these have been reduced to 26' wide. He stated previously the roadways required curbs; but they have removed these, and they will provide swales on both Harmony Lane and Dogwood Drive other than in the existing section of Dogwood Drive where there are currently curbs. Mr. Baionno stated the twp cul-de-sac bulbs have been reduced, and they added a landscaped island in the middle to provide for Best Management Practices for infiltration. Turning radius can still accommodate a fire truck.

Mr. Baionno stated with regard to the rear yard setback, they are not proposing to extend the back of the rear yard; and the setback currently in the Plan is shown at 45'. He stated 8,000 square feet is the average clear area on each lot. He stated the Ordinance dictates that setback lines are to be set from the limit of the preserved resource. He stated they are asking for relief from this so that they do not have to cut down more trees. He stated they would be willing to deed restrict the rear yards so that the homeowners would not be able to take down any more trees.

Mr. Baionno reviewed some of the stormwater management designs they are considering. He stated in accordance with the BMP measures, they are proposing roadside swales and infiltration. He stated each lot has an infiltration sub-surface basin under the driveway. He and Mr. Majewski have also discussed the use of a constructed berm within the woodlands area, disturbing as few trees as possible in order to create an infiltration zone within the trees.

Ms. Friedman asked how much usable area is there from the back of the house to the tree line, and Mr. Baionno stated it would be 20' to 30'. Ms. Friedman stated this would not allow them to install a pool, and they would be very limited as to any kind of decking. Mr. Majewski stated the trees in this area are generally 100' tall. Ms. Friedman asked if they propose to have basements, and Mr. Baionno stated they do. Ms. Friedman asked if an emergency vehicle could get into the area if cars were parked on both sides of the street since they are proposing a 26' cartway. Mr. Baionno stated he and Mr. Majewski were discussing putting in a stabilized area in the front so that cars could park in this area. If half a car were on either side of the road, there would still be a 12' lane down the middle for emergency vehicles. Ms. Friedman stated this would have to be understood by guests coming into the neighborhood that they should park half on the grass and half on the asphalt.

Mrs. Godshalk stated she questions who would be in charge of maintaining the swale, and Mr. Baionno stated the lawn cutting would be the responsibility of the homeowner. Mr. Baionno noted the 26' wide cartway was the recommendation of the Township. He stated the swale does help remove pollutants from the roadway.

Mr. Cylinder asked about emergency access in the event that the intersection is blocked. Mr. Baionno noted on the Plan a location where they were considering an area for emergency access. He stated the turn arounds provided are sufficient for fire trucks. Mr. Cylinder asked who would maintain the woodlands, and Mr. Baionno stated it would be owned by the HOA, and would be deed restricted. He noted the detention basin will be landscaped with grass. There are currently woods in the area proposed for the detention basin. He stated the basin size has been reduced from the original size proposed by incorporating an infiltration system that does not disturb the trees. There will not be water permanently in the basin. Mr. Cylinder asked if there would be a way to use the basin area for active or passive recreation since there is a cul-de-sac turn-around for the detention basin and this will create a focal point with nothing there that could be used. There was discussion on the slope that would be needed to do this. Mr. Baionno noted there is a marshy area at the lower end of the basin.

Mr. Majewski stated he is concerned with the issue of the setback from the woods. He stated the setback is to be measured from the protected land so they would be required to have a minimum setback from the woodlands, and this results in very little usable rear yard. He feels this will be a problem since there will be no room for a pool, patio, swing set, etc.

Mr. Bush asked about sewer and water; and Mr. Baionno again reviewed how these facilities will be extended along with the potential to sewer some of the existing properties.

Mr. Dickson asked if they have reduced the number of lots from the previous submission; and Mr. Baionno stated they did not.

Mrs. Godshalk stated she is concerned with eight to ten homeowners maintaining all the woodlands and the detention basin. Mr. Baionno stated they are marketing these as wooded lots. Mrs. Godshalk stated there have been situations in the past when the Homeowners Associations wanted the open areas to be taken over by the Township. She noted particularly Yardley Hunt. She stated she sees this as a huge responsibility; and given the small size of the lots, if a tree falls and hits a house, she questions if the Township will be held responsible. Ms. Frick stated she agrees and is also concerned that the homeowners are starting out with rear yards which they cannot do anything with. She stated they would not be permitted to cut down any trees unless they get permission from the Township as they would be deed restricted.

Mr. Dickson stated he feels it is unusual to have a Homeowners Association with only ten units, and he agrees with Mrs. Godshalk that they may at some point come to the Township and indicate they cannot afford this. Mr. Dickson stated he feels the Planning Commission as a whole feels that 20' rear yard when you are abutting woodlands will be problematic. He stated it appears even a shed would be a problem. He stated they are

also concerned with a Homeowners Association and the fact that this could become a potential problem for the Township.

Mr. Donaghy stated whether it is ten lots or three lots, someone will have to be responsible for maintaining the open areas unless they deed it all out to particular homeowners. He stated he does not feel the Township is going to take responsibility for it, and a Homeowners Association may be better than deeding it all out. Mr. Dickson stated he is concerned with the amount each homeowner would have to pay the Homeowners Association given the number of lots. Mr. Donaghy stated he agrees it is substantial, but the alternative would be to have five homes that are very large lots and have all the responsibility for maintenance and another four that are closer to the road that have smaller lots that do not have any responsibility. He stated they would still have to have some sort of Homeowners Association to maintain the detention basin.

Mr. Dickson stated he feels what they are proposing would create marketing problems for the developer.

Mr. Cylinder stated without getting a Variance, he feels they would have to reduce the number of lots which would make the situation even worse. He noted large trees 20' from the house could create problems not only if they fell, but also if there was a fire.

Ms. Friedman noted the location of the detention basin and asked if they could move it toward the left of the houses and use more on-site water filtration and create more of a visual illusion of a bigger back yard. Mr. Majewski stated he feels this would work out much better. Mr. Dickson asked if they did this would they still need the cul-de-sac that is shown in the area where the existing detention basin was shown, and Mr. Baionno stated they would need it for emergency services.

Mr. Pazdera noted the retaining wall on Lot #7 and questioned their ability to save the trees in this area. Mr. Baionno stated he has been in discussion about this with Mr. Majewski. Mr. Baionno stated they are attempting to sell this as a wooded community. He stated the surrounding area has mature trees, and they did not want to clear cut the area and not make it fit in with the surrounding area.

Mr. Skip Garlits, 30 Delaware Rim, stated the existing neighborhood, the Sunny Knoll Development, has been laid out; and his Deed is restricted and says he cannot build from the front of his house to the cartway which cannot be less than 60 feet. He stated when he purchased his property it was with the intent that what would be around him would have the same thing, and what is proposed is not even close. He stated on Delaware Rim Drive, closer to the entrance of Woodside Road, a family had a disaster when a tree went through the house, and they were out of the house for two years before it was re-built. He stated the trees in the area are old trees, and are going to come down eventually.

Mr. Garlits stated with regard to the 26' width, Delaware Rim Drive is approximately 20' but the cartway is 50' so that it could be expanded if necessary. He also noted the 20' rear yard which he feels is a concern. He stated he has a swimming pool and has a narrow rear yard because of the way the house was setback, and it is an inconvenience. He stated he does like the open space around the detention basin which could provide a place for children in the area to play. Mr. Garlits stated he owns property in Yardley Borough which is at the bottom where the water from this development comes down. He stated Dyers Creek flooded in the 1980s and overloaded the Delaware Canal and came back into Yardley. He feels this is a definite issue here. He stated he participated on the Delaware River Basin Commission on their Task Force which was convened to try to help mitigate flooding; and one of the stormwater management sessions discussed trying to eliminate curbs so that the water infiltrates into the ground, and this developer is doing this. He stated the basin will receive water from properties on Delaware Rim Drive, and he stated they must consider this in their calculations. Mr. Garlits also questioned the proposal for the Homeowners Association and asked what the Township would do if and when the residents no longer wanted to be responsible for this. He stated he feels they should post a \$1 million Bond.

Mrs. Astorino, 25 Delaware Rim Drive, stated she backs up to the proposed development and is concerned with people getting a Variance and then taking down trees behind her home. She is also concerned with the potential for water in her basement. She stated she is also concerned because her well was impacted by the Golf Course. She stated she does not feel a 20' rear yard is acceptable.

Mr. Joe Fogel, 12 Dogwood Drive, stated he is concerned with the maintenance of the detention basin by a Homeowners Association. He stated the 26' wide cartway is also a concern. He stated he has this on his street; and he has a large vehicle, and if cars are parked on either side of the street, an emergency vehicle would not be able to get down. He asked who will maintain the roadside swale. Mr. Fogel asked about the run off to the creek, and Mr. Majewski stated they will have a low-profile infiltration berm which is a 1' tall berm which winds through the woods so that stormwater coming off the back of the houses will hit the berm before going to the creek. Mr. Fogel stated he currently has water on his property and there are ditches and gullies. Mr. Baionno stated the swales will control water flow into the landscaped island initially and then down into the basin which will have an outlet structure, and there will be a controlled outlet. Mr. Majewski stated they may need some curbing to direct the water as well. Mr. Fogel stated he feels they should widen the street. Mr. Majewski stated Hillside and Spring Lane are 22' wide.

Mr. Sam Rakovitz, 1600 Spur Road, asked the impact to Spur Road. Mr. Baionno stated they do not intend to open up Spur Road. He stated they had considered proposing emergency access, but they decided against this. Mr. Rakovitz asked about the extension of water and sewer, and Mr. Baionno stated they will provide an easement to a location he showed on the Plan where future water and sewer could be provided.

Mr. Baionno noted a location adjacent to Mr. Rakovitz's property and stated if they put in sewer and water, the easement would be on the eastern side of Mr. Rakovitz' property.

Mr. John Ludgen, 17 Delaware Rim, noted the location of his home on the map; and stated he has walked the developer's property and noted on the map where a berm was created and stated the area which appears to be heavily wooded is actually farther away. He stated the area of large trees in the area will be very narrow.

Mr. Garlits noted the 60' restriction in his Deed, and stated he feels this is common for all of Sunny Knolls. He stated since this property under discussion was part of the original tract, he feels they would be part of this restriction as well. Mr. Donaghy stated this is not an issue that would affect the Township per se but any information they have should be provided to the Applicant since if any of the restrictions affect this parcel, the homeowners on the other side of Dogwood Drive would have the right to enforce that restriction. Mr. Donaghy stated the restriction may only apply off of Dogwood Drive. Mr. Majewski stated there are a large number of homes on Delaware Rim Drive and Dogwood Drive that are closer to the roadway than 60' although any information that could be provided would be helpful.

Ms. Friedman noted the gentleman's concern about having the berm along the top corner houses and a limited amount of woodland area separating one development from the other. She asked if they could shift the entire development to the left. Mr. Baionno stated they would have to push it more into the creek corridor. He noted where they have shown the homes is the flatter area. Ms. Friedman asked if they could shift it by approximately 20', and Mr. Baionno stated they may be able to although it is getting into a steeper gradient. Mr. Pazdera stated the front two lots have steep slopes as well. Mr. Baionno stated they were trying to maintain a larger contiguous open space area. Ms. Friedman suggested curving it around at the bottom so that the two right-hand houses would have less of a steep slope and possibly it would also help some of the homes at the bottom from having as much as a steep slope. Mr. Baionno agreed to look into this. Ms. Friedman stated she also feels the detention basin should be stretched out along the left side as it would then be the responsibility of each property owner to take care of it if the Homeowner Association should dissolve as opposed to the current location which would be a satellite location and degenerate across time since no one will want to maintain it and it would then become the Township's responsibility. She stated possibly the homes on the other side could have their own small stormwater detention basin to keep more water on site. Mr. Baionno noted they also need to consider the run off from the common roadway. He stated they feel the basin needs to be an HOA-controlled facility.

Ms. Astorino stated she had a fire in 1994 and seven fire trucks came down Delaware Rim, and there were cars parked on both sides which made it a very difficult situation. She stated she does not feel 26' is sufficient. She stated getting out of the development was very difficult for the emergency vehicles as well.

#581 – WOODSIDE PRESBYTERIAN CHURCH PRELIMINARY PLAN DISCUSSION

Mr. Bruce Jones, Ms. Carla Carter, Mr. Colleen Ziegler, architect, and Pastor Doug Hoagland were present. Mr. Jones stated after the last meeting they re-worked the Site Plan taking into consideration the comments from the various reviewing agencies including the Planning Commission. He noted the location of the site on the map. He also showed the plan submitted at the last meeting and the new Plan based on the comments from the last meeting. He stated they are now proposing putting parallel parking further off the road and have provided a safer access in and out of the property. They have moved the entire parking area which was previously shown off the existing Sanctuary and relocated those spaces along the western perimeter of the property, in against the west side of the proposed addition locating the handicap spots up against the building with a flush curb to provide access to the sidewalk. They divided a large island area into three smaller islands curbed on the east and west ends and open on the east/west line to provide ability to pick up sheet water run off from the parking area in an effort to “green up” the large blacktop area. They have abandoned the driveway on the south side of the property and will maintain the Agreement with Messick which will keep as is for emergency access purposes, the driveway that is part of the Shared Parking Agreement. They will therefore have two access points onto the property with the intention being that one will be a primary driveway and the one on the northwest corner being for emergency access. He stated they have put the trees back in as shown on the Plan in an area where they had previously indicated they would be removed. He stated what the Sketch does not show is that they will flip the detention basin so that the lower portion will now be in the northeast corner of the lot and the grading down would flow from the south to north. This will enable them to meet the stormwater water run off regulations. Mr. Jones stated the Planning Commission also received copies of his notes and their responses to all the reviewing agency comments.

Mr. Dickson thanked them for being so responsive to their comments and stated he is pleased that they were able to accommodate their suggestions.

Mr. Bush stated he feels this is a nice improvement over what was seen previously. He noted the Shared Parking Agreement with the adjoining property, and asked how long the Agreement is for and asked what would happen if that Agreement were no longer in place. Mr. Jones stated the Agreement is “evergreen” and could be terminated by either party with appropriate notice. He stated they have had the Agreement for over ten years. He stated the driveway on the northwest corner is part of the Messick property driveway and the trade off for the Church’s use of the driveway is that the Church provides parking to the Messick property so that the Messick property can meet their parking requirements. He feels it is unlikely that they will not have this Agreement. Ms. Ziegler stated they will now have a two-way driveway on the site. She stated previously they had a one-way driveway.

Mr. Cylinder stated he is in favor of the emergency exit on the one side. He feels using the parallel parking along the one side is not going to help a lot. He stated while they will have fewer parking spaces there, people getting in and out of those spaces will result in more time and effort than the other kind of parking. He stated he felt they should run the driveway along the property line and then straighten out and use the one driveway for both the Church property and the old Grange Hall. The parking should be run to the right of it into a more standard parking lot. He showed a picture of what he is proposing. He stated this will also result in getting more spaces.

Mr. Cylinder stated one of the concerns he has had about Edgewood Village is that it has no start or finish on the east side. He stated the west side is defined by I-95; and he felt that the land on the corner where they are considering moving the detention basin to, could serve as a gateway to Edgewood Village. He stated he does not know how it could be developed although it could be a pond or it could be natural woods. He stated it could also be used for other things that would suggest that you are entering into Woodside. He stated landscaping and maintaining it could be more expensive than one of these alternatives he is suggesting. He stated he feels this could be an entrance to the Village since everything to the east of it is Residential. He stated possibly they could discuss this with Mr. VanDyke, and the Planning Commission should consider this issue as well since they must consider the Township as a whole. There was no comment on Mr. Cylinder's suggestion by other Planning Commission members.

Ms. Friedman commended them for listening to the comments previously suggested. She stated she is in favor of the elimination of the rear parking lot and the proposed traffic flow. She suggested that if anyone is uncomfortable with the parallel parking along the entrance roadway, possibly they could put in eleven spots against the building to the north of the existing Sanctuary. She does not feel this would be visually offensive to anyone since there would only be eleven spots. Mr. Majewski stated there may be an issue with room, but they could look into this.

Mr. Pazdera asked the total number of parking spaces, and Mr. Jones stated it is 173 spots. Mr. Pazdera stated he does not feel the eleven spaces would be required by Ordinance, and Mr. Jones stated they would be required by the Church. Ms. Ziegler stated they are below what they would recommend as the architects. Mr. Majewski noted the parking area that is closest to McCaffrey's where they could possibly add some spaces if they moved the basin. Mr. Jones noted an area which would require a Variance as they would come within 11.6 feet of the tree line. He noted they do have a Variance received in 1992 which does permit parking within 7' of Edgewood Road so they could possibly trade Variances. Mr. Majewski stated this was what he was considering, and they could then pick up six spaces. He stated since they are going for a Variance this may be an option. Mr. Cylinder noted Mr. VanDyke was in favor of on-street parking on Edgewood Road and this could add additional spaces. Mr. VanDyke stated he feels they could get six to eight spaces on Edgewood Road. Mr. Majewski stated parking on

Edgewood Road may be something to consider in the future as they consider parking as a whole for Edgewood Village.

Mr. Jones stated they would like to go back and revise the Plans based on the comments and would like to come back with a Preliminary/Final Plan. Mr. Dickson stated he feels they have addressed all the concerns they had. Ms. Frick stated they will have to send the Plans to two other entities that have not previously seen the Plans if they are considering it as a Preliminary/Final. Mr. Majewski stated hopefully after review of the Revised Plans, they will be able to recommend a Preliminary/Final approval if the Plans are “clean” noting some additional items may arise when they make the changes recommended.

Ms. Frick stated they will need an extension of time, and Mr. Jones agreed to provide this.

Mr. VanDyke thanked the Church for addressing the concerns of the Historic Commission. He stated one of the goals of the Historic Commission is to get sidewalks and on-street parking for this area. He asked when the Planning Commission would consider recommending to the governing body some of these recommendations. He stated possibly they could set up an escrow account. He stated they are hoping that eventually there will be on-street parking on Heacock and Edgewood Road. Ms. Ziegler stated nothing on their Plans prohibits this discussion in the future. Mr. Jones stated as part of their building expansion in 1998, they escrowed money with Lower Makefield Township for sidewalks and curbs for Edgewood Road. Mr. Dickson stated in terms of this specific plan, he does not feel anyone felt on-street parking on Heacock Road or Edgewood Road would be viable at this location with the volume of traffic. Mr. Cylinder asked if the plan shows on-street parking in front of the Grange, and Mr. VanDyke stated they have discussed this conceptually. Mr. Cylinder stated if it is in front of the Grange Hall which is part of the Historic District, he feels it would have to terminate at the Church. Mr. Jones stated if all the driveways stay in effect he feels there would be line of sight issues with parallel parking. Mr. Majewski agreed and stated they would have to look at this as part of an overall approach to the Village. Mr. VanDyke stated when they went before the Township in 1997/98, there was an escrow set up for sidewalks on Edgewood Road, and they would like to see them install these to help provide walkability.

Mr. VanDyke stated while this is not part of the Historic District, they discourage detention basins in the Historic District. He stated there have been some discussions with the Applicant about the possibility of having a garden on the property along Edgewood Road, and the detention based as designed would lend itself to some garden enhancements. Mr. Majewski stated he also recommended this as did the EAC. Mr. VanDyke stated he is very pleased with the changes they have made.

Mrs. Godshalk stated she does not feel there should be any parking on Heacock Road. She stated when Heacock Road was installed it was installed as a By-Pass, and she is concerned with the amount of traffic on the road and would be very much opposed to on-street parking; although she would still consider it on Edgewood Road as it would slow down the traffic. Mrs. Godshalk stated there have been some people in the Township who wanted to widen Edgewood Road through the Village, and she has done her best to stop this. She stated with parking on Edgewood Road, it will make it more of a Village atmosphere with pockets of parking along the Road.

It was noted a Variance will be required for parking as proposed, and it was noted the Planning Commission would be in support of this Variance although they would not have a vote on this.

There being no further business, Ms. Friedman moved, Mr. Bush seconded and it was unanimously carried to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,

Karen Friedman, Secretary