

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – MARCH 23, 2009

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on March 23, 2009. Chairperson Friedman called the meeting to order at 7:35 p.m.

Those present:

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

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

HERITAGE CONSERVANCY – PROPOSED D & L DRIVE SCENIC BYWAY

Ms. Elissa Thorne, Vice President for Heritage Programs with the Delaware and Lehigh National Heritage Corridor, was present. She stated she will present to the Planning Commission an overview of the proposed D & L Drive Scenic Byway proposal. She stated their area of interest extends from Wilkes Barre to Bristol, and they follow the historic path of anthracite coal from mine to market. The area in Bucks County follows along the Delaware River, and one of their goals is to have a bike/pedestrian path and driving route for the entire 165 miles.

Ms. Thorne stated the function of the drive is to orient visitors to the corridor, provide connections from the main drive into the communities, encourage cross-over activities, and expose the historic landscape through the corridor. She stated the portion they are presently dealing with is from Easton to Bristol. She stated they are proposing a Pennsylvania Scenic Byway. She stated while many people think there is already a Byway along this route because of the signs installed along the route naming the drive, it is in name only and there are no protections or any legislation in place.

Ms. Thorne stated a Scenic Byway is a public road which includes the corridor through which it passes and must significantly meet one of the following characteristics: scenic, natural, historic, cultural, archeological, or recreational. She stated the route from Easton to Bristol along Routes 611 and 32, meets many or all of these characteristics; but the one

characteristic that the entire length has in common is the historic piece. Ms. Thorne stated the Byway must safely accommodate not only automobiles, but also bicycles and pedestrians wherever possible.

Ms. Thorne stated the purpose of having a Byway is to stimulate public interest and attention to the route, balance economic development and conservation, coordinate the driving experience, suggest the area where you want the driving public to be, address management issues along the road, and provide an element of recognition or prestige for the route.

Ms. Thorne showed a map of the existing Pennsylvania Byways. She stated some of these have been put into place Legislatively and some are new highways where they wanted to control billboards. She stated the route they are discussing this evening going from Easton to Bristol would include Route 611 out of Easton to Route 32, and from Morrisville it goes inland to get to Bristol going through Falls Township and the Waste Management land. She stated in order to have a Pennsylvania Byway they need letters of support from State Legislators, Regional and County agencies, and from Municipalities they need Resolutions. She stated they also need a plan for regulating outdoor advertising which can be done locally or by State action adding they prefer to do it locally. She stated with regard to regulating outdoor advertising the primary issue is billboards. She stated sale signs, directional signs, and business signs for businesses along the route are permitted; however, new billboards would not be permitted. Billboards already in place would be “grandfathered.” She stated if there was a billboard which went into disrepair for a year, it could be removed if this legislation were in place.

Ms. Thorne stated this designation opens up the opportunity to obtain Federal funds for the road that would allow for Byway management planning, road modifications related to the Byway and visitor use, visitor amenities, recreational improvements such as a boat ramp adjacent to the road, benches, or wayside parks, as well as providing the opportunity to apply for additional funds for resource protection, directional signage, and marketing materials. She stated this is another tool that you can use to preserve open space, provide for buffers, and preserve important sights along the route.

Ms. Thorne stated they have been making this presentation for some time. She stated they need Resolutions from eighteen Municipalities to participate in this program. She stated they will need a Signage Ordinance from the Township. She stated there also needs to be a management entity for the Application, and the Delaware & Lehigh is willing to be the Applicant. She stated they still need to make the presentation to one other Municipality. Fourteen of the eighteen Municipalities have already signed on.

Ms. Thorne stated there is a CD within the packet they provided which has all the information they need including the actual Resolution, the Ordinance, and the acceptance of the route. Ms. Frick noted they did not receive the CD, and one was provided to

Ms. Frick this evening. Ms. Thorne stated the CD has the full presentation and everything they need to fill out including the Resolution and the Ordinance is in the folder. Ms. Thorne noted the manual in the packet and she stated some of the projects which have been funded in the past are shown on page 3. She stated there is also a Federal designation program; but in order to be eligible for this, you need the State Byway designation first.

Mr. Bush asked how this affects the Municipality's ability to set the speed limits adding a number of residents on River Road sought to have the speed reduced for a portion of the road. Ms. Thorne stated this designation would not automatically effect this; but in her experience in dealing with small Municipalities, whenever you have the opportunity to group municipalities together, you seem to be able to get more agency attention as a group. She stated if there were multiple communities that wanted to pursue a reduction in the speed limit, she feels they could go to PennDOT with this request.

Mr. Bush stated in the materials it indicated that they try to accommodate bicycle and pedestrian traffic where possible and stated that for most of this roadway through Lower Makefield, this would not be possible. Ms. Thorne stated they look at the towpath as the bicycle/pedestrian path in this area.

Mr. Bush stated the materials also discussed the potential for Federal funding for roadway modifications to improve safety, resource protection, and recreational amenities; and asked what this refers to noting that these materials pre-date the Federal bailout that was recently passed. Ms. Thorne stated this is a separate "pot" of money for Byways that is created. She stated it is not accessible by any other communities except for those that have Byway designations. She stated in her experience in Pennsylvania, they do not seem to be able to spend these Federal funds because there are not plans in place; and she feels if they get the communities together and get a plan put together, they may be able to get these Federal funds. She stated these funds would not typically be for repaving the roads, but would be to make it better for visitors and improve the resources along the route including historic properties, trails, etc. which are along the viewscape. Mr. Bush stated he feels the only one of those items they would have in Lower Makefield would be the boat launch to provide River access. Ms. Thorne stated there may be an opportunity for a pull off or parking area.

Mr. Bush asked if there is a cost to the Municipality to participate, and Ms. Thorne stated there is not at this point but if the Township has a project they want done in the future, there may be matching funds required.

Ms. Thorne stated a law firm did do a thorough review of the Ordinance, and she agreed to provide this information to Mr. Donaghy.

Mr. Donaghy asked if it is necessary for the Municipality to adopt the Resolution and the Ordinance in order to have the designation; and Ms. Thorne stated both are necessary, and it would have to be the Ordinance that was included. Mr. Donaghy asked if it would have to be Resolution that was included as well adding that in the last part of the Resolution provided it states, “Lower Makefield will uphold and maintain the roads listed.” Ms. Thorne stated the intent of this is to uphold and maintain the Byway and not the roads. Mr. Donaghy stated he feels this is poorly drafted and he does not feel the Township would want to approve it as written and it would have to be changed.

Ms. Friedman stated they discussed improving the areas for pedestrians, and asked who decides the necessity of doing this or having a historic structure refurbished. She asked if they just go with the Municipal option could they still get Federal funds or would they need the Legislative option to do this; and Ms. Thorne stated the Municipal option is preferred. She stated they could petition the Legislators to make this a Byway and bypass the Municipalities, but they prefer not to do this. Ms. Thorne stated there would be a consortium which would have representatives from each Municipality which would be the overseer, and they would develop the recommendations for what improvements should occur. Each Municipality would participate; and if there is something specific to Lower Makefield, the Lower Makefield Township representative would present that to the group. Ms. Friedman asked if this would be the point where the matching funds would be required, and Ms. Thorne stated the State makes planning money available.

Ms. Friedman stated in the pamphlet there was discussion about signs on the roadway, and she asked if there are any size restrictions on the signs. Ms. Thorne stated the restriction on size is up to the local Municipality; however, there is an off-premise sign restriction and no off-premise signs are permitted.

Mr. Dickson asked who would be responsible for taking down a “grandfathered” billboard sign were it to become dilapidated. Ms. Thorne stated she feels it may be PennDOT that the local group would petition; but she would need to check into this. Mr. Dickson stated the Ordinance seems to supersede the property rights issue. Mr. Donaghy stated they would also have to define “dilapidated.”

Ms. Friedman asked what economic development has occurred to date on existing Scenic Byways. She also asked if the Township loses any rights in determining whether or not they want economic development to take place in the area. Ms. Thorne stated local Zoning and Ordinances would take precedence. She stated with regard to the type of economic development they are predominantly talking about being able to market the area. She stated there are not a lot of Byways within the State, and the Bucks County Convention and Visitors Bureau would use it as a tool in their marketing. She stated some businesses might develop along the route, but the Township’s local Ordinances would still be in control.

Ms. Appelton stated there are some businesses on Route 32, and she assumes whatever signs they have would be permitted, and Ms. Thorne agreed.

Ms. Friedman asked if this is adopted, are there are any liabilities to the Township; and Ms. Thorne stated she does not feel there are any that she is aware of.

Mr. Dickson moved, Mr. Bush seconded and it was unanimously carried to advise the Board of Supervisors that the Planning Commission supports the undated Memorandum of Understanding between the Township of Lower Makefield and the Delaware and Lehigh National Heritage Corridor Commission, the un-numbered Resolution of the Township of Lower Makefield supporting the proposal to designate the Delaware and Lehigh Drive as a Pennsylvania Byway, and that the Planning Commission supports the un-numbered Ordinance as written the Township of Lower Makefield, Bucks County, Pennsylvania to regulate outdoor advertising devices along the Delaware and Lehigh Drive and to designate the Delaware and Lehigh Drive as a Scenic Byway subject to review. The Planning Commission recommends that the Township participate in the Scenic Byway Program.

#335-R – OCTAGON CENTER – RETAIL CENTER AND LOT CONSOLIDATION PRELIMINARY/FINAL PLAN APPROVAL

Mr. Marc Brookman, attorney, Mr. Russell Tepper, Mr. Chris Burkett, and Mr. Bob Rodgers were present. Mr. Brookman stated at the last meeting they were unable to respond to the comments provided by the Township traffic consultant, TPD; and since that meeting they have provided their comments. Mr. Brookman stated there were a few minor outstanding issues that need to be addressed, but he does not feel that they should hold up approval. Mr. Brookman stated Mr. Burkett submitted a packet of information that contains the various responses to the TPD comment letter. Mr. Brookman stated they also received a communication from PennDOT indicating that no additional traffic impact statement would be necessary based on the information the developer's consultants have provided to the State. He asked that the Planning Commission recommend approval with the Waiver to Section 178-47.B for sidewalks on Oxford Valley Road and Big Oak Road

Ms. Friedman stated the traffic report discusses peak hours, but they were not specifically defined. Mr. Rodgers stated the a.m. peak was between 7:00 a.m. and 9:00 a.m., and the p.m. peak was between 4:00 p.m. and 6:00 p.m. They also did a Saturday peak which was 12:00 p.m. to 1:00 p.m. Ms. Friedman asked about the "ten second rule," and Mr. Rodgers stated this is a new guideline adopted by PennDOT which allows for a ten second increase in delay with no impact. He stated if you have a Level of Service D before development and after development there is a delay of ten seconds, it is considered no impact.

Ms. Friedman noted the 3/18 letter from the developer's engineer, Item #17 and she asked for clarification. Mr. Burkett stated this has to do with the western pharmacy access and he showed the location on the Plan. He showed on the plan the way the trucks would have to enter which is essentially coming in the wrong way on the one-way drive to get to the dumpster. He stated this is the way CVS is set up in a number of their locations.

Ms. Friedman asked about the location of the pharmacy drive through. Mr. Burkett stated it is on the southwest corner. Ms. Friedman asked if it is possible people may try to make a u-turn out of the drive through, but Mr. Burkett stated he did not feel they would be able to make that turn.

Mr. Pazdera moved, Mr. Fried seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Octagon Retail Center Preliminary/Final Plan dated 12/22/08 subject to compliance with the following: memo from Remington Vernick letter dated 2/17/09, TPD letter dated 2/2/09 and the e-mail from TPD dated 3/19/09, Bucks County Planning Commission letter dated 2/11/09, Bucks County Conservation District letter dated 2/11/09, Jim Yates letter dated 1/16/09, Birdsall Engineering letter dated 1/27/09, Historic Commission letter dated 1/19/09, PennDOT letter dated 1/21/09, DEP letter dated 2/24/09, and the Remington Vernick letter dated 1/27/09. The Planning Commission recommends approval of the Waiver to Section 178.47.B but recommends sidewalks should be included as shown on the Plan dated 3/18/09, Sheet 3 of 13.

There being no further business, Mr. Dickson moved, Mr. Bush seconded and it was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,

Mark Fried, Secretary