

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – JUNE 8, 2009

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on June 8, 2009. Chairman Friedman called the meeting to order at 7:37 p.m.

Those present:

Planning Commission:       Karen Friedman, Chair  
                                      John Pazdera, Vice Chair  
                                      Tony Bush, Member  
                                      Dean Dickson, Member

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

Absent:                         Mark Fried, Planning Commission Secretary

#560-A-FREEMAN’S FARM@MAKEFIELD (A/K/A FERRI TRACT)  
PRELIMINARY PLAN DISCUSSION

Mr. Edward Murphy, attorney, was present with Mr. John Bionna, engineer. Mr. Murphy stated a number of years ago the Planning Commission saw this Plan when Orleans was the equitable owner. Since that time, Erin Development has acquired the property, and the Plan being shown is a Preliminary Plan which has been reviewed by the Township’s consultants. Mr. Murphy stated they would like to review some of the items in Mr. Majewski’s 4/30/09 letter and then they will make revisions to the Plan and re-submit. He stated they are not looking for a recommendation to the Board of Supervisors from the Planning Commission this evening. Mr. Murphy stated they will comply with all items other than the ones in the 4/30/09 letter which he will note and discuss this evening.

Mr. Murphy stated the proposed lay out is similar to the proposed Orleans Plan with a single principal entrance off Big Oak Road and a “fishhook” arrangement for the roadway. The property is Zoned R-2, and is slightly more than 18 acres. They propose fourteen new lots and the retention of the existing lot with all new lots on the opposite side of the street from the existing house.

Mr. Murphy stated Page 2 of the 4/30/09 review letter lists the requested Waivers, and these have been previously reviewed and discussed. He stated the first one comments about the need for a Waiver from taking core samples along Big Oak Road, and as noted by Mr. Majewski, they will provide core samples if required by PennDOT.

Mr. Murphy stated Item B discusses the length of the cul-de-sac. The Ordinance indicates a cul-de-sac should not be longer than 440 feet, and the proposed cul-de-sac is significantly longer. Mr. Murphy stated there is an outstanding issue as to whether there will be a permanent interconnection with Falls Township immediately to the south which is their common boundary line. The property in Falls Township is developed as Residential. Mr. Murphy stated every time this has been discussed in the past, the recommendation was that they would provide only an emergency access and beyond that a pedestrian access to be a sidewalk or walking path.

Mr. Bionna noted on the Plan the proposed location for the emergency access. He stated it will not be a hard pavement surface, but will be a grassy surface. It will be for emergency-use only. Parallel to that would be the sidewalk interconnect to Hilltop.

Mr. Murphy stated there is the potential for a permanent interconnection at the Hilltop location, but no one has recommended it nor is the developer suggesting it. Mr. Murphy stated in prior Plans there was consideration for another emergency access at the other end of the cul-de-sac, but they are not showing this on this current Plan. He stated there are issues associated with encroachment into the woodlands for that access. Mr. Bionna showed on the Plan where this could be located if required. Mr. Murphy stated the only lots that would have access to that portion of the cul-de-sac that would be in violation of the length would be Lots #10 to #15. Mr. Murphy stated he feels they have met the spirit of the Ordinance.

Mr. Bush asked the feedback from Falls Township on the cut through and whether it should be emergency-only or a hard surface; and Mr. Murphy stated no one at the time including the Falls Township residents who were regular attendees at the meetings when this was discussed were in favor of a permanent connection. Mr. Bush asked about the Municipal officials, and Mr. Murphy stated he felt the Municipality was deferring to the preference of the residents; and he recalled that at one meeting there was a Falls official present who was opposed to a permanent connection. They were in favor of the emergency-only connection. Mr. Murphy stated they would have a lock which would only be utilized by emergency personnel.

Mr. Murphy noted Item C on the Waiver list which discussed the sidewalks. He stated they are proposing sidewalks the full length of the one side of the street where the homes are located, but do not propose them on the other side as the only home that fronts on that side is the existing home. Mr. Murphy stated the EAC and others have indicated that there was not a good reason to have a sidewalk on that side.

Item D was noted and Mr. Murphy asked that Mr. Majewski comment on what a “block” is. Mr. Majewski stated a “block” would be as you see in a City where streets intersect, and the goal is to have streets not more than 1600 feet apart. He stated in this case with the cul-de-sac as shown, they exceed that requirement. He stated he has no objection to granting a Waiver on this.

Item E was noted which deals with the fact that they are going to have naturalized basins in accordance with the Best Management Practices required by DEP, and they will not be mowed frequently because they are naturalized. He stated there is an issue with regard to the slope of the sides, and this is normally an issue when you need to facilitate frequent mowing. He stated another issue related to this deals with the need to re-evaluate the one basin abutting Big Oak Road to see if there is a need to make alterations because of a possible high water table, and they will make sure Mr. Majewski is comfortable with the design.

The last sentence under Item F was noted which raises the question whether the Township may want to consider a reduction in the right-of-way width to provide more room to reduce the slope adjacent to the road. Mr. Bionna showed the location of the basins. He stated basins 1, 2, and 3 are on the internal portion of the cul-de-sac and there are no homes along this area so there are no utilities in this area. He stated there is a 15’ wide right-of-way there for which there is no need. Mr. Majewski has suggested that they may want to consider reducing the grass strip to 10’ and this would allow them to re-design the basin. Mr. Majewski stated it may also allow the one basin to be pulled out of the woods. Mr. Majewski stated he feels they could reduce it to 6’ which would be sufficient.

Mr. Murphy noted Item #2 under Zoning and stated this is no longer applicable since it is not intended that there will be an apartment over the garage.

Item #3 was noted, and Mr. Murphy stated the Planning Commission needs to make a recommendation on what they feel is more important – saving the woods or saving the wetlands. Mr. Bionna noted the two basins involved and stated they chose to disturb the trees at the location he showed on the Plan. He stated the other option would be to make changes such that they would not disturb the trees but they would then encroach into the wetlands buffer at the location he showed on the Plan. Mr. Murphy stated they presumed that the wetland buffer was more valuable, but he asked that the Planning Commission give them direction on what they would prefer. Ms. Friedman asked what the EAC preferred, and Mr. Bionna stated they suggested that they look at it, but they did not indicate what they preferred. Mr. Murphy stated they would only impact the wetland buffer. Mr. Majewski stated there is nothing in the buffer currently, and it is only a meadow. Ms. Friedman stated she would prefer to save the trees and the other Planning Commission members agreed. Mr. Murphy stated they will follow Mr. Majewski’s recommendation in paragraph 3.

Item #6 was noted which deals with requirements for a Lighting Plan. Mr. Murphy stated they are not proposing any new street lights but are proposing residential-character lamps at the end of driveways. Mr. Bionna stated currently on Big Oak Road there are two lights mounted on telephone poles, one at the property corner and one at the existing driveway. He stated neither of these are at the proposed entrance. He showed on the Plan where another light is located across the street as part of the Charles Boehm Middle School. Mr. Majewski stated the previous Plan had contemplated putting in some street lights around the entire cul-de-sac, but they are no longer proposing this. He noted there will be a pedestrian-access from Falls Township through this site heading over to Charles Boehm.

Ms. Friedman asked if there is the need for additional lighting at the entranceway to cover the area where people would be walking in since there is not a house right at the beginning. She asked if there would be sufficient light coming from across the street to illuminate this in the evening when a child may be riding their bike. Mr. Bush stated there is no requirement for street lighting in Residential developments, and most developments in the Township do not have street lights. Ms. Friedman stated she is only asking about the entrance to address safety. Mr. Majewski stated since this will be a walking path from the development in Falls Township to Charles Boehm, he raised the issue whether they felt it would be appropriate to install a few street lights. Mr. Pazdera asked if there are lights in the Falls Township Residential section, and a number of people in the audience indicated there are.

Mr. Norm Sutton, 28 Hilltop, noted an area on the map where there is a street light in Falls Township noting that this is a good distance from the new development.

Mr. Pazdera stated his concern is with the emergency access and asked if they put lights in those areas typically. Mr. Majewski stated they do not normally. He stated his concern was that they were going to put a sidewalk in that area, and maybe at that location as well as further down near the entrance it would be appropriate to have street lights. Ms. Friedman stated possibly they could have a sensor light so that it would only go on if someone were to walk by as opposed to keeping it illuminated all night long at those two locations. She stated the other option would be lights at these two locations with low illumination.

Item #10 was noted with regard to the proposed reduction in cartway width.

Mr. Murphy stated at the present time, the Plan contemplates a cartway width of 26' with parking on one side, and Mr. Majewski has indicated the Ordinance would support a cartway width of 24'. Mr. Murphy stated given the limited number of homes, this would be a way to reduce impervious surface. Mr. Dickson stated he is assuming that they would prohibit parking on the opposite side of the street from the homes. Ms. Friedman asked if emergency vehicles can still come through if cars are parked on one side of the street. Mr. Majewski stated he feels 24' would be adequate, but he feels they should get approval on this from the emergency personnel.

Item #17 was noted, and Mr. Murphy stated for the prior Plan, they sought and received relief from the Zoning Hearing Board to permit the discharge of storm water from two of the basins into the wetland buffers. The current Plan eliminated the need for this relief; however, Mr. Majewski's comment raises the question does it make sense to do this recognizing that they would have to go back to the Zoning Hearing Board to get this relief. Mr. Bionna stated Basin 3 discharges to the north. As part of the prior Application, it was discharging just to the edge of the trees which at that point was in the wetlands buffer. He stated he has rotated that discharge clockwise to be out of the buffer, but now it is not directly toward a receiving water course as per the Ordinance requirements. He stated there is the potential for additional erosion because of this. Mr. Bionna stated they must decide if they want them to be in the buffer or out of the buffer recognizing that they could add measures that could control erosion. Mr. Murphy stated in the past the theory was discharge from basins would help feed the wetlands. Mr. Bionna stated in this case, the water will still get to the same place, but it will be more diffused before it gets to the wetlands.

Ms. Friedman asked how badly impacted is the buffer from the original way they proposed. Mr. Bionna stated the prior Plan did not have the benefit of buffer averaging. The prior Plan had a 50' buffer and they were encroaching into that about 20'. Now they have reduced the buffer because of buffer averaging, and they are 35' from the edge of the wetlands as opposed to 25' on the prior Plan. Mr. Majewski stated he has no preference. He stated they would need a Waiver or a Variance. He stated pointing it toward the wetlands, woods, and the stream may make more sense rather than allowing it to go off toward the field. After discussion, it was suggested that the Applicants go to the Zoning Hearing Board to obtain the relief they obtained previously.

Mr. Bush stated the last time they were present there were concerns about some of the building envelopes. He noted particularly Lots #2, #4, and #7. He stated there does not appear to be a lot of room behind some of these properties if the owners wanted to put in a patio, etc. Mr. Murphy stated Lot #2 would be the most limited but stated the squares do not show exactly how large the lots will be. He stated the biggest change from the last Plan is that under the Low Impact Development, the lot size is smaller. Mr. Majewski stated the LID is pushing the houses closer to the road which will provide a larger rear yard. He stated previously there was a 40' rear yard setback and now it is 45' in the rear and they lose 5' in the front. He stated they would have 45' clear and unencumbered in the rear to build. Mr. Bush stated his concern is that they are forcing people to have to go to the Zoning Hearing Board.

Mr. Bush stated previously the owner of the adjacent property, Ms. Gates, expressed concern about erosion running along the property line between the back of the lots and her property. Mr. Bionna stated there is an existing swale that follows the property line running north to south, and they are catching the water that runs off her property and there are inlets behind Lots #3 and #4.

Mr. Murphy stated there was an issue raised by some of the residents about their ability to connect to the public sewer systems. Mr. Bionna stated they are extending the sanitary sewer to the limit of the property frontage so people could tie in if they wish.

Mr. Majewski stated in reviewing the Meeting Minutes from that last meeting, Ms. Gates had a concern about public sewer and wanting to hook up as well as a concern with the drainage ditch; and she had noted that the survey showed that the drainage ditch is on her property and not the Ferri property. She had commented that she was hoping that they could utilize that in some fashion so that water would not go into the basements of the proposed houses. Mr. Bionna stated they are maintaining the swale.

There was further discussion about the potential for people in the area to connect to public sewers, and Mr. Murphy stated the people across Big Oak Road can now connect by gravity as opposed to the prior Plan which would have required a force main. Mr. Bionna stated everything will now be gravity.

Ms. Friedman noted the 3/27/09 TPD report and noted Item #6 – Internal Roadways and Circulation where they refer to an urban site versus residential, and she asked for an explanation. Mr. Bionna stated they have a 25 mile per hour posted road which is typical, but TPD has commented that they felt the road should be super elevated as they feel as you go around a curve this would be more comfortable for the driver. Mr. Murphy stated they do not intend to follow that recommendation because it is only a 25 mile per hour speed limit.

Ms. Karen Gates, 955 Big Oak Road and 936 Big Oak Road, stated she would not be in favor of the sensor lights because of the number of wildlife in the area which would impact this and lights would be going off and on constantly. Ms. Gates stated she would like reassurance that there will be a visual buffer for headlights, and Mr. Bionna stated they do plan to enhance the buffer. Ms. Gates asked if they are clearing the existing hedgerow between this property and her property, and Mr. Bionna stated all the trees will stay. He stated the EAC did ask that they clear out some of the invasive species.

Ms. Gates asked about and was shown on the Plan the location of the detention basins. She noted there is a swale between her property and the one detention basin and this should be alleviated as it is eroding the bikepath. She stated if there was a way for water to get from her front field to the retention basin, she feels it would save the bikepath.

Mr. Bionna agreed to look at this although he noted it may add too much water to the basin. Ms. Gates stated she feels parking should be permitted in front of the homes if they are going to have parking on only one side of the street so that people do not have to cross the street to get to the homes. She also stated you cannot back out of a driveway with a 24' space as you would hit cars parked on the opposite side of the street.

Mr. Alan Dresser, EAC, stated the EAC submitted comments on 3/25/09, but they have not received a reply. He asked that the Planning Commission wait until the Applicant responds before they give Preliminary approval. He stated the Applicant has not yet submitted an Environmental Impact Assessment. The EAC also has questions about their calculations for stormwater management. He stated they are looking at the two year storm and for the pre-volume versus post-volume, there is an increase of about 200,000 gallons which will go into Rock Run Creek which is already being impacted by too much stormwater and there is a lot of bank erosion.

Mr. John Boston, Jr., 15 Hilltop Drive, Falls Township, stated he previously asked that a hydrology study be done for this property, and Mr. Bionna stated this has been done. Mr. Boston stated the wetlands on this property arose from all the stormwater going into Rock Run Creek. He stated this tract has been impacted because of development on Ramsey and Roelofs Roads. He stated there is an underground aquifer which pumps water out one to two weeks after it rains. He stated if they install basements in these homes, it will impact every basement. He stated he has done remediation at a number of homes in the area where they had flooded basements, and he is concerned about the impact on the homes in the area.

Mr. Wes Plaisted, 50 Howie Drive, stated he lost his sump pump for a day two weeks ago and got a foot of water in his basement. He stated the water pours off the property. He stated the problem has gotten worse with the additional development. He stated there is a high water table. He also asked that they install a buffer to protect them from headlights, and Mr. Bionna agreed that this is being done.

Mr. John Boston, Sr., 15 Hilltop Drive, asked where the water from the downspouts will go. Mr. Bionna stated the downspouts will drain overland toward the road through a storm sewer and into the basin. It will go to the north away from the Falls Township properties. Mr. Murphy stated none of the stormwater will go to Falls Township. The water will drain to a new storm sewer system. Mr. Boston Jr. stated he feels this will "bleed out," and Mr. Bionna stated there is a pipe discharge to the north. Mr. Boston, Jr. stated there could be a 100 year or 500 year storm, and he feels the water will go toward Hilltop and Howie.

Mr. Bob Anderson, Walton Drive, stated he is close to the Gates property and stated it seems that this whole area has water problems. He stated he noted there is a tree farm in the area and it is probably going to be subdivided as well; and if they put houses on that lot, it will probably involve taking out some very large trees which he feels are currently taking up a tremendous amount of water. He stated he counts on those trees to absorb the water. He stated he is not opposed to new construction, but wants them to consider those in the area already as well. Ms. Friedman stated the Township takes stormwater management very seriously and they do discuss the way water is addressed before they make a final decision taking into account all of the residents that surround the property.

Ms. Gates stated there is a stream underground that runs across the back of her pasture and this area remains wet for weeks. She stated they are on a bed of clay and there is no place for the water to leach. She stated it does not run down the ditch. Ms. Friedman stated they will make every effort to make sure that water that comes from this property stays on this property.

Mr. Murphy stated they have seen the comments from the EAC as well as Mr. Majewski's comments in his 4/30/09 review letter, and they will be making revisions to the Plan. He stated the Environmental Impact Statement is currently being worked on.

#### #596 – ZUBAIDA FOUNDATION - SKETCH PLAN DISCUSSION

Mr. Tom Hecker, attorney, and Mr. Tom Roche, engineer, were present. Mr. Hecker stated the Zubaida Foundation is a religious organization that purchased this property two years ago and has used it for religious purposes. The organization is in need of a multi-service facility. Presently the same room is being used in several different ways including a prayer room, education purposes, and as an eating facility. He stated the purpose of the request is to seek permission to construct an addition of 6,365 square feet which will accommodate the needs of this particular community. Currently there is an existing building of 4,400 square feet, and they are proposing to add an addition and add a second floor to the addition as well as a portion of the existing building. He stated they do not have final architectural designs, but the purpose is to allocate space for the various uses he has noted including classrooms for children, a prayer area, a kitchen, kitchen storage, and an office area.

Mr. Hecker stated the property is Zoned R-2 and contains 4.7 acres. He stated there is a significant portion of the property to the rear behind the existing building that contains a woodland area, and they did not want to impact the woodlands too much although they would have to impact it somewhat to provide for additional parking. There is currently existing parking along the eastern portion of the property line; and in conjunction with the addition, they are proposing to construct additional parking spaces for a total of 75 spaces.

Mr. Hecker stated the Plan also anticipates the incorporation of some stormwater management since none currently exists. On the proposed plan they have identified two areas for basins, and he showed these locations on the Plan. Mr. Hecker stated they have not taken soil borings yet, but they will as they proceed to Preliminary Plans; and they will conform with the SALDO requirements.

Mr. Hecker noted the 5/4/09 review letter from Mr. Majewski and they will comply with most of the items and they will address them as they move forward in the process and submit Preliminary Plans.

Mr. Pazdera asked if they are proposing a 6,365 square foot addition on top of the existing 4412 square feet, and Mr. Hecker agreed. Mr. Hecker showed the existing building on the Plan. He stated the proposal squares the building out. He showed on the Plan the area where they propose a second story.

Mr. Bush noted the top of the eastern portion of the map where it shows parking with two-way traffic, and he asked if there are trees there now. Mr. Hecker stated there are no trees there now and this parking area already exists. He stated they are leaving that parking area alone. He showed the area on the Plan where they propose additional parking.

Ms. Friedman asked about impervious surface impact, and Mr. Hecker stated they propose impervious surface of 17.8% so they are under the 18% limit.

Ms. Friedman asked if any other stormwater management is proposed other than the two basins that they are putting in. Mr. Hecker stated once soil tests are done, they will determine what they have to do.

Mr. Dickson noted Mr. Majewski's 5/4/09 letter indicates that the Plan calls for a total of 75 parking spaces, and he asked how many currently exist. Mr. Hecker stated they currently have approximately 40. Mr. Dickson asked how many people they typically expect to attend services. Mr. Mohammed Hussein stated 200 would be the maximum. Mr. Hecker stated this would include families coming together. It was noted some people do walk to the facility. Mr. Dickson asked if they will provide day-care services at the facility, and Mr. Hussein stated they do not have this in mind. Mr. Dickson asked if there are holidays or other significant days when they would expect a greater than normal amount of people. Mr. Hussein stated Friday is their big day, and this is when it could reach the figure of 200. Mr. Dickson asked where they draw their congregation from, and Mr. Hussein stated most of the people come from Yardley and Falls Township.

Ms. Frick asked if this facility is used seven days a week, and Mr. Hussein stated they are open twenty-four hours for prayer but that use would be minimal. He stated people could go once or twice a day for prayer, and the doors are not locked.

Mr. Dickson asked if they anticipate renting out the property to other groups for other purposes, and Mr. Hussein stated they would not and it would be just for their own use. Ms. Frick asked what that use includes, and Mr. Hussein stated it would include worship, and maybe funerals and weddings. Mr. Dickson asked if they have a funeral or a wedding, how many potential people might attend and would this create an overflow of parking that might spill out onto Big Oak Road. Mr. Hussein stated if they had an event that was too big for the facility, they would go to another place in the area where they can accommodate larger groups of people. He stated this facility is to serve the local people.

Ms. Frick asked about the need for classrooms, and Mr. Hussein stated they would have Sunday School, but no classes Monday through Friday. He stated they do have a kitchen, but they have no place to eat and everything is being done in one area.

Mr. Pazdera asked how many cars are usually parked there now on a Friday, and Mr. Hussein stated there are approximately 70. Mr. Pazdera stated currently they are all over the grass. Mr. Hussein stated this is a one hour gathering every Friday.

Mr. Hecker noted the 5/4/09 review letter and stated they will comply with Item #1.

Item #2 was noted and Mr. Hecker stated this comment refers to the existing parking area on the east side of the property where there is currently no buffer, and they would propose that this condition continue.

They will comply with Item #3.

Item #4 was noted with regard to the buffer, and he stated this is an existing non-conformity which they would request be allowed to continue.

Item #5 relates to the calculation for parking, and they did calculate it in accordance with the Ordinance requirements considering the different spaces such as the kitchen, common area, etc; and they will show the calculations so that the number can be verified.

Mr. Majewski stated there is an existing house at the northwest corner of the property, and he asked the current and proposed use of that property. Mr. Hecker stated that house is used primarily as a Library and they may retain some of it for bedrooms for guest speakers. Mr. Hussein stated they would possibly house a caretaker there or it will remain as a guest house. He stated it is a very small house. Ms. Frick asked if it is a two-story home, and Mr. Hussein stated it is a split level. Mr. Majewski stated this would have to be included in the parking count.

Mr. Hecker stated they will comply with Items #6 through #11.

Item #12 was noted and they anticipate requesting a Waiver of the sidewalk requirement as there are no sidewalks along that side of the street.

Mr. Hecker stated they will comply with Item #13.

With regard to Item #14, Mr. Hecker stated they are presently showing one-way traffic entering at the easternmost driveway and exiting at the westernmost driveway. He stated if they reverse this, they would have a reservoir for queuing and the Preliminary Plan will show this.

Mr. Hecker stated they will comply with Items #15 through #19.

Ms. Friedman noted Item #12 with regard to sidewalks and stated she would like to discuss this further when they see the next set of Plans. Mr. Pazdera stated they previously indicated that some people do walk to the facility, and he asked from what direction they are coming. Mr. Hussein stated they come from Makefield Road and Ramsey Road. Mr. Majewski stated there is a sidewalk on the other side of their frontage, and a crossing may be advisable so people can safely walk to the facility.

Ms. Karen Gates stated if there is a sidewalk proposed on the Freeman's Farm property it would make sense to extend it across the frontage of this property as well. Ms. Gates stated the people at the Zubaida Foundation are very good neighbors. She stated there are times when no one is at the facility and there are times where there are many cars but they get no impact on traffic from this facility. She stated they are quiet and have a positive impact on the property and on the neighbors. She asked that the Township do whatever they can to accommodate them. Mr. Majewski stated the sidewalk will end on the Freeman's Farm where it currently does, and there are wetlands close to the road; and to extend the sidewalk through there would require filling wetlands and obtaining a number of Permits.

Mr. Mark Sanford stated he is on the west side of the property and there are a number of large trees and he would not want them to encroach on that tree line. Mr. Roche showed on the Plan where they would encroach noting that they are trying to limit tree disturbance as much as possible. Mr. Sanford stated he has some concerns with water run off, and Ms. Friedman stated this will be discussed at a future meeting when they have Preliminary Plans. Mr. Sanford stated there is a lot of clay in this area. Mr. Majewski stated he has recommended that they make the parking stalls smaller which could help minimize impact to the trees.

#### DISCUSSION AND RECOMMENDATION ON PROPOSED GREEN BUILDING RESOLUTION

Mr. Jim Bray, Mr. Rick Ewing, and Ms. Lisa Grayson from the EAC were present. Ms. Grayson stated two e-mails were sent to the Planning Commission.

Ms. Friedman asked if they had any more information as to whether they are going for an Ordinance or a Resolution, and Mr. Bray stated they would look to the Planning Commission to comment on this. He stated their original intention was to have an Ordinance and when they considered it further, they ended up with a Resolution. In reviewing this again, they feel it should be an Ordinance, and this was based on Mr. Donaghy's statements at the last meeting. Mr. Bray stated he feels an Ordinance would be more durable. He stated if they had a Resolution and the Board of Supervisors passed it, a future Board could eliminate it at a subsequent meeting. He stated an Ordinance would be a much more time consuming process, and they feel this is more in the interest of the Township and feel an Ordinance would be more appropriate. He stated they would welcome comments from the Planning Commission on this.

Mr. Bush stated there was discussion about having this as a policy as opposed to a Resolution or an Ordinance because of the possible costs associated with this, and they could still meet the spirit of the requirements if it were a policy and then avoid the costs. He asked what would be the difference between this and any other Township policy. Mr. Bray stated this is similar to the LID Ordinance and the Native Plant Ordinance. He stated he feels they want it to have the force of an Ordinance. He stated policies and Resolutions can be done away with easily; and they feel since this is very important and in the long-term interest of the citizens of the Township, they want it to be durable.

Mr. Ewing stated one cost that they made optional is to go through the actual Certification process versus just following the checklist. Mr. Bush stated in this way they could do everything required, but not incur the additional cost for the actual Certification.

Mr. Bush stated at the last meeting they did ask about the costs for construction; and Mr. Ewing stated while it depends on the size of the building, the average cost to do Silver is an additional 1.7% but they could get this back in three to five years in terms of energy efficiencies. Ms Grayson stated there are two sets of costs – one is the actual construction cost and the other is the cost for the Certification process. She stated they would make the Certification portion optional. She stated as green building practices become more prevalent, the costs will be less, and the construction could actually be the same to build green. She stated the only additional cost would be the optional Certification costs. This Certification cost would be approximately \$2.00 per square foot.

Mr. Majewski stated a lot of builders have chosen not to go for the Gold Certification even if they meet those standards because the paperwork escalates as you go from Silver to Gold. Ms. Grayson stated they are trying to streamline this process which is now all on-line, and there are regional teams doing the reviews. She stated they do want to make it easier as opposed to the previous process which was more onerous with numerous binders. She stated it is now completely an on-line process. She stated it results in less cost as more people become familiar with the process.

Mr. Smith asked what arguments people against this proposal may raise. He stated they indicated that there was a 1.7% cost increase on average, and Ms. Grayson stated this is on average but this is coming down and you recoup this in energy savings over time. Ms. Grayson stated she cannot think of anything else other than some people do not like the appearance of some green buildings, but she does not feel this is always the case. Ms. Friedman stated you would not be able to tell this from the George School Library which fits beautifully into the landscape. Mr. Ewing stated in the past there were not as many contractors and architects who knew how to build green, but this has changed and it is becoming more and more commonplace. He stated many of the materials now used to build green are the same cost as materials that are not green. Mr. Bray stated green buildings are also 30% to 40% more efficient and this translates directly into savings in operating expenses so that while initially a green building may be from 0% to 1.75% more expensive, you recoup these costs in two to three years and after that you are saving money on costs that you would have otherwise had.

Mr. Smith asked where else in the Country they have adopted this, and Ms. Grayson stated more and more cities are signing on every day and inquiring about LEED Certification for Municipal Buildings. She noted the information she provided regarding this in the handout and discussed some specific areas across the Country which are involved in this type of construction.

Ms. Friedman stated with regard to this being a policy, Resolution, or an Ordinance, she would be in favor of the forum that would require more inclusive opinions so that it would require input from more Boards in the Township to put it in or take it out. She stated if that would involve an Ordinance, she would be in favor of this being an

Ordinance since there would be more of a process to evaluate why they would remove it if they wanted to. Mr. Smith stated with regard to this being an Ordinance or a Resolution, he would recommend that they consider approving this as an Ordinance. Mr. Smith suggested that they consider providing a video presentation on green building which they could show on the Township TV Channel.

Mr. Bush stated he feels the Board of Supervisors needs to make a decision on whether it should be a policy, Resolution, or an Ordinance; but added he is in favor of what they have proposed in the document. Mr. Smith stated he feels the Board of Supervisors will be in favor of this since it is more durable than a policy and while it may have short-term increased costs, it will result in long-term savings.

Ms. Friedman asked if the language would be different if it were a Resolution as opposed to an Ordinance. Mr. Donaghy suggested that they make a recommendation to the Board of Supervisors as to the nature of the adoption since if it is an Ordinance, the document will have to be re-drafted; although the Planning Commission should look at what has been presented thus far and an Ordinance would incorporate most of what has been drafted. Mr. Bray stated they recognized that this is not the final document, and the Township attorney would be given this document to put it in the proper form.

Ms. Friedman recommended some wording changes which were noted by the EAC.

Mr. Bush stated if there are terms defined elsewhere in Lower Makefield documents, they should use those definitions.

Ms. Friedman asked that they include a definition of “green building.” She also requested that they clarify “sustainability.”

Mr. Bray stated the legal terms will be the purview of the Township attorney.

Mr. Dickson asked what they mean by “deconstruction” on Page 5, and Ms. Grayson stated this is the new term for “demolition,” and she agreed to clarify this.

Ms. Friedman stated she also feels there should be a better definition of LEED.

Mr. Donaghy asked if there is a minimum size for new construction, and the EAC agreed to consider this further.

Mr. Donaghy stated he does not feel they should be as concerned about the draftsmanship and instead make sure that what they have in the document is what they want, and the Township attorney will then work on this further.

Mr. Bray stated they would welcome the Planning Commission recommending that the Board of Supervisors approve this as an Ordinance and recommend that they feel this is a viable, appropriate Ordinance, and the EAC will embody the Planning Commission's suggestions so that they do not have to come back to the Planning Commission before they go to the Board of Supervisors with the concept. It was noted if it is going to be approved as an Ordinance, the re-drafted Ordinance would come back to the Planning Commission for review.

Mr. Bush moved, Mr. Dickson seconded and it was unanimously carried to recommend to the Board of Supervisors that they consider having a Green Building Ordinance with the changes recommended this evening.

#### OTHER BUSINESS

Mr. Dickson noted there is a large sign at the corner of Route 332 and Stony Hill Road which shows the Website for Aria. He notified Ms. Frick about this and she was already aware of it and advised that they did not get Permits for this sign, and that under the Ordinance, they would only be permitted to have one sign. Ms. Frick stated when Mr. Dickson called her about this, she had already sent out notices about the signs. She stated they have since applied for the Permit, and the Township is going through the process of the formal rejection advising them they cannot have two signs. She was advised by Counsel not to take down the signs.

There being no further business, Mr. Dickson moved, Mr. Bush seconded and it was unanimously carried to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

Karen Friedman, Chair

