

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES - APRIL 22, 2013

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on April 22, 2013. Chairman Bush called the meeting to order at 7:30 p.m.

Those present:

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

Others: Nancy Frick, Director Zoning, Inspection & Planning
 Nathan Fox, Township Solicitor
 Mark Eisold, Township Engineer
 Kristin Tyler, Supervisor Liaison

Absent: Mark Fried, Planning Commission Member

APPROVAL OF MINUTES

Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to approve the Minutes of February 11, 2013 as corrected.

Ms. Friedman moved and Mr. Pazdera seconded to approve the Minutes of February 25, 2013 as written. Motion carried with Mr. Dickson abstaining.

#562-A – DOGWOOD DRIVE (A/K/A HARMONY LANE) PRELIMINARY PLAN EXTENSION

Ms. Frick provided an e-mail sent by Mr. Murphy, attorney for the Applicant. Mr. Justin Geonnotti from Gilmore Associates was present and stated all the planning issues have been resolved, and the only issue is the ongoing issue with regard to the off site sewer extension. He stated the Ordinance requires developers to extend sewers to adjacent properties and a lot of the properties in that area are still on septic systems. He stated they are planning to meet with the Sewer Authority on Thursday night to go over some concepts. He stated they have already had multiple meetings with them on this matter. He stated they are still deciding how much the developer will do and how much the Township will do. He stated pending the outcome of the meeting Thursday night, it should be an easy submission. He stated the Plans will be revised to show the additional sewer extension.

Ms. Frick stated they are getting updates for Applicants who have Plans outstanding for some time rather than just routinely granting Extensions.

Mr. Dickson moved, Mr. Pazdera seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Extension to July 15, 2013 due to the nature of the sewer issue which needs to be resolved by the Sewer Authority as noted in the memo from Edward Murphy.

#605 – JENNINGS TRACT PRELIMINARY PLAN EXTENSION

Mr. Joseph Jennings was present and stated he has had a number of problems with timely submission of paperwork and had problems contacting his engineer and he found out that the engineer has had some medical and personal problems and is now out of business. Mr. Jennings stated he has hired another engineer who will take on the project and has also hired a lawyer who will be working on the few minor issues that need to be resolved.

Ms. Friedman asked Mr. Jennings when he might be back with a more solidified Plan, and Mr. Jennings stated he feels it could take one to two months.

Ms. Friedman moved, Mr. Dickson seconded and it was unanimously carried to recommend to the Board of Supervisors acceptance of the Extension to July 31, 2013.

COMPREHENSIVE MASTER PLAN UPDATE

Ms. Lynn Bush was present and stated she has reviewed the 2003 Master Plan and summarized what is contained in each Section and what changes she foresees having to consider. She stated she would also like to do some brainstorming to get some thoughts from the Planning Commission on what they feel the Township is facing in the future. Ms. Bush referenced the Memorandum she sent to Ms. Frick on 4/17/13 which Ms. Frick had forwarded to the Planning Commission.

Ms. Bush stated the Bucks County Planning Commission will update the factual information and the maps and will also provide information on the impact of neighboring communities since the Bucks County Planning Commission has relationships with those neighboring communities. She stated the Lower Makefield Township Planning Commission will provide the policy guidance and review the materials as presented.

Ms. Bush stated they have also discussed reaching out to other Township Boards and Commissions, and she felt they might want to have a Township meeting inviting as many of those Boards and Commissions as the Planning Commission wants to invite.

She stated she has already had some contact with the Economic Development Committee on a variety of the topics, and she would like to bring them in to share ideas along with the Park & Rec Board. She feels this should be done fairly early in the process if this is acceptable to the Township. Ms. Friedman stated she feels it would be a good idea to invite two or three Commissions at a time so that they could focus on their specific needs as opposed to everyone coming at the same time which could be overwhelming.

Ms. Frick stated they could have three to four a night and give each one of them a half hour. Ms. Friedman stated they could also request that those Committees who do not wish to attend to send in writing some of their concerns for the Planning Commission to consider. Mr. Dickson stated he feels there are some Committees that would not be germane to this process and he noted particularly the Golf Committee and Electronic Media. Ms. Tyler stated with regard to Electronic Media, they do have plans going forward as to how to position and market the Township, and she feels this would factor into the Ten Year Plan in conjunction with the Economic Development Committee. Ms. Friedman stated this would be particularly true when Edgewood Village is up and running.

Ms. Tyler stated she feels the invitation should go out to all the Township Boards and Committees, and they can decide whether or not they wish to attend. She stated she feels they do need to give them guidance as to what they are looking for. Mr. Bush asked Ms. Tyler what she usually does in other Townships in this regard, and Ms. Tyler stated she has not usually done it this way before. She stated she strongly believes that the Planning Commission is the right body to do the Plan; however, some Townships feel it is a good idea to put together a Committee with a representative from Park & Rec, Planning, Zoning Hearing Board, and the Historic Commission. She stated this becomes challenging when you get to the next step since it is the Planning Commission that is the official body that must make the recommendation to the Board of Supervisors. She stated Lower Makefield has a very full list of Boards and Commissions which are active and engaged and cover many of the facets that are in the Ten Year Plan including Park & Recreation, Economic Development, Historic, and Environmental Advisory. She stated since Lower Makefield has such active Boards, she felt they may want to have some input in this, and it would also help the Planning Commission at the end to make sure that they have engaged those groups.

Mr. Bush stated there was a fairly comprehensive Plan done the last time, and this is just an update; and Ms. Tyler agreed.

Ms. Tyler stated she and Ms. Frick will get a list of the Boards and Commissions, and decide how to group them. She stated from the point of view of Park and Recreation she would like them to consider what the demands will be looking ahead and if they foresee an older population requiring different kinds of facilities. She stated the Environmental Advisory Council has been active in looking at water resources and stormwater

management, and it would be good to hear from them directly what they have been engaged in. She stated she feels the letters may need to be tailored somewhat to the individual Committees, and she could review them with the Planning Commission. Ms. Friedman asked if they could approve the letters by email so that they do not have to wait for a Planning Commission meeting, and they could then expedite the process. After discussion it was agreed that Ms. Frick and Ms. Brush will work on the letters and send them out to the individual Committees.

Ms. Bush stated Page 2 of her memo shows a matrix and includes what is in the 2003 Plan and what she feels needs to be addressed in the 2013 update. She stated with regard to the Introduction, they would update the planning process and describe it for this particular time. She stated there was a survey done in 2003, but it was agreed that this would not be needed this time.

Ms. Bush stated with regard to the Early History of the Township, she does not feel they need to change this unless there is a desire to add to the history. Mr. Bush stated the Historic Commission may want to make this a little more current to add some things that have occurred more recently, and he noted particularly the 9-11 Memorial. She agreed the Historic Commission would be helpful highlighting some things.

With regard to View for the Future, Ms. Bush noted the statement that had been included in the 2003 Plan. She stated she does not feel there was anything problematic about what it says but was more concerned about what it did not say. She stated in 2003 the Township had been through several decades of rapid growth and was still in a busy time with Applications for Developments and Building Permits. Ms. Bush stated she feels they need to note the downturn in the economy during the late 2000s and should consider other topics such as economic viability of business and commercial areas. She stated when she met with the Economic Development Committee they were very concerned about the office complexes at Township Line and Stony Hill Roads. She also noted preservation of agriculture, changing population needs, and minimizing flood damage given the floods of 2004, 2005, and 2006 which occurred after the 2003 Plan was written. She stated there was a lot of work done with regard to flood damage by the County and the River communities on the issue of Delaware River flooding, and she feels this should be acknowledged at some point in the Plan.

Ms. Bush asked if there are other items that should be considered. Ms. Tyler stated this may be a good section to discuss the intended growth in Edgewood Village and include the input from Economic Development, the EAC, and the Citizens Traffic Commission on this. She stated she feels this would also give guidance to the developer in that area. Ms. Bush stated over the years she has been involved with the Township, Edgewood Village has always been a topic of conversation; but there was nothing really concrete in terms of its future. Ms. Tyler stated it has the potential to be the “heart” of the Township, and it will likely have a significant impact on traffic and pedestrian travel so

it must be managed properly. She stated they should involve not only the EAC, Citizens Traffic, and Economic Development but also the Emergency Management Committee. Mr. Bush stated the Planning Commission spent a long time working on the Overlay Ordinance which is in place for Edgewood Village, and there were other groups also involved in that effort including HARB. Ms. Bush stated this does represent a new direction for the Township.

With regard to the Natural Environment and Natural Systems, Ms. Bush stated there is a lot of description about geology, topography, agricultural areas, wetlands, etc; and she knows the EAC has also been working on other things. She stated she feels they need to update the data on agricultural preservation. She stated the EAC may also want to add a new focus regarding groundwater quality and other items.

Ms. Bush stated under National Resources, there were specific policies referenced. She stated there needs to be discussion about farmland preservation and new directions in farming. She also noted the Delaware River including its importance and the flooding, and she stated she has a lot of information on this. She stated she also needs to find out about the Brock Creek and Rock Run projects and the riparian buffer recommendation as she is not sure that anything has been done with those. She stated the Rock Run dam project had been noted, and Ms. Frick suggested that Ms. Bush speak to Mr. Fedorchak about this.

With regard to the Section - Development and Projected Changes – Ms. Bush stated this is the Section which discusses population and land use. She stated her staff will update this since they have 2010 information. She stated she had looked to see what had been projected in 2003 versus where the Township is now. She stated the 2010 Census showed a population of 32,159, and the 2003 Plan had projected for 2020 a total population of 32,550. She stated the text under Land Use describes what it is in the Township, and they will update this. She noted particularly Edgewood Village, the Oxford Oaks Shopping Center, and the Matrix site. She stated they will prepare a colored land use map for the Planning Commission to review and do the calculations as to what part of the Township is devoted to Residential, Commercial, Industrial, etc. Ms. Bush stated the Housing Types are also described in the Chapter which included cost and affordability data which she feels is difficult to use in a meaningful way particularly because housing costs change so quickly, and she would recommend toning this down.

Ms. Bush stated the Land Use Section describes the Zoning Districts in the Township. She stated it discusses the Commercial and Industrial Districts and some uses in the O/R District. She stated she feels they need to spend time reviewing all of the Land Use Policies referenced in this chapter since some of them are out of date. She stated the Township has laid out the plans and the Zoning, and what has happened is what the Township planned for. She stated in 2003 they mentioned Age Restricted Housing; and since the Township now has this, they will have to update this Section. She stated the Township has been very consistent about its Planning and Zoning.

Ms. Bush stated the next Chapter is Community Facilities and Services, and she has listed all the services. She stated for the last two Plans, they had talked to the people responsible for each area – Police, Fire, etc.; and they will need to update this to see if there are any needs that were not anticipated before that have emerged in the last ten years. She stated she feels some of this Section can be reduced since the Township does not have responsibility for the water supply since the Township is part of a franchise area and part of a larger School District which the Township does not control. She stated she feels they should focus on the things where the Township has input into the decisions that are made. She stated she will focus on those areas where the Township needs to have a policy in place. Ms. Bush stated she and Ms. Frick will work with the people in the Township that have the staff responsibility for those areas so they can get up to date information.

Ms. Bush stated with regard to the Section on Parks and Recreation, they need to update the inventory and revisit the 2003 recommendations to see which ones have been completed and which ones were dropped. She stated they should also reiterate the importance of the walking paths which is a great system, as well as add a greenways discussion which would include what has been done with walkways and stream corridors. Ms. Bush states she will work with Ms. Frick and the Park and Recreation Department on this.

Ms. Bush stated Open Space and Conservation summarizes what was acquired from 1981 until 2003, and they will need to update this. She stated open space management may be important to the Township since the Township owns some properties that require some thought and Budget considerations. She stated they should also review the status of the Township's use of the County Open Space Funding including Municipal Grant and Riverfront Grant opportunities.

Ms. Bush noted the Chapter on Historic Resources and stated she feels some of the recommendations from 2003 need to be edited and refined, and she feels HARB and the Historic Commission can help. She emphasized reporting on what is happening with the Edgewood Village development and the update of the wastewater facilities.

With regard to Transportation Planning Ms. Bush stated she feels there should be more substance in this area. She stated there have been no major changes to the major roads, and the SEPTA lines remain the same. She does feel that there is excess information about description of traffic calming, and there could be some editing done. She stated they should consider some future items including the Scudders Falls Bridge and how this will effect traffic on various roads. She also noted the I-95 reconstruction project which will have an impact on traffic as well.

Ms. Bush also noted the Traffic Impact Study and the Ordinance related to traffic fees charged to developers, and Ms. Frick stated this fee gets updated annually. Ms. Bush stated she would like to hear what the Citizens Traffic Commission has to say about their needs and traffic calming. Ms. Tyler stated Edgewood Village should be discussed as well.

With regard to Planning in Surrounding Municipalities, Ms. Bush stated this is a requirement of the Municipalities Planning Code. She stated in 2003 they looked mainly at the Zoning along the borders; but this time she would like to look at this more broadly and not just look at Zoning, but also at the forces that effect the Township and its neighbors. She noted specifically the transportation system, the Delaware River, flooding, farming, and coordination along the Route 332 corridor with Newtown. Ms. Bush stated she can provide a draft on this after collecting information.

With regard to Township Finances, Ms. Bush stated she would like to get feedback as to how much of this should be in the Plan. She stated it is not a requirement of the Planning Code per se; although there is an expectation that if the Township is planning a big capital project, it should be reflected in the Budgeting. She stated she does not feel there needs to be as much detail about revenues and expenditures as they have had in the past. She stated she feels they could talk more generally about the costs of services and the implications for the Plan on Township spending and Township revenues. Ms. Tyler stated she feels they could discuss what the Township suffered as a result of the decline in the Transfer Tax and their support of the Emergency Squad. She suggested Ms. Bush discuss these issues with Mr. Fedorchak as well as his financial vision for the Township.

Mr. Bush asked what other communities do with this Section on Township Finances, and Ms. Bush stated generally there is not too much focus on this; and the Plans tend to be more about development, land use, preservation, and the environment as opposed to the financial part. She stated Lower Makefield has always been fairly strong on the link between the finances and the future of the community so she does not want to minimize this. She stated her point was that there was a lot of data included previously that tends to be outdated very quickly. She stated she would like to tie the finances back to some of the other issues they are talking about; and if they are discussing office complexes on Stony Hill Road/Township Line Road that are underutilized, there is potentially an impact on revenues coming into the Township so she would like to link the finances to the development trends. She stated making those areas successful and fully occupied is important to the Township from a financial point of view. Ms. Bush stated the Economic Development Committee may have thoughts on this which could be incorporated in this section.

Ms. Bush stated the last section is Implementation where they will summarize and pull from the sections the various goals and action steps they want to take and make specific statements about how it will be implemented.

Ms. Bush stated she will work with Ms. Frick and Mr. Fedorchak on these issues starting with determining the schedule for tackling the various Sections and then align the Boards and Commissions they wish to work with on those Sections. She stated she will also update the Census data and the Land Use and anything else that is just factual information.

Ms. Bush stated she would like the Planning Commission to consider what they have in the Township that they would like to make sure is protected in the future and what they would like to change moving forward. She stated she would also like the Planning Commission to consider what is different about the Township today from what it was like in 2003 that they need to consider going forward. Ms. Bush stated a common theme is the older population and concerns about having a greener community including fuel efficiency. Ms. Tyler stated the Environmental Advisory Council is always looking at new things including pervious pavement as well as other forward-thinking ideas. Ms. Tyler stated another issue tying into the aging population is the Community Center and the uses for the Center which will also be a “home” for the Seniors. She stated they have decided to place it in the ball field complex and she would like to tie this into pathways so that you could go from the Softball fields to the Township Building. She stated they are also considering making the Community Center the emergency shelter and making it a central hub.

Ms. Tyler stated with regard to Edgewood Village, she feels they need to consider the traffic through this area noting they are very limited as to what can be done at the intersection because of the existing historic buildings on the corners. She stated there was discussion about potentially making it one way down to the Township where Edgewood Road ends.

Ms. Tyler stated she also feels they should discuss reuse of buildings within the Township adding that they do have empty buildings. Ms. Tyler stated the School District is also shrinking, and there have been statements made by the District that they would consider closing Edgewood School; and they would need to consider the re-use of that building. Ms. Tyler stated they should also consider use of the Township buildings and the potential needs for the Township Municipal Building. She stated the Police Department and Public Works would like to have more room, and they should look forward as to the needs of the Township resources.

Mr. Bush stated he feels they need to consider quality of life issues for those residing in the Township and what those in the Township are interested in with regard to the environment. He particularly noted wind power systems and solar energy. He stated some Townships have considered Ordinances limiting these systems because they could be eyesores. Mr. Bush stated there have also been issues with people leaving “Pods” in the driveway for extended periods of time, and a number of communities have passed Ordinances as to how long you can leave them in the front of the property. Mr. Bush stated there are also areas in the Township closer to Morrisville and the River where if the economy recovers and the housing market picks up, people could be tearing down houses and building larger homes on smaller lots; and they should consider now how they want to address this. He stated residents are concerned about what they see in their neighborhoods.

Ms. Tyler stated the Board of Supervisors is discussing a Solar Ordinance now. Ms. Tyler stated another quality of life issue is cellular technology, and they are working on Ordinances on this as well.

Ms. Tyler asked Ms. Frick to consider items she has run across frequently that should be addressed. Ms. Frick stated they do have a policy on Pods, and they are only permitted during the duration of construction. She stated it is issued with the Permit where they can be located. Mr. Bush stated he is concerned about the Pods on properties that are unrelated to construction.

Mr. Pazdera stated he is concerned about the preservation of the historical properties. He stated past Boards have made the commitment to buy properties, but have not made the financial commitment to maintain them. He stated ultimately some are sold; and the Township loses control of them. He stated they have lost a lot of properties through neglect – both by the Township and by private owners.

Ms. Tyler noted a recent discussion with Mr. Troilo about his request to take down a building in Edgewood Village, and the Board of Supervisors has asked for more information. She stated she did ask that he consider that he has the unique ability to preserve the Township’s history asking that he preserve what he can recognizing the expense. She stated the Board did not agree to the Demolition Permit as they did not have enough information to make an informed decision. Ms. Tyler stated she is also concerned about how some of the properties in that area look, and she would like to partner with the developer to see what they can do without overreaching into property rights. Ms. Tyler stated they have already lost a number of houses in Edgewood Village, and she feels it is valuable to consider this in the Master Plan. Mr. Pazdera stated they do need to have a financial component in place when the Township takes on these properties. He stated the Township needs to be a good role model for the developers.

There was discussion on the house on the Golf Course property. Ms. Tyler stated she has repair estimates, and they are trying to come up with a Plan. Mr. Bush stated at one point there was discussion about a PGA office being at that location. Ms. Tyler stated it has a stone exterior so it is protected. She stated a number of potential uses have been considered, and they have had discussions with Mike Attara from the Golf Course to see if he could find a use that would go along with the Golf Course.

Ms. Friedman asked if they could get census information for the surrounding Townships as well since this may impact which Schools may close and what type of facilities they may need for Seniors; and Ms. Bush stated she can get this information for the Planning Commission.

There was discussion as to when this matter will be considered next since the regularly scheduled meeting will fall on Memorial Day. Ms. Frick stated she feels they can discuss this again on May 13. Ms. Bush stated she can get population information to the Planning Commission prior to that time. Ms. Bush asked if they should also invite one of the other Township Committees to come on May 13, and it was suggested that the Historic Commission and HARB be invited that evening. Ms. Bush stated she and Ms. Frick will come up with a Plan on which Committees should attend. It was suggested that Citizens Traffic and Farmland also attend the next meeting.

Mr. Dickson stated with regard to transportation and an older population, he feels there may be a point where there is more of a need for public transit; and he would like to know if there are any plans for this. Ms. Bush stated she does have contacts in transportation, and SEPTA does have a long-range planning staff; and she agreed to reach out to SEPTA. Ms. Friedman stated with the aging community, the Township may need a small bus transit system, and there could be an old-fashioned bus depot in Edgewood Village with an electric bus that would help reduce traffic on the roads. Ms. Bush stated Doylestown Borough is trying to get something similar to this. Ms. Tyler asked Ms. Bush if she felt Bucks Transport could be expanded, and Ms. Bush stated their main source of income is reimbursements for medical visits which is done by appointment.

Ms. Friedman asked that they lay out a time frame for the completion of their discussions each evening, and Ms. Bush stated she feels a 9:00 p.m. time limit would be best.

Mr. Bob Dwyer stated he is working on behalf of BPG that owns 600,000 square feet of office space off of Township Line Road, and they would like to know what they can do to help each other. He stated he would like to get the information being provided to the Planning Commission as well and have the opportunity to give his opinions as well which he will pass along to Ms. Bush; and if she feels it is worthwhile, she could pass it on to the Planning Commission. Ms. Tyler suggested that he also attend the Economic Development Committee meeting, and Mr. Dwyer stated he does plan to attend their

meeting to provide them with their forecast for offices on Township Line Road. He stated he has worked in the Township for a developer who did a good percentage of the development in the Township a number of years ago.

OTHER BUSINESS

Ms. Friedman stated she was concerned about the need for those requesting Extensions having to come before the Planning Commission. She stated she feels that both of those presentations could have been given in writing in the Extension. She stated she could understand it if there were a problem with a particular Development. She stated one of the issues involved sewers which the Planning Commission does not address. Ms. Frick stated the Board of Supervisors was concerned about Extensions being given for long periods of time, and they asked that the Developers for those with continued Extension requests come to the Planning Commission and provide an update before the next Extension is granted. Ms. Frick stated the concern is that the Ordinances that are in place when they submit their Plans, are the Ordinances that must be followed; and they do not have to abide by anything that has been adopted since that time. Mr. Bush stated he feels they could provide an update in a letter, and in 99% of the cases, this would be sufficient. He stated he feels the reason for many of these Extension request is because of the economy. He stated the Township needs to make the decision whether they want to continually grant Extensions, but he does not feel the Applicants should need to come in person and could just submit something in writing listing their reasons for the request for Extension.

Ms. Tyler stated the problem is created by the nature of the Ordinance, and one of the Supervisors had asked why they were endlessly granting Extensions without reason. She stated in order for the Board of Supervisors to deny the Extension, they need to have a reason why they would proceed in that matter. Ms. Friedman stated she feels the request and reasons should be put in writing so that the Planning Commission has enough information to make a judgment. Ms. Friedman stated they should also consider a change to the Ordinance that after two years, if the development has not moved forward, it would have to be re-submitted as a new development project that would be subject to the Ordinances in place. Mr. Fox stated he does not believe that the MPC would allow the Township to give an arbitrary deadline.

Mr. Bush stated he feels the solution is that the Applicants should put something in writing; and if that does not satisfy the Board of Supervisors, they should then be asked to come in.

Mr. Fox stated there is also the State-wide issue of the Permit Extension Act which gave every Developer an Extension until July of 2016 because of the economy. Mr. Fox stated even if the Planning Commission would recommend Denial, it would still have to go back to the Board of Supervisors; and he still feels that the Developer would have a reason to litigate the Denial of the request for Extension. Mr. Bush stated if this Permit Extension Act is valid, they are just wasting their time. Ms. Tyler stated she will discuss this further with Mr. Garton. Mr. Fox stated he will look into this further as well.

Ms. Tyler stated if there has been a change made to the Planning Commission's procedures, they are entitled to know why and the rationale behind it; and she will discuss this with Mr. Garton. Ms. Friedman stated she feels the request could be done through a letter and not necessarily a physical presence. She stated if they had further questions after seeing the letter, they could then call them in to make a presentation.

There being no further business, Mr. Dickson moved, Ms. Friedman seconded and it was unanimously carried to adjourn the meeting at 9:20 p.m.

Respectfully Submitted,

John Pazdera, Secretary