

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – SEPTEMBER 12, 2011

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on September 12, 2011. Vice Chairman Dickson called the meeting to order at 7:45 p.m.

Those present:

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

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

Absent: Mark Fried, Planning Commission Chairman

APPROVAL OF MINUTES

Mr. Bush moved and Mr. Dickson seconded to approve the Minutes of June 27, 2011 as written. Motion carried with Ms. Friedman and Mr. Pazdera abstaining.

#597 – FLOWERS FIELD AT EDGEWOOD PRELIMINARY PLAN DISCUSSION AND MOTION

Mr. Edward Murphy, attorney, and Mr. Kurt Rittler, engineer, and Mr. C. T. Troilo were present.

Mr. Murphy stated this was last presented to the Planning Commission on August 22, and the outstanding issue was the lack of receipt of any review from the Township's traffic consultant on the Revised Traffic Study. Mr. Murphy stated that since 8/22, they have received a number of additional reviews including the sanitary sewer consultant's review letter dated 8/22/11 which they had not received until 8/23/11. Mr. Murphy stated on 9/8/11 they received the review from the Township's traffic consultant, TPD.

Mr. Murphy stated they received today a copy of Mr. Dresser's written comments which represent what he had verbally presented at the 8/22/11 meeting; and all but one comment in the memo had been made at the 8/22/11 meeting. Mr. Murphy stated one of the issues on 8/22 was whether Mr. Majewski was going to ask that the Plans be revised from an

engineering standpoint to address his comments; and Mr. Rittler spoke to Mr. Majewski who agreed that the plans would not need to be further revised in order for the Planning Commission to make a recommendation.

Mr. Murphy stated there has also been a fair amount of discussion through e-mail and telephone conversations among Mr. Majewski, Mr. Rittler, the Township's traffic consultant, and the Applicant's traffic consultant about some of the comments/recommendations contained in TPD's 9/8/11 review letter focusing principally on the appropriateness of adding left-hand turn lanes into the project.

Mr. Rittler stated after the receipt of the 9/8/11 review letter from TPD of the Traffic Impact Study, he had his traffic consultant who had prepared the Revised Study talk to the TPD representative about all of the issues in the 9/8/11 letter. Mr. Rittler stated it seems that the primary issue is should there be a left turn lane on northbound Stony Hill Road for those wishing to access the site at the driveway Mr. Rittler noted on the Plan, should there be a left turn lane on eastbound Langhorne-Yardley Road for traffic wanting to enter into a driveway Mr. Rittler noted on the Plan (called Langhorne-Yardley Road east), and should there also be a left turn lane for the driveway he noted on the Plan near existing Heston Hall (called Langhorne-Yardley Road driveway west). Mr. Rittler stated in order to determine if left turn lanes are appropriate or not, there are two rules and analyses made – one is a left turn lane warrant which is a graphing of left turn lane movements as opposed to oncoming traffic. He stated their traffic consultant prepared those and showed that in 2013, which is the proposed year for completion of construction of the project, that left turn lane warrants were not met for any of the three driveways.

Mr. Rittler stated the left turn lanes proposed for Stony Hill Road and both approaches to Langhorne-Yardley are not at issue in this discussion; and those left turn lanes are needed, and are part of the project submission for securing approval from PennDOT and constructing them. He stated all they are talking about in the discussion with TPD are access left turn lanes into the site which would theoretically create safer conditions for through traffic beyond those driveways as people might have to sit and wait to make the left turn lane.

Mr. Rittler stated in the TPD review, they identified that in 2018, five years beyond the built period, that traffic theoretically in the background has increased in volume to a point where the warrants for left turn lanes are met for two of the driveways and marginally met for the third. Mr. Rittler stated when the Plans were previously presented to the Township in excess of a year ago, left turn lanes were shown on the Plans; but in preparing the Plans that are now before the Planning Commission, they were able to identify that there was a distinct lack of available right-of-way in front of certain properties which he showed on the Plan. He stated the design of the roadway improvements to provide left turn lanes at the two locations he showed on the Plan would

not work, and they would not be able to construct them without getting additional right-of-way. Mr. Rittler stated since the information from the Applicant's traffic consultant had indicated that left turn lanes were not warranted at any of them, at that point they chose to remove the left turn lanes from the project.

Mr. Rittler stated they have also had discussions with PennDOT about the left turn lanes, and the focus has been that to look at the left turn lane warrants in isolation might not be the most appropriate way to address whether they are really necessary or not. He stated the Level of Service at these intersections for the through-traffic motion is something else that should be considered. He stated the left turn lanes do not just provide some safety for traffic so that people do not try to run around the left turn lane as they are waiting, but the left turn lane also tends to speed up the flow of traffic. He stated this is measured by Level of Service; and in the analysis of the traffic flow around the projected site, the Level of Service for all passing motions past the driveways is Level of Service A which is the best. Mr. Rittler stated they believe this should be given due consideration in determining whether left turn lanes are required.

Mr. Rittler stated another consideration is if they are widening roadways in the Village particularly in this area and adding left turn lanes, they are actually promoting traffic to be passing by at higher speeds; and it has always been a discussion with respect to Edgewood Village and this project in particular that by adding on-street parking and constructing buildings fairly close to the road, the idea was to try to calm traffic particularly along Stony Hill Road where it is currently designated at 45 miles per hour. He stated they have had many discussions with PennDOT about reducing that speed limit, and their regulations preclude that until the project is constructed and see if its effect on speeds in this area reduces actual travel speeds to the point where they can lower the speed limit. Mr. Rittler stated they feel that it is consistent with the overall design concept for the Village to not put in the left turn lanes. He stated the acquisition of additional right-of-way cannot happen in short order and may not happen without a taking which he does not feel anyone really wants to do.

Mr. Rittler stated the other issues with respect to the 9/8 review of the Traffic Impact Study are all relatively minor and are "will comply." He stated the traffic consultant has advised him that he can revise those portions of the Report, and it does not require a total "re-do."

Mr. Rittler also noted that both boundary roads are PennDOT highways, and they have control over the issuance of the Highway Occupancy Permits. Mr. Majewski stated since this is supposed to be a downtown, Village-type area, he does not feel trying to speed people through there as fast as possible is appropriate. Mr. Majewski stated if they installed the dedicated left hand turn lanes, it would feel more like a strip mall; and he feels the way the Applicants have proposed it be now would be appropriate although it is up to PennDOT to make the final decision along with input from the Planning Commission and the Board of Supervisors.

Mr. Murphy stated the one new issue in the EAC review letter of 9/12 is the buffer issue, and Mr. Murphy stated they do comply with the Ordinance requirements.

Mr. Murphy stated the sewer consultant has recommended Preliminary Plan approval.

Mr. Majewski stated the EAC has also recommended that they provide more of a mix of species to the Plans and a few more shrubs and trees which he feels would make it better for those living in the homes.

Ms. Friedman stated she was out of town when this was last discussed and would like to confirm that certain items were discussed. Mr. Murphy stated they did see her written comments at the last meeting. Ms. Friedman noted the 8/19/11 Remington & Vernick letter Item #1 q and r with regard to pipe diameters. Ms. Friedman asked Mr. Majewski's opinion on what they have proposed. Mr. Majewski reviewed various pipe sizes that are used and stated he does not have a problem with their requests for pipe size.

Ms. Friedman stated she does not recall discussing the density of the project, and she asked if they discussed this at the last meeting. She stated it seems that there is very little green space, and they are requesting several of the rear yards to go from 40' to 24'. She also asked about the height of the townhouses and whether they will be high above the rest of the structures in the Village. Mr. Majewski asked Mr. Murphy if there is a similar product type in the area, and Mr. Murphy stated they will be similar to Newtown Walk which is on Route 332. He stated the Ordinance prohibits heights greater than 35'.

Ms. Friedman stated she felt the concept was to have an historic, old-fashioned Village, and she does not feel it will look good to see "small, quaint, cute" Edgewood Village housing across the peripheral of the complex; and in the center you would see tall buildings that do not have the same character feel. Ms. Friedman asked the average height differential between the buildings in the front and the height of the townhouses. Mr. Rittler stated the Ordinance requires all buildings to be two and a half stories high so that the commercial buildings which will be fronting the boundary roads will be the same height as the townhouses. He stated looking at the grading differential, there is not really much; and the view lines into the residential portion of the site will be "glimpses," and it will not be an open panorama. He feels that the eye will be focused on the commercial buildings in the front. Ms. Friedman stated she is concerned that this will look like a little city inside a little village. Ms. Friedman stated she does not recall ever seeing this Plan, and Mr. Majewski stated Mr. VanDyke had presented it. She asked if Mr. VanDyke is satisfied with this, and Mr. Majewski stated he is.

Mr. Majewski asked Mr. Rittler to look into whether there were any opportunities to expand the green so that there would be a little park area inside. He suggested possibly taking some of the parking spaces along the edge and reserving them and not building them unless it is found that parking is a problem. Mr. Rittler stated at the moment they have a slight excess of parking over the Ordinance minimum requirements. He stated since they are relying on so many on-street parking spaces and they have not yet secured PennDOT approval, this is an impediment to giving up parking spaces. He stated when you look at the commercial buildings, it is expected that over time the uses will shift in many buildings, and they will not remain static forever; and therefore parking requirements associated with those uses may change as well. He stated to give up parking at this time could negatively impact the marketability of the site.

Mr. Murphy stated they could probably reserve some in green space and wait until they see what uses are tenanted; and if they do not need them, they would not have to put them in.

Ms. Friedman asked where children could play other than the street if they only have 20' back yards. She stated she has never seen so much impervious surface in a small area in the seven years she has been on the Planning Commission. Mr. Dickson stated he and Mr. Smith had an informal discussion after the last meeting, and they both agreed that there is a need for more green space and passive recreation. Mr. Dickson stated he discussed this with Mr. Bush who indicated they could walk to the Veteran's Square area, but this would involve going past a lot of traffic. Ms. Friedman stated young children cannot do that. Mr. Dickson stated he feels what is missing is passive recreation.

Mr. Smith noted an area of green on the bottom right hand side of the Plan, but it was noted that this parcel is not owned by the Applicant.

Mr. Bush stated he was not present at the last meeting and did not participate in the conversation, and he agrees with Ms. Friedman that it appears that it looks like there is a lot of parking; however, the Planning Commission looked at this when it reviewed the Traditional Neighborhood Development Ordinance, and everyone was present many times to discuss this with Mr. VanDyke. He stated now they are going back and indicating there is a lot of parking/paving, and they are asking if there is any way they could put in more green space, although he agrees it would be nice if there was some way they could do this.

Mr. Bush noted an area across the street by the bank, and asked if this is public space; and Ms. Frick noted the area near the Giant Food Store which is the Village Green area which is public space. Mr. Bush stated while this would not be the Applicant's responsibility, something could be provided at that location. Mr. Majewski stated perhaps some feature that would be usable for children at that location may be a good idea. Mr. Smith stated they would still have to walk to it. Ms. Friedman stated she was concerned about a lack of space for children to play at their house.

Mr. Murphy stated he does not feel that they will see many of that type of family in these units if it is similar to the Newtown Walk experience. He stated this is a lifestyle choice even if it is not age-qualified. Mr. Murphy stated this is a TND job which is designed to meet those standards. He stated this was Carter VanDyke's design as to how this would look in the Village.

Mr. Dickson stated if this is going to be a historic Village, he does have an issue with the use of brick as opposed to fieldstone and clapboard. Mr. Murphy stated Mr. Troilo has met with HARB. Mr. Troilo stated Mr. VanDyke's plan called for a mixture of textures, and they would like to have the option to do this. He stated they do not envision that it will look like Newtown Walk which is strictly all brick. He stated they do have a mixture of materials.

Mr. Pazdera stated he does feel there is a need for some green space as some families may move there, and it would also give people coming to the restaurants a place to wait.

Mr. Matthew DiSanto, 755 Stony Hill Road, stated his property borders this development on the north side, and his father has the next property. He stated they are concerned about the sewage and water. Mr. Majewski stated the project to provide for sanitary sewer for everyone in the Village is now out to public bid with the bid opening scheduled for the end of the month. He stated should the prices come in at an acceptable level, the contract could be awarded by the Board of Supervisors at their first meeting in October. Mr. Majewski stated the sewer will extend up to the furthest property near the end of I-95. Mr. DiSanto asked if Stony Hill Road will be ripped up when the sewer is installed; and Mr. Majewski stated the road will be ripped up, and the sewer goes up the center of the road.

Mr. Majewski stated they would have to contact the Water Company about public water. Mr. DiSanto asked why they are not getting public water, and Mr. Majewski stated the water will be extended up to the limits of the property line. He stated Mr. DiSanto's property may be able to tie into it with a water lateral, but the properties further up would have to be extended in another fashion.

Mr. DiSanto asked the size of the lateral to provide for additional development further north, and Mr. Majewski stated they will put in a sanitary sewer main line 8" in diameter to handle all of the flow from this development, the developments across the street, and future development going up the road taking into account that if it were fully developed under the TND, it would generate a lot of flow; and all of the flows have been accounted for in the design of the sanitary sewer line. He stated the water main will also be designed for future expansion that could provide water to all of the properties up to I-95, and he believes that this will also be an 8" water main.

Mr. Alan Dresser, 105 E. Ferry Road, stated he is present on behalf of the EAC. He noted the letter dated 9/12/11 which Mr. Fried had requested at the last meeting summarizing his comments from the last meeting. Mr. Dresser stated a lot of thought did go into the Traditional Neighborhood Development Ordinance, and there was a vision as to what it should be. He stated they did mention green space quite a bit, and there was a requirement of 8% green space. He stated the Ordinance also indicates that stormwater management facilities should not be counted as green space. He stated the developer did get a Waiver from the Zoning Hearing Board, and they can count it; and this accounts for over half of the 11% green space they are proposing. Mr. Dresser showed on the Plan another tract in front of Heston Hall of 10,000 square feet, and he stated he does not feel this should be counted as it is not readily accessible, and he does not feel they should get credit for this. Mr. Dresser stated he agrees with Mr. Majewski that some of the parking should be left as green space. He stated he feels they should take down one of the townhouses and put in a playground, which he also feels would help them sell their homes.

Mr. Dresser asked for details on the buffer fence. Mr. Rittler showed the location of this on the Plan, and stated it will be 5' high. It will be a solid fence, and will be in conformance with the Edgewood Village guidelines.

Mr. Dresser noted on the Plan an area where he feels additional evergreens should be planted. Mr. Dresser stated they will be taking down 80 trees 10" or greater in diameter, and approximately 16 of them are 30" in diameter or greater. He stated they have to have 456 replacement trees. He stated they have not indicated how they will meet this Ordinance requirement, and they want to talk about this with the Board of Supervisors. Mr. Dresser stated he feels the Planning Commission should comment on this, and the EAC would also like to comment on this as well. Mr. Dresser stated the EAC feels they should indicate how they are going to meet the tree replacement Ordinance at this point. Mr. Dresser stated they could plant the trees on site, pay the Township fee-in-lieu of planting them on site, or they could voluntarily plant them off site. He stated there was a Court case involving another Township so you cannot force them to plant them off site. Mr. Dresser stated he has reviewed the Court case, and he understands that the Township can take a fee-in-lieu of payment so this is a possibility. He stated he would like to know how much they are going to pay the Township per tree. Mr. Dresser stated there are a number of places in the Township where trees could be planted.

Mr. Dresser stated on August 22, 2011 he briefly discussed the Section of the Ordinance dealing with replacement trees. He read the Section as follows: "Replacement trees may be planted within, but not in place of required buffers, street trees, trees in parking lots, or trees planted on individual lots or common space." Mr. Dresser stated if you look at the Plans, Sheet #5 gives the listing of the trees they are going to plant, and they are mostly parking lot and street trees. He stated they are proposing that they only need to replace 88 trees. He stated if you take out the parking lot trees and the street trees, it is 456 trees.

Mr. Dresser stated he feels the solicitor should review this, but he feels it is “plain English” and common sense.

Mr. Majewski stated Mr. Dresser may be right. He stated this came from a section of the Ordinance that is not available on line; and there was a problem when they codified it. He stated Section 78-85H2 is not available on line, and they did not put it in the printed copy. Mr. Dresser stated it was in his printed copy, and he got it off line a few years ago. Mr. Majewski stated the last time he looked at it on line, it was incorrect. He stated the Ordinance that was passed by the Planning Commission and the Board of Supervisors which is what controls had a problem when it was put on line and in the printed copy. Mr. Dresser stated they still passed it. Mr. Majewski stated it is not on the on-line version. Mr. Dresser stated if it was passed, he feels it should be law even if the developer did not know about it. He stated he feels they should be held at 456 trees.

Mr. Dresser stated with regard to the flooding issue, this is a big problem in this area and is the biggest environmental problem in Lower Makefield; and there is a large increase in stormwater volume leaving the site specifically in the corner which he showed on the Plan. Mr. Dresser stated once they build the development, all of the water will come to a point he showed on the Plan and will go to the detention basin, and this includes over ten acres of impervious surface. He stated he is concerned about what this will do to the existing stormwater management facilities downstream. He estimated an amount of 361,000 gallons will be going there. He stated it has been recognized that there is a problem in Edgewood Village with stormwater management. He stated he reviewed meeting Minutes from the past when they were working on the Ordinance, and it was brought up a couple of times so it is a recognized problem.

Mr. Dresser asked why Ordinance 7323C4 does not apply in this instance. He read it as follows: “A written description of the following information shall be submitted: the effect of the project in terms of run-off volumes and peak flows on adjacent properties and on any existing Municipal stormwater collection system that may receive run off from the project site.” Mr. Majewski stated he feels it does apply, and they had an extensive narrative about all of the stormwater, the impact, and how they are cutting this down. Mr. Dresser stated this is true for the site, but they do not say what happens after it leaves the site, and that is what the Ordinance Section is asking for. Mr. Dresser stated he reviewed the meeting Minutes in 2007 when they were looking at the Ordinance, and there was a lot of discussion about a regional stormwater management facility. He stated he feels if the existing system needs to be modified, the developer should have to pay for this. He stated the Township will have to pay for this if there is a problem.

Mr. Bush asked Mr. Dresser what impact he feels the water run off will have.

Mr. Dresser stated he looked at the area behind the Giant after one of the recent storms in August, and the detention basin had filled up quite a bit. He stated there is a 3” hole at the bottom that allows a limited amount of water to go through, but there is a 2’ diameter hole at the top. He stated at the time he looked at it, it was within 1’ of the large hole. He stated once it reaches that level, all the water just goes out, and there is no limiting of the flows.

Mr. Majewski stated he has looked at this during the last few storms where there was 5” to 6” of rain; and the downstream pipes functioned okay, and the detention basins did fill up as they are supposed to. He stated the small orifice at the bottom throttles back the smaller storms, and when you have the larger storms, it will let more water out. He stated absent a detention basin, once you get a certain amount of rain, water no longer soaks into the ground and everything runs off. He stated the first couple inches of rain are the ones to control. He stated the Ordinances are tied into volume, and the 2 year storm, with a 3” rainfall is the one that is 95% of all rainfalls. He stated when you have the larger storms, the ground does not have the capacity to absorb water any more, and this is when you have flooding when the ground is saturated, and you get 5” to 7” of rain; and as soon as it hits, it is instantly flowing. He stated he has looked at this area downstream, and everything was working okay. He stated it also matters how quickly the rain falls.

Mr. Dresser noted a new comment he made in his letter which was not discussed previously with regard to the stream bank erosion requirement. Mr. Dresser stated it appears that the 2 year peak run-off rate is higher than the 1 year peak run-off rate in the Delaware River Watershed, and he felt it had to be less. Mr. Rittler stated Page 9 of the Stormwater Management Report which is approximately 800 pages long has an erroneous set of numbers in the Summary which would tend to indicate that the after-development run off was 4.3 cfs instead of the pre-development one-year storm of 4.2 cfs a difference of .1 cfs. He stated those numbers are incorrect in the way that they are presented. He stated as shown on that page for the Delaware Watershed the sum would be 6.8 cfs pre-development and 5.4 post-development, and those numbers can be found individually on the succeeding sheets. He apologized for any misunderstanding. He stated they went back when they saw this, and the same presentation was made for the Neshaminy Watershed so the correct numbers on page 13 the sums pre-development for the one-year storm would be 3.2 cfs, and post-development would be 2.2 cfs. He stated in both cases, they are complying with the Ordinance requirements. Mr. Majewski stated he would double check this. He stated if it is .1 cfs, a minor “tweak” to something in their design should make that little bit of water go away.

Mr. Rittler stated at the Edgewood Crossing Development stormwater management was the subject of a lot of review. He stated they put in an underground system which takes all the run-off from impervious surface from that site and infiltrates it into the ground. He stated none of the impervious surface on that site is designed to leave the site. He stated in the storms they have had including all the storms in August, the emergency overflow out of the infiltration system has never issued a drop of water off site. He stated he has been there to check it, and it has never been more than three quarters full, and the overflow has never been deployed.

Mr. Dresser stated he wants to make sure that they will have good maintenance on the underground infiltration basin. He feels there should be a twice a year inspection and every other year it should be cleaned. He stated they should also add that if there is more than three inches of observed sediment in the bottom of the infiltration, they should clean it out rather than waiting two years. Mr. Dresser asked if all of the inlets that drain to the infiltration basin are treated. Mr. Rittler stated water is given an opportunity before it gets into the system to settle out. Mr. Rittler reviewed the system in further detail.

Mr. Majewski stated he is satisfied with what they have proposed, but he will look into it again. Mr. Dresser stated he feels the Ordinance requires that anything going to an infiltration basin should have pre-treatment and common sense would recommend this as well.

Mr. Dresser stated he would also like to see more BMPs as there is really only one infiltration basin, and there are no rain gardens or other means of getting infiltration out of the pipe leaving the site to reduce the off-site flow. He stated this is not an LID project so they cannot force them to do this, but added there probably is some soil on the right side where they could get infiltration; and he would like them to do more testing at that location and find some sites for rain gardens.

Mr. Bush asked the Applicant's position about the trees. Mr. Murphy stated they are going to discuss this with the Township solicitor's office; and if they cannot reach an agreement prior to Preliminary, they would agree to a Condition to discuss this at Final.

Mr. Bush moved, Ms. Friedman seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Preliminary Plan submitted 5/10/11, last revised 7/29/11 subject to compliance with:

- 1) TPD letter dated 9/18/11
- 2) Remington & Vernick letter dated 8/22/11
- 3) Remington & Vernick letter dated 8/19/11
- 4) HARB letter dated 6/9/11
- 5) Yates letter dated 8/14/11
- 6) Bucks County Planning Commission letter dated 6/21/11
- 7) Comments in the Citizens Traffic Commission letter dated 8/3/11
- 8) Subject to further discussion with the Township concerning the issue of whether water needs to be pre-treated prior to infiltration and the issue of fee-in-lieu or tree replacements
- 9) EAC letter of 9/12/11
- 10) Consideration of leaving some of the parking spaces as green space rather than installing them
- 11) Consideration of following up on recommendation by the EAC of removing one of the townhouse units for more green space

There being no further business, Ms. Friedman moved, Mr. Pazdera seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Tony Bush, Secretary

