

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – JANUARY 26, 2009

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 26, 2009. Mr. Fried called the meeting to order at 7:35 p.m.

Those present:

Planning Commission:       Mark Fried, Secretary  
                                      Tony Bush, Member  
                                      Dean Dickson, Member

Others:                         Nancy Frick, Director Zoning, Inspection, & Planning  
                                      Maureen Carlton, Township Solicitor  
                                      James Majewski, Township Engineer  
                                      Teri Appelson, Supervisor Liaison

Absent:                         Karen Friedman, Planning Commission Chair  
                                      John Pazdera, Planning Commission Vice Chair

APPROVAL OF MINUTES

Mr. Dickson moved, Mr. Bush seconded and it was unanimously carried to approve the Minutes of December 22, 2008 as written.

#573 – NORMAN & PATRICIA O’ROURKE – PRELIMINARY PLAN DISCUSSION

Edward Murphy, attorney, was present representing the O’Rourkes. He stated the Plan was originally submitted two years ago. The matter sat dormant for some time and after significant discussion, an Application was made to the Zoning Hearing Board last year; and the Zoning Hearing Board did grant certain relief so as to permit the project to move forward. Mr. Murphy stated what is before the Planning Commission is the Minor Subdivision Plan revised following the grant of relief from the Zoning Hearing Board. Mr. Murphy stated late last year they received two review letters – one from the EAC and one from Mr. Majewski. This evening, he would like to review the comments recognizing that the Plans have not been revised to reflect those comments as they wanted to hear from the Planning Commission first. The Plans will be revised and they will be back before the Planning Commission requesting a recommendation.

Mr. Murphy stated the property is slightly less than three acres with an existing single-family home on the property which will be retained on a 1.8 acre lot. The new lot to be created is about one acre. The property is in the R-1 District. Currently they do not have public water or sewer, but they will when the project is completed. The Plan was shown to the Planning Commission members and those present in the audience.

Mr. Murphy stated there is a comment in the EAC review letter which requested that the driveway be meandered through the trees so as to preserve the trees, and Mr. Murphy stated this can be done.

The 12/22/08 CMX review letter was noted. Mr. Murphy stated the Plans contemplate a number of Waivers one of which is how much of the existing features they want shown of the adjacent parcels. Mr. Majewski stated there is nothing across the street that needs to be shown, and the house next door is abandoned so he does not have a problem with the grant of the Waiver of showing the water and sewer systems within 200 feet.

Mr. Majewski stated Waiver B listed in the 12/22/08 CMX review letter is no longer needed. Mr. Murphy stated the last two Waivers have to do with curbing and sidewalks, and these Waivers were acceptable to the Planning Commission. It was noted there would be nowhere for sidewalks to connect and there are wetlands and streams in the area.

Mr. Murphy stated they will comply with Item #3 and this will be submitted as part of the revised Plans. They will also comply with Item #4.

Mr. Murphy noted Item #5 with regard to whether the 10' wide utility easement is adequate, and they have found that there is a need for a 20' wide minimum easement, and the Plans will be revised to show this. This is the minimum that PA American Water Company requires.

Mr. Murphy noted Item #6 and stated Mr. Majewski has suggested that the lot line be revised to mirror the fence. Mr. Murphy stated that fence will be coming down, and he feels that they should maintain the configuration of the lot as shown. Mr. Majewski stated that if the fence is being removed, he would agree with Mr. Murphy.

Mr. Murphy stated the Plan as currently designed shows a traditional detention basin and they could maintain the basin or in lieu of the basin provide some more extensive renovations to the riparian corridor. Mr. Murphy stated provided everyone agrees to this, his client would be agreeable to eliminating the basin and incorporating the changes Mr. Majewski has suggested. Mr. Majewski stated currently the riparian buffer along the stream is sparse. He stated there was previously a lot of underbrush in the buffer, but this was of poor material and the Applicant cleared this out. He stated rather than install a small detention basin in the rear yard, he would prefer to see the riparian buffer restored with grasses and shrubs along the length of the property. He stated this would

be of benefit to the stream and would help soak up stormwater, help with erosion, and would result in a better environmental benefit than installing a mini detention basin. He stated this would also allow for use of the back yard by the property owner. Mr. Murphy stated this will be more expensive to create, but he agreed it would probably be better. Mr. Murphy stated the riparian buffer enhancement is also more in keeping with the DEP regulations for best management practices for handling stormwater. Mr. Murphy stated they would agree to do this if requested by the Township. The Planning Commission agreed that this would be a better proposal than a detention basin which could be an eyesore. Mr. Fried asked if there is something specifically prescribed for this, and Mr. Murphy stated they will do whatever Mr. Majewski requires. Mr. Majewski stated the DEP's BMP Manual does have recommended guidelines, and they will work with the Applicant's engineer so that they provide the right materials.

Item #7 will no longer apply if they do not have a detention basin. They will comply with Item #8. Mr. Murphy stated Item #9 deals with the item just discussed regarding the detention basin. They will comply with Items #10, #11, and #12 A and B. Mr. Murphy stated Item #12 C does not apply as it relates to the basin.

Mr. Murphy stated he feels Mr. Majewski's letter includes most of the items in the EAC recommendations. It was suggested that Mr. Murphy review the EAC comments to make sure that he has considered all their comments.

Mr. Bush showed a corridor on the Plan and asked if there will be a Deed restriction, and Mr. Murphy stated there will be a Conservation Easement. The Revised Plan will also meet all of the Zoning Hearing Board requirements.

Mr. Tom Ames, 61 Gaucks Lane, stated he is a member of the Baptist Church in the area. He asked if the trees which are currently tagged are going to remain, and Mr. Majewski stated this was done to inventory the trees and not all of those trees are coming down. He stated they do have the driveway staked out on Washington Crossing Road. He stated they are going to try to minimize tree removal by shifting the driveway over.

## OTHER BUSINESS

Mr. Dickson stated following the last meeting he had a further discussion with Ms. Friedman about the Middlemiss tract. He stated Ms. Middlemiss had indicated that she wanted them to approve the Subdivision because of the issue of "hardship;" and while he understands this is different from a Zoning Hearing Board hardship, he still feels this was a self-imposed hardship. He stated he has difficulty with the size of Lot #1 as it was clear that the house was very small and with the amount of impervious surface that would remain it would be impossible for the homeowner to put up a shed or a porch. He stated he does not feel this is a good plan and would vote against the it in its present

form. He stated if they would resubmit the Plan with only one home on the remaining lot, he would lean toward it. He is concerned with the impervious surface, flooding, and run off.

Ms. Frick stated they were told to go back to the EAC and then come back to the Planning Commission. Mr. Dickson stated he will share his thoughts with Mr. Bray. He stated he walked the tract recently, and he does not feel the Plan as proposed with two houses is a good Plan.

Mr. Fried suggested that they discuss this again at the next meeting when all the Commission members are present.

Mr. Majewski stated he included in his review letter that whenever you want a modification or a Waiver, the MPC states that you must state the basis of what the problem is, why you cannot comply, and why this standard is unreasonable for the property. He stated he does not feel the Applicant has met that burden yet, although they could come up with a legitimate reason. He stated he agrees that the complete EIA would be quite expensive for two houses, and the Planning Commission recommended that they come up with a limited scope EIA that would provide the information necessary to evaluate the project, yet also provide the Applicant some measure of relief. He stated they should wait to see what the EAC has to say about this.

Mr. Dickson stated Ms. Middlemiss also indicated that this Plan as proposed would benefit the community, and he does not see how this is possible.

Mr. Bush stated he did not have a problem with the size of the houses as they seemed to be consistent with what already exists in the immediate area, but he does feel that they should see what they come up with as to the hardship. Mr. Dickson stated the houses in the area were built prior to the LID.

There being no further business, Mr. Bush moved, Mr. Dickson seconded and it was unanimously carried to adjourn the meeting at 8:05 p.m.

Respectfully Submitted,

Mark Fried, Secretary