

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – NOVEMBER 10, 2014

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on November 10, 2014. Ms. Friedman called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Karen Friedman, Chair
John Pazdera, Vice Chair
Dean Dickson, Secretary
John Tracey, Member

Others: Nancy Frick, Director Zoning, Inspection & Planning
John Koopman, Township Solicitor (left meeting in progress)
Maryellen Saylor, Township Engineer (left meeting in progress)
Kristin Tyler, Supervisor (joined meeting in progress)

Absent: William Clark, Planning Commission Member
Dan McLaughlin, Supervisor Liaison

#612-A – ST. IGNATIUS CHURCH PRELIMINARY PLAN DISCUSSION AND APPROVAL

Mr. Edward Murphy, attorney, was present with Mr. Doug Rosina, engineer. Mr. Murphy stated this Plan was submitted as a Preliminary Subdivision Plan about fourteen months ago in the fall of 2013. He stated the Plan has been the subject of several reviews by the Township engineer; and most recently in mid-October, the Township engineer issued its third review of the Revised Preliminary Plan. Mr. Murphy stated the Plans contemplate the creation of eight new lots, seven accessing off a single cul-de-sac, and the eighth set by itself off of Sandy Run Road.

Mr. Rosina stated the Plan consists of nine lots, eight lots within the cul-de-sac - seven dwellings and one being a detention basin. He stated the ninth lot is an individual lot located off of Sandy Run Road. Mr. Murphy stated all the access to the lots is from Sandy Run.

Mr. Murphy stated the owner is St. Ignatius Parish, and they view it as excess property that they would like to market and sell to retire some existing debt.

Mr. Murphy stated last month they had an opportunity to meet with Ms. Saylor and Mr. Eisold to go through the review comments outlined in the Boucher & James October 15 review letter. Mr. Murphy stated they do not have any issues with the review comments in the letter, and they are all essentially “will comply.” Mr. Murphy stated they have a list of Waivers outlined in the review and supplemented by an updated Waiver list that was submitted a week ago.

Ms. Friedman stated she does not feel neither she nor Mr. Pazdera were present when this Plan was presented previously.

Ms. Tyler joined the meeting at this time.

Ms. Friedman asked about the property line adjustment. Mr. Rosina stated the project itself consists of a much larger parcel which he showed on the Plan. He noted where the existing Church is located, and showed where the Lot Line adjustment will take place. He stated this will be done in order to give some additional land during the Subdivision to the Church so that the Church will ultimately obtain the piece that they already have as well as the parcel he noted on the Plan. He stated the remaining parcel which he showed on the Plan will be associated with the Subdivision. Mr. Murphy stated this is part of this Application. He stated the reason for adjusting the Lot Line for St. Ignatius is to insure that once the Subdivision is completed, they will not leave St. Ignatius with any non-conformity in terms of impervious lot coverage, etc. He stated the Plan has been designed so that the resulting property that St. Ignatius will continue to own which will include the Church, the School, the Rectory, and the other facilities will conform to any relief that the Parish previously received in years past.

Ms. Friedman stated the Lot Line will expand the amount of property that the Church will have, and Mr. Murphy agreed adding this is being done so that they do not violate the impervious allowance that the Parish previously obtained.

Mr. Tracey stated Mr. Bray has a concern about certain Waivers related to tree disturbance and tree plantings. Mr. Tracey stated there are valid engineering reasons why those Waivers are requested for run off purposes, impervious surface, and the slope of the property dictates certain considerations; however, he also feels there is concern about tree coverage.

Waiver #1 was noted, and Mr. Murphy stated this is one that is seen fairly typically not to require certain information beyond a certain distance from the property. He stated typically what they do is provide an aerial or some other way to demonstrate that there is sufficient information provided to the Township engineer, and this was acceptable to Ms. Saylor.

Waiver #2 was noted, and Mr. Murphy stated there has been a lot of discussion and multiple field meetings with the Township engineer about the tree issue. Mr. Rosina stated the reason they are requesting the Waiver is because they will be saving and creating as a permanent woodlands a good portion of the site, and to do a tree inventory of the entire site would take a tremendous amount of time particularly given that they are going to be saving the trees. Mr. Rosina stated with regard to the areas that they will disturb, they met with a representative from the Township engineer's office and marked out the areas and did a tree count in order to get a basis for the amount of trees that they would be disturbing within the limit of disturbance. Ms. Friedman stated that rather than doing an entire inventory, they are doing an inventory of what they are removing/disturbing; and Mr. Rosina agreed. Ms. Saylor stated this is acceptable.

Mr. Murphy noted Items# 4 and #5 and stated they are complying with the Township's Low Impact Ordinance so this is why they are reducing the cartway width and trying to reduce sidewalks where they are not needed. He stated the Ordinance has not caught up to the Low Impact Development Standards, so they have to request a Waiver to do what the Low Impact Development Ordinance recommended. Ms. Saylor agreed these Waivers are acceptable.

Waiver #6 was noted, and Mr. Murphy stated this is also a Low Impact Design Standard. Ms. Friedman asked if this relates to the main road or the interior part of the development, and Mr. Rosina stated this is on the cul-de-sac itself. Mr. Rosina stated if you do not have curbing, you are required to have a shoulder, and the Waiver request is to not provide the shoulder because they will have roadside swales. He stated they will not permit parking on the one side of the cul-de-sac in order to still allow two-way traffic. Ms. Friedman asked if they will have signage indicating that no parking is permitted on the one side, and Mr. Murphy agreed. Mr. Murphy stated providing roadside swales is another Low Impact Design criteria that the Ordinance encourages.

Mr. Murphy noted Waiver #7 relates to the sidewalks, and the Low Impact Ordinance recommends when it is appropriate to eliminate sidewalks. There will be no sidewalks in the cul-de-sac, and this was acceptable to the Planning Commission.

Mr. Rosina stated based upon recent discussions with the Township engineer, they will remove Waivers #8 and #9 as the Township engineer's office feels they are no longer required. Ms. Saylor stated the Township engineer's landscape architect is satisfied with the number of existing trees to satisfy the Ordinance requirements.

Item #10 was noted, and Mr. Rosina stated this relates to not being required to comply with requirements of the Tree Protection Standards, and he stated he will have to add additional clarification based on their discussions with the Township engineer's office. Mr. Rosina stated they are meeting certain requirements within the Tree Protection Standards; however, one of the requirements needed is to indicate the size of the trees and the canopy of the trees. He stated because they are not doing the tree inventory, they will not know the size of the trees or the canopy. He stated they are providing tree protection fencing in order to not allow the developer to leave the construction area. Mr. Rosina stated there is a requirement that if they cannot make it out to the canopy, they have to provide proper pruning and soil conditioning, and these details will be added to the Plans at the request of the Township engineer in order to satisfy this requirement. Ms. Saylor stated they had requested clarification on the tree protection, and they will provide this. Ms. Friedman asked who will monitor this, and Ms. Saylor stated her office will.

Mr. Murphy stated there are vast areas that will be untouched, and they are requesting a Waiver to not have to count the trees that they will not disturb. He stated they will inventory those areas where there will be tree disturbance.

Ms. Friedman stated she feels tree protection also means that they do not go past certain points so that they do not disturb the roots, and Mr. Rosina stated root maintenance is one of the details that was required by the Township engineer and he was asked to add more information to that detail.

Item #11 was noted. Ms. Friedman asked if there will be a Fee-In-Lieu for tree replacement, and Mr. Murphy stated it will either be a Fee-In-Lieu or some combination that will be discussed with the Board of Supervisors. Ms. Friedman stated there is a specific canopy in the area, and she would not want to see all of this taken away just because it is permitted to put trees at some other location. She stated she feels some level of canopy should remain there since it was there. Mr. Pazdera stated it is difficult to see what the impact will be. Ms. Friedman stated she would not want to see them remove the trees and not replace any on the site and pay a Fee-In-Lieu for the Township to plant at other locations.

Mr. Rosina stated they have been working with the Township engineer's office. He stated there are trees in the rear yards, and they are now looking at saving groups of trees in several of the back yards. He stated they do not have them counted as part of the tree disturbance since they meet the Tree Disturbance Ordinance requirements so the additional trees that they are saving would actually come out of the tree replacement that would be required. He stated they are trying to designate some areas they are looking at saving.

Ms. Friedman asked if those trees are in proximity to where the houses will be built, and Mr. Rosina noted the locations on the Plan which are in the rear yards of some of the houses. He stated the remainder of the other tree disturbance is along the property line. He stated these would be the first areas within the actual development area that they were looking at saving.

Mr. Murphy stated their calculations are not allowed to include any trees that might be preserved; and they have to presume that everything within the minimum building envelope is going to be disturbed, even if that may not be the case. He stated there are therefore showing more tree disturbance than probably actually is going to happen.

Mr. Rosina stated they have not included the tree groupings he discussed earlier because a homeowner may decide to remove one of the trees in the future; and if it were included in the calculations, someone would have to constantly watch this so they want to make sure that they have the calculations that are required, and then they are going to protect some additional trees.

Mr. Murphy stated they want to discuss with the Board of Supervisors establishing a Conservation Easement on the balance of the St. Ignatius property which is heavily treed and is close to three acres. He stated it goes along the rear of the site adjacent to the Railroad tracks. He showed on the Plan the area which could be a more formal Conservation Easement that would be Recorded. Mr. Murphy stated they are going to discuss with the Township engineer if there are defined areas on a lot where they will preserve a grouping of trees, and Ms. Saylor stated they would recommend this.

Item #12 was noted, and Mr. Rosina stated this relates to the retaining wall that is part of the detention basin.

Mr. Murphy stated Waivers #13 through #19 all deal with various aspects of stormwater details. Ms. Friedman asked about Waiver #16 to permit the installation of storm drainage pipes beneath cartways with less than 6", and she asked how much less and would it effect anything. Ms. Saylor stated the requirement is that the pipe is supposed to be 6" below the sub grade, but provided there is adequate cover over the pipe that meets manufacturer's specifications, they will work with the developer on this. She noted there is one pipe that needs to be revised, and Mr. Rosina agreed. Ms. Friedman stated she feels there needs to be more specifics on this. Mr. Murphy stated they will work with the Township engineer on this.

Waiver #17 was noted, and Ms. Saylor stated this is similar to #16, and this means if it is not under pavement but is under grass, there should be 2' of cover; and they are asking for less. Mr. Rosina stated these are outside of structural areas, and in this circumstance most pipe manufacturers today require only about 1' of cover over top of their pipe depending on the pipe being used. Mr. Rosina stated there will be no vehicle load on these areas.

Mr. Murphy noted Item #1 under Zoning Ordinance Comments, and he stated this is what they just discussed about trying to identify areas to the rear of lots where groupings of trees might be able to be preserved via a Conservation Easement even though the Ordinance calculations require them to be excluded under preservation. He stated they will go back through all the lots to see if there are other areas where they could do this.

Mr. Murphy stated based on their discussions with Mr. Eisold and Ms. Saylor, they have no issues with the balance of the review letter. Mr. Koopman stated he assumes the Plans will be revised to reflect the "will comply" at some point, and Mr. Murphy stated their preference would be to revise the Plans before they came back for a Final Plan Approval.

Ms. Friedman noted Item #19 regarding the large oak tree along Sandy Run Road, and Mr. Murphy stated since the issue first came up they have had multiple site meetings, retained an arborist, and a report was submitted. Mr. Rosina noted the location of the tree, and Mr. Murphy stated it is on an area on Sandy Run between the legal and ultimate right-of-way of Sandy Run. Mr. Rosina stated the underground seepage bed is within the tree canopy because it is such a large tree, and the tree canopy is approximately 70' in diameter. He stated they had a meeting about one week ago with a representative from the Township engineer's office and they measured the canopy of the tree, its diameter, and the location off the road in order to show it on the Plans. He stated based on the size of the canopy, the proposed underground seepage area is within that canopy; and it will also cover a portion of the rear yard of Lot #1. Mr. Murphy stated they could include this in the Conservation Easement. He stated they can stay outside of the 15' tree protection limit; but according to the report that was submitted, the tree is not healthy. Mr. Murphy stated they will do what they can to preserve the tree the way it is.

Mr. Dickson asked if the Planning Commission could be provided the arborist's report, and Mr. Murphy stated it was submitted to the Township last week.

Mr. Tracey asked if the 15' is outside of the periphery of the canopy. Mr. Rosina stated when they discussed this with the Township engineer, there is a stipulation that if you are within the canopy of a tree, as long as you remain outside of the 15' buffer from the trunk of the tree, you can construct under a canopy of a tree. He stated there are certain precautions that they have to take.

Ms. Friedman asked about Items #29 to #31, and Mr. Murphy stated they will comply with all of these.

Ms. Friedman asked if there has been a name change, and Mr. Rosina stated it was an owner's name change from the original submission in 2011. Ms. Friedman asked if this is still being handled under St. Ignatius, and Mr. Rosina agreed.

Ms. Friedman stated with regard to the tree disturbance and Fee-In-Lieu, the engineers will handle this as to accurate numbers; and Ms. Saylor stated they have initial numbers from when their landscape architects went out to the site, and the EAC has recommended a price per tree. Ms. Friedman asked if the Township has a plan as to where to put the trees. She also asked if this money is protected to be used only for trees. Ms. Tyler stated it is to be used for trees. She stated there are approximately 170 in the Tree Bank already; and some of the locations proposed for the trees are at the ball fields, the Community Center, and Veterans Square.

Ms. Friedman stated she understands that there was no response to the EAC review letter; and Mr. Murphy stated there was a response, but it was only just submitted late last week. Ms. Friedman stated she feels they can deal with any of those outstanding issues in the Final Plan.

Ms. Friedman asked if they are within the guidelines for disturbance for the woodlands; and Ms. Saylor stated they have asked them to revise the Plan to correct the numbers, and they will do this. Mr. Rosina stated they have addressed this.

Mr. Pazdera noted the EAC letter about the stormwater cut-off trench. Mr. Rosina stated in their response letter to the EAC they indicated they will coordinate with the Township engineer in response to that comment. Mr. Pazdera stated it seems that the EAC was looking to downsize it or deal with the run off using another method. Mr. Rosina stated even though they show a straight trench, they want to install it going around the trees. He stated they are catching the run off from the wooded area. He stated the wooded area shown on the lower half of the Plan

flows toward the development so in order to prevent the development from getting flooded, they wanted to have the cut-off trench to help the water get back out to Sandy Run Road which is where it ultimately goes today; however, it goes through the development site before it gets there. He stated they want to have as minimal tree disturbance as possible when installing the trench.

Mr. Pazdera asked how much water is going through adding it shows that the trench is 5' wide and 5' deep. Mr. Rosina stated most of what is flowing to it is woodlands which has a very low CN value so the volume of run off is not as extensive because it is woodlands; however, they would still like to cut off as much flow as then can. He stated on the back side of the trench there is a small berm so that it can get infiltrated and caught in the trench. He stated the trench is designed to flow out to Sandy Run Road. Mr. Pazdera asked what it does when it gets to Sandy Run; and Mr. Rosina stated there is a roadside swale along Sandy Run Road, and it will continue down to where it naturally goes today.

Ms. Saylor stated they are satisfied with this proposal. She stated it is a 5' by 5' trench that is filled with stone, and they will catch it and infiltrate as much as they can and let the rest out to where it is going now. Mr. Pazdera expressed concern with the size of the trench. Ms. Saylor stated it will be filled with stone, and when you fill it with stone, you only realize 40%. She stated they will work together and go over the numbers for the larger storms. She stated they are hesitant to reduce the size as they want it to catch the larger storms.

Mr. Pazdera asked for an update on the sewer situation, and Mr. Murphy stated to his knowledge the Agreement between Yardley Borough and Lower Makefield Township has not yet been executed although he feels there is a conceptual agreement as to what is to happen. Mr. Koopman stated he feels that they are close to coming to agreement, but the details need to put in writing and approved by both bodies. Mr. Koopman stated if this is not completed by Final Plan, they will have to Condition Approval on this adding the development cannot be built until this is resolved; and Mr. Murphy stated they realize this. He stated he feels this is the only project in Lower Makefield that is impacted by this situation in Yardley Borough.

Mr. Dickson moved and Mr. Tracey seconded to recommend to the Board of Supervisors' approval of the Preliminary Plan last revised 8/29/14 subject to compliance with the Boucher & James letter dated 10/15/14 and the 9/15/14 Tri-State Engineers and Land Surveyors letter.

Ms. Mary Widenmeyer, Yardley Animal Kennels, noted an area where most of the large trees are, and she asked why they are not being preserved; and Mr. Murphy stated they just indicated that they are going to discuss this with the Board of Supervisors. Ms. Widenmeyer noted on the Plan where her property is located; and she stated the dogs will be barking, and she does not want any complaints coming from the new residents trying to close her down. Ms. Widenmeyer expressed concern with the run off. Mr. Rosina noted how the water runs off, and he showed where the cut-off trench will be located to capture the water and directing it to the road. Ms. Widenmeyer stated the Church took down a lot of huge trees and destroyed some historic stone cabins. She expressed concern with the impact on the wildlife in the area.

Mr. Jim Bray, Environmental Advisory Council, thanked the Planning Commission for their help with an Ordinance that they recently reviewed with the Board of Supervisors which set up the Tree Bank concept. Mr. Bray stated it sets up a value for replacement trees, but the emphasis is on replacing trees on site. He stated if for some reason that cannot be done, with the approval of the Board of Supervisors, they can then discuss Fee-In-Lieu.

Mr. Bray stated with regard to this Application they are upset with Gilmore Engineering. He stated the EAC has been reviewing projects like this for eight years; and most of the time when the EAC performs a review, they get a timely response. He stated they reviewed this Plan in late 2013, in the early part of 2014, and again in mid-October; and up until today, they had not received a response. He stated before the meeting Ms. Saylor indicated the engineers just received the response, and he was just provided that response. He stated the EAC expects Gilmore to do their job and at least answer their concerns in a timely manner. Mr. Bray stated they feel it is appropriate to withhold Approval for the plan until the EAC can review the response to their comments. Mr. Bray stated once they can analyze that response, the EAC will come up with a quick response when it would be appropriate to vote on Preliminary Approval. He stated the EAC will meet this Wednesday, and they can discuss the comments. He stated Gilmore also indicated that they were interested in putting in a Conservation Easement on the property, and whether they do or not is somewhat immaterial; and while the EAC would like to see a Conservation Easement, they cannot build on that property anyway because it is required in order for St. Ignatius to meet their impervious surface ratio.

Ms. Friedman stated a lot of the EAC comments have to do with items that they have already discussed, and she asked if there are any issues that could not be discussed at Final Plan stage. Mr. Bray stated they do not have an issue with this as long as the EAC gets a quick response to their next review letter; but based upon past practice this has not happened with Gilmore. He stated every other engineering firm they have dealt with has issued quick responses.

Mr. Bill Puhl, 263 Reading Avenue, asked about the routes of the utilities and the sewers. Mr. Rosina stated it is off of Sandy Run Road, and he showed the existing sanitary manhole where they will tie in with a force main. He stated there will be a connection point for an existing dwelling at a location he showed on the Plan as well as for Lot #9 and the entire cul-de-sac. He also noted a parcel on the Plan north of their site which also has a stub for the force main if they choose to connect. He stated with regard to water, there is existing water in Sandy Run Road; and they will tie directly into that for the cul-de-sac. He stated the individual lot will have a water service that will come straight out and connect to the main.

Mr. Puhl stated someone was surveying the lot across the street, and they were coming across his property. Mr. Rosina stated all of the work for their project will be within the legal right-of-way.

Mr. Puhl asked if there are two accesses, and Mr. Rosina stated there are not; he showed the access and the location of the cul-de-sac.

Mr. Puhl stated he is concerned about the run off because Sandy Run Road floods. Mr. Rosina stated they have to detain all additional water volume they create, and they have they also have a water quality Ordinance which they are meeting. He stated there is also a rate control requirement, and they are holding back all the way to the one hundred year storm and slowly releasing it as per the DEP requirements.

Ms. Tina Gervasio, 1085 Reading Avenue, showed the location of her property, the Yardley Animal Kennels, on the Plan. She stated she has lived there thirty years, and she feels there are a lot of other properties in Lower Makefield that would be better to be developed than this property. She noted the numerous animals that live on the property where they are proposing to put the houses. She stated they have all the wild animals that have been pushed out from all the other developments, and if the houses are put there the animals will not survive.

Ms. Gervasio stated the run off feeds the Sandy Run creek, and when there are storms this ground absorbs the extra rain. She stated if there are houses constructed there, they will not be able to get the ground to be permeable and absorb the rainwater. She stated there are fifteen other projects going on in Lower Makefield, and they should let them proceed. She stated this site has old world forests and more animals than anywhere else.

Ms. Friedman suggested that Ms. Gervasio discuss this with St. Ignatius since this is not within the purview of the Planning Commission. She stated their job is to analyze the development to make sure it is correct according to the Township Ordinances. Mr. Koopman stated as long as the proposed development meets the applicable Township Ordinances and comments of the reviewing agencies, the Township is obligated under the law to approve the development.

Mr. Paul Fogarty, 262 Reading Avenue, asked if a Traffic Impact Study was done. He noted the significant amount of traffic when there are Church services or when the train is scheduled to arrive when people are going down Sandy Run at fifty to sixty miles per hour around the corner and then accelerate even more down Reading Avenue. He stated if they are putting a cul-de-sac entrance in the middle of that run, he is concerned about those people trying to get onto Sandy Run Road. He stated he would suggest that there be a four-way stop at the intersection. He stated currently there is a T-intersection with a one-way stop at Reading, and they need to control the traffic on Sandy Run Road. Ms. Friedman asked Mr. Fogarty if he has ever brought this up to the Board of Supervisors; and while Mr. Fogarty stated he has not, he understands that other neighbors have. Mr. Fogarty stated this road is the entrance to the gateway of Yardley Borough from all of Lower Makefield.

Mr. Murphy stated the number of lots is so few, that it does not require a traffic study. He added he does not feel anyone would have an objection if more stop signs were considered at the corner, and the Police Department could look into this. Ms. Tyler stated she believes one of Mr. Fogarty's neighbors sent a request to the Township's Citizen Traffic Commission, and she believes they have responded to this as far as the procedure moving forward for traffic calming and to do a study. She noted that any traffic calming or remediation would require the cooperation of all the residents there. She suggested Mr. Fogarty reach out to the Citizens Traffic Commission about this.

Mr. Mark Piech, 2 Sandy Run Road, stated he agrees with his neighbor about the traffic situation. Mr. Piech stated they already have a water run off problem on Reading Avenue, and water is going into the existing yards. He stated there are no stormwater drains on Sandy Run Road, and he is concerned that this project will exacerbate that problem. Mr. Rosina showed on the Plan where there is a pipe that goes under Sandy Run Road and drains out directly to the Sandy Run creek, and this is where their run off will go as it does not go up or down Sandy Run Road. He noted all the woodland run off that they are capturing within their site which will come to their cul-sac-road. He stated as soon as it goes under it, there is a drain that will go directly under Sandy Run Road and into the Sandy Run creek; and it does not flow up to Reading Avenue.

Mr. Richard Miller, 868 Sandy Run Road, stated this is one of the last wooded areas they have; and no matter what is done with storm run off, it will not compare to what the trees naturally do in the area. He stated the train tracks are right behind where these houses will go as are the kennels, the shooting range, and the recycling center; and he feels this is a terrible place to put houses. Mr. Miller stated he understands that St. Ignatius needs the money and possibly the Township could buy the property and give the money to St. Ignatius and leave it as open space.

Ms. Friedman stated it is not within their purview to deny this Application if they meet the Ordinance requirements. She suggested that maybe the residents should speak to St. Ignatius since they are the ones that are looking to develop this. Mr. Miller asked who will pay for the sound barriers when those who purchase these “McMansions” complain about the noise. He also asked who will pay for repaving when the road is washed out.

A gentleman who resides on Brandywine Court in Washington Crossing stated he is present on behalf of Ms. Widenmeyer of Yardley Animal Kennels. He stated the role of the Planning Commission is to approve the legal rights of the development, and Ms. Friedman stated the role of the Planning Commission is to examine the Plans and make sure they adhere to the Township Ordinances. She added the Planning Commission is an advisory group, and their recommendation is not legally binding; and they make recommendations to the Board of Supervisors. She stated the Planning Commission tries to get it as “clean” as they can, and personal opinion does not have that much to do with it; and the Planning Commission has to remain as objective as they can which is often difficult. She stated they try to protect the residents as much as they can according to the laws. The gentleman stated a lot of the comments made tonight would be more appropriate for the Board of Supervisors, and Ms. Friedman stated they would as would speaking with the Citizens Traffic Commission or to St. Ignatius Church since they are the owners of the land and are permitted to develop it within the framework of what is correct according to the Master Plan. She stated this parcel is Zoned for housing under R-2. Ms. Tyler noted the Board of Supervisors are equally bound by the existing laws and Ordinances on the books in Lower Makefield, and they cannot deny a land application because the surrounding residents object to it; and the person who owns the property has the right to develop the property within the structure of the Township Ordinances. She stated the Planning Commission is going through the Plan in detail, and they will then make a recommendation to the Board of Supervisors who will then approve or deny the Plan based upon the recommendations of the Planning Commission. She stated if the Board of Supervisors were to deny the Plan just because they do not like it, they would be sued. The gentleman stated the Board of Supervisors also needs to realize what some of the issues are of the surrounding neighbors.

Ms. Friedman stated they appreciate that the residents take the time to come to these meetings, and the Planning Commission tries to do as much as they can with the information they are given. She stated with regard to the stormwater, the way the Ordinances are set up it is to make sure that all water that is part of the developed area stays within that area; and there should be no extra run off. She stated sometimes there are improvements to the run off from what was there prior to construction.

Ms. Widenmeyer stated when the Church bought the ground, she thought it was so that they would have enough land to put in the Rectory, and she felt there were stipulations with what they could do with it. Ms. Tyler stated if there were restrictions, it would be of Record. Mr. Murphy stated this was already done, and they are cognizant of what is existing.

Mr. Dickson stated the Township is bound by the Municipal Planning Code and the Zoning conforms with the Municipal Planning Code. He stated this parcel is Zoned R-2, and the Plan is put together so that it corresponds with the Subdivision and Land Development Ordinance specific to R-2. He stated the developer has met the burden of law in this case. He stated the Planning Commission is an advisory group, and there are always going to be nuances over which they disagree; however, the job of the Planning Commission as an advisory board is to advocate for the health, safety, and welfare of the Township. He stated they may disagree with some of the plans; however, if they meet the rule of law, they have to respect that and suggest that even though it meets the law, there are things they would like to change.

Mr. Miller stated he understands this and appreciates how thorough they are; however, it does not always meet the needs of the area, and this is his concern.

Mr. Bray stated they understand the concern of the residents in the area, and the EAC has these concerns as well. He stated he has information on the history of the property. He stated six years ago the EAC performed an Open Space Inventory, and they prioritized the properties they reviewed as far as acquisition parameters for the Township. He stated about six years ago Lower Makefield received a call from representatives of St. Ignatius who were interested in having Lower Makefield Township purchase the property. Mr. Bray stated the Township Manager then asked the EAC to get involved in this and look at this property again. Mr. Bray stated they did this, and they felt it was a wonderful piece of property for acquisition by the Township and advised the Township of that fact. He stated the Township then had an appraisal done for the property; and the appraisal was handed back to St. Ignatius who said "no," and he feels they probably thought they could get more money from a developer.

Mr. Puhl stated every tree they cut down re-directs the wind, and he stated he has had significant wind damage as have others in the area. He stated there are huge trees in this area, and he asked if anyone has evaluated the impact of the wind. Ms. Friedman and Ms. Tyler stated do not believe this has ever been done.

Ms. Widenmeyer asked if there is a rule as to how many houses can go on a property, and Ms. Friedman agreed there is. Mr. Koopman stated they meet that requirement. He added with regard to the trees, there was a willingness to protect some of the trees that legally the developer is able to remove, and they agreed to work with the Township engineer to provide Conservation Easements on these developed lots to preserve some trees. Ms. Tyler stated the Township engineer and the Building Department monitor construction to make sure that the developer complies with what was approved.

Mr. Puhl asked the plan for the construction vehicles, and Mr. Murphy stated a construction sequence plan will be developed and approved by the Township engineer so the Township engineer will control where construction vehicles will enter and exit the site.

Ms. Widenmeyer stated there are two properties that will abut her property, and she asked if they will have fencing to restrict people from walking onto her property. Ms. Friedman stated fencing between developments is not typically required, and they rely on the respect of neighbors to behave. Ms. Tyler stated there are boundary delineations, but there is no requirement to put up fencing. Mr. Murphy stated property owners may choose to install fencing, and there are Township regulations as to the height of fencing and distance from the property line; but their Plan does not contemplate putting up fencing in the rear of the lots. Ms. Widenmeyer stated she is concerned that people will be coming over to her property because it is a dog kennel, and Ms. Tyler stated if there are problems she should call the Police.

Motion carried unanimously.

INFORMAL SKETCH PLAN PRESENTED BY ED MURPHY

Mr. Murphy stated there is a parcel on Dobry Road directly behind Makefield Quarters that abuts the railroad on one side. Mr. Mark Havers, engineer, showed the location on the Plan. Mr. Murphy stated this parcel was previously under an Agreement of Sale with Beazer Homes who were proposing a development called The Gatherings. The Zoning is C-3 which permits an Age-Qualified Community.

Mr. Murphy stated the Sketch Plan they are presenting contemplates the development of the property for quads much like the McGrath product behind the Fleming Farm in Middletown Township. He stated there is also a similar product on Upper Silver Lake Road in Newtown Township done by McGrath that is nearing completion. He stated the original Villas project was near the Middletown Township Municipal Complex. He stated what they are proposing are twenty buildings each of which would contain four age-qualified units.

Ms. Friedman asked if they would all be one-level homes, and Mr. Murphy agreed adding that they would be connected by a garage network in the center of the buildings.

Mr. Murphy stated in the C-3 provisions for Age-Qualified Communities they are required to have more than one housing type. He stated their Plan contemplated quads, and there is no interest in trying to create two housing types. Mr. Murphy stated they are asking the Planning Commission if anyone has an issue with having a project like this that would just have the quads as opposed to having to have another type of housing type beyond the quads.

Ms. Friedman asked if there would be different facades or would all the quads look the same, and Mr. Murphy stated they would all look the same. Mr. Murphy suggested that they look at the existing projects he has noted which would be similar to what they are proposing. He agreed to bring photographs next time. Ms. Friedman asked if they could have a little variance between some of the quads so that it looks as though there is more interest, and Mr. Murphy stated he did not know. He stated next time they could bring elevations and look at how they might be different from one to the other; however, the question this evening is if the Planning Commission has an issue with their proposal to have just quads as opposed to townhomes and quads, etc.

Mr. Koopman asked if they would need Zoning Hearing Board relief for what they are proposing, and Mr. Murphy stated they would. Mr. Koopman stated he assumes that Mr. Murphy will meet with the Supervisors, and he would like to know if the Township is going to oppose the Variance Application.

Mr. Murphy stated they would be required to have a 60/40 or 40/60 mix according to the Ordinance. Mr. Murphy stated Section 247 of the Ordinance requires that any C-3 Age-Restricted Development have a mix. He stated this is also a District which permit Office-Retail. Mr. Murphy also noted that the development will not be visible since it will probably be 1000' feet off Oxford Valley Road.

Ms. Friedman asked if they have any idea what they would do if they did require the mix since she does not feel it would be worthwhile if they were to only have three townhouses; however, Mr. Murphy stated it would have to be a 40/60 or 60/40 split. Ms. Friedman stated they could have 60% ranches and 40% townhomes.

Mr. Koopman asked if the split would effect the density compared to what they could get if they did all quads, and Mr. Murphy stated the density would not change. Mr. Koopman stated if they had to have a different type of unit, he feels they would not get the same density; however, Mr. Murphy stated the permitted density would not change. Mr. Koopman asked if it would change as a practical matter, and Mr. Murphy stated it would not. Ms. Frick disagreed and stated she does not feel they could take some of the quads and make them townhouses and still fit the same total number of units. Mr. Koopman stated the highest density is multi-family so that if they have to mix it with some other kind of unit, he questions as a practical matter how they would get the same density. Mr. Koopman asked Mr. Murphy to look into this further.

Ms. Friedman asked the reason for wanting to do everything the same; and Mr. Murphy stated because there are so few units, trying to do thirty of one type and forty of another would not seem worth the effort to market and sell something that is not homogenous in terms of the neighborhood. He stated what they are proposing would look much more uniform than splitting it up.

Mr. Murphy stated if the Planning Commission wants to see another Plan of what it would look like if they did single-family attached and multi-family they would be willing to do that. The Planning Commission agreed they would like to see this.

Mr. Pazdera stated because of the proposed location, he does not have a problem with what they are proposing since there are nothing else back there.

Ms. Saylor and Mr. Koopman left the meeting at this time.

COMPREHENSIVE MASTER PLAN UPDATE DISCUSSION OF SECOND DRAFT

Mr. Tracey stated he feels one of the main concerns of a lot of people in the Township is electrical distribution and infrastructure, and he does not know how they can address this in a Master Plan or whether it is even appropriate to do so. He stated there are questions as to what PECO is and is not doing in the Township. He stated they should consider transformer station upgrades, high voltage lines, etc.

Ms. Friedman stated she feels they should deal with what they have before them, and they can see how to fit this into the document once the Plan is formed. She stated since Mr. Bush had been part of this discussion she asked for his comments on the Master Plan as well, and he has provided comments.

Ms. Friedman reviewed some changes that had been discussed at the prior meeting when the Master Plan was discussed.

Ms. Friedman noted Page 16 – Agricultural Soils and stated in the previous Master Plan they used the term “Agricultural Areas” rather than Soils. It was agreed to keep it as “Agricultural Soils” since it is actually discussing soils. Ms. Friedman noted in the first paragraph they are referring to “Map 2” and she stated she is not sure that this will be Map 2, and they will do that when they fine tune the lay-out of all the maps. With regard to the second paragraph Ms. Friedman suggest taking a portion of one sentence and adding it to the first paragraph so that the first paragraph reads as follows: “Lower Makefield, like much of eastern and lower Bucks county, has large areas of prime agricultural soils (Classes I, II, and III, according to the U.S. Department of Agriculture) and soils of statewide importance that traditionally have been farmed and contribute to the state and local farming economy and production. Map 2 shows prime agricultural soils and other natural resources. The prime undeveloped soils are generally located north of Yardley-Langhorne Road.” She stated she feels this flows better and is not redundant.

Ms. Friedman noted the previous Master Plan had a paragraph under Agricultural Soils regarding the preservation of land for future farming and the amount of acreage they have in farmland which is not included in this Plan but which she feels is important. Mr. Pazdera stated he feels this might have been put in another Section of the new Plan, and it was noted it is on Page 91 under Open Space and Conservation Planning.

Page 17 was noted, and Mr. Pazdera stated they need the Map # at the top of the Page, and he believes that it is Map 2.

Ms. Friedman noted Page 17 and it was noted that at the last meeting it was agreed to change the second full paragraph at the top of the page to read as follows: “The Township preserved this area because the fall line runs through Five Mile Woods, making it one of the few areas where vegetation of the Piedmont Plateau and the Coastal Plain can be found. It also contains rare and endangered plant species, including wild orchids and a sphagnum bog.”

With regard to Wetlands on Page 17, Ms. Friedman stated she feels it would be good to start the Wetlands section with the bottom paragraph which is the definition of Wetlands. The first sentence of the second paragraph would be next and this would be followed by the first paragraph so that there is a progression of knowledge.

Page 18 first paragraph, Ms. Friedman suggested elimination of “in the Township” in the first sentence. She stated they do need to clarify the number of wetland acres.

With regard to the second paragraph, it was agreed to discuss this at a future time.

Page 19 was noted, first full paragraph, beginning with “Within the last decade...” it was agreed to eliminate the first sentence. Second sentence should read, “Flooding events, particularly those in 2004, 2005, and 2006 along the Delaware River caused major property damage and disruption of services thus requiring numerous ...”

Page 20 was noted, and Ms. Friedman questioned the relevance of the paragraph following #15 and suggested eliminating it. After discussion it was agreed that this was acceptable but the last sentence should be kept and included as #16 to the list above the paragraph.

Page 21 was noted and under Air Quality it was agreed to change the second paragraph, second sentence to read as follows: “Reducing dependence on the personal automobile and encouraging alternative travel by foot or bicycle are means of reducing emissions.” It was also agreed to add the word “public” in the next sentence following “facilitating.”

Page 25 was noted, and Ms. Friedman stated under #2 she suggests the first sentence read as follows: “Good soils for farming created an agricultural base that has persisted until the last fifty years.”

Page 26 was noted, and Ms. Friedman suggested eliminating the fourth sentence under Population and Housing and “From” from the fifth sentence. She suggested the following in its place, “ With growth leveling off between 2000 and 2010, Lower Makefield’s population declined by approximately by ½% (122 individuals) resulting in a Township population of 32,559 in 2010 according to the U.S. Census.”

With regard to the third paragraph, second sentence, Ms. Friedman suggested eliminating the words, “the imbalance is far less than in the past.”

Page 27 was noted under Households, Ms. Friedman suggested eliminating the words “a number of factors.”

With regard to the second paragraph, it was suggested it read as follows:
“The average household size and family size in Lower Makefield dropped slightly. In 1970, the average household size in the township was 3.7, with a decline to 2.83 in 1990, 2.77 in 2000, and 2.74 in 2010.”

Mr. Tracey noted this information is stated clearly in Table 2; and Ms. Friedman stated while she agrees, there are some people who will not read the table and the narrative explains it.

With regard to the third paragraph, Ms. Friedman suggested putting “In 2010” to begin the first sentence rather than ending it with “in 2010. She suggested that the second sentence eliminate the words “from the 11, 706 households” and add the words “from those counted in 2000” after “approximately 100 households.”

There was discussion whether the following paragraph beginning, “The corresponding numbers for Bucks County...” is necessary. Ms. Tyler stated she feels Ms. Bush was trying to indicate that Lower Makefield is an anomaly in Bucks County as Lower Makefield went one way, and the rest of the County went another way. It was determined that this should be clarified with Bucks County to see what this refers to.

It was agreed to re-write the next paragraph to read as follows, “As in past years, about 78% of Lower Makefield Township residents lived in traditional family situations or households. That exceeded the countywide rate of 71.8 percent. Most of the Township’s family households were married couples, with or without children.”

Page 28 was noted and Ms. Friedman suggested that under “Age” the second sentence read as follows, “The median age in the Township has been edging steadily upward from 33.7 years in 1970 to 43.5 years in 2010; almost a full ten year increase. Ms. Tyler stated they are using the decade benchmark – 1990, 2000, and 2010. Ms. Tyler stated they could state, “36.5 years in 1990, 39.1 in 2000, and 43.5 in 2010.” This was acceptable to the Planning Commission.

Ms. Friedman suggested the third paragraph under “Age” be changed to read as follows: “In 2010, adults in the 35-to-54 age bracket formed the largest segment, 33.5%, of the Township’s adult population. Children between the ages of 5 and 17, accounted for 21.0 percent, and adults between the ages of 55 and 64 represented 14.8 percent while seniors age 65 and up accounted for 13.2 percent of the population.”

It was agreed to remove the last paragraph on Page 28 which carries over to the top of Page 29 but maintain the sentence on Page 29, "Residents aged 55 years and older make up almost..."

Ms. Friedman suggested that there then be a new paragraph, "Table 4 shows changes in the age distribution in the Township from 2000 to 2010. Middle aged residents 35 to 54 years decreased by 3.5% while the 55 to 64 age bracket increased by 5%."

There was discussion as to the proper terms to use under Race, Ethnicity and Gender. Second paragraph it was agreed to eliminate in the first sentence, "who represented" and to change it to "represents" instead. After review of Census terms it was agreed to leave the term "white" in the first paragraph, and in the second sentence of the second paragraph change it to "Blacks or African Americans..." Also in the second sentence "of the population" was eliminated.

Under Social and Economic Characteristics, Ms. Friedman suggested putting "according to the 2006-2010 American Community Survey 5-Year Estimates," at the beginning of that sentence.

Page 31 was noted and Ms. Friedman suggested that the first sentence of the paragraph after Table 8 be eliminated. She also suggested removing the sentence following Table 9 that carries over to Page 32. Also in that first paragraph at the top of Page 32, she suggested changing the third sentence to read, "Mainly due to out-of-State jobs, almost 30 percent of"

Under Population Projections it was suggested to add "and commercial growth." at the end of the first sentence.

Page 33 was noted and under HOUSING TYPES AND HOUSING CHOICE, Ms. Friedman suggested the third sentence should be changed as follows: "...World War II with nearly 55 percent of all housing in the Township having been built since 1980."

Page 34 was noted, and Ms. Friedman suggested that the first paragraph read as follows, "the pace of new residential construction escalated in the 1980s and 1990s representing about half of the total housing stock. About 20% of the housing stock was built before 1960." Ms. Friedman questioned when the other 30% was constructed as it is not accounted for, and Ms. Frick stated she feels it would have been constructed after 2000.

Ms. Friedman noted the second last paragraph on Page 34, and suggested eliminating the last sentence.

Ms. Friedman stated at the next meeting, she feels they should consider the Master Plan until 9:30 p.m. so that she can review following the meeting the changes agreed to by that point so that a hard copy of the changes can be provided to the representatives from the Bucks County Planning Commission. Ms. Frick stated at this point it appears that only the Master Plan will be considered at the next meeting.

OTHER BUSINESS

Ms. Friedman asked if any further consideration was given by the Board of Supervisors to an award being presented to the Environmental Advisory Council recognizing the work that they have done. Ms. Tyler stated she discussed with Mr. Fedorchak what they could do to recognize all the volunteers on the Boards and Commissions although they did not specifically discuss recognizing just the EAC.

Ms. Tyler stated they are considering an off-site event in mid-winter. Ms. Tyler agreed that the EAC does an excellent job, and they are known throughout the State. Ms. Tyler expressed some concerns with the recent Tree Ordinances that was discussed as it did not address the issue of trees under the power lines, and they are going to discuss this further.

Ms. Friedman stated she knows all the Committees do a lot of work, but the EAC stands out to her given the documents they have presented to the Planning Commission; and she feels they deserve special recognition. She stated their efforts have also led to changes in Newtown, and things the Lower Makefield Township EAC has done have changed Bucks County.

Ms. Friedman expressed her continued concerns about all the signs in the Edgewood Village. Ms. Frick stated she discussed this briefly with Mr. Habgood who had discussed this with the Troilos. Ms. Frick stated since they were new businesses they were trying to be accommodating; however, Ms. Friedman stated they have been there for over a year. Mr. Dickson stated the TND outlines the kind of signs you can have. Ms. Tyler suggested sending them a letter from Code Enforcement that according to the Ordinance, the temporary signs have to be taken down; and they need to apply for a sign and include an Application. Ms. Frick agreed to confirm their prior conversations.

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There being no further business, Mr. Pazdera moved, Mr. Dickson seconded and it was unanimously carried to adjourn the meeting at 10:35 p.m.

Respectfully Submitted,

Dean Dickson, Secretary