

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – JUNE 22, 2015

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on June 22, 2015. Mr. Dickson called the meeting to order at 7:35 p.m. The meeting was turned over to Mr. Fox.

Those present:

Planning Commission:      Dean Dickson, Chairman  
   John Tracey, Vice Chairman  
   William Clark, Secretary

Others:                              Steve Ware, Keystone Municipal Services  
   Nathan Fox, Township Solicitor  
   Maryellen Saylor, Township Engineer

Absent:                                Dawn DiDonato-Burke, Planning Commission Member  
   Dobby Dobson, Supervisor Liaison

REORGANIZATION OF THE PLANNING COMMISSION

Mr. Fox stated there is currently not a Chair for the Planning Commission, and he asked for nominations for the office of Chair of the Planning Commission.

Mr. Clark moved, Mr. Tracey seconded and it was unanimously carried to nominate Dean Dickson as Chairman of the Planning Commission. Motion unanimously carried that Mr. Dickson be the Chairman of the Planning Commission.

Mr. Fox called for nominations for Vice Chair. Mr. Clark moved, Mr. Dickson seconded and it was unanimously carried that Mr. John Tracey be Vice Chairman of the Planning Commission.

Mr. Fox called for a Motion to appoint a Secretary. Mr. Tracey moved, Mr. Dickson seconded and it was unanimously carried to appoint Mr. Clark as Secretary of the Planning Commission.

DISCUSSION AND RECOMMENDATION FOR SAINT IGNATIUS CHURCH FINAL MAJOR SUBDIVISION PLAN

Mr. Edward Murphy, attorney, was present with Doug Rosina, engineer. Mr. Murphy stated the Plan was reviewed previously by the Planning Commission in November, and the Planning Commission recommended Preliminary Subdivision Approval with Conditions to the Board of Supervisors. He stated the Board of Supervisors acted on that in January and Approved the Preliminary Plan subject to various Conditions. Mr. Murphy stated in May the Final Plan was submitted to the Township, and since then they have received the normal review letters; and he noted the Tri State letter of May 29, the Bucks County Planning Commission letter dated June 19, and the Boucher & James letter dated June 19. Mr. Murphy stated they have had a chance to review the letters, and all of them are "will comply."

Mr. Murphy stated the one overriding issue that has been and will continue to be an issue in the short-term is the ability of the project to obtain sewer capacity. He stated this project is one of the few that would flow through Yardley Borough where there is a section of sewer line that is hydrologically overloaded; and there has been ongoing negotiations for some time between the Yardley Borough Sewer Authority and Lower Makefield to identify the nature of the fix, the cost of the fix, and the time frame for when the fix will be made. Mr. Murphy stated there is the need for an overall Agreement between Lower Makefield and Yardley Borough dealing with sewer capacity generally, and there have been negotiations that have yet to be concluded resulting in a written Agreement. He stated whatever recommendation the Planning Commission may make, it would be subject to obtaining the needed consents from Yardley Borough. He stated this was a Condition of Preliminary Plan and will continue to be a Condition of any Final approval.

Mr. Dickson noted the June 19 Boucher & James letter which includes the Waivers, and he understands that they will comply with everything else; and Mr. Murphy agreed.

Mr. Dickson stated there was an issue about the large oak tree; and Mr. Murphy stated that was resolved at the Preliminary Plan stage, and the tree will be removed. Mr. Dickson stated it is clear that the tree is damaged.

Mr. Tracey asked if there was a hydrology study done as to the loading that would potentially be created for Yardley Borough, and Mr. Murphy stated Mr. Rosina's firm is the sewer consultant for Yardley Borough. Mr. Murphy stated this issue has existed for some time and unfortunately for St. Ignatius, they are involved in something that is much greater than their immediate circumstances. He stated detailed studies have been done, and Mr. Rosina and Lower Makefield's sewer

engineer have been working on identifying the issues; but the fix has not been finally designed. He stated most of the new flows do emanate from Lower Makefield.

Mr. Clark stated he is on the Township Budget Committee, and he knows that they are proposing to increase the sewer capacity. He asked what would be the short-term fix for St. Ignatius. Mr. Rosina stated there is nothing specific at this time, and they are still working out the Agreement between Yardley Borough and Lower Makefield. Mr. Rosina stated they are a few months away from getting an Agreement. He stated the design would then have to be approved after which construction would take place. Mr. Murphy stated they do not know if the fix is going to be a new sleeve for the existing line or a parallel line. Mr. Clark stated what they are talking about long term is the parallel line. Mr. Murphy stated he feels in this case they are talking about a section of the line that is relatively limited in length that goes to Morrisville. Mr. Murphy added that Morrisville has plenty of capacity to accept the flows. He stated they are in discussion about how much of the cost will be borne by Lower Makefield and how much by Yardley Borough.

Ms. Tina Gervasio, 1085 Reading Avenue, stated she is adjacent to this proposed development. She stated with regard to the large tree, it is two hundred years old so it would not be completely healthy; and she feels it could go on for another fifty to sixty years. She stated when she moved here thirty years ago, Yardley was known as the most difficult area to get any approvals for construction, and now the tax base has gone up, and all the open land is up for construction; and she questions what changed. She stated everyone says this project fits the law of Lower Makefield, but she asked if the law has changed in the last thirty years and asked why it was so difficult at one point to put up one house, and now fifteen different areas are being constructed on in Lower Makefield.

Ms. Karen Friedman stated the areas that are being developed now have already been designed as proper areas for development according to the Master Plan. She does not recall that it was more difficult previously.

Mr. Dickson stated the Township by law is Zoned to reflect the Municipal Planning Code of the Commonwealth, and they are required by law to meet the requirement of all types of housing. He stated the way projects are applied for and approved are that they have to adhere to the Zoning, and the tract in question has been Zoned to allow for this type of construction. He stated it was noted at a prior meeting by Mr. Dresser, the Chairman of the EAC, that the Township attempted to buy this tract from St. Ignatius to keep it as open space; and St. Ignatius at that point rejected that Application and put it on the market which they have the right to do.

Ms. Gervasio asked if the current sewer system cannot accommodate these additional houses, why is it still going forward. Mr. Dickson stated the recommendation to the Board of Supervisors will include that the issue be resolved before there is any construction.

Mr. Tracey stated the Zoning did not change as it was R-2 and continues to be R-2 so this can be developed.

Mr. Dickson stated with regard to the tree, there were three arborists who indicated that the tree is in danger of falling. Ms. Gervasio questioned how much experience they have with two hundred year old trees. Mr. Dickson stated they were licensed arborists.

Ms. Gervasio stated it was indicted that the large trees behind the development will be protected and St. Ignatius will not take them down; however, she asked that this be written in the Contract. Mr. Murphy stated the Plan proposes a Conservation Easement. Ms. Gervasio stated when Monsignor Schumacher bought the land from everyone, he swore that the land would not be developed; and since that was not written down, it is now being developed.

Ms. Maryanne Windenmeyer, 1085 Reading Avenue, noted the area on the Plan which they have indicated will not be developed; and she stated there are five trees in that area which are the same as the one large tree that has been discussed. She stated they should get the Easement before they approve anything. She stated they plowed over the cabin from the 1700s before the Township even knew about it. She stated whatever the Church says does not mean that it will not happen, and they should get it in writing that the treed area will be saved. Mr. Dickson stated the Plan to be approved includes the Conservation Easement.

Mr. Tracey moved, Mr. Clark seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Final Plan last revised 5/22/15 Project N. 13-77-136R subject to compliance with the Bucks County Planning Commission letter dated 6/19/15, the Boucher & James letter dated 6/19/15, and the Tri-State letter dated 5/29/15.

#### OTHER BUSINESS

Mr. Ware stated Aria has received an Extension until December 31, 2015 and Fieldstone has received an Extension until September 30, 2015. Mr. Ware stated another project will be coming before the Planning Commission on July 13, and he provided the Plans to the Planning Commission this evening. Mr. Dickson stated he is unable to attend that meeting. Mr. Ware stated they may

also get another Plan to be reviewed on July 13. He asked that he be advised when Planning Commission members are not available so that they are sure they will have a quorum.

Ms. Karen Friedman, 1373 Pepperbush Court, stated she attended the most recent Zoning Hearing Board Hearing where they discussed the Troilo Tract in Edgewood Village, and at the end of the presentation they discussed the historic foundation that is still in place. She stated only the foundation is in place due to neglect so that the building was taken down. Ms. Friedman stated following the meeting, she reviewed the TND Page 9; and she asked that Mr. Fox provide clarification on this to make sure that this requires them to re-build the house.

Mr. Fox stated he will need to confer with Mr. Garton on this; however, at the last Board of Supervisors' meeting, the Board voted not to support the Plan as they felt it was too big of scope for that property. He stated he understands from talking to the Applicant's attorney, it is likely that they will withdraw the Plan and may or may not come back in with something else. Mr. Fox stated he will review Section 200-41.1e with Mr. Garton to see how this applies. Ms. Friedman stated she feels it would be advantageous to have that clarified as a point of record going forward however they want to develop the property. She stated she feels they need to re-build the house.

Mr. Dickson stated there is also the unresolved issue of the old Post Office/gas station which he feels also needs to be re-constructed because it was apparently demolished illegally.

Ms. Friedman stated when she read the language in the TND, she felt it indicated that a Certificate of Appropriateness had to be issued in order to take the house down, and she would like to know if there is a Certificate of Appropriateness on record.

Mr. Fox stated it seems that the last revisions were in 2007. He stated in 2005 and 2006 in the Supervisors' Meeting Minutes show that there was a Demolition Permit granted to the prior owner, Messick, subject to certain Conditions. Mr. Fox stated a Demolition Permit does not necessarily run with the land, and he is certain that a Demolition Permit issued in 2005/2006 would have long since expired. He stated they need to find out if the home was demolished or did it just fall under neglect or lack of use or maintenance. Mr. Dickson stated he feels it was demolished.

Mr. Dickson stated the Applicant also stated that it was their intent to tear down the other two dwellings. Mr. Dickson stated this is a situation where they have one house that was demolished that needs to be re-constructed apparently, a second that may also have to be re-constructed, and two others that are in stages of neglect. He asked if the Township through Eminent Domain could take over the tract; and Mr. Fox stated they could if there was a legitimate public purpose, but the question is would they want to and would they actually take that step. Ms. Friedman stated they would also have to consider if they could afford to build something in its place which is very difficult and why it is probably better left to a private owner.

Ms. Friedman stated she would appreciate there being a concrete determination on this because she feels it will set a huge precedent going forward. She stated she was involved in the plan for Edgewood Village in the beginning, and she feels it is already "falling apart at the seams," and going forward they are going to lose everything Edgewood Village was supposed to be.

There being no further business, Mr. Tracey moved, Mr. Clark seconded and it was unanimously carried to adjourn the meeting at 8:10 p.m.

Respectfully Submitted,

William Clark, Secretary