

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – JANUARY 23, 2017

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 23, 2017. Mr. Tracey called the meeting to order at 7:30 p.m.

Those present:

Planning Commission:                    John Tracey, Chair  
   Dawn DiDonato-Burke, Vice Chair (joined meeting in progress)  
   Chad Wallace, Secretary  
   Craig Bryson, Member

Others:                                         Steve Ware, Keystone Municipal Services  
   Barbara Kirk, Township Solicitor  
   Maryellen Saylor, Township Engineer  
   Jeff Benedetto, Supervisor Liaison

Absent:                                         Charles Halboth, Planning Commission Member

APPROVAL OF MINUTES

Mr. Bryson moved, Mr. Tracey seconded and it was unanimously carried to approve the Minutes of January 9, 2017 as written.

KAPLAN MINOR SUBDIVISION & LAND DEVELOPMENT - DISCUSSION AND RECOMMENDATION

Mr. Mark Hintenlang was present with Mr. Larry Kaplan, the property owner. Mr. Hintenlang stated they were before the Planning Commission approximately one year ago with this project and have since worked out some issues with Boucher & James; and the latest review letter from them is dated January 12, 2017.

Ms. Burke joined the meeting at this time.

With regard to the Zoning Ordinance comments, Mr. Hintenlang stated there is a requirement for buffers for reverse frontage lots; and they are requesting a Waiver from this. Ms. Kirk stated they cannot request a Waiver from a Zoning requirement, and that would have to go before the Zoning Hearing Board. Mr. Hintenlang stated it is not a Waiver from the Zoning requirements, it is a Waiver from the reverse frontage lots. He stated if he has reverse frontage lots, he needs buffers; but if he is not doing reverse frontage lots, which they are not, they would not need buffers. Ms. Kirk stated they are requesting a Waiver from Section 178-44.E and not the Zoning Ordinance, and Mr. Hintenlang agreed.

Mr. Hintenlang stated with regard to Item #2 under Subdivision and Land Development which has to do with Well Certification, this is a will comply prior to building occupancy. He stated they will comply with Item #3 regarding showing tree protection fencing on the ENS Plan.

Mr. Hintenlang stated they will comply with Item #4 regarding Sewage Facilities Planning Modules. Ms. Kirk stated under the Subdivision and Land Development Ordinance it says that if there is a public sanitary sewer system within 1,500 feet of the development, they are required to hook into that system; and she asked if that is a “will comply” as well.

Mr. Hintenlang stated under Miscellaneous Comments they will comply with Item #5, and this has been corrected on the Plan already. He stated Item #6 has been corrected on the Detail Sheet. He stated Item #7 is a Traffic Impact Fee which they will comply with. He stated with regard to Item #8, they have a previous Approval from Bucks County Conservation District; and they have made some Plan changes which they will send back to the Conservation District to get a new letter from them.

Page #2 of the 1/12/17 Boucher & James letter with regard to the Waiver requests was noted. Mr. Hintenlang stated the first request is to not be required to prepare an Existing Resource and Site Analysis map. He stated they discussed this with the Planning Commission the last time they met, and it was suggested that they provide an aerial plan which they did. He stated this is a Minor Subdivision which only consists of four acres, and it is surrounded by preservation land so it is not going to impact anything outside of the site area.

Mr. Hintenlang asked if the Planning Commission would like to respond as they go or just review the entire list; and Mr. Tracey stated he would prefer they go through the list, and then have Ms. Saylor respond to them, and the Planning Commission can then ask questions.

Mr. Hintenlang stated Item #2 is a Waiver request from Preliminary/Final Plans. He stated they were in previously and there has been a lot of back and forth with the Township engineer to address the technical issues.

Mr. Hintenlang stated Item #3 is a Waiver to not indicate the natural features within 200' of the site. He stated they have provided an aerial plan so you can see what is around the site.

Mr. Hintenlang stated Item #4 is a Waiver to not be required to provide a Landscaping Plan. He stated the house is an older home, and Mr. Kaplan stated it is nicely landscaped with a lot of trees on the site; and it is well maintained. He stated they are only providing minor clearing for construction of the new house and the driveway.

Mr. Hintenlang stated Item #5 is a Waiver to not be required to widen or reconstruct Dolington Road. He stated Dolington Road already has a fairly wide shoulder, and there is also a historic barn wall that would disrupt widening it any further.

Mr. Hintenlang stated Item #6 is the Waiver discussed briefly previously to not provide reverse frontage lots. He stated the reason for this is that this is a very small Subdivision, and they are just adding a driveway and one lot toward the rear of the property on a flag lot. He stated to construct a road in to provide a reverse frontage lot would not work with impervious coverage and construction costs.

Mr. Hintenlang stated Item #7 is a Waiver to not provide sidewalks or bike trail improvements along Dolington Road. He stated there is no sidewalk currently in the area, and this would be a hardship to Mr. Kaplan as to expenses and it would require PennDOT Permitting.

Mr. Hintenlang stated Item #8 is a Waiver to consider the existing trees that are already along Dolington Road. He stated the barn wall also creates a shield from the property and the road so there is not a lot of room to put in additional trees. He added there are also a lot of existing trees along that area. They feel that the existing trees would take care of the street tree requirement.

Mr. Hintenlang stated Item #9 is a Waiver to not be required to provide additional tree plantings for the trees that they are taking down. He stated the trees they are taking down are only for clearing purposes for the construction of the new house and the driveway, and the lot is already well maintained and heavily planted.

Mr. Hintenlang stated Item #10 is a Waiver to not be required to pay the Park & Recreation Fees. He stated this is a Minor Subdivision and they are only creating one lot; and to provide for a tot lot etc., would not be reasonable since it is out in the middle of the country.

Mr. Hintenlang stated Item #11 is a technical Waiver request to provide 8" minimum pipe size in lieu of the 18" required. He stated the site is relatively flat; and in order to make the stormwater work, they had to go with smaller pipe to provide the necessary cover on top of the pipe.

Ms. Saylor stated she feels the Waiver requests are for the most part reasonable when looking at the scope of the site and the Subdivision, although the Waiver for Fee-In-Lieu would have to be decided by the Township.

Mr. Tracey asked about the reasonableness of Item #11. Ms. Saylor stated she felt they had discussed this being a little bit bigger such as 12". She stated the Plans still show 6". She asked if they would have enough cover to go to 12". Mr. Tracey asked if it is the invert that is the problem; and Mr. Hintenlang stated it is getting the water off the property and creating enough cover on top. He stated they could look into that and provide the largest diameter that they can. Mr. Hintenlang stated there is a low point in front of the house, and they need to get that water around to the back. Mr. Hintenlang stated this is Preliminary/Final and they would like to move on to the Supervisors with that comment included and they would try to work that out between now and the Supervisors. Mr. Tracey stated he feels at 1% it would be reasonable to consider, if possible, something larger than 8" if it is doable; and Mr. Hintenlang stated they would agree to look into this. Ms. Saylor stated she does feel it is reasonable to ask for a smaller pipe diameter than 18" in this case.

Ms. Kirk stated if the Planning Commission were inclined to recommend that Waiver, it would be subject to the review and approval of the Township engineer. This was acceptable to the Planning Commission.

Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Plans as presented with the exception of a reasonable resolution for #11 of the Boucher & James letter dated 1/12/17 between the Township engineer of the size of 8" to 18" storm drain pipe.

Mr. Benedetto stated there was a letter submitted by Mr. Wilson regarding the tie-in to the public sewer at Towering Oaks that is already there. He stated this would be under the Bucks County Department of Health and the DEP. Mr. Benedetto stated they had seven lots at Towering Oaks, and they were talking about it should be spread over ten houses. He stated this was five years ago, but it was a case of having them instead of having it at this Applicant's location having the sewer tie into the sewer lines that were already in existence.

Mr. Tracey stated he felt that would be covered under #4 under SALDO, and Ms. Kirk agreed. Mr. Tracey stated they would need to clarify that there was an outstanding Agreement between the Township and a previous developer that subsequent Subdivisions would be required to tie into that. Ms. Kirk agreed to provide to Mr. Hintenlang a copy of the letter from the developer. She stated as part of that developer's Subdivision and Land Development approval, he was required to provide sewer connections for eleven lots, seven of which were used by that developer, a couple were already tied in, and there are two remaining. She stated the Township's Ordinance requires tie in to public sanitary sewer if it is available within 1,500 feet. She stated Mr. Hintenlang's client would have to work out with that developer for reimbursement for that sewer portion.

Mr. Hintenlang stated when they started this process one of the first things they looked at was whether to have septic or public sewer; and they had gone back and forth with the Township to try to find out if there was public sewers in the area. He stated he was going forward to get septic system approvals since it was his understanding that there was no public sewer and it was a private system. Ms. Kirk stated she believes it was made a public system.

Mr. Benedetto stated he believes that based on the letter that it is a public sewer system and the concern was around the additional homes on Dolington for them to be tying into that sewer line because it is a public sewer line. He stated that was a Condition of the Approval from five years ago. Mr. Hintenlang stated if it is suggesting that the developer be reimbursed, that alludes to the fact that it is probably private. He stated if they had public sewer, they would pay the Authority to tap into it. Mr. Kaplan stated they would like to tie into public sewer, but he does not want to be forced into a private partnership with Mr. Wilson since that is what it would amount to. Mr. Kaplan stated if there were any problems with that system, he would make his contribution, but he would have no idea if Mr. Wilson was financially responsible enough to make his contribution.

Ms. Kirk agreed to provide Mr. Kaplan a copy of the letter in which Mr. Wilson indicates that by a Permit by the DEP, it was an approved public sewer system. Ms. Kirk stated at this time, she cannot tell whether or not the lines were dedicated to the Township; but the Applicant could pull the Permits to see what happened. She stated if it is a public system, they will be required to tap into it under SALDO.

Mr. Kaplan stated he did read the letter from Mr. Wilson, and he talks about being required to provide enough capacity for three additional lots. He stated he went through the Development file, and he did not see that anywhere; and he would like to see that. Mr. Kaplan stated he understands that what they are now saying is that if the Township made Mr. Wilson develop a sewer system large enough to accommodate three other homes, and he will be forced go into business with Mr. Wilson as opposed to paying a hook-up fee. Mr. Hintenlang stated he assumes that if it is a public system, they would just deal with the public system. He asked if they are telling them that they will have to pay fees to a private person as opposed to paying into a public system. Ms. Kirk stated under the Ordinance, if there is a public sewer system available within 1,500' they could not do a septic system; and there would have to be a connection to a public system. Mr. Hintenlang stated "public" would mean that it is controlled and maintained by a public utility, and Ms. Kirk agreed. Mr. Hintenlang stated they would be agreeable to that. Mr. Kaplan agreed as well but added he does not want to have to deal with a private party.

Mr. Rick Wilson stated he is the developer of Towering Oaks, and the requirement was from Lower Makefield that instead of just sewerage the seven lots, he was required to provide for ten lots with the recognition that there may be adjoining properties that at some point in time through a Subdivision, a failing septic system, or some other provision that would need to tie into a public system by the 1500' Ordinance. He stated this was to be paid for by himself privately to install the system, but it has not been Dedicated yet. He stated everyone including the other lots in his Subdivision would all pay a proportional cost. He stated the intention is that all of this will be Dedicated to Lower Makefield Township, and each of the homes would be paying their fair share of that.

Mr. Kaplan stated there is only one home in Mr. Wilson's Subdivision. Mr. Wilson stated there are seven lots, and one home has been occupied. He stated there is a second home next door that is not part of the Subdivision; and when their septic system failed, they came to him indicating they understood that there were three additional tie-ins that may be available, and they were happy to pay a proportional share for one of those tie-ins, and that was done. He stated it is the exact same thing here; and if they want to tie into the two that are available, they need to pay a proportional share. He stated it will be Dedicated to Lower Makefield Township as a public system. Mr. Hintenlang stated he has heard Mr. Kaplan say at least twice that this is not a Dedicated system. Ms. Kirk stated that is correct based on what Mr. Wilson is saying. Mr. Hintenlang stated they will therefore be doing a septic system.

Mr. Benedetto asked if they are not required to tie into a public line, and Ms. Kirk stated it is not yet a public line. Mr. Benedetto stated the Ordinance would not therefore apply because the line has not yet been Dedicated.

Mr. Hintenlang stated once the line becomes a public system, they would not have a problem paying the fees to a public provider.

Mr. Wilson stated he believes they are trying to “skirt around the fact” that someone had to pay for this, and it was not his understanding when he installed a ten-access sewer line that he would pay for seven and the other homeowners would wait until he Dedicated it, and they would not have to pay him anything. He stated the understanding of Lower Makefield and himself was that each one of the ten tie-ins would need to pay their fair share of the cost of the sewer line. He stated as the other houses in his Development are sold, they will also be tying into the sanitary sewer line and paying their proportionate cost.

Mr. Wilson was asked why the system has not been Dedicated, and Mr. Wilson stated the entire Subdivision is not Dedicated until it is totally finished. He stated the Township will not allow him to Dedicate the roads until all the houses are built because they do not want trucks ruining the final coat of the road, etc. Mr. Hintenlang asked who is maintaining the sewer system, and Mr. Wilson stated at this time he does. Mr. Hintenlang asked what would happen if something were to happen to it, and Mr. Wilson stated it would be no different than the other seven lots in his Subdivision that he is responsible for. Mr. Kaplan stated he would then be Mr. Wilson’s partner; and Mr. Wilson stated he would not be his partner, and Mr. Kaplan would pay a fee the same as all his seven homeowners would pay a fee. He stated when it gets Dedicated, Mr. Kaplan would have already paid whatever it was; and until then Mr. Wilson would be paying for any repairs on the entire system although not on Mr. Kaplan’s specific line into the system.

Mr. Kaplan asked who owns the one house that has been built, and Mr. Wilson stated his daughter does. Mr. Kaplan stated he understands that the other house that tied in had to tie in because he did not have enough land to put in a septic system. Mr. Wilson stated that is not true; and that individual had come to him the day before he was closing with a homebuyer, and he was required by the Bucks County Health Department to repair the system, but he indicated he would rather be spending the money to buy into a public system than to spend money on repairing a septic system. He stated according to the Bucks County 1121 Ordinance, you are not allowed to repair a system if in fact there is a readily-accessible sewer line.

Ms. Kirk stated she is going to have the Zoning Officer provide her with the Plans for Towering Oaks; and if it is a public system, they will have to tie in. She stated if it is still a private system, she does not feel the Township could legally obligate future developers to tie into a private system. She stated she will review this; and if there are any questions she will provide responses to Mr. Hintenlang. Mr. Hintenlang stated if they were tying in to a public system, they would be dealing with a public agency.

Mr. Tracey asked if they are good with the approval process, and Ms. Kirk stated they are. She stated they will have to submit the Planning Modules as required; and if there is a public system available, they will have to do a tie-in to a public system. She stated if not it would be either the septic system or arrangements to tie into a private system. Mr. Tracey stated either way Item #4 SALDO Section 178-103 will apply, and Ms. Kirk agreed.

Ms. Kirk stated at this point she cannot give Mr. Wilson a definitive answer as to his concerns because she cannot imagine how the Township can legally bind future property owners of adjacent land to tie into a private system and reimburse him. She stated she needs to find out what happened at the time of that Development Approval.

Mr. Wilson stated he feels they will find that every single Subdivision that has ever been done in the Township always puts in a sanitary sewer line, and those lines are not Dedicated until such time as the entire Subdivision is turned over and all the improvements are in. He stated in every one of those situations you have a “private” system being Dedicated to the Township as a public system, and every single lot owner is required to tie into that. Ms. Kirk stated she is not disagreeing with Mr. Wilson, and the seven homes he built would have to tie into that sanitary sewer system. She stated she needs to verify how any other lots not being developed by Mr. Wilson would be required to tie into that system, and she is not prepared to give an answer on that question without looking at the prior Land Development file.

Mr. Wilson stated he feels this is trying to “skirt around” the definition of public versus private so that he would have to pay for it, and then someone else would have the privilege of tying into the system when it becomes a public system and not have to pay their fair share. He stated he would ask that the Board ask the Applicant to willingly tie in considering that he put in his letter it would be far less expensive for them to tie into his system than to start building a septic system which would be more costly, more impacting to the environment, and at some point in time need repairs or be failing. He stated there is a farmhouse that is 250 years old, and they have no idea what the age of that septic system is; and whether there are any hazardous materials leaching into the water table.

Ms. Kirk advised Mr. Wilson that while she understands what he is saying, she cannot give a definitive answer without looking at the prior Approval of his Land Development and Subdivision.

Mr. Benedetto stated Mr. Wilson indicated in his letter that the cost of the construction of the sanitary sewer extension was paid by Towering Oaks of Yardley LLC with the understanding that this cost would be shared and spread over ten houses and not just the seven lots in Towering Oaks. Mr. Benedetto stated if Mr. Wilson could provide any paperwork that leads him to believe that to be the understanding, that would be helpful. Mr. Wilson stated he would be happy to provide the information.

Mr. Kaplan stated he looked through the entire Development file, and he did not see any indication that he was required to provide a system for more than seven homes. He stated at one point when he was required to build the line down Dolington Road and make a right-angle turn to Woodside to hook up to the public system, Mr. Wilson complained and wanted to build on Township preserved property. He also indicated that his system was only designed for seven homes.

Ms. Kirk stated she will pull the File and review it. Mr. Kaplan stated if it is a public system with the standard hook-up Fee, he would be more than happy to do that.

#### ARTIS SENIOR LIVING UPDATE ON PROJECT

Mr. Edward Murphy, attorney, was present with Mr. Eric Britz, Project Engineer. Mr. Tracey stated the Planning Commission was provided updated Plans so that they can review them. Mr. Murphy stated they met with the Planning Commission last April when they presented a Sketch Plan, and the Planning Commission had some concerns about the scope of the relief needed. Mr. Murphy stated they met with the Supervisors in May who expressed similar concerns and suggested that they revise the project so that they would not need to seek as much Zoning relief as they had originally contemplated. Mr. Murphy stated they did that, and they went back to the Board in June; and at that point they did get a favorable recommendation to proceed with the Zoning Hearing Board Application.

Mr. Murphy stated they filed the Zoning Hearing Board Application in July. He stated the last time the Planning Commission saw this project was in August when they came before them to review the Zoning Hearing Board Application. He stated the Planning Commission endorsed it, and they received their Zoning relief in October.

Mr. Murphy stated since then Mr. Britz has been preparing the Land Development Plans and the Environmental Impact Assessment which is a significant document that involved retaining the services of a professional planner; and that entire Land Development package was submitted to the Township in late December so the Planning Commission has had this almost a month. He stated they do not yet have any review letters from the Township engineer, but they wanted to make the Planning Commission aware as to where they are in the process.

Mr. Murphy stated they have met with TPD as well as a representative from PennDOT at the site, and they have a good understanding of what has to happen on Stony Hill Road as to traffic calming measures that they will implement which PennDOT has endorsed.

Mr. Murphy stated sewer capacity will be obtained from Morrisville. He stated they are on the list to obtain capacity through Lower Makefield, Yardley Borough Authority, and then Morrisville; and as soon as DEP approves the Yardley Borough Authority's updated Plan, they will be able to acquire their sewer capacity. He expects that by the time they come back to the Planning Commission in either February or March, they will have news that they will have been able to acquire their sewer capacity. Mr. Tracey asked if they have any concerns about problems that might arise as to sewer capacity. Mr. Murphy stated he is in contact with Yardley Borough, and he stated the Yardley Borough situation was self-reported, and they are working closely with DEP to develop their Plan to achieve additional sewer capacity. He stated they believe that is imminent. Mr. Murphy stated they were able to buy some capacity already for DeLorenzo's, and this project is next on the list; and they are confident that they will get approval from DEP by next month. He stated they will have to pay for the capacity through Lower Makefield. Mr. Murphy stated this will go to Morrisville Treatment Plant, and it does not go to Philadelphia.

Mr. Bryson asked the number of EDUs needed, and Ms. Kirk stated it is 26 according to the Boehler Engineering letter.

Mr. Tracey asked for a short review of the project. Mr. Murphy stated the overall lay-out has not changed since they were here previously. Mr. Britz showed the proposed building on the plan along with the accesses. Mr. Murphy stated the full-movement access aligns with the Day Care, and the other access aligns with the driveway to the greenhouse. Mr. Britz showed the location of the parking stalls, the location of the sidewalk around the building, and the location of the two infiltration/retention basins. Mr. Britz stated they have to bring the site up somewhat since the majority of the stormwater flows out to the I-95 corridor, and they cannot physically connect to that with a pipe since it is a Federal highway. He stated currently

everything flows overland through a network of swales in the right-of-way and inlets that are in I-95. He stated they will be using a level-spreader system, and they have to pick the site up somewhat in order to be able to drain by gravity to the basins. He stated they did get good infiltration rates through the site. He stated they are not claiming any infiltration they get from the pervious paving, but this will be an added bonus. Mr. Britz showed the Plans for the landscaping. Mr. Britz stated the sewers connect to a system that he showed on the plan in the northeast corner of the site. He stated they will have to do a water main extension about 500' down to the next Development, Flowers Field. Mr. Murphy noted that there is one out parcel between this property and Flowers Field. He stated the back part of the property does abut Flowers Field, but the front part does not.

Ms. Kirk asked if they needed a Special Exception, and Mr. Murphy stated they did receive this for the use as well as some Variances including one for setback from I-95.

Mr. Murphy stated once they receive the review letters, they will come back to the Planning Commission; and hopefully, they will be in a position to move ahead. He stated they would like to start construction as soon as possible and occupancy would probably be sometime in 2018.

#### DISCUSSION OF COMPREHENSIVE PLAN

Mr. Benedetto stated the Comprehensive Plan is coming up onto two years since it was sent to the Board of Supervisors, and some of the things that were specifically addressed were around the O-R District including Capstone Terrace. Mr. Benedetto stated the Board would like the Planning Commission to look at it again particularly with regard to the O/R District because of the Testimony from Bob Dwyer about O/R being not being as vibrant as it has been in the past. He stated he would also like them to look at the Edgewood Village aspect as well.

Ms. Kirk asked if Edgewood Village is an Overlay, and Mr. Ware agreed.

Mr. Ware stated they have electronic copies of the Comprehensive Plan and maps, and he could send them to the Planning Commission.

Mr. Tracey stated he feels it makes sense to review it again.

Mr. Benedetto stated in March, 2015 there was an entirely different Planning Commission, and the Board would like the Planning Commission to review it, have a robust discussion around it, and make suggestions and recommendations to the Board of Supervisors.

Ms. Burke asked Mr. Benedetto if he wants them to review the entire Plan; and Mr. Benedetto stated he would draw particular attention to the O/R District since that has been a topic of a lot of discussion.

Ms. Kirk stated this was sent to Bucks County Planning Commission for review, and she asked Mr. Ware if he could circulate their comments to the Planning Commission members that might help them in their review. Mr. Tracey stated the Bucks County Planning Commission comments were incorporated into the Plan. He stated they met several times with them. Ms. Kirk stated it would be helpful to see their comments so it would provide the rest of the Commission members with a starting point and the context. Mr. Ware stated he will discuss this with Lisa Wolf at the County.

Mr. Tracey asked Mr. Benedetto about his timeframe, and Mr. Benedetto stated he feels it would be good if they could review it in February or March. Ms. Kirk asked that the Planning Commission be given until March as it is a fairly comprehensive document.

Mr. Bryson asked what the process would be if he has comments; and Ms. Kirk stated he should bring it to the Planning Commission, and the Planning Commission will propose additional recommendations to the Board of Supervisors, if any.

Mr. Tracey asked that Mr. Ware obtain for the Commission the final mark up from the County, and Mr. Ware agreed to do so.

## R-2 RESIDENTIAL DISTRICT DISCUSSION OF MODIFICATIONS

The letter from the Bible Fellowship Church to the Township dated 12/2/16 was noted. Mr. Benedetto asked what precipitated this letter, and Mr. Ware stated this letter was sent to Mr. Fedorchak and since then they have gone before the Board of Supervisors. Ms. Kirk stated she feels they were looking at all of their available options. Mr. Bryson stated it seems that they want to change the Zoning Ordinance. Mr. Ware stated they have some criteria issues with their impervious coverage.

Ms. Kirk stated they are looking to expand the permitted uses in the R-2 District, the impervious surface coverage, and the Tree Ordinance.

Mr. Tracey stated their Church is growing which is great, and they are permitted to park at the Edgewood Elementary School. Mr. Ware stated at the Board of Supervisors meeting there was a one to two hour discussion about this, and he suggested that the Commission members watch that meeting.

Mr. Benedetto stated there is no Agreement between the School District and the Church to park at Edgewood Elementary so they could be told at any moment that they cannot park there anymore which is the problem. He stated currently the Church has 11.85 acres outside of any purchase of Township-owned property adjacent to the Church.

Mr. Wallace asked if this was just sent to the Planning Commission as a point of interest should this issue come up, and Mr. Ware stated he was given this by Mr. Fedorchak who asked that the Planning Commission weigh in on it.

Mr. Bryson stated there is a way to make a request for a change in Zoning, and he would suggest that they do that. Ms. Kirk stated she would also recommend that the Board be made aware that when Bible Fellowship Church was came in to build at that property, they were in front of the Zoning Hearing Board for Variances. She stated she feels the Board would be best served if they had a chance to review that Decision to see what the issues were that were involved.

Mr. Tracey stated the last meeting they had with the Planning Commission there were a lot of neighbors who were not happy. Mr. Ware stated there were also a lot of people at the Board of Supervisors meeting as well.

Mr. Benedetto stated there are some options; and if the Township does not want to sell the land the Church is looking to purchase, they could pave the green space they own on the left. Mr. Benedetto stated five years ago they came before the Planning Commission who unanimously recommended to the Supervisors that they not sell the Township parcel. He stated when it went to the Board of Supervisors he believes that they Tabled it or voted against it.

Mr. Benedetto stated the Township parcel under discussion was purchased in 1989 by eminent domain. The developer had proposed to put homes there, and the developer took the Township to Court; and the Township had to pay \$600,000 to \$700,000 for the parcel. He stated the designated use for the property was for recreational Township use. Mr. Benedetto stated most recently it was one of the potential locations for the Dog Park. He stated the Church proposal was to buy 8.4 acres from the Township but they would only build on one acre because of the impervious surface. He stated on the one acre they would put 120 parking spaces.

He stated because there is a lot of opposition particularly about parking in the neighborhood, Plan B would be to put the parking on the recreational space that they currently own. Mr. Benedetto stated he feels they may need Zoning relief for this even if they use pervious pavers.

Mr. Bryson asked if they could purchase the 8 to 9 acres and put in their 120 parking spaces, could they Deed back a Conversation Easement for recreational space so that there would then be only one acre of disturbance. Mr. Benedetto stated that was brought up among many other suggestions. He stated they also discussed a land swap. Mr. Benedetto stated they also discussed putting a bike path/walking path through there.

Mr. Benedetto stated the parcel of land where they are considering putting the parking is where the Silver Lake Community Association, with permission, put the silt when they dredged Silver Lake. Mr. Benedetto stated at this point the Church is waiting to hear back from the Township how they want to proceed.

Ms. Kirk stated her office was doing a legal review to insure that the funds used by the Township to acquire that property were not part of any Open Space funding because there are restrictions on that funding that if the land is subsequently sold, the Township would have to pay it back.

Ms. Kirk stated she will send them a letter indicating that if this is something they intend to proceed with, they should contact the Township Office to get the appropriate documents for submission for a Zoning Amendment.

#### OTHER BUSINESS

Mr. Tracey stated there is a Course available on Community Planning on February 22, March 1, and March 8 and there is also a Course on Zoning on April 12, April 19, and April 26. Mr. Tracey stated if you need Continuing Education Units, this will count. He stated the cost of the Course is \$95. He stated he called the Office and for the CEUs you would pay an additional \$40 fee at the time you enroll. Mr. Tracey stated he is going to do both of them since he needs the background and the CEUs for his License. He encouraged those interested to take advantage of this, and he understands LMT would reimburse them for the fees to attend. He stated you can go to the Website to get more information.

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There being no further business, Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to adjourn the meeting at 8:45 p.m.

Respectfully Submitted,

Chad Wallace, Secretary