

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – SEPTEMBER 11, 2017

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on September 11, 2017. Mr. Tracey called the meeting to order at 7:30 p.m. and asked for a moment of silence for those who passed away on 9/11 and reflect upon the friends and family left behind to deal with their loss.

Those present:

Planning Commission: John Tracey, Chair
 Dawn DiDonato-Burke, Vice Chair
 Chad Wallace, Secretary
 Craig Bryson, Member

Others: Jim Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Maryellen Saylor, Township Engineer

Absent: Charles Halboth, Planning Commission Member
 Jeff Benedetto, Supervisor Liaison

APPROVAL OF MINUTES

Ms. Burke moved, Mr. Bryson seconded and it was unanimously carried to approve the Minutes of August 28, 2017 as written.

DISCUSSION OF ORDINANCE AMENDMENTS

Mr. Majewski stated he hopes the Planning Commission has had an opportunity to review the information he provided at the previous meeting. He stated he had provided information on the impervious surface requirements including the chart that unfairly constrained some property owners while not really fairly reflecting what the purpose of the Ordinance is.

Mr. Majewski noted Chapter 200-14 which is the impervious surface requirements for the Residential Resource Protection area (R-RP Zone.) He stated the text for A and B is what is existing now with the maximum impervious surface permitted by the developer being 10%, and that permitted by the property owner inclusive of that permitted by the developer being 13%. Mr. Majewski stated as discussed at the last meeting, he added in an Item C which would allow for an additional 3%

of impervious surface to be added provided that they provide stormwater management in accordance with the Stormwater Management Ordinances. This would just be for the property owner, and not the developer. Ms. Kirk stated if they gave the developer excessive impervious surface, they would use as much as they could.

Mr. Majewski stated this recommendation is primarily in response to the Lots that are already existing which were built in the 1950s and 1960s; and currently many of them are already at 15% to 16% and they cannot do anything. He stated by allowing them the additional 3%, this will require less people to have to go to the Zoning Hearing Board. He stated they would still have to provide stormwater management as they do for all impervious surfaces.

Mr. Wallace asked if they feel 3% is the correct amount, and Mr. Majewski stated he was wrestling with that. He stated since the RRP Zone is so constrained by the low number he was thinking of going to 5% which would allow an 18% total which is more in line with the older neighborhoods. He stated he put 3% in for discussion purposes, but he also feels 5% could work. Ms. Saylor stated many of these Lots are at the Canal and the River, and they may not get perc for infiltration so they may not want to increase it so much, and she would prefer that it be 3%.

Ms. Kirk stated generally for a property owner the impervious surface is 18%; however, this area has always had a lower percentage due to its location and the potential for faster flooding. She stated she feels giving them an additional 3% bringing it up to a total of 16% is fair and reasonable considering how it is across the rest of the Township. Mr. Wallace stated this would still be below the 18% so it shows they are considering the potential threat.

Ms. Burke stated she is concerned with the additional stormwater management measures, and if they do this “tiny thing,” they are already entitled to it; however, Mr. Bryson stated it is not a “tiny thing.” Mr. Wallace asked how it is quantified; and Mr. Majewski stated Chapters 173 and 174 do quantify calculation methods to account for the volume of run off. Ms. Kirk stated these are the Stormwater Management Ordinances. Ms. Kirk stated at the Zoning Hearing Board oftentimes when a property owner came in and asked for an additional 3% or 4% increase in impervious surface, the Township engineer was generally present; and the Board would ask the Township engineer to do a rough calculation as to what would be required to allow the impervious surface to be increased with the installation of the stormwater management facility that would keep the same net effect as if there had been no increase. She stated those Chapters do those calculations.

Ms. Kirk stated the wording states, “may be increased;” and she asked if this means may be increased without Zoning relief. Mr. Majewski stated he felt since it is in the Zoning Ordinance he felt that was implied. Ms. Kirk suggested adding a phrase at the end as follows: “subject to approval by the Township engineer,” and this was acceptable to the Planning Commission.

Mr. Majewski stated he just realized this Section should not have the Neshaminy Creek Ordinance because this should only be the Delaware River South.

Mr. Bryson asked which area this relates to, and it was noted it is along the Canal and the River. Mr. Majewski stated it is down one Lot past Ferry Road and on the north end the border line is Mt. Airy Road. Mr. Bryson asked if those Lots will be able to handle this, and Ms. Kirk stated a lot of the Lots along River Road have parcels across the road which can get added into the overall calculation. Ms. Saylor stated those Lots are probably all in the 100 year floodplain so if they wanted to put impervious on the small Lots that do not have houses and where they might want to park, they would have to go before the Zoning Hearing Board, and the Township would have a say in it because of the floodplain. Ms. Saylor stated this is volume control to take the first two inches and control it and keep one inch which never leaves the site. Ms. Saylor stated not all of RRP is in the 100 year floodplain although a certain portion of it is. Mr. Bryson asked if those parts that are in the floodplain should be deducted out then. Ms. Saylor stated that is in the overlay District; and anything they do on some of the Lots they know they have to come before the Zoning Hearing Board. Ms. Kirk stated FEMA requirements were imposed that in order to maintain the overall insurance coverage, the Township had to adopt a Floodplain Ordinance. Mr. Majewski stated that there are a number of Lots that are not within the floodplain, and he described where the floodplain is located and where the Lots are out of the floodplain. Mr. Majewski stated he estimates that there are forty to fifty Lots or more that are smaller Lots that are not within the floodplain in that area. Ms. Saylor stated if Lots are in the floodplain area, they do have to go by the Floodplain Ordinance.

Mr. Majewski stated they will add in, “subject to compliance with Chapter 173 Delaware River South Watershed Ordinance and approval of the Township engineer.” Ms. Saylor suggested that they state, “may be increased up to an additional 3% maximum;” and this was acceptable to the Planning Commission and Mr. Majewski. Mr. Tracey stated they will also delete the reference to Ordinance 174 Neshaminy Creek Watershed.

Mr. Bryson asked if there are any houses there that are already over this 3% bonus range, and Mr. Majewski stated there are. Mr. Bryson stated he feels there is a precedent so they cannot say “max” or it is going to get challenged. Ms. Kirk stated they are over either by Variance approval or prior to the adoption of the Ordinance. Mr. Bryson stated it could still be challenged. Mr. Majewski stated they have had that condition since 1987 when they put the 13% restriction on. Mr. Bryson asked if anyone has gotten over the 3% bonus since then, and Ms. Kirk stated she is sure they have; and Mr. Bryson stated then it could be challenged. Ms. Kirk stated what they are saying is that they would not have to make application to the Zoning Hearing Board, and most of those who have received it were either pre-1987 or have gone before the Zoning Hearing Board for approval. Mr. Bryson stated he feels if they put “maximum” into it, what they are saying is that you cannot go over it. Ms. Kirk stated that is true without a Variance. Ms. Kirk stated the current Zoning regulations now set forth maximums, and people come in and get Variances to increase it. Mr. Bryson stated he understands that it would now be up to 3% more without a Variance.

Mr. Majewski stated the next is the same chart for the R-1, R-2, R-3, R-3M and R-4 Zoning Districts. He stated currently the chart lists a range of impervious surfaces by Lot sizes both for that permitted by the developer and an additional 3% permitted by the property owner. He reminded the Planning Commission of the chart he had provided previously with the line going up and down. He stated he has come up with a formula that would make it a linear-type of impervious surface area this is allowed; and based on that he has taken out the chart with percentages and replaced it with a formula that is .1 times the Lot area in square feet plus 3,000 square feet which results in the chart he has now presented. He stated this chart closely replicates what is allowed now without the “dips” in it. He reviewed the differences that would result between the old chart and the new chart.

Mr. Majewski stated typically when impervious surface is calculated when they do a Subdivision, they have to calculate it based on the maximum including the homeowners. Mr. Bryson stated the basin is built as if the 3% had been installed for all the houses, and Mr. Majewski agreed. Ms. Kirk stated this gives the property owner the ability to install a shed, patio, etc. Mr. Wallace asked if this could be transferred to the developer at the time of development; and Ms. Kirk stated it could not, and they are maxed out to a percentage of square footage for each Lot, but when they install the stormwater basins or other management facilities, they have to do it in such a way that assumes each property owner will go to the maximum impervious surface. Mr. Wallace asked if the property owner could give up their 3% to the developer so that they could have a deck, etc. installed at the time of development. Ms. Kirk stated theoretically they could. Mr. Majewski stated the developer is allowed a certain number, and they are only allowed to go over that if the ultimate homeowner signs off and agrees to give up some of their 3% to

allow the developer to install something; and that way it is all up front that they have already used up some of their extra allotment. He stated while it is not done often, they have had one case already this year when this came up; and in years past, it has come up probably once per development.

Ms. Saylor stated she is concerned that as you get to the larger lots such as 40,000 square feet, they have 16% and 15% for the developer; but this chart will allow 17 ½ percent for the developer. She stated if it is a neighborhood where they have drainage problems already and people do not need a Variance, it would be hard to regulate and track that. She suggested that they start the line and then level it off. Mr. Majewski stated after you get over 40,000 the number starts to level off and goes way under the 17%. Mr. Majewski also stated the more resources you have on your property, the less Lot area you have for impervious surface. Mr. Saylor stated the impervious surface is not on the net lot area, it is on the gross lot area, and Mr. Majewski agreed. Ms. Saylor stated she does not want to increase what they have currently and make stormwater an issue. Ms. Burke suggested that they stop it up to whatever number it starts to increase. Mr. Majewski stated they still have the Stormwater Management Ordinance they have to comply with, and Ms. Saylor agreed.

Ms. Saylor stated she did not realize that once you get to a certain point, it starts to go back down; and what is being proposed would be more linear and a more fair way of assessing impervious surface.

Mr. Majewski stated he also looked at a number of other Townships to see how they did it; and a lot of Towns just have a blanket number – one number for the whole Town or one number for a whole District. He stated in a more rural Town they might use 20%, and a more urban District might have 30% to 35%. He stated generally the numbers he has seen are 15% in conservation-type areas, but more likely 20% to 25%; and Lower Makefield is lower than all those numbers. He stated because of this a number of people have to go to the Zoning Hearing Board and the common thing that is required is that they provide stormwater management in accordance with our Ordinance subject to the approval of the Township engineer. Mr. Majewski stated this will now take it out of the Zoning Hearing Board's hands, and put it into the Township engineer's hands where it ultimately ends up.

Ms. Kirk stated the Stormwater Management Ordinance has been created under the auspices of the State so if your are building something that is 1,000 square feet or more, that will kick in regardless of what the impervious surface is.

Mr. Bryson stated with regard to the formula if you had a 20,000 square foot lot, 10% would be 2,000 square feet, and you would get 3,000 square feet for a total of 5,000 square feet. He stated they are indicating you get an additional 3% above the maximum calculated above (which is the formula), and this would be only 150 square feet; and he asked if it should not be 3% of the total lot for the bonus. Mr. Majewski agreed it should be 3% of the lot area.

Mr. Bryson stated he feels what has been proposed is an excellent change and makes sense. Mr. Bryson stated he still feels it is unclear if there is impervious surface that is disconnected such as paving stones in the garden. He stated he feels it should be clarified what is considered impervious coverage. Ms. Saylor stated it does list in the Ordinance what impervious surface is as well as “any surfaces as deemed by the Township engineer.” Ms. Kirk stated there could be two properties that have gravel; however, one could have been used as a driveway so that it would be compacted so it is impervious. Mr. Bryson stated the general public would not understand why they could not put a shed on their lot, but their neighbor could put a shed on their lot that is 25 square feet smaller than the larger lot. He stated the general public would also not understand that compacted gravel could be impervious but other gravel could be porous. Mr. Majewski stated he agrees that this is a definition issue.

Mr. Bryson noted how the Township deals with decks, and Ms. Kirk stated decks are not counted as impervious surface unless there is a liner at the bottom. Mr. Bryson stated the drainage characteristic is not really any different from porous paving or open joint paving. He stated he feels open joint pavers will get more water percing through than a deck. Ms. Saylor stated they do not give pervious surface credit in Residential Districts. Mr. Bryson stated he feels DEP regulations should dictate because stormwater management is based off of DEP regulations. Ms. Saylor stated they have to be at least as restrictive as DEP, but they can be more restrictive. Mr. Bryson stated they need to document that and be fair and consistent.

Mr. Majewski asked if they should allow an increase of 2% or 3%. He stated to Ms. Saylor’s point, when you get to the 40,000 square foot range, you are already getting an extra 1 ½%. Ms. Burke asked if they could stop it at 40,000 so that they are not getting more. Mr. Majewski stated once you get up to 60,000 it is going a lot lower than the 17%. He stated he feels it is good that if someone wants to do something on a large lot, they can do so if they do some stormwater management. Ms. Saylor stated she does not feel they should go greater than 2% since when they ask them to do additional measures they have to do volume control, but they do not have to do peak rate control so you have lost the ability to regulate the five, ten, twenty-five, fifty, and hundred-year storm.

Ms. Kirk asked if it would be worth keeping Paragraph A3 in there or should they get rid of it since the calculations are already increasing what has been allowed under the Ordinance anyway to make it more of a linear line. She asked if they really want to add an additional 2% above and beyond what they are already giving the property owner. Ms. Kirk stated she understands why this was done for the R-RP because of the size of the lots and the location; but for the rest of the Residential, she would suggest that it be stopped at Paragraph 2 where they give the property owner an additional 3% of the Lot area.

Ms. Burke stated she feels this would make sense; and if they want to increase it even more than that, they would have to go to the Zoning Hearing Board.

Ms. Saylor stated once you get to 60,000 or above, it is decreasing; and she asked if they would have to grandfather people in. Mr. Majewski stated that if they had a Recorded Plan that shows a higher amount, you would go with what is shown on the Recorded Plan. He stated if you had someone with a stand-alone Lot and they were over the number, they could not add more impervious surface without going for a Variance. Mr. Bryson stated he feels what has been presented is the cleanest way to do it.

Mr. Tracey asked if it would make more sense to leave A3 in or take it out where it gives another 2% when they are getting another 3% already. Mr. Majewski stated he was trying to make it so that people did not have to go to the Zoning Hearing Board. He stated when you do exceed the number and go to the Zoning Hearing Board, typically the Zoning Hearing Board will grant it if you are not requesting too much and they will require installation of stormwater management subject to the approval of the Township engineer. Mr. Bryson stated he feels they should therefore leave it in since they should not be wasting the resources of the Township if that is what the Zoning Board will stipulate anyway. He added that Mr. Majewski had indicated that the Township is losing money on Zoning Applications.

Mr. Majewski stated what they are proposing is more in line with what other Townships have, and he noted particularly Upper Makefield and Wrightstown.

Ms. Kirk stated Mr. Majewski will submit what is proposed to the Board of Supervisors and Bucks County Planning Commission ; and Mr. Majewski stated it will have to be advertised, and there will be a Public Hearing held by the Board of Supervisors so that they can get public comments and adopt it.

Mr. Majewski stated the second page describes the current situation for those who have older Lots. He reviewed what he is proposing which goes from very small Lots which get 60% up to 20,000 square feet which would be a straight 3,600 square feet. He stated after 20,000 square feet, you would follow how the old chart was. He stated this also has the provision that if you provide stormwater management, you will get the extra 3%. He stated he feels approving this would take away approximately one quarter of the Zoning Hearing Board Variances that they hear currently.

Mr. Tracey asked Mr. Majewski if he wants to leave in the reference to Chapter 174 the Neshaminy Creek Watershed, and Mr. Majewski agreed.

Mr. Majewski discussed the proposed change regarding expirations of Variances and Special Exceptions, and he is suggesting that it be one year or longer as currently it is six months during which they have to get a Building Permit or Occupancy Certificate from the date that they get the Variances. Ms. Kirk stated she has seen one year for a Dimensional Variance and two-years for Use Variances, and they may want to make a distinction between the two. Mr. Bryson stated he feels that would be a good idea. He stated homeowners can have problems getting the project started or getting the financing. He stated this would give them another season to build. Mr. Bryson stated he would not have a problem with both the Dimensional and Use Variances being for two years. Ms. Kirk stated she believes there is a distinction being made between the Use versus Dimensional so that they can keep track of what is going on and that people get the Permits that they need. Ms. Kirk stated generally you do not have a regular homeowner coming in asking for a Use Variance, and it is usually developers, builders, or Corporate entities that are coming in for Use Variances. Mr. Majewski stated occasionally they do get the person that wants to do an expanded home occupations that would be larger in scope than what is allowed.

There was further discussion whether it should be one year for a Dimensional Variance and two years for a Use Variance. Mr. Bryson asked if it would be difficult to track something for two years, and Ms. Kirk stated for a Use Variance you usually have to go through a Land Development process. The Planning Commission members agreed they would be in favor of two years for both.

Mr. Majewski stated fences and walls should also be considered. He stated fences commonly go before the Zoning Hearing Board. He stated currently they do not allow fences in a Buffer Easement; however, several of the buffers mandate a fence in the Subdivision and Land Development Ordinance. He stated

if they call it a buffer, you are fine; however, if you call it a buffer easement, it is not allowed. He stated if they take out the words "buffer easement" it will correct this.

Mr. Majewski stated another issue involves corner lots. He stated currently you can have a house that faces one road; and on the side of the house which is to the side and rear of the house, they are not allowed to put a fence closer than the front setback. He stated typically this would require it to be 40' off the sidewalk or 50' off the road so they basically lose about 20% of their rear yard because they are considered to have two front yards even though the one on the side is in the rear of their house. Mr. Majewski stated what he is proposing is consistent with what the Zoning Hearing Board has ruled recently which is that for every foot you want to exceed the 3' that is permitted in a front yard, you have to push the fence back 6' away from the road; and this is only for the side/rear of the house. Mr. Majewski stated for a 5' fence, you would have to move it back 12', for a 6' fence, you would have to move it back 18', and for a 7' fence, you would have to be 24' off the right-of-way. Mr. Majewski stated you would not want the fence right up against the sidewalk.

Ms. Saylor stated the other consideration is when you have a corner lot, you want to make sure there is proper sight distance for those driving so that high fences do not block the view.

Mr. Majewski stated a lot of Townships do not have any regulations on fences in a front yard, and you can put in a 6' high fence all around your yard. He stated Lower Makefield requires lower fences in the front yard so there is not a "walled community;" but they run into a problem on a corner lot since the one side is really their back yard and not their front yard. He stated he understands why people would not want to see that right on top of the sidewalk, but he feels they should push it back so if the fence is higher, it gets pushed further into your yard. He stated compared to the current regulations, they would pick up quite a bit of their yard.

Ms. Burke stated she feels 6' for every additional foot beyond 3' is still too restrictive.

Ms. Kirk asked if there is a general calculation used for clear sight triangles, and Ms. Saylor stated you usually go from the right-of-way back a certain distance; and she believes for intersections it is 25' back along each right-of-way, and you then have to have a clear sight through the triangle.

Ms. Saylor stated it is a burden to be limited to the 3' on the one side if you have a corner lot, and she noted those who have dogs are concerned that their dog could go over a 3' fence. Ms. Kirk stated it is also an issue for people with children who would like them to be able to play in their yard.

Mr. Majewski stated what he is proposing will avoid the "walled-in" feeling when you are walking on the sidewalk, and it would push it back generally behind the street trees which are typically 5' to 10' behind the sidewalk. He stated if you had a 5' high fence, it would be behind the street trees which would create a buffer. He stated what he is proposing is generally consistent with the way the Zoning Hearing Board has been ruling lately.

Mr. Bryson stated with the formula proposed, some of the corner lots may have the fence very close if not right at the house. Mr. Majewski stated most of the front setbacks are 35' and 40'. He stated when you get to the higher-density lots, the minimum front yard is 30' for a very small lot, and a 7' high fence would be almost where it is now; but it would provide some relief.

Mr. Majewski stated he did consider whether he should use 5', 6', or 7'; and some of the people he discussed this with on the Zoning Hearing Board felt that 6' would be good. Ms. Kirk stated she feels the 5' per one foot height would give a little more flexibility. Mr. Majewski stated they would not want the fence to be right on the right-of-way, and the Zoning Hearing Board had discussed requiring people to put in landscaping although if the shrubs would die he questions how the Township could monitor their replacement.

Mr. Majewski stated another issue is that the regulations have not been uniformly applied, and he found a number of times when they allowed fences higher than 3' in that area.

Mr. Bryson stated he feels they should consider this issue further. Mr. Wallace stated he agrees with Ms. Burke that it may be too restrictive. Mr. Bryson stated it seems that the Zoning Hearing Board has been granting these. Ms. Burke stated she does not feel they need to codify what the Zoning Hearing Board has done recently. Mr. Bryson stated they are trying to ease the process.

Mr. Bryson asked that they include "not including foundations," as he was involved in a lawsuit where someone contested that the foundation for the wall and/or fence was part of the fence. He stated even though it was underground it was in violation. Ms. Burke stated she would agree with this. Mr. Bryson stated they could state: "dimensionally it does not include foundations."

Mr. Majewski stated he just noticed that it only talks about the maximum height of a fence shall be 3', and it never talks about the height of a wall. Ms. Kirk stated she does not know why they have walls in there; and Mr. Majewski stated some people may want to put in a stone wall, and currently the Ordinance has no restriction on this so they need to put in a height restriction on walls.

Ms. Burke stated there is a difference between a wall and a fence, and she feels that walls should be more restrictive. Mr. Bryson stated some properties need retaining walls for grading purposes and construction, and some are just decorative walls. He stated they are going to have to define a functional wall and a decorative wall.

It was agreed to defer this so that it can be considered further.

Ms. Saylor stated they have seen fences on top of retaining walls because of a drop off on the other side. Mr. Bryson stated it is a Building Code requirement that if the drop off is more than 18" you have to put a fence up on top of the wall.

Mr. Majewski stated he has pictures of different fences that he has taken that he will provide so that the Planning Commission can see how far they are off the right-of-way and get a sense of this.

Mr. Majewski stated the next issue is requirements for a pool fence. He stated the Uniform Construction Code prescribes all the requirements for a fence, and the Township's requirements are for a five foot high fence; and it also tells the different types of fences with the spacing of 2" when all the Building Codes say the minimum height of the fence needs to be 4' and the spacing is 2 ¼". He stated the Township is indicating that if you have a picket fence, the spacing has to be half the size that is required by Code.

Mr. Wallace stated he feels they should just make it uniform with the State regulations.

Mr. Majewski stated the next Section deals with pools of restricted size such as hot tubs. He stated they require a hot tub to be located in the house or enclosed within a patio or having a wall around it when the Codes indicate that you either need to do that or just have a locking cover in accordance with regulations.

Ms. Kirk asked if the Construction Code regulates the location and safety provisions for hot tubs, why is it in the Zoning Ordinance. Mr. Majewski stated at some point it was indicated they did not want to see people's hot tubs. Mr. Wallace stated he feels this could be challenged. Ms. Kirk stated that was probably before Uniform Construction Codes, and Mr. Majewski agreed. Ms. Kirk stated she feels they could state all hot tubs need to be in the rear yard and subject to the requirements of the

Uniform Construction Code. Mr. Majewski stated they would also have to decide how far they want it off the property line. Ms. Burke agreed there needs to be some regulation as to where it could be. Mr. Majewski asked if a hot tub with a locking cover is sufficient or do they want to have a wall or fence around a hot tub. Mr. Wallace stated he does not feel it has to be a wall, but there does need to be more restrictions other than just a locking cover. Ms. Kirk stated they could also consider requiring a certain amount of buffer. Mr. Bryson stated they could also say that it has to be within ten feet or fifteen feet of the house line. Ms. Burke stated she would be in favor of that as well as a buffer. Ms. Kirk stated they could state that it has to be sufficiently buffered so it is not visible from the street. Ms. Kirk stated they could plant landscaping so that it would not be visible. Mr. Wallace stated they should still have the locking cover.

Mr. Majewski stated the other two items have to do with parking spaces. He stated the Ordinance currently requires all spaces to be 13' by 20' when the space has to be only 8' with a 5' accessible aisle; and the aisles can even be shared with an adjoining space so you would have two 8' spaces with a 5' aisle in between; however our Ordinance states you have to have 13' and 13' which takes up a lot of extra impervious surface with no real gain. Ms. Saylor stated they did not make provision for a van, and she asked if they have at least one van accessible space. She stated the van accessible has to be at 11' wide and then a 5' access way, but it can be shared. Mr. Majewski stated that is the second section where it says: "Accessible parking spaces shall be pursuant to the regulations which require a van-accessible space." Mr. Bryson stated he feels it should just state they need to follow ADA for both of these issues, and Mr. Majewski stated he had thought about that.

Mr. Majewski stated the Section is under General Parking Requirements Design Standards – Dimensions. He noted E1A states: "Each parking space shall be 10' by 20' unless otherwise permitted by the Board of Supervisors during the process of review and approving a Subdivision and Land Development Application."

Mr. Majewski stated since that is in there, they would want to spell out handicap also. Ms. Saylor stated if they are going to spell that out which she agrees with, they should state 8' wide for a car and 11' wide for van-accessible in accordance with ADA, and not rely on Section E4. This was acceptable to the Planning Commission.

Mr. Majewski stated with regard to dimensions, there are a number of ways to do handicap parking spaces so they would have to spell it all out unless they state: "Accessible parking dimensions shall be in accordance with the Americans with Disabilities Act." Ms. Kirk stated Ms. Saylor was saying they should state: "Accessible parking spaces shall be not less than 8' wide for cars and 11' wide for vans, and not less than 18' long;" however, it was noted that is not ADA standards. Mr. Majewski stated a van is 8' for the aisle and 8' for the space,

and Mr. Bryson agreed. Mr. Majewski stated there is another one where you can do the 11 and 5 which is why he said a minimum but he feels just changing it to “accessible parking space dimensions shall be in accordance with the ADA requirements” is what they should have. Mr. Bryson agreed that they should just defer to ADA.

Mr. Majewski stated what they discussed this evening was fairly straight forward; however other items to be reviewed will take longer to discuss.

Ms. Kirk asked Mr. Majewski if he has had situations where people are replacing fences, and they are actually encroaching onto another neighbor’s property; and Mr. Majewski stated they have. Ms. Kirk stated they may want to look at the Bensalem Township Fence Ordinance because now they require a plotted survey of the property lines to insure that they do not encroach. She stated they may want to incorporate that into the Zoning Ordinance or do a stand-alone Fence Ordinance. Ms. Kirk stated they would need to set the markers. Mr. Majewski stated that has been coming up more often; however, it could be an issue if people have to spend \$1,000 for markers in order to put their fence in.

There being no further business, Ms. Burke moved, Mr. Wallace seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

Chad Wallace, Secretary