

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – APRIL 23, 2012

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on April 23, 2012. Chairman Dickson called the meeting to order at 7:35 p.m.

Those present:

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

Others: Nancy Frick, Director Zoning, Inspection, & Planning
Nathan Fox, Township Solicitor
Mark Eisold, Township Engineer
Andrew Birtok, Township Engineer
Dobby Dobson, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Pazdera moved and Ms. Friedman seconded to approve the Minutes of January 23, 2012 as written. Motion carried with Mr. Fried abstaining.

Mr. Bush moved and Mr. Pazdera seconded to approve the Minutes of February 13, 2012 as written. Motion carried with Ms. Friedman abstaining.

#618-A – NEW CINGULAR WIRELESS PCS, LLC d/b/a/ AT & T
T.P.N. 20-32-2 – OLD OXFORD VALLEY ROAD CONDITIONAL USE
APPROVAL

Ms. Kate Durso, attorney, was present on behalf of New Cingular Wireless. She stated this is pursuant to the upgrade New Cingular Wireless is doing with their existing sites for their 4G services. She stated the facility is located at 135 Old Oxford Valley Road. She stated the purpose is to upgrade the existing antennas and equipment at the site. Currently they have antennas at the 131.5' and 114.5' elevations. She stated there are numerous carriers on the facility. New Cingular is proposing to attach three new panel antennas at the same elevation as the existing antennas – two new ones at the 131.5' elevation and one at the 114.5' elevation. Ms. Durso stated they are also proposing to

replace an existing equipment cabinet with a new cabinet on the existing pad. She stated all the improvements will be within the fenced compound and are intended to be at the same mounts and same elevations.

Ms. Durso stated they submitted a structural analysis and had the engineers go out and do a mapping of the site to confirm all the antennas that were located there as there had been some discrepancies. She stated the reports they submitted confirm what is physically there as well as a structural analysis to confirm that the proposed equipment would be in accordance with the industry standards and not have an adverse impact on the structural integrity of the facility.

Mr. Dickson noted the 4/3/12 letter from Boucher & James. Ms. Durso stated they will comply with Items #1 through #7. Ms. Durso stated with regard to Item #8, they will either be in compliance when they go to the Board of Supervisors or after the improvements are installed.

Ms. Friedman asked the point where they will max out the emissions. Ms. Durso stated based on the compliance report done for this facility which includes the proposed equipment as well as all the existing equipment, the cumulative effect is 1.410% of what is permitted so it is well below the maximum levels permitted by the FCC. She stated the maximum allowed is based on the type of equipment, and they are not anywhere close to the threshold.

Mr. Pazdera noted the last page of the FDH Engineering letter explaining the differences in the calculations, and at the end of two of their statements it states, “which is larger than lease loading.” Mr. Pazdera asked if they are regularly going in and putting additional equipment on the towers without getting approval from the Township. Mr. Eisold stated he feels they are getting approval. He stated the actual calculations done are based on theoretical and not actual loads. Ms. Durso stated they did go out and verify the equipment that was there and did a site mapping of the facility. Mr. Pazdera stated he still has a concern that someone has put something up that they are not aware of, and he would like to know how they can keep this from happening going forward. He stated this is not a problem for this particular Applicant. Ms. Durso stated when they enter into leases with the various tower owners, they reserve a maximum amount; and when they do the structural analysis, they want to make sure they include all of the equipment even if it is not there because that is what the carrier has reserved. She stated for their purposes this evening, they went and verified exactly what was there. She stated this is why the 2009 differed from the current because the 2009 included what they could potentially have there if they fulfilled everything they had a right to have under the lease. She stated each carrier, depending on what order they come in, wants to reserve not only an elevation, but also a loading amount as well.

Mr. Pazdera stated the second part of the sentence states, “it is larger than the lease loading,” and he assumed that when someone comes before the Planning Commission they are putting on what the lease says. He stated he would therefore read this sentence to mean that there is more on the tower than what the lease says. He stated this is also on the T-Mobile statement. Ms. Durso stated she does not know how this would compare to what that specific carrier submitted to the Township and got approvals for.

Mr. Pazdera stated he feels going forward the Township needs a better way of tracking so that they are getting the same kind of documentation each time. He stated he appreciates what Ms. Durso has done with the last three Applications.

Mr. Fried asked what parameters they can place on submissions going forward so that they are consistent. He asked if they could pass a Resolution so that there is consistency between what they present so they can line them all up.

Ms. Frick stated for this particular Applicant she and Mr. Pazdera did request this.

Mr. Fried asked if what is being submitted this evening sufficient so that they could require something similar from any future Applicant to submit in the same form so that they can be compared. Mr. Fox stated they would have to do this as an Ordinance, and the Planning Commission could make a recommendation to the Board of Supervisors to do that, and this could be used as a model.

Mr. Pazdera stated he is happy with what this Applicant has provided, and going forward this would be the baseline since they have an actual As-Built.

Mr. Fried asked Ms. Durso when the work will be done if they receive Approval, and Ms. Durso stated possibly it would be done in July.

Mr. Pazdera moved, Mr. Fried seconded and it was unanimously carried to recommend to the Board of Supervisors Approval of the Conditional Use Application for New Cingular Wireless, Plans dated 3/7/12 subject to compliance with the Boucher & James letter dated 4/3/12.

#569-S.A. – SCAMMELL’S CORNER PRELIMINARY PLAN DISCUSSION AND EXTENSION

Mr. John VanLuvanee, attorney, was present with Mr. Nick Casey, Vice President of Development for the Quaker Group, and Mr. Rick Clemson, engineer. It was noted that Mr. Birtok will be acting as Township engineer for this matter.

Mr. VanLuvanee stated they were before the Planning Commission in March, 2011 when he and Mr. Truelove along with Mr. Majewski reviewed the provisions of the Stipulation. Subsequently they appeared before the Board of Supervisors on 4/6/11 at which time the Board of Supervisors voted unanimously to approve the Stipulation and Agreement that the Planning Commission had reviewed. Mr. VanLuvanee stated this was subsequently entered and approved by the Court of Common Pleas in an order signed by Judge Rubenstein on 6/28/11 without change.

Mr. VanLuvanee stated the Settlement Plan which was a part of the Stipulation Agreement provided the framework for the preparation of the Preliminary Plans which were engineered and submitted to the Township for review. Mr. VanLuvanee stated they have received a number of review letters one of which from the School District had no comments. Mr. VanLuvanee stated another included hand-written notes from the Historic Commission received just last week. He stated those comments from the Historic Commission really do not have anything to do with the Plan in front of the Planning Commission. Mr. VanLuvanee stated the Stipulation Agreement did include a provision which provided that Quaker would agree to make provisions for the preservation of the Scammell House or such portions of it as are determined to be historically-significant.

Mr. VanLuvanee stated Mr. Casey would like to comment on this before they discuss the other review letters. Mr. VanLuvanee stated it is their intention to abide by the terms of the Stipulation, but they feel it is appropriate to do that after Preliminary Plan Approval and before Final Plan Approval because no Applications are being made for demolition at this time.

Mr. Casey stated last week he received a copy of a transmittal of the Application documents to the Historic Commission which had some hand-written notes on it asking for some details which he said were on the Plans and asking for an inspection of the site. Mr. Casey stated he provided a response to the Zoning Officer. Mr. Casey stated the Stipulation Agreement allows for the removal of all structures and buildings other than the Scammell House and that they agreed to make provisions for the preservation of the Scammell House which continues to be their intent. He stated the Plans clearly show how the house is being accommodated in very close conformance to the Sketch Plan that was discussed with the Planning Commission previously. He stated they fully intend to cooperate with the Historic Commission, and they look forward to their comments and advice as they proceed through the process. He stated they are present this evening for a recommendation for Site Plan and Subdivision Approval.

Mr. Casey stated he has no problem arranging for the Historic Commission's inspection of the structures on the property and the building; but currently the site is not suitable for anyone to walk on as there are a lot of trees down and there is liability associated with this. He stated there has also been a lot of vandalism. He stated the buildings are secure, but they are not going to open them up for access at this point. He stated when they get to a point of evaluating what is actually going to be done with the building and before any structures on the site are removed, they will cooperate fully with the Historic Commission providing them copies of all the documentation which they have already reviewed with the Planning Commission and the Board of Supervisors; and they will seek from the Historic Commission whatever information and input they can provide to the developer so that they can come up with a meaningful preservation Plan for the Scammell House. Mr. Casey stated the Historic Commission can also make any documentation they wish to make on the structures that would be removed.

Mr. VanLuvanee stated they also brought with them this evening, Mr. Mark Gallagher from Princeton Hydro who did some of the borings on the site, wetlands evaluation, and the Environment Assessment, and Mr. Dave Horner, the traffic engineer, although he does not feel that traffic is really an issue on this Plan.

Mr. VanLuvanee stated they have generated written responses to every review comment, and have copies available this evening for the Planning Commission members. He stated this information will confirm that they feel they will be able to comply with all the issues. He stated there are some issues he feels need to be reviewed briefly with the Planning Commission. He stated there are also some additional Waiver requests that were not specifically addressed in the Stipulation; however, there is a general provision in the Stipulation that states that in order to assure that Quaker will get the maximum number of lots provided under the Stipulation, which was sixteen new building lots, the Scammell House being the seventeenth lot and the eighteenth lot on the Plan being the detention basin lot, that the Township would grant such other and further Waivers as may be reasonably necessary from the Subdivision Ordinance perspective in order to achieve the yield. Mr. VanLuvanee stated there was also a general Waiver of the Natural Resource Protection standards as part of the Stipulation. Therefore a number of issues that they would normally spend a lot of time on, are really not germane to the review of the Plan as those issues were taken care of essentially in advance of the engineering of the Plan.

A copy of the rendered Plan was shown. Mr. VanLuvanee noted the Tri-State letter dated 4/2/12 as well as the Applicant's response. Mr. VanLuvanee stated they will comply with Item #1 under Zoning. He stated with regard to Item #2 regarding the 30' buffer, they do not believe it is required along the area south of University Drive because there is no residential lot adjacent to it. With regard to Item #3, Mr. VanLuvanee stated the Township engineer has asked for a 25' foot buffer along the western property line; and while the Settlement Plan showed a 20' buffer, they have agreed to provide the 25'.

Mr. Casey stated there was a conflict between the Settlement Plan and the Agreement as the Plan showed 20' and the Agreement showed 25', and they have been able to make a few minor adjustments on the orientation of buildings and the lot lines to better situate the homes and provide the 25' buffer on that side.

Item #3 was noted regarding setbacks from the woodland buffer, and Mr. VanLuvanee stated the Settlement Plan was very clear that the buffers were measured pursuant to Section II.7.D and E of the Stipulation and Agreement; and they have the buffers as shown on the Settlement Plan as far as building setbacks along West Afton and Yardley-Newtown Road.

Mr. Pazdera stated currently on the Plan they have the setback shown from the property line, and Mr. VanLuvanee stated this is correct along West Afton and Yardley-Newtown Road. Mr. Casey stated they are revising the Plans to show the setback as stipulated along the western, northern, and easterly property lines. Mr. VanLuvanee stated they will be clarified so that they are clearly consistent with the Stipulation.

Mr. VanLuvanee stated Item #5 is a request to show a 50' buffer for the reverse frontage lots along the arterial and collector roads, and they will comply. Mr. Casey stated what was agreed to and shown in the Stipulation was that they would maintain the 100' and 120' setbacks respectively along West Afton and Newtown-Yardley Road. He stated within those areas they will do selective clearing to get rid of diseased and damaged trees that will allow better growth of the stronger vegetation that will remain. He stated the healthy vegetation in that area will remain. Mr. Casey stated the setback itself is very clear in the Agreement that it is 100' off West Afton and 120' off Newtown-Yardley Road. Mr. VanLuvanee stated the Stipulation also spelled out that it is the intent to have the Township consultants go out in the field to look at the trees and determine what should come down and what needs to be supplemented, and to spell out how that supplementation should take place.

Mr. Casey stated when they met on March 28, he discussed the inspections that were made with Mr. Majewski, and they walked each boundary and had agreed there was a lot of damaged and diseased trees. He stated there is one area where there is invasive bamboo that they agreed would be removed. Mr. Casey stated once the selective clearing was done where the property adjoins existing residential lots, although there is nothing in the Ordinance that requires a buffer between residential and residential, they would provide for enhanced buffers by supplementing what was there with deciduous and evergreen trees. Mr. VanLuvanee stated Mr. Majewski discussed this at the March 28 meeting, and there is a detailed description of that which matched what Mr. Casey just indicated. Mr. Casey stated when they stake out the area for clearing, they will walk the perimeters of the site and flag what trees will come down.

Mr. VanLuvanee stated they will comply with Item #6.

With regard to the comments under Subdivision and Land Development, Mr. VanLuvanee stated they will comply with Items #1 and #2.

Mr. VanLuvanee stated Comment #3 deals with Waivers, and their response letter shows three Waivers being requested that were not specifically identified in the Stipulation and Agreement. He stated the first one deals with the location of species of trees of 8” or more. Mr. VanLuvanee stated he feels this was granted when they were granted the relief from the Zoning requirements of natural resource protection. He stated with regard to the areas of buffer, the Stipulation provides that they will have to enter into a Declaration of Restrictive Covenants to protect that area so within the buffer that is going to be protected, he does not feel it is necessary to locate each and every tree that is going to be protected by a Restrictive Covenant, and this is the reason for the Waiver request.

Mr. VanLuvanee stated with regard to the Landscape Plan, the comment is that the Ordinance says a Landscape Plan should be prepared by a registered landscape architect; and in this case, they have taken the plants off the list the Township has in the Subdivision Ordinance, and the Plans are sealed by a professional engineer. The Waiver request is merely a Waiver to allow the engineer to seal it rather than having to go out and hire a professional landscape architect.

Mr. VanLuvanee stated the third is a technical comment with regard to the minimum diameter of the sewer pipe. He stated SALDO requires 18”, and they want to connect a 15” pipe to an existing 15” pipe.

Mr. VanLuvanee stated they will comply with Items #4, #5, and #6 which are minor technical issues.

With regard to Item #7, Mr. VanLuvanee stated this is a request that the rights-of-way and cartway widths for all streets bordering the property should be provided on the Plans; and they will comply to the extent that it is not on there.

Mr. VanLuvanee stated they will comply with Items #8 through #12.

With regard to Item #13, Mr. VanLuvanee stated this is a lighting comment. He stated the Plan shows two lighting standards – one at the intersection of Lehigh Drive and University Drive which is a 150 watt street lamp, and the other light was put at the end of the cul-de-sac internally, and this is a 100 watt light.

Mr. VanLuvanee stated they will comply with Item #14. Mr. VanLuvanee stated Item #15 is a comment and does not require a response. He stated they will comply with Item #16.

Mr. VanLuvanee stated Item #17 relates to the Wavier he previously discussed to allow a 15” storm pipe to connect to the existing 15” storm pipe.

Mr. VanLuvanee noted the 2/27/12 Tri-State Sanitary Sewer Review letter and their response dated 4/19/12. Mr. VanLuvanee stated Tri-State had six comments, and they will comply with all items. Mr. VanLuvanee stated with regard to Item #5, they now have the Planning Exemption in hand. Mr. Casey stated they did provide copies to Tri-State. Mr. VanLuvanee stated with regard to water, contact has been made with Pennsylvania American, and the formal submission will be made after Preliminary Approval. Mr. Casey stated their standard procedure is that they really do not want to see the Plans until they have an Approved Plan to work with.

Mr. VanLuvanee noted the 3/18/12 comment letter from the Environmental Advisory Council, and their response letter dated 4/19/12. Mr. VanLuvanee stated their responses generally answer the concerns expressed by the EAC. Mr. Casey stated the first comment dealt with the driveway at Lot #10, and Mr. Casey showed this on the Plan. He stated there was a lot of opposition from the neighbors to having direct access to Yale Drive, and they agreed to provide an internal connection. He stated in meeting the 25’ buffer requirement along the western property line, they were able to adjust the orientation of the homes and pull them forward slightly, reconfigure Lot #10, and shorten the driveway which resulted in less impervious surface and more usable space in the rear yard.

Mr. Clemson stated in making revisions to the Plan, they are trying to address the comments of the EAC even though they did not feel it was appropriate to take the driveway out to Yale given the previous negative feedback. He stated they have been able to reduce the length of the driveway which was really the primary concern of the EAC; and it has been reduced by 80’.

Mr. Casey stated the EAC also commented on Lots #7 and #8 which he showed on the Plan. He stated the EAC had suggested using a common driveway which he feels creates a lot of internal problems. He stated they were able to reconfigure the lots in front which allowed them to pull the homes up and reduce the length of the driveways so that there is less impervious coverage. He stated they still feel it is important to maintain separate driveway accesses. Mr. Clemson stated they reduced the driveway on Lot #7 by close to 80’. Mr. Clemson also noted the driveway for Lot #4 which they were able to reduce by 30’. He stated Lot #8 basically stayed the same although it was moved slightly forward. Mr. Clemson stated one of the restrictions of moving the home on Lot #8 any further was because of the issue with converging setback lines.

Ms. Friedman noted Lot #4 and stated the driveway is going out between Lots #3 and #5, and she asked if there is any way to move the house on Lot #3 over somewhat to the left and bring the driveway to Lot #4 between Lots #3 and #2 which would result in a shorter amount of driveway. She stated while there is a drainage easement, they could run it along the drainage easement; and Mr. Casey agreed to look into that.

With regard to Items #3 #4, #5, and #6, Mr. VanLuvanee stated these are infiltration and geo-technical comments. Mr. Clemson stated the EAC had asked why rain garden #3 was not made part of the numerical record as to how they complied with the standards. Mr. Clemson stated rain garden #3 is actually in the island of the cul-de-sac; and even though it does pick up run off from an area he noted on the Plan, because of its size, it was not on the same level of significance as the other facilities. He stated they did not include that reduction in the analysis, and this did not create any issues as to the report as they have already exceeded the requirements so drastically for all the storms, they did not feel it was worth the effort to include it. He stated they still felt that it provided some benefit and enhancements which is why they have it.

Mr. Clemson stated Comment #4 deals with soil testing that was done on the site. He stated the geo-technical engineer had used a term in his report which referred to “poor hydraulic conductivities,” which was probably not the best way to describe this. Mr. Clemson stated what they have is a range of infiltration/permeability rates which were recorded. He stated the lowest rate of .1” per hour is actually the minimum allowable by the Best Management Practices Manual. He stated they also had two which were recorded a .5” per hour and the remainder ranged from .9” to 5.1 inches per hour. He stated only one was on the low range, and everything else was suitable for what they had intended.

Mr. Clemson stated Comment #5 deals with a typo in the stormwater management report, and they will make the necessary adjustment.

Mr. Clemson stated Comment #6 deals with compliance with the Best Management Practices Manual and the Township Code. Mr. Clemson stated there are various criteria provided as guidelines for the engineering community when they are doing these designs. He stated they try their best to adhere to every guideline. He stated in this particular case they have loading ratios based on the amount of impervious surface area as a ratio to the total bottom area of a facility of a rain garden or a primary basin. He stated this ratio is five to one. He stated they did comply with that ratio, but there is also a guideline that suggests that the drainage area to floor area ratio should not exceed eight to one; and in that case they did exceed the eight to one ratio by a relatively small amount. He stated in their response letter they noted that there is some conflict between the total drainage area recommendation and the maximum depth of water that you would achieve within the bottom of a basin during the one year storm event. He stated the maximum depth in a facility is recommended to be 2’ and the three primary basins where they analyzed the

water depths were .86', .37', and 1.3' respectively so despite the fact that they did not have the eight to one loading ratio, they were well under the maximum water depth to be accumulated in the basin during the storm. He stated he feels the basins have been designed appropriately, and they will severely restrict the run off from the site compared to what they were allowed to do.

Mr. VanLuvanee stated Comment #7 relates to tree removal, and this was already covered in accordance with the Stipulation. Mr. Casey stated he feels the EAC was offering their expertise in evaluating what trees should be removed, and they will leave it up to the Township to tell the developer which professional they should rely on.

The 3/15/12 Gilmore & Associates letter regarding traffic was noted; and Mr. VanLuvanee stated with regard to the comments on the Traffic Impact Statement, they will comply or will provide the requested information. Mr. VanLuvanee stated there were also six Plan comments. He stated Item #1 questioned whether the street light at the end of the cul-de-sac should be moved out of the roadway; and Mr. Clemson had indicated in their response that they do not object to moving the street light, and Mr. Clemson had proposed a location along the frontage of Lot #11. Mr. VanLuvanee stated they would like to have input from the Planning Commission as to whether they would concur that the street light should be moved; and if so, whether the location proposed by Mr. Clemson would be acceptable. Mr. Clemson stated the Plan submitted to the Planning Commission had a street light within the island of the cul-de-sac, and the recommendation was that they consider moving it out of the island; and he has suggested that a suitable location could be near the common line between Lots #10 and #11 which Mr. Clemson showed on the Plan. Mr. Clemson stated it would get it out of the cul-de-sac island and still provide adequate light to the cul-de-sac. Mr. VanLuvanee stated they could also consider if they prefer not to have a light there, and Quaker would be willing to eliminate the light if the Planning Commission did not feel it was necessary.

Mr. Birtok stated the engineer from Gilmore & Associates felt there was no need for any other lighting recognizing that most if not all of the houses would have adequate porch lights and possibly lighting along the driveway. Mr. Clemson stated less would be more in keeping with the overall character of the community.

Mr. VanLuvanee stated they will comply with Item #2.

Mr. VanLuvanee stated Item #3 re-visits the issue of the potential connection to Yale Drive; and as noted earlier, they have not proposed a connection of any kind to Yale Drive. Mr. VanLuvanee stated Item #4 is a discussion about an emergency access to Yale Drive; and again there was no requirement for emergency access in the Stipulation, and they are not proposing this.

Mr. VanLuvanee noted Item #5 regarding truck turning templates, and he stated they looked at all the templates and made sure that the Plan worked. He stated there was a comment made about possibly restricting parking on the cul-de-sac; and this is something they feel makes sense, and they will comply. Mr. Clemson stated they have provided turning movement templates at the end of the response letter.

Mr. VanLuvanee stated they will comply with Item #6 which is a request to re-locate the “No Outlet” sign, and they will move it to the location suggested.

Mr. Bush noted the comment regarding moving the street light out of the rain garden, and he asked if this is a safety issue or for some other reason; and Mr. Birtok stated he feels it would be primarily safety and having it in the middle of the cul-de-sac would be awkward, and the location they are showing would be fine between Lots #10 and #11.

Mr. VanLuvanee noted the 3/27/12 letter from the Bucks County Planning Commission and stated many of these items were covered in other review letters. He noted Item C indicated the location of rain garden #2 was in a slightly different location from that shown on the Settlement Plan, and Mr. VanLuvanee agreed that this is generally true. He stated he does not know that this is a significant issue for anyone. Mr. Casey stated it was designed to fall within the natural contours of the site to where it would be most effective. Mr. Casey stated on the most recent Plan they have shown some revised grading to pull it a little further away from the building footprint on Lot #1.

Mr. VanLuvanee stated Item #4 notes that there were driveways for Lots #2 and #4 that were shown as extending into the proposed drainage easement on those Lots, and SALDO indicates that nothing other than lawn can be placed within an easement. Mr. VanLuvanee stated their response was that to the extent that a Waiver is required to allow those driveways within the drainage easement, they would add that to the Waiver request.

Item #5 was noted and Mr. VanLuvanee stated this is a comment referencing Section II .7.A of the Stipulation, and they are required to put in place Deed Restrictions or Unilateral Declarations pursuant to the Stipulation.

Mr. VanLuvanee stated Item #6 is a comment about the fact that for some of the lots there was little land usable; and while this is the case, the Plans are consistent with the Settlement Plans. Mr. Casey stated they have done some re-grading on Lots #15, #16, and #17 in order to provide more usable space in the rear yard. He noted another area on the Plan where the lots were re-configured, and they were able to revise the grading as well. He stated once they get into the actual home selection on the lots, they may consider incorporating some retaining walls as an extension beyond the house that will allow them to flatten the grades out even further.

Item #7 was noted regarding the extension of the sidewalk to the driveway proposed for Lot #12 which is a “will comply.” Mr. Casey showed on the Plan the location where the sidewalk will be extended.

Mr. Pazdera noted Lots #2, #3, #16, and #17 and stated the way the grading is shown now in the front yards, there is a 5’ step from grade to the front door, and he asked how this will be handled. Mr. Clemson stated it is possible that they will have retaining walls depending on the final architectural designs for these units. He stated he would recommend against doing retaining walls in the front, other than walls that would provide drop off around the foundation, as it will create a tunnel effect. Mr. Pazdera agreed. Mr. Clemson stated they could do a free-form wall around the lower side of the foundation to provide a flatter grade between the right-of-way and the house. Mr. Clemson stated even if the builder does not do this, the homeowners may decide to do it. Mr. Clemson stated there are a lot of things they can do when they get the actual building design itself, and part of it will be to minimize the grade to provide proper access from the front to the driveway. Mr. Pazdera stated he feels they should take some of this into account now with the grading in the front because there will be a 5’ drop in three of four of the Lots he mentioned and the other is 4’ to 4 ½’. He stated he feels they should re-grade the front yards as much as they can on those lots to avoid the inevitable problem in the future. Ms. Frick also noted the driveway grades, and Mr. Clemson stated all the driveways meet the requirements. He stated the problem is when you get beyond the driveways on a couple of the Lots. Mr. Pazdera stated he feels the best solution is to re-visit the grading on those Lots now and get it within reason as 5’ is a lot to make up. Ms. Frick stated they must consider the overall development. Mr. Casey agreed to look into this in conjunction with Ms. Friedman’s suggestion on bringing the driveway for Lot #4 between Lots #2 and #3 and see how they incorporate something to adjust the grading provided they can make the grading work for the driveways.

Item #8 was noted regarding recreation land, and Mr. VanLuvanee stated the Applicant is proposing to pay Fee-In-Lieu. He stated the Stipulation did require that Quaker would pay all the fees required under the Ordinance.

With regard to Item #9 regarding ownership of the road and stormwater basin, Mr. VanLuvanee stated this is a decision for the Township to make.

Mr. VanLuvanee stated Item #10 is a comment and no response is necessary.

Mr. VanLuvanee noted the review from Captain Roche dated 2/27/12. Mr. VanLuvanee stated they will comply with Item #1. Item #2 discusses the road name, and Captain Roche has suggested that they call “Road A” University Drive, and this is acceptable to Quaker if this is acceptable to the Township.

Mr. VanLuvanee stated the final review letter was from James V.C. Yates, the Fire Marshall, dated 2/26/12. Mr. Clemson stated they will re-locate the fire hydrant according to Comment 2.A., and they will coordinate this with Mr. Yates.

Mr. Clemson stated item 2.B. dealt with the driveways, but he does not feel the driveways will be an obstacle to fire apparatus. Mr. VanLuvanee stated this is not an Ordinance issue.

Ms. Friedman noted the Bucks County Planning Commission letter which notes that the property is not subject to compliance with the natural resource protection requirements, and she asked if this is because trees were removed originally. She stated she feels there would still be natural resource protection to address on any property. Mr. Casey stated the issues dealt primarily with trees which were an issue of debate over the years and the issue of the lawsuit as well as steep slopes. He stated they have been working with the Township engineer in evaluating what was there and the current conditions. He stated they also spent an extensive amount of time with the Environmental Advisory Committee walking the site and evaluating what was there and came to terms with the Planning Commission and the Township for relief from that requirement. Mr. VanLuvanee stated there had been an attempt years ago to try to go back and decide what would have been permitted under the Ordinance with the existing tree count, and this was part of the dialogue that resulted in the Stipulation. Mr. Casey stated there were other limitations that were imposed upon them in that they did not want a through street from Lehigh to Yale and they did not want access to Yale so they had to fit within the envelop that they were given.

Ms. Friedman stated in the Stipulation Agreement Page 11, #8 it states, “The Township expressly waives the requirement of the SALDO section which would require Quaker to conduct a preliminary sub-surface investigation for determination of re-charge characteristics of the entire property.” She stated there is a Waiver being requested from submitting site capacity calculations, and she stated she assumes that this is the same thing. Mr. VanLuvanee stated it is two different things. Mr. Casey stated site capacity calculations determine how many lots you can get on the property. Ms. Friedman stated she is fine with this. Mr. VanLuvanee stated with regard to the sub-surface investigation, the key to this is the word “entire.” He stated #9 explained what was going to be necessary. Mr. Casey stated they did have to do the sub-surface evaluation/infiltration analysis in the locations for the rain gardens and the stormwater management basin to insure that it would function properly; and this has been documented, and they are exceeding the requirements of the Ordinance in their infiltration. Mr. VanLuvanee stated #8 and #9 really go together and the end result is just a partial Waiver which is that they do not have to do it on the entire site because the Plan already showed where the lots were going to be, and they were not going to re-locate the lots based on the re-charge characteristics of the site. Mr. Casey stated they are also required to maintain the same drainage direction so they are basically identifying where the stormwater management

control has to be. Ms. Friedman stated she sees from the EAC letter that they have been working closely with them. She stated she was concerned about drainage and the water table for the residents who will be living in these homes if they have basements and concerned about the rest of their property.

Mr. Bush noted the Stipulation Agreement paragraph #4, it indicates that they are free to demolish structures other than the Scammell House or portions of it after they have made provisions to secure it. He asked if they have made a determination to take down the other structures on the property or is this an open issue, and Mr. Casey stated they will be taking down the other structures. He stated as he noted previously, they will provide the Historic Commission with whatever documentation they have and will arrange for them to take a look at the property and establish whatever documentation they would like to have.

Ms. Rosanne Friehs, Historic Commission, stated the Scammell House was built in 1765, and they appreciate that the House is going to be preserved. She stated Mr. Casey had indicated that he felt the requirement to meet with the Historic Commission should be made as a Condition of Preliminary Approval with a time to be set for site inspection once they have more details on the extent of the preservation to be considered.

Ms. Friehs stated the Historic Commission would prefer that the Planning Commission not give approval before the Historic Commission's assessment of the property. She discussed the other structures on the site; and she asked if all the other structures are going to be demolished, she questions how the Historic Commission would be able to assess them. Ms. Friehs stated if Mr. Majewski walked the perimeter on March 28, she questions why the Historic Commission could not also have done so when they requested to have a site check on March 13. Ms. Friehs stated the Historic Commission requested the site visit because they have not been on the site since 2008. She stated the house and the outbuildings have not been occupied and no maintenance has been done since 2008. She stated she feels this needs to be assessed before the Planning Commission approves the development. Ms. Friehs stated the outbuildings such as the barn and ruins need to be assessed by the Historic Commission to see if they could be incorporated in the Scammell's Corner development rather than demolishing them. She noted other ruins and outbuildings in the Township that have been incorporated into developments.

Mr. Casey stated they spent an extensive amount of time working with the Environmental Advisory Committee, the Township engineer, the Planning Commission, and the Board of Supervisors, and the representatives from the Historic Commission were at the meetings and did testify that they were very happy with the Plan and happy that they were going to preserve the Scammell House; and they clearly understood by their comments and the developer's presentation that the other structures and buildings would remain and not be demolished or removed before they met with the Historic Commission and gave them an opportunity to evaluate and document all the structures on the property and to provide input on what they feel is appropriate for the preservation of the Scammell

House. He stated he agrees that the Scammell House does date back a considerable amount of time, but there are five to six additions that have been put onto the structure since that time all of which have been documented. Mr. Casey stated they would appreciate the Historic Commission's input and to dialogue with them, and they will work closely with them as they go through the process; however, they are present for Site Plan and Subdivision Approval in accordance with what has been agreed upon in the Court-Ordered and approved Stipulation Agreement.

Mr. VanLuvanee stated as they noted previously, they feel a Condition on the Preliminary Approval which indicates that this is being addressed before they come back at Final is appropriate. He stated they do not feel it makes any sense to take the boards off of all the buildings when they are still a ways away from the point when they will be starting work at the property. He stated they do not feel this expense is justified when it does not impact the lay out of the Plan.

Mr. Jim Ferarro, 1002 Lafayette Drive, asked if they could have a copy of the revised drawings. Ms. Frick stated no one has the Revised copy. Mr. Clemson stated the Plan they presented this evening is about 95% done in terms of Plan compliance with all of the review letters, and he would prefer finishing addressing the rest of the items. Ms. Frick asked that when they submit the Revised Plan, that they submit one additional copy for the residents to share. Mr. Casey asked if they could provide this extra copy in reduced form, and Ms. Frick indicated that this would be fine. Mr. Ferarro stated he would also like to get more information on the history of the property, and Ms. Frick suggested that he speak to the Historic Commission about this. Mr. Casey stated he also has a summary that he could provide.

Ms. Justine Seman, 1259 Yale Drive, asked the location of the proposed street lights, and Mr. Clemson showed the location of the two proposed lights.

Mr. Len Lazzarino, 1006 Lafayette Drive, stated Mr. Casey has been very accommodating. Mr. Lazzarino stated they did have some storm damage from some of the trees on the developer's property. He asked the timeframe for the development. Mr. Casey stated with the current state of the economy, he cannot state definitely at this time. Mr. Lazzarino appealed to the developer and the Planning Commission that the trees be inspected now. He stated there are a lot of trees still coming down on the property which are very close to the property line. He stated he has now learned from the insurance company that if it is on his property, it is his responsibility; and he would like them to check in on the trees along the property line.

Ms. Seman asked if there is a plan for a sidewalk on Afton Avenue. Mr. Clemson showed on the Plan where the sidewalks are proposed. He stated they are connecting to the existing sidewalk on Lehigh Drive along the south side and to the cul-de-sac so this would be a walkway inside the community. He stated they are also proposing a 6' wide bike path that is meandering and will be along the entire frontage of Newtown-Yardley and West Afton Avenue. He stated 6' width was in the Stipulation, and it does meander somewhat both for aesthetics and to avoid obstacles along the roadways. He stated some grading will be required, and he showed those locations on the Plan at the far eastern end of West Afton.

Ms. Jennifer Wassum, 1079 Princeton Drive, stated she will be backing up to the retention basin and would like to hear about the plans for drainage and the impact on the properties on Princeton. Mr. Clemson showed the location of the stormwater management facility and the woodland buffer. He showed the location of the rain gardens as well. Mr. Clemson stated the rain gardens deal with the frequent storms which are of 2" or less. He stated they will collect the water and infiltrate it into the ground, and this reduces the amount of water that goes to the roads. He stated they have to deal with storms that range up to 8" over the course of 24 hours so there is a wide range of storm events they have to deal with. Mr. Clemson stated they have gone beyond what would normally be required for the reduction of stormwater run off from developed sites. He stated they have reduced the run off well below the normal industry standards. He stated the EAC indicated that this proposal has reduced the run off from the site lower than they have ever seen in the Township. He noted the location of the basin, and stated it is not a wet basin. He stated it has an infiltration and detention component. Mr. Clemson stated all the water that they are controlling and putting into the storm sewer system is water that otherwise would have been passing through the properties. He stated they have spent a lot of effort in coming up with a solution that not only reduces flow rates substantially but also takes the water and puts it into the storm sewer system. He stated the run off through Ms. Wassum's property will decrease substantially after construction. He noted the location of the outlet control structure at the northern end of the basin, and it will discharge through a drainage pipe into an existing storm sewer in Lafayette.

Mr. Lazzarino asked about the average square footage of the proposed homes; and Mr. Casey stated they are not going to be the builder, and they are talking to several builders who are seriously interested and are considering homes that would be 3,200 to 3,600 square feet.

Mr. Ed McDade, Lot #1 Yale Drive, asked who will own the property not encompassed by the lot sizes, and Mr. Casey stated the land is incorporated into the lots other than the stormwater management basins. Mr. McDade noted areas on the plan where there was foliage, and asked who would be responsible for it; and Mr. Casey stated it would be the

owners of the individual lots and would be subject to the terms of the Conservation Easement. Mr. McDade noted on the Plan an area where he currently has problems with trees. Mr. Casey stated as he indicated earlier they will selectively clear out the damaged and diseased trees to promote healthy growth.

Mr. Michael Accardi, 1022 Lafayette Drive, asked if there is anything preventing the new owners from clearing out the buffers all the way back to the line, and Mr. Casey stated they will be Deed restricted. Mr. Accardi asked about utilities for heating, and Mr. Casey stated he anticipates it will be natural gas. Mr. Accardi asked if there is a way that the existing residents could tap into this, and Mr. Casey stated this would be up to the utility company. He stated he feels there is gas in West Afton.

Ms. Seman asked if the Township has any authority over providing natural gas, and it was noted that they do not.

Mr. Dickson stated it appears that there are extensive changes to be made to the Plans and considering that the time expires on May 11, they would ask for a brief extension so that they could complete the changes and come back before the Planning Commission. Mr. VanLuvanee stated they feel these are minor changes, and the basic configuration will not change. Mr. Pazdera stated there are substantial changes to the property lines, setbacks and grading. He stated they indicated that they were about 95% complete making the changes, and he would be more comfortable seeing a clean Plan that shows everything they have discussed on the Exhibit which the Planning Commission does not have.

Ms. Frick stated she just received the Revised Traffic Study, and she asked if changes were made. Ms. Frick stated no one has had a chance to review the Revised Traffic Study since it was just received today.

Mr. Casey stated they want to cooperate with the Township and have gone far in cooperating through this entire process over the last few years. He stated he believes that the responses provided tonight give a clear indication of their ability to comply with the comments that have been presented by the professionals; and but for the one suggestion made by Ms. Friedman of looking into the possible re-alignment of the driveway for Lot #4, and provided they can make the grade on that driveway work and incorporate some improvements on the grading on Lots #1, #2, and #3, those are the only issues they have not analyzed and have not been able to make a firm representation tonight of what can be done. He stated he would request a recommendation for Preliminary Approval subject to compliance with everything they have represented with the engineers and consultants which will be turned over in a timely manner; and they will report back to the Planning Commission and the Board of Supervisors before the Board of Supervisors takes any action on it. He stated it would also be subject to their

commitment that at the appropriate time prior to Final, they will work very closely with the Historic Commission in working out the details of the preservation before any structures are removed or disturbed on the property.

Mr. Pazdera stated if it were a one-page letter with some minor items, he would not have an issue, but there are a number of changes to be made to the Plan. Mr. Casey stated with the number of projects he has been involved with in the Township, the review letters they received are the cleanest review letters they have ever had to address; and he feels the revisions to address all of them as they have represented this evening are relatively minor.

Ms. Frick asked when the Revised Plans would be finalized and suggested they provide an Extension so that they can be put back on the next Planning Commission Agenda provided the Plans are submitted.

Ms. Friedman stated the Plan they are showing on the display this evening is different from any information the Planning Commission has. She stated they do not even have a Plan to document sign off. She stated they would not have a date since they have not seen the Plan they are showing on the display this evening.

Ms. Frick stated depending on how quickly they can submit the Revised Plans would determine how quickly they could get back on the Planning Commission's Agenda. Mr. Casey stated they can get the Revised Plans to the Township in less than a week.

After discussion it was agreed that they will provide a forty-five day extension from May 11.

There being no further business, Mr. Pazdera moved, Ms. Friedman seconded and it was unanimously carried to adjourn the meeting at 9:05 p.m.

Respectfully Submitted,

Karen Friedman, Secretary

