

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – NOVEMBER 8, 2010

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on November 8, 2010. Chairman Pazdera called the meeting to order at 7:35 p.m.

Those present:

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

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

Absent: Dan McLaughlin, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Dickson moved, Ms. Friedman seconded and it was unanimously carried to approve the Minutes of September 27, 2010 as corrected.

#335-M – DISCUSSION AND APPROVAL OF REVISED/AMENDED FINAL PLANS FOR THE REGENCY AT YARDLEY (FORMERLY OCTAGON CENTER/MATRIX)

Mr. Edward Murphy, attorney, Mr. Greg Glitzer, engineer, and Mr. Greg LaGreca, from Toll Bros. were present. Mr. Murphy stated they were last before the Planning Commission on October 25, and at that time the Planning Commission was reluctant to move forward. He stated the Applicants were asked to meet with TPD to address some of their review comments; and he stated representatives from Toll Bros. and Gilmore Associates did this, and TPD issued a revised review letter dated 11/3/10 to which the Applicant responded by letter dated 11/5.

Mr. Murphy stated the other issue that was open was that on October 25 no one had yet seen a review letter from the EAC, and the Township staff was asked to request that the EAC submit a review to the Township no later than last Wednesday.

Mr. Fried joined the meeting at this time.

Mr. Murphy stated he received late this afternoon from Ms. Frick a copy of a “draft” from the EAC dated November 8 which states that they did not have enough time to do a review since no one responded to them from the Township solicitor’s office in a timely fashion on the scope of their review.

Mr. Pazdera noted the TPD letter and the Applicant’s response that indicated they would mostly comply. Mr. Murphy stated the only Items that were an issue were Item #7 and Item #20. Mr. Murphy stated with regard to Item #7, TPD wanted to review some of the geometry and turning movements in the Sections of the Plans that were not modified. With regard to Item #20, Mr. Murphy stated their response indicates that the Settlement Agreement did not contemplate sidewalks along Big Oak Road. He added he is not sure that the grades could accommodate these. Mr. Glitzer showed the Plan and noted there are transitional slopes and stormwater basins in the area which would not lend themselves easily to the installation of sidewalks.

Mr. Pazdera stated he felt that the Township solicitor was going to respond to the EAC right after the last meeting, and it does not appear that the EAC got a response until November 5. Mr. Donaghy stated he believes that Mr. Truelove had been in communication with the EAC a number of times in the past, and Mr. Truelove believed that he had already communicated that information to the EAC; but when he got another e-mail from Mr. Goll, he then sent out the formal response which is essentially the same thing Mr. Donaghy said at the previous meeting. Mr. Pazdera stated it is frustrating that they still do not have anything from the EAC. Mr. Bush stated they did indicate that they were concerned about a sanitary sewer review, and that has been addressed. Mr. Bush stated he does not feel there were any issues in the other review letters about the sanitary sewer.

Mr. Pazdera noted the Remington & Vernick letter dated 11/3 which they did not have at the last meeting. Mr. Glitzer stated they will comply with those items.

Mr. Glitzer stated with regard to the EAC’s brief review, it indicates that they would like the Applicant to incorporate LID techniques in the design; and Mr. Glitzer stated they have done this. He stated the Revised Plan does have bioretention and additional rain gardens throughout the site. He stated they also provide more volume control. Mr. Murphy stated the Revised Plan also proposes to save 2.5 more acres of woodlands than did the approved Settlement Plan. Mr. Pazdera stated there were also improvements with regard to the amount of fill.

Mr. Pazdera stated since the last meeting they have also received a letter from the Bucks County Planning Commission, and Mr. Murphy stated this seems to be a re-statement of well-known facts. Mr. Bush stated they did indicate that there are two types of trees throughout the development that are subject to disease, and Mr. LaGreca stated they could work with the Township engineer on this. Mr. Majewski stated they do not want to have an over reliance on one species.

Mr. Fried stated he feels the Planning Commission knows where he stands on this Application as outlined in his letter.

Mr. Dickson moved, Mr. Bush seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Revised/Amended Final Plans last revised 9/9/10 subject to:

- 1) Compliance with letter from James Yates dated 10/10/10 with the exception of Item IV which deals with the apartment units which the Applicant does not own;
- 2) Compliance with the Revised letter from TPD dated 11/3/10 with the exception of Item #7 which was dealt with in the Settlement Agreement and Item #20. The Planning Commission recommends a Wavier of the need for sidewalks along Big Oak Road and recommends fee-in-lieu be paid to the Township.
- 3) Compliance with the 10/22/10 Bucks County Planning Commission letter;
- 4) Compliance with letter from Captain Roche dated 9/22/10;
- 5) Compliance with the Remington & Vernick letter dated 10/18/10 from James Majewski;
- 6) Compliance with the Remington & Vernick letter dated 11/3/10 regarding sewers;
- 7) The full report of the EAC has not been received at this time and if/or when such report is received, it is recommended that this be forwarded to the Board of Supervisors.

OTHER BUSINESS

Mr. Fried asked if there is anything that can be done relative to the EAC so that the Planning Commission still receives some kind of report from them even if the EAC has a question. Mr. Pazdera stated following the last Planning Commission meeting, they sent the EAC a memo requesting their report no later than the November 3 if they wanted something considered by the Planning Commission. He stated it would be up to the Township Manager to do anything further about this. He stated this has been a continual problem with the EAC, and they always have a timing problem. Ms. Friedman stated in this instance it seems there was a misunderstanding, and the EAC wanted an answer about the legal issue as to how the new development related to the Settlement Agreement. She stated she feels they wanted to know this before proceeding and doing any unnecessary reviewing. Mr. Donaghy stated he knows the volunteer Boards work very hard, but it was clear since last spring when the Sketch Plan was submitted that the Township was reviewing this as an Amended Plan. He feels this was conveyed to the EAC a number of times, although it may not have been conveyed clearly enough. Ms. Friedman stated she does feel the Planning Commission made it clear to the EAC that they did want their input prior to making a recommendation. Ms. Frick stated the EAC indicated they wanted thirty days to review the Plans from the time they received the decision from the Township solicitor. Ms. Frick stated it is difficult with the time frame the Township must work under. Mr. Pazdera stated the EAC cannot just add another thirty days. Mr. Donaghy stated there is a specific time period, and the EAC cannot just say they want to hold off on it. Mr. Fried asked if there is a flaw in the process in that the EAC's calendar versus the Planning Commission's calendar is not in sync because of the way the regulations are written. Ms. Frick stated the EAC is usually the last review that they receive.

Ms. Friedman stated at the end of the last Planning Commission meeting there was a discussion that Planning Commission members should not be e-mailing each other but should be discussing everything at the public meetings. Ms. Friedman stated she was concerned that Mr. Fried e-mailed the other members following that meeting. She stated in that e-mail Mr. Fried had discussed the Plans for Regency at Yardley and indicated he hoped they would vote in favor of it since it would bring in economic growth to the community. Mr. Fried stated he sent this to Ms. Frick asking her to decide what was the appropriate course of action; but Ms. Frick stated this was incorrect, and that was another e-mail he sent. Mr. Fried stated this was a mistake, and he thought he was sending it to Ms. Frick to distribute according to whatever was appropriate, but he obviously sent it to everyone as opposed to sending it only Ms. Frick. He stated he was trying to follow the procedures, but made a mistake with the e-mail. Ms. Friedman stated she was concerned with the contents of that letter and added she is not serving on the Planning Commission to drive economic growth in the community and feels the purpose of the Planning Commission is to protect the residents and take the time needed, no matter how long it

takes until deadlines have to be met for legal reasons, to make sure that each development is properly set up to the benefit of the community and not because it will promote jobs. She stated she is not in favor of rushing anything through. Mr. Fried stated he has no issue with that, and he was merely expressing his viewpoint and not what the viewpoint of the Planning Commission should be. Mr. Dickson stated he feels they are looking out for the health, safety, and welfare of the community.

Ms. Frick stated the Planning Commission will probably not meet on Monday, November 22, unless something comes up.

There being no further business, Mr. Dickson moved, Mr. Bush seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Dean Dickson, Secretary