

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES - JANUARY 22, 2018

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 22, 2018. Mr. Tracey called the meeting to order at 7:30 p.m.

Those present:

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

Others: Jim Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 Daniel Grenier, Supervisor Liaison

REORGANIZATION

Mr. Majewski stated each year the Planning Commission selects a Chairman, a Vice Chairman, and a Secretary to represent the Planning Commission during the year.

Ms. Burke moved and Mr. Bryson seconded to appoint John Tracey as Chair.
Motion carried with Mr. Tracey abstained.

Mr. Tracey moved, Mr. Wallace seconded and it was unanimously carried to appoint Dawn Burke as Vice Chair.

Mr. Bryson moved, Mr. Tracey seconded and it was unanimously carried to appoint Chad Wallace as Secretary.

APPROVAL OF MINUTES

It was unanimously carried to approve the Minutes of October 23, 2017 as written.

#562 – DOGWOOD DRIVE (AKA HARMONY LANE) FINAL MAJOR SUBDIVISION PLAN APPROVAL

Mr. Edward Murphy, attorney, was present with Ron Monkress from Gilmore, the engineer. Mr. Murphy stated the project has had a long history; and most recently last September, after a recommendation from the Planning Commission, the Board of Supervisors approved the Preliminary Plan for the project subject to a list of Conditions. Mr. Murphy stated subsequent to that approval Mr. Monkress' office prepared and submitted Final Plans for the project, and those are the subject of the most recent January 10 review letter from Boucher & James and even more recently comments from Mr. Ebert, the sewer consultant. Mr. Murphy stated they have also had a chance to talk to Mr. Majewski about some of the comments in the January 10 review letter from Boucher & James where there are really no issues with which they disagree. He stated they did discuss a few comments with Mr. Majewski, and they have managed those directly with him so there is really nothing left of consequence in the engineering review that would be anything other than "will comply."

Mr. Murphy stated with regard to the sewer, the Ebert review accurately suggests that the current pump station at Chanticleer is beyond its capacity today; and that is where sewage flows from these five new lots would go as well as the other nine lots that surround the perimeter whose property owners have requested the opportunity to connect to the public sewer. Mr. Murphy stated there needs to be something done either by increasing the size of the pump within the pumping station itself or some other means, and that is an issue that Mr. Ebert still has to consider as to what upgrades to the pumping station would be required. He stated they then need to determine what cost would be allocated for these five new lots and what cost might be allocated for the other nine lots. A determination would then have to be made by the Board of Supervisors on this after a recommendation from the sewer consultant as to what type of upgrade to the Chanticleer station would be required and what the cost contribution would be required by the Applicant to do that.

Mr. Murphy stated the other issue that has not been resolved is the extent to which there would be a contribution to the Township for the tree replacement issue. Mr. Murphy stated he believes the Planning Commission was aware that based on the calculation of the Ordinance, there was a significant sum that would be owed. He stated at the Preliminary Plan level, they agreed with the Board of Supervisors to disagree about what that was, and that they would defer that issue to the Final Plan. He stated that is a conversation that is ongoing with the Solicitor's office with Mr. Truelove, and that still needs to be resolved.

Mr. Tracey asked Mr. Pockl if he has reviewed the Boucher & James letter, and Mr. Pockl stated he has not reviewed that letter or the Plans.

Mr. Majewski stated he did go over the letter with the Applicant's engineer and reviewed it with Boucher & James, and what Mr. Murphy has indicated is what occurred.

Mr. Tracey stated this is an unusual circumstance since very recently the Township replaced Boucher & James as their Township engineer; however, there is this recent letter dated January 10 done by Boucher & James that entailed an engineering review. Mr. Tracey stated Mr. Pockl has recently been hired as the Township engineer, but he has not had a chance to review the documents which is of concern.

Ms. Kirk asked Mr. Murphy if he had a chance to look at the January 10, 2018 review letter, and Mr. Murphy stated he did. Ms. Kirk stated Boucher & James had indicated at the end of each paragraph whether there would be compliance. She noted the Subdivision and Land Development Ordinance comments, Comment #1, which indicates the Applicant will comply, and this is the same for Comment #2. Ms. Kirk stated for Comment #3 with regard to the paved driveway, there is no comment whether or not the Applicant will comply; and she asked if that is a Waiver request.

Mr. Tracey stated he feels it would be helpful for those in the audience who are interested in this project to go through the review letter since they do not have representation from Boucher & James, and the interim engineer has not had a chance to review the letter.

Mr. Bryson stated Mr. Murphy had indicated earlier that they would comply with the comments; however, he does not know who is going to review that whether it will be Boucher & James or Mr. Pockl. Mr. Bryson stated he assumes another set of Plans will be coming in to show compliance, and Mr. Murphy agreed. Mr. Murphy stated it will not, however, be the new engineer, Remington & Vernick, that will be reviewing them; and Mr. Murphy stated he made it clear that he would find it offensive to have to start over for a Final Plan with a new engineer; and Mr. Bryson agreed.

Mr. Tracey stated he did not mean to indicate that. Mr. Bryson stated they are not asking for any additional Waivers, and Mr. Murphy agreed adding Waivers were granted as part of the Preliminary Plan approval. Mr. Bryson stated he does not see the need to go through the January 10 Boucher & James letter paragraph by paragraph. Mr. Murphy stated they could highlight the paragraphs in the letter where they had discussions with Mr. Majewski, and this was acceptable to Mr. Tracey.

Mr. Murphy stated the first paragraph they discussed with Mr. Majewski was Paragraph #7, and Mr. Majewski had acknowledged that what was being requested was outside of the scope of the Preliminary Plan approval that has already been granted; however, the developer indicated they would look at it with Mr. Majewski to see if that is something that they could accommodate. Mr. Murphy stated the only other comments in the balance of the letter where they said that they would not comply were Paragraph 10 and Paragraph 15, and Mr. Majewski concurred that those two comments were again outside the scope of the Preliminary Plan that was approved.

Mr. Tracey stated Paragraph 10 refers to infiltration rates, and Mr. Murphy agreed. Mr. Murphy stated in Paragraph 10 and Paragraph 15 they were asking for new information or Plans to be revised beyond the scope of the Preliminary Plans that had already been approved. Mr. Murphy added once you get to Final Plan, you are entitled to approval based on the Preliminary Plans; and both of these comments ignored the Preliminary Plan approval, and were asking for new information. Mr. Murphy stated beyond that, they will comply with everything else in the review letter.

Mr. Tracey stated he and Ms. Burke are reading Paragraph 15 which refers to locating utility infrastructure services. Mr. Majewski stated at his recommendation, the Applicant did locate the existing Township pipe which the Township and their surveyors had been unable to locate over the years. Mr. Majewski stated it has been determined where the pipe is and the location of the outlet. Mr. Majewski stated he feels there was a misinterpretation by Boucher & James in that the Applicant has agreed that from where they are tying into the pipe on down, they will replace that section of pipe; and anything upstream of that would be the Township's responsibility. Mr. Monkress stated #15 was more of a clarification, and he added that it is on the Plan as part of the design for the upgrade. Mr. Majewski stated he feels Boucher & James misinterpreted that the Applicant was not doing it, when in fact they are; and it is shown on the Plans.

Mr. Majewski asked the Applicant if they got the Dogwood Drive Bucks County Conservation Adequacy Permit, and Mr. Monkress stated they did as well as the NPDES Permit. Mr. Monkress stated they just need an updated letter from the County Conservation District which references this Plan date, and he understands that is forthcoming.

Mr. Bryson moved and Mr. Tracey seconded to recommend to the Board of Supervisors Final Plan Approval for Dogwood Drive, Plans dated 5/5/06, last revised 11/13/17 subject to clearing up the engineering issues in the Boucher & James letter dated 1/10/18, resolution of sewer issues in the Ebert letter dated 1/17/18, and subject to compliance with the Traffic Planning & Design review letter dated 1/12/18.

Mr. Chris Guerrero, 27 Delaware Rim Drive, stated he lives at the corner of Delaware Rim and Dogwood. He asked if there has been any indication about the Dedication of Dogwood Drive since it is not Dedicated, and snow plows do not come down there. He stated if the Township is going to be digging something up, part of Dogwood Drive is not really the Township's because it has not been Dedicated. Ms. Kirk stated there is nothing in the Plans or the review letters that show any request for Dedication of Dogwood Drive, and that would have to be an independent application to the Board of Supervisors to accept Dedication from all homeowners along Dogwood Drive. Mr. Guerrero asked if the new construction would be considered Dedicated. Mr. Majewski stated when the Board of Supervisors considered the Preliminary Plan Approval, Dedication of Dogwood Drive was discussed; and he believes that they indicated that they were willing to accept the Dedication of Dogwood Drive. Mr. Majewski stated if the Planning Commission approves the Motion to recommend Final Approval, this Application will go to the Board of Supervisors; and at that time, this would be something to bring up to the Board of Supervisors. He stated for them to replace the pipe, they will have own the land, so the Township will have to accept Dedication.

Mr. Guerrero stated he had met with Mr. Eisold in the fall, and now he understands that there is a new engineer; and he has concerns with the Plans. He stated the Website did not have all of the Plans, and it only had the first two pages. He stated on the Plans that he had from August, it was indicated that some trees were going to be removed from his property; and he had asked that they not be removed. He stated he has not been able to see if that is shown on the new Plans. Mr. Guerrero stated the trees he is referring to are at the corner of Dogwood and Delaware Rim which is nowhere near where the construction will be taking place. Mr. Monkress stated the Plans show that the trees are no longer shown to be removed.

Mr. Guerrero stated he sent an e-mail to Mr. Eisold on 10/26/17 about his concerns and he had copied Mr. Majewski. He stated one of his concerns was that he was not offered to hook up to sewer and water. He stated "dig-up" is going to happen on that side of the street, and Mr. Eisold was going to look into where the line could be brought up since the people across the street on Dogwood Drive are going to be tied in. He stated he did not want his whole yard ripped up to run a water line that was not going to benefit him. Mr. Bryson stated they will not be ripping

up his yard. Mr. Guerrero stated apparently his paver driveway is part of the right-of-way. Mr. Monkress showed Mr. Guerrero the Plans which show where Mr. Guerrero could hook up. Mr. Guerrero stated no one had advised him of this. Mr. Guerrero stated his water and sewer line do not come in that side of his house, and his driveway goes up a hill to the house; and he is concerned about how the plans for tearing up his yard to get to the house would work. He stated his entire driveway is pavers – not cement or blacktop. He stated if that was going to be ripped up for other construction, he would want it put back in place; and if he was being offered to hook up to sewer, he asked how would it come into his yard since his sewer line comes in from the Delaware Rim side of the road not the Dogwood Drive side. He stated he did not want his entire yard ripped up just for that benefit since his well is only seven years old.

Mr. Monkress stated just like the other neighbors that surround Dogwood Drive which are being provided public water and sewer, it starts at the right-of-way of the street; and anywhere on private property would be between the homeowner and the Sewer Authority and the Water Authority in the case of the water as to how that service connection is made where it will go through the yard and where it goes into the house. He stated this Development Plan would not show those details. He stated the Applicant's responsibility stops at the right-of-way line since that is the limit of the Township's jurisdiction when the road is Dedicated.

Mr. Guerrero asked if there will be any disruption to what would be considered part of his property from this construction specifically his paver drive, and would that be put back in place once the construction is completed. He added that his paver driveway goes all the way to the street which would put it within the legal right-of-way. Mr. Monkress stated the surface area will be restored as it is today; and where the two services are shown now, they miss his driveway and that was done intentionally. He stated if he would like them on the other side of the driveway, they could arrange that. Mr. Monkress stated that anything that happens on Mr. Guerrero's property outside of the right-way is beyond the Applicant's control.

Mr. Alan Dresser stated he is a member of the Environmental Advisory Council, and they sent a comment letter to the Planning Commission on 12/21. Mr. Dresser asked that the Applicant respond to the comment letter before they go before the Board of Supervisors. Mr. Murphy stated they will answer it before they go to the Board of Supervisors.

Mr. Dresser stated one of the Comments refers to Sheet 2 of their Plan which shows that a Conservation Easement is going to be placed on 11.6 acres of the property, and that the 11.6 acres includes all of Lot #6 which is not being developed and the back yards of Lots #1 through #5 which will have homes on them. He stated those back yards will have woodlands on them which are resource protected so they are never to be cut down. He asked who will hold the Conservation Easement. Mr. Murphy stated that has not been determined, and he does not know if the Township has interest in holding it or not. Mr. Dresser stated he would suggest that the Township hold the Conservation Easement or possibly a third party such as the Heritage Conservancy. He stated he hopes that the Planning Commission would recommend that to the Board of Supervisors. Mr. Dresser stated what would be even better is if the Applicant would Dedicate to the Township Lot #6 which is about 8.48 acres. He stated that land cannot be developed, and it is all wetlands, floodplain, a creek, and woodlands that have to be preserved. He stated that would be the best way to make sure that the property maintains its natural state, and he suggested that the Planning Commission recommend that. He stated they would still have to take the Conservation Easement out on the back yards of Lots #1 through #5 that have the woods.

Mr. Majewski asked if it is contemplated that Lot # 6 would be Dedicated to the Township; and Mr. Dresser stated that had been stated at various points in this process that has gone on for twelve years, but it is not on the current Plans.

Mr. Dresser stated at Moon Nursery there was a Conservation Easement placed on the back of their property, but Dedication is also possible. Ms. Kirk stated she feels this is up to the Board of Supervisors as to whether or not the Township wants to take on the responsibility of being another owner of property or whether they would prefer a Conservation Easement in light of the restrictions that still exist. She stated the Township does not have to be the owner. Mr. Dresser stated he understands that, but he feels it would be better protected if the Township owned it; and if would be “nice” if the Planning Commission would recommend that some type of additional protection be placed on that land.

Ms. Chrystal Molnar, 38 Delaware Rim, stated they indicated that the Chanticleer pumping station is currently over capacity; and she asked what this will mean since it was indicated that it was undecided if the Applicant will have to pay to increase the capacity or if it would be distributed between the Applicant and the nine homeowners. Mr. Murphy stated the Township sewer consultant has advised by virtue of his most recent letter that there is an issue with the current functioning of the Chanticleer pumping station; and has stated that based on current flows there is insufficient room in the pumping station to accommodate the flows from these five new lots and the potential flows from the nine other properties which could potentially choose to connect and be part of that pumping station if they extend the

public water and sewer facilities within the right-of-way. Mr. Murphy stated the Applicant has talked to Mr. Ebert about what are the potential solutions to provide additional capacity within that pumping station, and his current recommendation is to possibly increase the motors inside the pumping station to permit it to function more efficiently. Mr. Murphy stated the cost for that has not been determined by Mr. Ebert nor has the allocation of that cost among the five new lots and the potential nine other lots that could flow to the pump station in the future. Mr. Murphy stated that is as much as he knows based on a conversation as recently as this morning with Mr. Ebert.

Motion to recommend Approval as stated earlier carried with Ms. Burke opposed.

#660 – OCTAGON CENTER – OFFICE CONDO PHASE II (DUNKIN' DONUTS/ DAY CARE) PRELIMINARY LAND DEVELOPMENT PLAN

Mr. Edward Murphy, attorney, was present with Mr. Eric Clase, Gilmore Engineering. Mr. Murphy stated the origin of this project started approximately thirty years ago with the development of the Bellemead Tract. He stated this particular piece was a very small portion of the overall tract that was the subject of a Stipulation Court Order that contemplated a largely somewhat Mixed Use Office/Industrial use of the entire property on either side of Big Oak Road and extending beyond that. Mr. Murphy stated over time, there was extensive litigation that lasted a number of years that resulted in a complete makeover of the original Bellemead project to a point where what was approved was a comprehensive age-qualified community consisting of different housing types and this one parcel that was to be developed principally for Office use on three separate pad sites. Mr. Murphy stated over time as the age-qualified Residential portion of the larger project got developed, only a portion of this site was developed; and that was for Lower Bucks Pediatrics which purchased the entirety of this site, was built, and occupies one of the three sites today and has for a number of years.

Mr. Murphy stated over a year ago, Dr. Weinberg, who is the Principal of Lower Bucks Pediatrics, was approached by several other potential users for the other two pad sites that had remained vacant. He stated they then started a series of discussions with the Township staff about what the other uses would be and how they would be occupied on the site, and what changes to the Plan if any would be required to accommodate them. He stated they spent time last year meeting with the Township staff and Township consultants discussing internal circulation, traffic improvements on Big Oak Road, and potential installation of a traffic signal at one of the intersections on Big Oak Road closest to this project. Mr. Murphy stated they also needed to seek some Zoning relief from the Zoning Hearing Board because of a side yard setback along the abandoned roadway bed of Old Oxford

Valley Road which borders the site to the east. He stated that Zoning Hearing Board relief was granted last year, and Mr. Clase proceeded with the submission of the Land Development Plans in furtherance of the discussions Mr. Murphy referred to.

Mr. Murphy stated on January 10, 2018, the now former Township engineer issued a review letter commenting on the Plans that Mr. Clase had submitted. Mr. Murphy stated Mr. Clase met this afternoon with the former Township engineer and Mr. Majewski to go over those review comments. Mr. Murphy stated he does not feel based on the review that there is much to talk about. He stated tonight no recommendation is being sought from the Planning Commission, and they are just here to provide an update and advise the Planning Commission that they will be preparing and submitting a Revised Plan to address those comments that are outlined in the January 10 review letter. He stated they expect to be back before the Planning Commission probably in March depending on when the Plans are re-submitted. He stated he assumes that Boucher & James will continue to review those Revised Plans, although he would defer to the Administration as he is not sure who will do that.

Mr. Murphy stated he has seen a fairly-recent review from Tom Roche of the Police Department, and they had handled those issues previously because they had met directly with Tom Roche and Phil Wursta, the Traffic consultant for the Township, to go over those same recommendations that Tom Roche has made to the developer some time ago when the developer met with him.

Mr. Clase stated they will be requesting four Waivers which are very minimal. He stated the first Waiver is from Section 178-19.D.(a) through (D.(15)), and that was a recommendation from the Township Zoning Officer which is based on the number of Plans and copies of reports they submit. He stated due to the amount of paper, the Zoning Officer requested that they submit less; however, they are required to ask for a Waiver from that.

Mr. Clase stated the second Waiver was a partial Waiver to defer the Application to the Bucks County Conservation District until they had Township reviews; and now that they have the reviews, they will be making Application to the Conservation District.

Mr. Clase stated the third Waiver is another partial Waiver. He stated when you are looking at the Pediatrician's Building, they are proposing an access drive there; and they are tying Big Oak Road into an existing parking lot, and the elevation change is substantial. He stated the requirement is a maximum 5% driveway, and they are going 5% for 25' but from that point on, they are going to have to go up to 10% to tie into the existing parking lot. He stated if they do not get the Waiver, they would have to rip up the majority of the existing parking lot at great expense. He stated this is considered a minimal Waiver.

Mr. Clase stated the fourth Waiver is required because the Township requires you to get a Waiver anytime your are working within the ultimate right-of-way. He stated they are proposing sidewalk along the frontage as required by Ordinance so the Township's own Ordinance is the reason they have to ask for a Waiver. Mr. Tracey asked for a further explanation of this Waiver, and Mr. Clase stated in Section 178-95.C.(4) it states: "Requires the edge of slopes shall be a minimum of 5' from property lines and right-of-way lines." Mr. Clase stated this means that when they are engineering the Plan, they have to be 5' away from where they tie into existing grade. He stated they are required as part of the Ordinance to provide sidewalk along the frontage, so they cannot be 5' from the property line if you are already working within it to put in the sidewalk. Mr. Bryson asked if the adjacent properties have sidewalks, and Mr. Clase stated they do not. Mr. Bryson stated the sidewalk will tie into nothing, and Mr. Murphy agreed.

Mr. Murphy stated on January 17, 2018 they received a review letter from Ebert Engineering about the sewer aspects. He stated they have also seen the TPD review letter regarding traffic. Mr. Murphy stated this morning Mr. Majewski provided the Applicant with a copy of a review letter dated yesterday from the EAC. He stated they will be prepared to address those comments as part of the re-submission of the Revised Plans.

Mr. Tracey stated at the last meeting they discussed this, and Mr. Bryson brought up a point about the stacking lane; and he believes that this was also brought up by the traffic engineer. Mr. Clase stated the requirement is stacking for nine cars from the pick-up window, and they have revised the Plan to meet that requirement. He stated there is also a 10' bypass lane. Mr. Bryson stated this should be sufficient.

Mr. Murphy stated they are not seeking any action by the Planning Commission this evening; but because they had not been before the Planning Commission for a while they felt it was prudent to come and let everyone know what was happening with the review letters, and to advise them that they will revise and re-submit the Plans, and they expect to come back in March and hope to move forward with a recommendation.

Mr. Tracey advised the audience that as noted by Mr. Murphy they will be back in March to submit their Plans so there is no Public Comment required at this time in reference to this project, and it was more for information only. He stated the residents will have an opportunity to comment at a later time.

Mr. Alex Geiger, 1735 Mulberry, stated he lives in the age-qualified development across the street from this proposed development. He asked that all of these reports that were just mentioned be posted on the Planning Commission's Website prior to the next Hearing so that interested parties could review what is being submitted to the Planning Commission so they can make more informed comments. Mr. Majewski agreed to do this.

#663 – CADDIS HEALTHCARE REAL ESTATE ASSISTED LIVING FACILITY INFORMAL SKETCH PLAN

Mr. Edward Murphy, attorney, was present with Mr. Justin Ginotti, Dynamic Engineering, and Mr. Adam Tiller from Caddis Healthcare. Mr. Murphy stated Caddis recently entered into an Agreement of Sale to purchase two contiguous lots on Dobry Road. He stated they have prepared and submitted a Sketch Plan for the development of those combined sites for an assisted living facility that consists of two components – one a memory care facility and the other more traditional assisted living. The Sketch Plan was shown, and it shows the relationship of the proposed building and driveways to Dobry and Oxford Valley Roads.

Mr. Murphy stated they had a chance to meet informally with the Township staff including Mr. Majewski and Mr. Wursta, the Township's traffic consultant, early on to discuss some of the issues they had as they started to lay out the Sketch Plan. Mr. Murphy stated the Plan that is being shown this evening has not been the subject of any formal reviews.

Mr. Murphy stated the property maintains a significant amount of frontage on Dobry Road to the north and additional frontage on Oxford Valley Road. He stated the Plan shows a single point of ingress and egress on Dobry Road at the far end of the site furthest from the Oxford Valley Road intersection and also identifies a right-in/right-out access point on Oxford Valley Road. Mr. Murphy stated there is also a project proposed on the opposite of Dobry Road; and because of that, Mr. Majewski and Mr. Wursta indicated during the staff meeting that there is the need to coordinate since Dobry Road, even today, probably needs to be reconstructed given its current condition let alone what would happen going forward. He stated he feels both this Applicant and the Applicant for the property across the street are committed to working with the Township to make those necessary improvements to Dobry Road to make it a truly decent, Dedicated road to the Township, because it is not today.

Mr. Murphy stated the other item that has been discussed with the staff is movements on Oxford Valley Road, its intersections with Dobry Road, and whether or not and to what extent a traffic signal is warranted at that intersection, and whether or not Warrants exist to obtain a signal. Mr. Murphy stated he feels this Applicant as well as the Applicant across the street on Dobry Road are committed to working with the Township and PennDOT to, if possible, obtain a Traffic Signal Warrant for that intersection to improve and enhance the ability of motorists to get in and out of that intersection.

Mr. Murphy stated the principal purpose tonight is to lay out the nature of the proposal and answer any questions the Planning Commission or audience members may have.

Mr. Tracey asked about the sewer service, and Mr. Murphy stated they have had multiple discussions with the Township's Sewer Administrator about the most efficient way of providing public sewer to this facility. Mr. Murphy stated there are multiple choices, and the Applicant is prepared to accept the recommendation of Mr. Watson which is to extend the public sewer line down Oxford Valley Road to a point of interconnection there as opposed to connecting either to the project to the south or going under Oxford Valley Road to reach a point of intersections. Mr. Bryson asked if there is capacity, and Mr. Murphy stated there is capacity to reach the point that Mr. Watson is recommending that they go; and while this remains a critical issue to be resolved, Mr. Murphy stated he feels they are on the path to doing so based on Mr. Watson's recommendation.

Mr. Tracey asked if the site is currently a wooded site, and Mr. Murphy stated they have done a site survey and a tree survey. Mr. Ginotti showed the colored rendering. He stated there are two properties, and the one along the frontage off of Oxford Valley Road, which he showed on the rendering is a fully-wooded property; and the main property off of Dobry Road is a farm field with a swath of trees down the middle. Mr. Bryson asked if they control the corner lot that has the woods, and Mr. Ginotti stated they do control the corner lot. Mr. Ginotti stated the only disturbance they are showing to the trees is for the road to come through to Oxford Valley Road. He stated the parking is on the other lot, and they are trying to keep out of the woodland there.

Mr. Tracey asked if they see a need for detention basins; and Mr. Ginotti stated there will be detention basins, and they will be managing all stormwater on site per Ordinance. He stated currently they are proposing a basin along Dobry Road along the stretch of green he showed on the Sketch. He stated it will be a surface basin, and anything else they need will be underground.

Mr. Pockl stated there is no topography on the Plan, but he understands that there is a ridge line, and the site drains in two different directions; however, Mr. Ginotti stated the ridge line is actually the Toll property. Mr. Ginotti stated this site drains toward Dobry Road and toward Oxford Valley Road so it all drains away from the south toward the north.

Mr. Bryson asked if they have enough parking. Mr. Ginotti stated they are proposing ninety-seven beds so under the Ordinance and for the number of employees, they are required to have sixty-three parking spaces; and the Sketch is currently showing seventy-two. Mr. Tracey stated there are only six handicapped spaces shown, and he asked if that is adequate; and Mr. Ginotti stated they have provided what is required and may actually have provided some additional spaces given the use. Mr. Majewski stated per the ADA requirements, three spaces are required; and they are proposing six.

Mr. Pockl stated the handicapped spaces should have a 5' aisle on the passenger side, and Mr. Ginotti agreed. Mr. Pockl stated the current lay out therefore needs to be adjusted for that, and Mr. Ginotti stated they show an 8' wide space when they are double parked, but they could revise that to the lesser amount if that is what he is requesting.

Mr. Pockl asked if there is a trash location; and Mr. Ginotti stated while it is not shown yet, there will be a trash enclosure. Mr. Pockl asked if they have an idea where it will be, and Mr. Ginotti stated it will probably be in the vicinity of the loading dock or whatever works best for truck circulation.

Mr. Pockl asked if there will be signage for the facility, and Mr. Tiller stated they plan to put a sign on the Oxford Valley Road frontage. Mr. Bryson asked if they will be seeking a Variance for that, and Mr. Murphy stated they do not know yet.

Mr. Majewski asked if they could discuss how the facility operates. Mr. Tiller stated it is a 24/7 facility so they will have staff there for at all times for any residents' needs. He stated they are planning on 95 to 100 beds, although they do not have the final unit count mix. He stated it is typically 75% assisted living and 25% memory care, although they are still considering this. Mr. Murphy noted there are two buildings shown on the Sketch; and Mr. Tiller stated the memory care wing would be the one to the west, and that would be one-story. He stated the assisted living would be the three-story building to the east which is shown as a large square with the cut-out courtyard.

Mr. Tracey noted the secured courtyard to the left, and he asked if that is where Admin is or are they spread throughout the facility. Mr. Tiller stated they were considering having the Admin to the northwest for the memory care and the southeast for the assisted living.

Mr. Bryson asked if it will be a typical assisted living facility with dining halls, beds, recreational area, etc.; and Mr. Tiller agreed.

Mr. Wallace asked if they have a rehab/transition to care; and Mr. Tiller stated they were not planning on that, and it is strictly an assisted living/personal care facility. Mr. Bryson asked if the memory care unit is a stay facility or is this where people can drop a loved one off for the day, and Mr. Tiller stated there is a monthly-lease option for 24/7 care.

Mr. Bryson stated this is a low-impact site from a traffic standpoint; and Mr. Tiller agreed adding only about 5% of their residents have vehicles.

Mr. Majewski asked about employee shift hours and how many employees there are per shift. Mr. Tiller stated they will have three shifts – first shift is 7 a.m. to 3 p.m. which is the busiest shift with the most employees on site which should be around twenty-six to thirty employees for that shift. He stated the next shift is 3 p.m. to 10:30 p.m. or 11:00 p.m. and that has approximately eighteen employees, and the last shift is 11 p.m. to 7 a.m. and that typically has ten to twelve employees for the overnight. Mr. Bryson asked if that includes kitchen staff, and Mr. Tiller agreed.

Mr. Majewski asked about delivery of supplies; and Mr. Tiller stated all deliveries take place during normal business hours during the week, and the majority of the deliveries are for food. Mr. Bryson asked about laundry service; and Mr. Tiller stated typically they have laundry service on site although they have not finalized that for this building yet.

Mr. Murphy asked what are they considering for site lighting; and Mr. Tiller stated they usually try to have as much low-impact as possible, and they always work with a lighting engineer as they have Residential communities nearby.

Mr. Tracey asked about security given the fact that a number of their patients have memory issues, and Mr. Tiller stated the memory care wings are secured. He stated there is key access to all of them. Mr. Tracey asked if they do it by floor or by wing of a building. Mr. Tiller stated he will have to get back to Mr. Tracey about this with more details.

Mr. Majewski asked if they have thought about the architectural treatment of the buildings yet; and Mr. Tiller stated he feels they were going to look into a French Provincial architectural style, although they are still working on that. Mr. Majewski stated when they get to the point where they have an idea of what they want the building to look like, they should submit it to the Township so people can get a sense of what it will look like; and Mr. Tiller agreed to send renderings when they get to that point.

Mr. Murphy stated in terms of Use, this property is located in the C-3 General Business/Industrial District; and a nursing home is a permitted Use by right in this District. Mr. Murphy stated in some of the initial conversations with Mr. Majewski about the Sketch, he had raised some questions about the location of service drives, setbacks, etc. and they will work on that. Mr. Murphy stated this is the fourth or fifth assisted living facility in the Township. He stated Mr. Majewski has raised some other questions about design details, and their goal is to try to do this project without seeking any type of Zoning relief. He stated they want to fit in and do it in accordance with the Ordinance, and he believes that they can do that. Mr. Bryson stated on the Sketch Plan there are seven items of relief identified; however, Mr. Murphy stated that was an earlier Sketch, and he believes that they have eliminated or will be able to eliminate almost if not all of them.

Mr. Pockl asked if there are any changes to Lot A. Mr. Ginotti stated the Sketch they submitted for the last meeting that was cancelled due to the snow, the seller of the interior parcel on Dobry Road wished to maintain more of an area than they had previously allotted for him, so the Lot line along the rear of his property was moved down to give him more retained lot area. He stated the colored rendering is correct. Mr. Ginotti stated in the previous Sketch they had submitted, his Lot line went straight across his back yard. Mr. Ginotti stated they are giving him more Lot area, and that flipped the configuration of the parking. Mr. Ginotti stated that property owner's existing building will stay as is, and the Applicant is not proposing anything at all on his property. Mr. Bryson asked if they will own it and Lease it back to him; and Mr. Ginotti stated they will not, and he will own and maintain his property.

Mr. Majewski stated that house is historic, and they have shown road widening along Dobry Road. He stated they had talked earlier today that there is some concern that the widening may take the road a little too close to the existing house. Mr. Majewski stated they should keep that in mind and coordinate with the property across the street as to how they can make this work so that it does not impact the existing home. He stated this was a concern of the Historic Commission.

Mr. Bryson stated they will own the treed lot, and they carved a piece out; however, Mr. Ginotti stated they are buying both Lots, and they will have a Lot Consolidation and a Subdivision, and they will be Subdividing out the interior parcel to remain with the original owner.

Mr. Murphy stated although it is preliminary, the thought is, if the Township thinks it worthy, they would consider establishing some kind of Conservation Easement on the two wooded areas abutting Oxford Valley Road to insure that nothing happens with those areas. He stated if this is something the Township would like them to pursue, they would be open to doing that; and Ms. Burke stated she feels that is a good idea.

Mr. Majewski stated along Oxford Valley Road there is a strip of land that is actually a Tax Parcel that is owned by Lower Makefield Township; and the Deed says that the Lot was subdivided off from something else for the purposes of road widening. Mr. Majewski stated the developer has to make sure that they have the right to access through the Township's Lot. Mr. Murphy stated what it says on the Recorded document is: "For the purpose of acquiring a fee simple interest in connection with the construction and improvement of the highway system." Ms. Kirk asked that this be sent to her office. Mr. Murphy stated there had been discussions previously as others had thought that the purpose was something different than that. Ms. Kirk stated they will have to try to work that through. Mr. Murphy stated that is the stated purpose for which the Township condemned it. Ms. Kirk asked if this is on Oxford Valley or Dobry, and Mr. Murphy showed the triangular strip on the Sketch between the edge of the right-of-way and this property along Oxford Valley.

Mr. Tracey stated while those residents present can make comments, this is strictly a Sketch Plan presentation that does not require a Motion from the Planning Commission; and no action will be taken at this evening's meeting. He stated the time to really make comment is when the developer comes back with a Plan that does require the Planning Commission to make a Motion for Approval.

Mr. Michael Quinn stated he owns property directly across at 1654 Dobry Road, and he also owns property across Oxford Valley Road at 250 Oxford Valley Road and the property at 246 Oxford Valley Road so this project is directly impacting him. Mr. Quinn showed on the Plan a watershed area that goes to the stream, and he stated he does not know how they will control their stormwater. He showed a road on the Plan which he stated is directly across from his house so that every vehicle that comes out will have its headlights shine in his window. He showed where there is an open area; and if it could be angled, he could plant trees, and they could plant trees which would block the headlights.

Mr. Quinn stated he is interested in public water and sewer, and everybody would like to tie in. Mr. Quinn asked with regard to widening Dobry Road, if it will go all the way down to the Railroad tracks. Mr. Quinn stated he does not really mind this use compare to the development that is going in on the other side.

Mr. Lee Pedowicz, 247 Truman Way, stated he is a professional engineer. He stated they indicated that the drainage from the site goes toward the south; and to the south of this proposed development is Regency at Yardley, which is a Residential development. He stated he would like to know how that additional drainage is going to be accommodated especially if they are putting developments on the north side of Dobry which will add more drainage problems because there are currently cornfields there; and if they are going to be putting in asphalt, homes, etc. that will be more water flowing to the south. Mr. Pedowicz stated there is also a major Rail line there, and the freight trains keep him up all night. He stated he has been stuck at the downed gates for fifteen minutes to half an hour while there was a 150-car freight train sitting there, and that needs to be considered. Mr. Pedowicz stated he heard them mention that there will not be that much vehicular traffic from the assisted living facility; but he feels they need to look a little bit beyond that to see what is going on at the property on the north side of Dobry.

Mr. Pedowicz stated they also need to consider fire protection. He stated Yardley Makefield Fire Company is down the street by McCaffrey's; and when you go down Dobry Road, if there is a fire, he questions if there will be adequate water to fight the fire. He stated he was a volunteer fireman on Long Island, and there were plenty of places where they had to stretch up to a half of mile of hose to get enough water to fight a fire; and that has to be considered here. He stated they also need to consider security as he was called out several times as a firefighter in Long Island to look for patients that had wandered away from an assisted living facility. He stated he also did not hear anyone talk about the electric supply; and he does not know if that is entirely up to Philadelphia Electric, and they may have to upgrade a sub-station to supply this area, and he does not know if the Planning Commission takes that into consideration. He also asked about the natural gas supply and whether that is adequate.

Mr. Pedowicz asked if all of these documents that have been discussed could be made available on line, and Mr. Tracey stated this as is just an informal Sketch Plan. Mr. Pedowicz stated on a document that was available on-line there was an aerial view of the whole area, but it does not show any development on the south side of Dobry Road where Regency is located. He stated on the Site Plan there were also some typographical errors; and when he looks at engineering documents that have typographical errors, he thinks the people that generated that document did not take the time to look it over so he does not have any confidence in what is on the print.

Mr. Mark Paroly, 221 Grant Way, stated he also lives in Regency at Yardley. He stated earlier in one of the other presentations they talked about a traffic study; and he feels the traffic study has to take into account what is happening here as well as down Big Oak Road to where the carriage houses are at Regency at Yardley. He stated he has already talked to the Board of Supervisors about a traffic light down there especially since there is going to be another development across the street from that main entrance. He asked that when they look at a traffic study that all of this be taken into consideration including what is happening on Dobry, the impact on Oxford Valley Road, and the impact on Big Oak as well.

Mr. Fred Falk, 253 Truman Way, Regency at Yardley stated he already lives in an area where there is a very high water table. He stated they are dealing with farmland right now, and water is absorbed into that land and reused for the purpose of growing the crops they have; and they want to make sure that by paving and building, that they are not creating any additional issues for the water table and draining towards the community since right now their sump pumps run nearly 24/7. Mr. Falk stated he hopes the rainwater and the sewage can be drained towards Dobry Road and into a sewer system that runs through there as opposed to the south side. He stated with regard to waste management, he asked the developer to consider having all of the services for collecting waste for processing and pick up to be on the north side of the building closest to Dobry Road so that they are not dealing with the sounds of vehicles out the south side of their facility, and that the noise management is kept to a minimum and closer to the road that they will use to access. Mr. Tracy stated he believes that the Plan indicates that, and during Final Plans it will be emphasized that the preference would be Dobry Road.

Mr. Falk stated he was glad to hear about the considerations with regard to lighting given that there will be Residential neighborhoods surrounding this entire property. Mr. Falk stated in the Plan there is a roadway that is going completely around the facility itself; and he asked that consideration be given to eliminating the road to the south and to the west so that all traffic is directed either in or out along Dobry Road and the east side of the building so that the residents behind are not subject to the traffic noise that might come with cars, trucks, or ambulances traversing the area.

Mr. Falk stated he feels one of the things that will require a Variance is the three-story building since there is a Zoning height restriction of 35' for a building in a C-3 Zoned area. He stated he is curious how a three-story building will be within the 35' requirement. He also stated with regard to a three-story building, he believes that this would be the first of that nature in the entire area as everything else seems to be two stories or less. He asked that the Planning Commission hold to the Ordinance of 35' and ask the developer to look at how they could limit the height of the building to within that. Mr. Majewski stated should they need to go beyond 35'

which is the height limitation, they would need to go to the Zoning Hearing Board which is an independent body of five citizens who are appointed by the Board of Supervisors; and once they are appointed they act as their own Hearing Board, and they would hear the request. He stated the Applicant would have to provide sufficient reason what their hardship is for exceeding the 35' height requirement. He stated this would go to the Zoning Hearing Board and not the Planning Commission.

Mr. Falk stated the Sketch Plan shows a wooded tree line to the south of the property which is the border between them and Regency at Yardley. He stated if you walk through there, you will see that is truly not a tree line but more brush and bramble with a few trees that are aging or dying. He stated he would ask the developer to consider putting in a larger berm to create some privacy with some deciduous and evergreen trees planted on top such as a cypress which grows tall and fast so it creates a natural barrier between the two and would help with sound buffering and security to the south given the comments about patients wandering off the property.

Mr. Albert Scalone, 247 Hoover Way, stated he lives in Regency of Yardley to the south of the proposed developed; and he showed on the Plan where his home is located. Mr. Scalone stated he is concerned about the entrance to the three-story building because all of the vehicles including ambulances, etc. will have headlights and motors within fifty feet of his property; and he asked that they consider moving the entrance to the north side of the building off of Dobry Road so that it does not directly impact his house. Mr. Scalone stated if the roadway at the south end of the property were eliminated, it would allow a greater buffer to the Residential area behind it which will be a major impact to the home values and investments they have made there. Mr. Scalone stated with regard to the new road going to the east of the building, what is not shown is there is another roadway from Regency at Yardley approximately 100' to 150' south of that road so there is ingress and egress going in and out very close to each other. He stated if they are going to reconstruct Dobry, they may want to do it in a way that all of the traffic goes through the traffic light at Dobry into that facility; and they wind up with two roads coming out of two developments into the same area onto Oxford Valley.

Mr. Scalone stated with regard to the height of the building, he has seen three-story buildings; and depending on the architecture and the mechanical equipment and whether there is a basement it could easily reach 45' in order to accommodate all of that equipment especially for something like a nursing home. He stated with this kind of facility, there may be back-up generators and waste-processing equipment, and he asked the Planning Commission to look at this carefully.

Mr. Wallace stated they would have to get approval from the Zoning Hearing Board as was earlier noted. Mr. Scalone stated they could propose a hardship that they need 97 beds in order to break even; however, Ms. Burke advised that does not constitute a hardship. Mr. Bryson stated financial is not a hardship.

Mr. Majewski stated a buffer is required between a Residential property along Regency and this type of use; and he believes it is a 25' buffer, and that would have to be planted with a number of different plantings.

Mr. Alan Dresser, 105 E. Ferry, stated they have had similar-type facilities come through the Township for Permitting the last few years; and one of them was Manor Care expansion and the another was the Artis Senior Center. He stated both of them put in a significant number of pervious paved parking spots at their facilities, and he was hoping that this Applicant would do the same since it will reduce their stormwater run off and their stormwater management facilities would not have to be as large. Mr. Tracey stated he agrees that would be a good idea.

Mr. Dresser asked if they really need the road coming in from Oxford Valley; since if they take that out, they would not have to take out the trees, they would save money on tree replacement, and they would have less impervious pavement. He stated that, as was noted earlier, there are egresses close by just to the north and south of here; and he does not feel that is good traffic design. He stated there would be a lot of benefits if they just made the entrances and exits from this facility on Dobry Road rather than coming out into Oxford Valley Road, and the Environmental Advisory Council would recommend that. Mr. Bryson asked Mr. Dresser if he is suggesting two entrances, and Mr. Dresser stated he is recommending just one on Dobry. Mr. Tracey stated he feels fire protection would have something to say about that. Mr. Bryson stated from a safety standpoint, it is always a good idea to have two points of egress. Mr. Wallace stated for the proposed usage, there are going to be special requirements for emergencies, fire, etc.

Mr. Lee Pedowicz asked if the property being discussed tonight could be maintained as preserved space, and Ms. Kirk stated the property is privately owned. Mr. Bryson stated Mr. Pedowicz could buy it. Ms. Kirk stated the Township has no Title to the property, and this is a deal between private entities. Mr. Pedowicz stated when he drives to Newtown, he sees they have placards on large fields saying "This is preserve acreage," and he feels that must have been private property at one time. Ms. Kirk stated it would have been negotiated where the Township or a Municipality either got a Conservation Easement or chose to acquire that property. Mr. Pedowicz asked if that is a possibility for this property; however, Mr. Kirk stated that is not for the Planning Commission to decide, and that would be something for the Township to decide. Mr. Pedowicz asked who he would talk to about this, as he moved from Long Island to get away from congestion; and it looks like it is following him down

here, and he would like to know how he could pursue this. Mr. Bryson described a County program where they identify properties they want to preserve, and the program is beyond the Township. Mr. Grenier stated Mr. Pedowicz could present his idea to the EAC of which Mr. Dresser is the Chair. Mr. Grenier stated there is an Open Space Plan where the Township considers various open spaces for preservation through conservation, purchase, or some other form; and the EAC manages that so that would be Mr. Pedowicz's first step.

Ms. Lucille Asensio, 253 Carson Way, stated her home is in Yardley Regency; and this development is directly behind her home. She asked if the Zoning Board has already approved this to be Office or Commercial property. Ms. Kirk stated it is Zoned C-3 according to the Township's Comprehensive Plan. She stated C-3 Zoning has special designated permitted uses, and a nursing home is such a use. Ms. Asensio asked if she needs to get a lawyer because the value of her home will definitely decline as will the values of all their homes as a result of a three-story building behind her home. She stated she will be looking out to a three-story building. Ms. Kirk stated she cannot advise whether Ms. Asensio needs to retain an attorney or not.

Ms. Asensio asked who she should talk to about going against this, and she asked if she should talk to the Zoning Board. Ms. Kirk stated the Zoning Hearing Board has had nothing to do with this, and this was part of the overall plan done by the Township years ago where this parcel was designated as C-3 Commercial. Ms. Kirk stated it has always been that way. Ms. Asensio asked how they can prevent a three-story building behind their homes. Mr. Bryson stated there is a Zoning Code in the Township; and before Ms. Asensio's house was built, they were allowed to put this building here in accordance with the Zoning Ordinances. He stated when they built her development, this property was still C-3; and it was allowed there by law before they built Ms. Asensio's house. He stated she should have looked at the Zoning around her home before she bought it to see potentially what could be built there. Ms. Asensio asked how they would like to look out of their brand new home at a three-story building, and she asked that they consider that.

Ms. Asensio again asked if she has to get a lawyer, and Mr. Tracey stated the Planning Commission cannot advise her on this; and Ms. Asensio stated she can get a lawyer. Mr. Tracey stated as a citizen, she is entitled to do that.

#664 – FIELDSTONE (aka HARRIS TRACT) 32 LOT & 36 LOT SUBDIVISION
INFORMAL SKETCH PLAN

Mr. Edward Murphy, attorney, was present. He stated this property has had a long history dating back many years when the property was first devoted to a Municipal private dump; and that is the defining feature of this property, and it has created the most conversation as to how the public interest is best protected because of the existence of this landfill in the middle of the site. Mr. Murphy stated there have been many conversations with multiple Applicants and owners over the many years that this property has been under Agreement with regulatory authorities including DEP as to how best to manage this condition. He stated in the last couple of years, he believes that there has been agreement with DEP that capping the area in question is the preferred means of remediation.

Mr. Murphy stated he understands that there might be some specific areas that would be more actively-remediated by having certain materials removed along riparian corridors; but in the main, an approximately 2' of clean fill would be placed on top of the area that has previously been identified as the limit of the landfill.

Mr. Murphy stated Mr. Larry Dugan is present on behalf of Orleans and has been conversant with that process. Mr. Dugan stated they have met informally with DEP and have engaged an environmental consultant, Princeton Hydro, who has extensively tested the property over they years. He stated the general consensus is that the remediation would consist of a 2' clean fill cap on the property, and there would be an Environmental Covenant on the property which would require that the 2' be maintained. Mr. Dugan stated the landfill is in the back portion of the property, and it is approximately 11 acres. He stated there is also a culvert that needs to be repaired because there are certain wetlands in that area; and they would be replacing the culvert, and working with DEP on how to best replace the culvert. He stated as Mr. Murphy mentioned, along the stream some of the debris would need to be removed in accordance with DEP requirements.

Mr. Murphy stated it has been fifteen to sixteen months since any of the Plan information that they are going to review tonight has been presented to the Planning Commission. He stated he knows that Mr. Marc Kaplan, attorney, and Mr. Dugan made multiple presentations in 2017 to the Board of Supervisors about various alternative Plans for the redevelopment of the site all of which included the remediation of the landfill area as described.

Ms. Kirk stated this property was also the subject of litigation as a result of a prior Land Development request that was Denied and then Appealed in Doylestown. Ms. Kirk stated she understood that Mr. VanLuvanee had represented the developer

on that Appeal, and she asked if that issue has been resolved. Mr. Dugan stated it has not; and he added they had contemplated as part of the Approvals here, that there would be a settlement of that outstanding litigation. Mr. Murphy stated that is his understanding as well; and if they ever reached agreement on the preferred redevelopment of the site, there would be some type of Stipulation and Court Order to resolve that earlier litigation Ms. Kirk referenced and permit this to move ahead. Ms. Kirk asked if that developer assigned their rights to Orleans, and Mr. Murphy agreed.

Mr. Murphy stated last year Mr. Dugan and multiple consultants participated in multiple conversations with the Board of Supervisors as how to do this, what Plan may work, and what the Board did and did not like. Mr. Murphy stated most recently they have accelerated those discussions and have had discussion with Mr. Majewski and Mr. Wursta about traffic issues on Edgewood Road; and they started to focus more specifically on two Plans. He stated one Plan they are referring to as the by-right Plan which was to take a hard look at what they could legitimately do on the site under the Current Ordinances without seeking Zoning relief. He stated that produced a Plan that they showed Mr. Majewski showing how many Lots they felt they could realistically achieve being strict about applying the Zoning Ordinance to the site, and that resulted in thirty-six Lots. He stated the developer does not prefer this Plan; and he suspects the Township may not prefer it be built either because it results in smaller lots, with front-entry garages, and at a price point and style that is probably not consistent with the typical home that would be built in Lower Makefield. He stated the Plan that the developer prefers has fewer Lots which are somewhat larger which are wider so that they could have side-entry garages. He stated they have referred to this Plan as the thirty-two Lot Plan that was part of the packet provided to the Planning Commission.

Mr. Murphy stated this evening they would like to hear comments from the Planning Commission about the merits of either Plan, and the developer would highlight for the Planning Commission what, if any, Zoning relief would be required. He stated there is some Zoning relief required to do what the developer feels is the preferred Plan over the by-right Plan.

Mr. Bryson stated the last time the Planning Commission saw this was for the Subdivision which was to take a piece out so it could be capped, and he thought it was then going to be Dedicated to the Township. Mr. Dugan stated it was not to be Dedicated to the Township. He stated it is correct that they were before the Township two to three years ago to do the Subdivision of Lot 1 and Lot 2. He stated Lot 2 is the un-Permitted landfill portion; and it was always contemplated that Lot 2 would be as part of the Homeowners Association or Dedicated to a Conservancy. He stated the Township was not interested in taking ownership of it.

Mr. Bryson stated the idea was to then take the density rights that they had for that piece and transfer them to the front piece, and they would therefore take a density credit for the entire parcel. Mr. Bryson asked if the intent is to capture the density for the entire piece and put it on the front Lot, and Mr. Murphy agreed. Mr. Bryson asked if they would need a Variance for that, and Mr. Murphy stated they would not. Mr. Murphy stated because of the way DEP protocol prefers it to be, you want to have the area of the landfill that will be remediated to be on a separate Lot so that no homeowner would own any piece of it. Mr. Murphy stated the landfill would be its own separate Lot, but they would look at the density based on the entirety of the landfill Lot and the piece out front that is clean. Mr. Bryson stated they did not have to shrink the Lots to achieve that, and the Lots are still by-right; and Mr. Murphy agreed. Mr. Bryson stated previously he felt in order to achieve the density, they were shrinking the Lots and requesting a lot of Variances to do that. Mr. Bryson stated he has no issue with the density being all up front.

Mr. Tracey asked if the remediation is in process, and Mr. Dugan stated they have met informally with DEP and talked to them about the proposed remediation; but they wanted to get at least informal approval from the Township for a plan to go forward before they did the Notice of Intent to Remediate. He stated the Notice of Intent to Remediate is the first step, but they have met with DEP on a number of occasions about this. Mr. Kirk stated she recalls that Mr. Kaplan was pushing for the Subdivision Plan to be Recorded so that the Notice of Intent could be filed with DEP. Mr. Dugan stated he does not believe it has been submitted, although he will check.

Mr. Pockl asked what DEP has said about the groundwater, and Mr. Dugan stated the stream has been tested, and they do not think there was any impact on the groundwater in this area. Mr. Dugan stated there has been twenty years of environmental testing on this property. He stated the only thing he ever heard, which he believes was from Boucher & James, is that the water was metallic because there was “stuff rusting;” however, Mr. Dugan stated that was a layman’s interpretation. Mr. Dugan stated the groundwater was tested, and there have been groundwater wells on the property; and there has been no impact. Mr. Tracey asked if there are still monitoring wells on the property; and Mr. Dugan stated there were at one time, but he does not know if they are still there.

Mr. Murphy stated they believe that the thirty-six Lot Plan satisfies the Zoning Ordinance requirements excluding Lot #2 which will be fully disturbed as they have to install the 2’ of clean fill as the cap. He stated the Ordinance prohibits the disturbance of those types of areas; and they need everyone to acknowledge that if they are going to remediate the situation, they need to enter upon that property and disturb it.

Mr. Murphy stated as to their preferred thirty-two Lot Plan, that needs similar relief because they are still disturbing the same Lot as part of this Plan as they are for the thirty-six Lot Plan. He stated Mr. Chris Jenson, the project engineer, is present and can explain if necessary the stormwater facilities they will be installing; and they do need relief to do that. Mr. Murphy stated there is also an item they need relief from on the preferred Plan due to the fact that the larger Lots do not meet the Ordinance requirements for minimum width at the building setback. He stated it does meet it where they are going to build the house; but at the minimum setback where you measure, the Lots around the cul-de-sac are not wide enough.

Mr. Bryson stated the thirty-two homes Plan would have bigger homes which would be a better product for this region, and Mr. Murphy agreed. Mr. Murphy added they will need some Zoning relief for the areas of the Lots that ring the cul-de-sac.

Mr. Pockl asked how the wetlands shown on the Plan were determined, and Mr. Jensen stated they were delineated multiple times; and he believes most recently a year or a year and a half ago, they were re-delineated by DelVal Soils. Mr. Pockl asked if they are flagged; and Mr. Jensen stated they were flagged and surveyed then.

Mr. Grenier asked if they got a JD from the Corps, and Mr. Jensen stated he would have to check. Mr. Grenier asked if they are subject to a 105 or a 102 Permit, and Mr. Jensen stated they will be subject for the landfill work. Mr. Grenier asked about the wetlands buffer, and Mr. Jensen stated they are showing a dashed line on the Plan which is a 50' wetland buffer.

Mr. Jensen stated for what they are calling the preferred Plan, they are in need of relief for the stormwater basin as Mr. Murphy had described. Mr. Grenier asked how they are with the stormwater facilities relative to groundwater depth; and Mr. Jensen stated the basin nearest the wetland would be more of a water quality, bio-filtration type basin, and they would not necessarily be looking to recharge into the groundwater. He stated DEP as part of the remediation of Lot #2 has indicated to them that they would prefer that they not infiltrate, and that they filter the water through specific planting media. Mr. Grenier asked if the remediation is covered under Act 2, and Mr. Jensen stated it is.

Ms. Kirk stated the thirty-two Lot Plan shows on the chart that the maximum building height is 35', but they are proposing 45'. Mr. Jensen stated this is something that they discussed with the staff over the last few years, and it was recognized that the way the Ordinance is written now it does not accommodate walk-out basements in terms of how you would calculate the height of a structure; and it was indicated by Mr. Majewski's predecessor that was something the Township was looking at redefining in the Ordinance because walk-out basements would increase the value of these homes.

Mr. Jensen stated on the thirty-two Lot Plan there is one other item of relief related to the flag Lot, and they meet all of the setback requirements for the flag (Lot #8); but there is an Ordinance requirement that for flag Lots, they should be 40,000 square feet, and they are seeking relief for that Lot which is just under 20,000 square feet.

Mr. Grenier asked what they would be proposing to grow on top of the capped area, and Mr. Jensen stated Princeton Hydro was contemplating some low-maintenance ground cover and meadow-type plantings. He stated this would help stabilize the area.

Mr. Grenier asked if they are doing anything for the neighbors with regard to allowing them to connect to water and sewer; and Mr. Jensen stated they had discussed that the sanitary sewer needs to be directed north and northeast toward Schuyler Road/Salem Court. He stated the way the topography lies, it allows for an extension on Edgewood Road to the property line that would allow for force-main tying into the gravity line. He stated they discussed extending that. Mr. Bryson stated he felt there was something that was unclear about this in the Settlement Agreement. Ms. Kirk stated she does not recall what that was. She stated what they are discussing would still have to go through review with the Township engineer who has been actively working at looking at all of the sewer systems throughout the Township as to what needs to be repaired and done. She stated she is not sure about the capacity. Mr. Dugan stated he believes that they stated that they would bring a terminal manhole to some point on Edgewood Road to give the three to four residents adjacent to this property the ability to connect in. Ms. Kirk stated she is not sure that there was an actual Agreement or if it was just a discussion that was had because of the pending litigation. Mr. Bryson stated he recalls that one individual had been adamant that this was promised to them.

Mr. Tracey stated Yardley Hunt is principally electric-resistance heat, and he asked how these homes would be heated. Mr. Tracey asked if there is an available gas line to tie into. Mr. Jensen stated as they move forward with the Plans they can look into those types of details as they engage with PECO and understand what type of facilities they have in place. Mr. Tracey stated there are a number of residents in Yardley Hunt who would “love” to hook up to a gas line.

Mr. Pockl asked if sidewalks are proposed within the development and along Edgewood Road, and Mr. Jensen stated they are. Mr. Pockl stated he assumes there will be walkways up to the houses, and Mr. Majewski stated typically in Lower Makefield they do not put walkways from the sidewalk to the house; and they usually go from the front door over to the driveway. Mr. Pockl stated this might have an impact on their impervious area for each Lot; however, Mr. Jensen stated they have calculated the impervious area for both Plans,

and meet the requirements. He stated they understand the requirements are different depending on the Lot size, and they have completed those calculations and they are confident that the Plans meet those requirements. Mr. Bryson stated he would prefer the thirty-two Lot Plan which he feels is a better lay-out and a better product. Mr. Tracey agreed. Mr. Murphy stated the purpose of coming tonight was for the developer to find out which of the two was the preferred Plan. Mr. Bryson stated it looks as if the thirty-two Lot Plan provides a little bit more buffer to the wetlands in the back, and it eliminates the big basin along Edgewood Road.

Mr. Pockl asked the distance from each roadway connecting to Edgewood Road – the distance from the center line of one road to the other; and Mr. Jensen stated he recalls that it is 550'. Mr. Jensen stated there are quite a few Waivers they will be requesting. Mr. Murphy stated if Mr. Pockl is talking about the issue raised by the Police Department about sight distance, they went out and physically measured the sight distance as suggested by Tom Roche in his report; and they confirmed that there was more than adequate sight distance even at 40 miles per hour, even though they understand the speed limit is being reduced down to 25 miles per hour.

Mr. Murphy stated they did discuss traffic calming with Mr. Wursta, who is present this evening, and the possibility that they would not fully widen Edgewood to the extent it has been widened in the past because currently the condition permits people to pass on the right going down Edgewood Road because it is so wide. Mr. Murphy stated both Mr. Wursta and Mr. Majewski have indicated that they may want the developer to think about how they could improve the frontage on Edgewood to try discourage speeders and unlawful passing on the right, etc. Mr. Bryson stated he also feels it is a waste of impervious paving to put it in. Mr. Murphy stated they will defer to Mr. Majewski and Mr. Wursta as they get further along.

Mr. Wallace stated he would prefer the thirty-two Lot Plan as well. Mr. Murphy stated if that is the Planning Commission's informal recommendation, they will want to continue this discussion with the Supervisors and get to a position where they can have a Settlement Agreement to resolve the litigation, and get something done. Mr. Bryson asked if the next step is to take the Sketch Plan to the Supervisors, and Mr. Murphy agreed. Mr. Bryson asked even if they did not vote on it or make a Motion, could the Planning Commission send a recommendation to the Board of Supervisors. Ms. Kirk stated the Planning Commission could informally suggest that they prefer one Plan over the other, but there is still a lot this is contingent on including the Settlement and the DEP approval of the capping plan. Ms. Burke stated informally she feels all the Planning Commission members prefer the thirty-two Lot Plan.

Ms. Helen Heinz, 1355 Edgewood Road, stated she recalls that this was not supposed to come to the Planning Commission until the litigation was finished. She stated she has dealt with this development for over forty years; and every time they come in with a Sketch Plan, it is a new Plan. She stated she is a member of the Historic Commission, and they should realize the importance of the 18th Century farmhouse on the property. She read a Sale Notice for this property from the Pennsylvania Gazette from March 31, 1773 (attached to the Minutes.)

Ms. Heinz stated the house is currently on Lot #17, and she feels the developer should consider trying to save the property or at least examining it. She stated apparently the only place you can accomplish a Bed and Breakfast is in a historic house so designated by the Historic Commission; and she feels they should give the owners the possibility of doing that.

Ms. Heinz stated she saw the landfill actually develop during the late 1980s when they plowed under various items from the Township Municipal Building and from construction all over the Township including Yardley Hunt. She stated she recalls seeing two Jeeps, several refrigerators, and washing machines plowed under; and she does not feel “two feet of clay” on top of that is going to cap that adequately knowing the volume of water that comes through the woods in a heavy storm. She stated what is upstream of the edge of the property are two retention basins from Yardley Estates and other retention basins draining into those two retention basins. She stated there is litigation involving the outflow of those retention basins that went into the wooded area over two live springs that generated an “amazing amount of water,” and the retention basins drained over the springs on private property, and the homeowner sued the developer of that property. Ms. Heinz stated in her opinion when there is a “good storm going” anything that is capped will be washed off because it looks like a “raging torrent” when there is a big storm coming down through the open space.

Ms. Heinz stated the developer previously proposed that the cap would be maintained by the Homeowners Association for this development; however, she feels this is a “terrible way to operate;” and if she were a homeowner purchasing in that development, she would not want to be responsible for maintaining the cap on the “dump.” She stated she feels ultimately the developer will “disappear,” and that it will be “on all of us as taxpayers of Lower Makefield” to maintain the cap.

Mr. Wallace stated currently all the developers are asking of the Planning Commission is which Plan they prefer; and the Planning Commission is just saying if they want to proceed recognizing all that has to happen in order for them to proceed, they feel it is a better option to go with the thirty-two Lot Plan. Ms. Heinz stated she does not care how many houses they put on the property, she would like to hook into water and sewer; but she doubts that she will be able to do that.

Mr. Wallace stated his point was that the developer has the right to come to the Planning Commission and ask the question they have, and he feels they should be thankful that they are asking their opinion before they proceed. Mr. Wallace stated he does agree Ms. Heinz's questions need to be addressed.

Mr. Tracey stated they need to keep in mind that they have presented a proposal, and the next step is to resolve the litigation issue; and they cannot do that unless there is something to show as to what they would like do, and whether or not that is the final product remains to be seen. Ms. Heinz stated she understands this.

Ms. Heinz stated she hopes that they understand that we have points of negotiation and that they will accommodate the requests of people who live here, and she does not want to be "discounted and put aside" and be told that what she thinks "is not important." Ms. Heinz stated she feels the historic house on the property is something that the Township could bargain with.

Mr. Stephen Heinz, 1355 Edgewood Road, stated the value of the land at some point was taken as a whole; and in the "wisdom of public discussion and common thought," it was decided to separate these two pieces of land. Mr. Heinz stated he feels that makes sense in order to localize the problem but he feels it sounded like there was still some kind of "linkage" that was trying to be established between the two parcels. Ms. Kirk stated last year the Applicant came in and was contemplating purchasing the whole property; however, because of the existence of the "dump," DEP needed to narrow the section that needed remediation as opposed to both Lots, so there was a Subdivision to create a separate Lot for that section to be remediated. She stated but for the remediation by DEP, it would still be considered one big Lot; but for purposes of remediation, it had to be made into two Lots.

Mr. Heinz stated he understands that, and he asked if there is still going to be some kind of "linkage." Mr. Murphy stated there is.

Mr. Heinz stated a statement was made when the thirty-six Lot Plan was proposed that that was the "make it or break it number," and now it is down to thirty-two. He asked if it could be less or adjusted so that there are some positive benefits from having a lesser number. Mr. Heinz stated while it is good that the developer is having this discussion with the Planning Commission and will have it with the Board of Supervisors, in other Municipalities, especially large ones like Philadelphia, they have all of the stakeholders talking including neighbors to get input from them in advance of making a decision. Ms. Burke stated that works that way in Lower Makefield as well; and if they need Variances or come in for any type of approval, the residents would have their say, and any Board or Commission that was making a decision would listen to the residents' comments.

Mr. Heinz stated he was referring to a preliminary discussion, non-binding, of “idea-generating” that might come up with some solutions to a lot of the problems so that they do not put a retention basin at the corner where he would be trying to connect along the road in the right-of-way for a sewer hook up. Ms. Burke suggested that he speak to the developer outside of this meeting.

Mr. Majewski stated the purpose of having the Sketch Plan is to give the Planning Commission the opportunity to look it; and if they see something they do not like, they mention it. He stated if residents see something, just as Mr. Heinz has just mentioned, that is the kind of comment that the Planning Commission, the Township, and the Applicant would like to hear.

Mr. Heinz stated he feels that this could be a perfect place for further development “like lumber mills and things like that.” He stated in this Country we are looking to do the right thing so the people who own the land can make money. He stated he is not against Residential development, and he would like to see some neighbors; but he feels it would be helpful if we could have some “less public discussions,” and he would be happy to talk to the developer. Mr. Tracey stated that would be a problem since the Planning Commission meets in the presence of the public. He stated if it were a non-public meeting they could get into potential legal issues. Ms. Burke advised Mr. Heinz that he is free to speak to the developer on his own, and Mr. Heinz stated he would like to do that.

Mr. Murphy stated there are staffing shortages at DEP currently, and they have been advised not to present Applications to DEP unless there is some level of Municipal approval attached to it as DEP does not want to waste time reviewing a Plan that they do not feel will be approved by the Township. Mr. Murphy stated the developer feels they have gone as far as they can with DEP at the present time in terms of the recommendation and outline of suggestions as to how this area can be capped. He stated even though it was a “Municipal dump” that the Township openly acknowledges they contributed to, the Township is not willing to contribute anything toward the remediation of this site so that will be left to the private property owner of the site; and to some extent they have determined that without contribution from any other stakeholder, they need to have sufficient funds in order to remediate the site, and they feel their preferred Plan with thirty-two Lots is needed in order to defray the cost of doing the remediation on their own. Mr. Murphy stated he does not feel there could be a discussion about having fewer Lots unless someone else wanted to help pay for the remediation.

Mr. Murphy stated DEP wants to see some indication of Municipal support for the Plan before they will use valuable staff time in reviews. He stated he feels they need to get collectively to a point where they can go to DEP somewhat together advising that there is a Plan that they feel they can support. Mr. Murphy stated

they will then consider how to implement the remediation, and they will then send in the Notice of Intent to Remediate; but there has to be some level of confidence collectively that there is a path forward. Mr. Murphy stated he is aware that in prior conversations with the Board, the Board had legitimate concerns about making sure the ongoing maintenance obligation of the area is properly secured so that there is sufficient funding going forward to do the maintenance as required. He stated this is important to the Township, DEP, and the developer. He stated he feels it is in everyone's best interest to move this forward since there is a "dump" there that it would be good to at least secure for the public benefit.

Mr. Heinz stated he has seen what Ms. Heinz reported regarding the level of run off in his neighbor's back yard which exits onto Lot #2. He stated in the front yard as well along Edgewood Road, there have been a number of storms that have created a "river" of the road that flowed past his house and came half way up his front yard. Mr. Heinz stated there is no sub-surface drainage there for the road. He stated they have a "ditch" along the edge of the road with crossings of the neighbors' driveway and pipes under the driveway entrances.

Mr. Tom Tettermer, 1343 Edgewood Road, stated he wants to make sure he has a guarantee to hook up to the septic systems. He stated the private septic systems that were previously approved have a life limit; and if he were to sell his property, his property value would be destroyed because he has no connection to a septic system. He stated he understands in the State of Pennsylvania, that the only thing that is legal is a sand mound; and he is not sure of any kind of requirements that the Township has for site setback from the property lines as to where the sand mound may go. He stated he wants a guarantee that he can hook up to some sort of septic system whether it is the public system or a private system. Mr. Tettermer stated a number of years ago the Township offered to buy their road frontage to increase the right-of-way; but Mr. and Mrs. Heinz fought it because one leg of their drainage field would have been on Township property. He stated he wants to make sure he has a septic connection.

Ms. Heinz stated when this development first came in in 1986, one of the things they mentioned at that time was the Conrail building that is on the Railroad tracks behind this property. She stated it is not officially on the Harris land, but it is an attractive nuisance; and if they are going to have thirty-two houses, there will probably be children. She stated her own children have been in that building, and it is extremely dangerous. She stated she believes there were various fuels stored by Conrail in that building. She stated she hopes they will negotiate with CSX to take it down because it is a dangerous structure which is ready to collapse.

Ms. Kirk stated she understands that even though this is a Sketch Plan, it is the informal recommendation of the Planning Commission that they prefer the thirty-two home proposal; and the Planning Commission members agreed.

2017 PLANNING COMMISSION ANNUAL REPORT

Mr. Majewski stated every year the Planning Commission is required by the Municipalities Planning Code to prepare an Annual Report of its activities. He stated he had prepared a draft and circulated it to the Planning Commission members to review. He stated it outlines what the Planning Commission reviewed, and what they approved; and he also provided hyper-links to the Meeting Minutes for each meeting, and this will be posted on the Website if the Planning Commission votes to recommend approval. He asked that they advise him of any errors or corrections that need to be made. Mr. Tracey stated they will review it and be prepared to make a recommendation at their next meeting.

There being no further business, Ms. Burke moved, Mr. Halboth seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

Chad Wallace, Secretary