

TOWNSHIP OF LOWER MAKEFIELD  
PLANNING COMMISSION  
MINUTES – FEBRUARY 12, 2018

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on February 12, 2018. Mr. Tracey called the meeting to order at 7:35 p.m.

Those present:

Planning Commission:      John Tracey, 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

Absent:                                Dawn DiDonato-Burke, Planning Commission Vice Chair

APPROVAL OF MINUTES

Mr. Halboth moved, Mr. Tracey seconded and it was unanimously carried to approve the Minutes of January 22, 2018 as written.

APPROVAL OF GRANT APPLICATION FOR STACKHOUSE PUMP STATION

Mr. Greg Hucklebridge, Public Works Director, was present. He stated he is also in charge of the Sewer Department. He stated they are submitting an Application for the Pennsylvania Small Water and Sewer Grant . He stated as part of that process, he needs to come before the Planning Commission and the Board of Supervisors to ask for their support for the Application. He stated he is asking that they state that it is consistent with the Zoning Ordinance and Subdivision and Land Development Ordinance. He stated this helps implement the Comprehensive Plan in the Township along with its goals.

Mr. Hucklebridge stated this is for the Stackhouse pump station which is currently at Stackhouse and Stacy along the canal, and the current pump station is landlocked on one of the parcels behind a driveway and rear yard toward the canal. Mr. Tracey stated it is a Residential property, and Mr. Hucklebridge agreed. He stated they are

not able to access it with any equipment, and they have to carry everything in and out; and the pump station is at the end of its useful life. He stated it is breaking down more frequently and parts have been discontinued. He stated while it is still running, it is getting more difficult to keep it running and it is not as efficient as it should be.

Mr. Hucklebridge stated they looked at potential alternatives, and they looked for another parcel in the vicinity where it would not be landlocked. He stated at the intersection of Mahlon and Stackhouse they found a wooded area which is part of the larger Lot, and they are working with the owner of that Lot to acquire a piece of the land; and they can make this work through gravity and a force main. Mr. Hucklebridge state the property they are looking at is close to the Slate Hill Cemetery. Mr. Hucklebridge stated this pump station serves thirty-six houses, and they are not adding any more Lots; although if someone were to subdivide a piece of their property, they would be better able to handle the additional connections.

Mr. Hucklebridge stated the Planning Commission was provided an Executive Summary of the project.

Mr. Tracey stated he feels this is in order and is a logical proposal particularly since the existing pump station is on a Residential property and is an old system. He stated since this is part of the overall Plan for the Township, it requires sign-off by the Planning Commission so that it can move forward.

Mr. Bryson asked how they will deal with the existing system; and Mr. Hucklebridge stated they have not yet done the full detailed design, but they were planning to re-direct from the existing location through gravity and reverse the gravity line back to where they want the pump station to be and bring it back to where the force main is and reconnect it. Mr. Bryson asked if they will be excavating pipes in the lawns, and Mr. Hucklebridge it will be on the one property; and the property owner has been very cooperative. Ms. Kirk stated the Township has been working with the property owner to acquire the land, and Mr. Hucklebridge has met with her a number of times. Mr. Hucklebridge stated a fully-engineered Plan will be coming before the Planning Commission, and tonight's request is just for the Grant Application itself. Mr. Bryson asked the amount of the Grant, and Mr. Hucklebridge stated he was not certain of the amount. Mr. Bryson asked if there is a Township match, and Ms. Kirk stated there is not. Mr. Hucklebridge stated they will try to get as much as they can. Mr. Halboth asked the estimated cost of the project, and Mr. Hucklebridge stated it is \$600,000 which includes land acquisition and engineering. He stated the project is in the Budget for 2018.

Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Stackhouse Pump Station Grant Application and to have Mr. Tracy sign the letter to endorse the project.

#### #662 – DISCUSSION AND APPROVAL OF WIDENMEYER PROPERTY LOT LINE CHANGE/MINOR SUBDIVISION

Mr. Robert Slater, Land Surveyor and Design Professional, was present and stated he prepared the Plan. Mr. Slater stated Ms. Widenmeyer is present this evening, and she is the owner of both Tax Parcels #20-035-002-003 and #20-035-004.

Mr. Slater stated Ms. Widenmeyer had a survey done last year and realized that although she owns both Tax Parcels, the property line went through one of the buildings. Mr. Slater stated the purpose is to create two conforming Lots with no encroachments. He showed where the property line will go. He stated no Variances are needed. Mr. Slater stated no construction is proposed, and it is strictly a Lot Line change so that at some time in the future should she desire to transfer ownership of one parcel she could do so with no problem.

Mr. Majewski stated in the review letter by the engineer, there was a question whether or not there would be any problems with utilities based on the Lot Line change. Mr. Slater stated they are in receipt of the January 19 review letter from Remington Vernick Engineers, and all of the items are minor and are “will comply.” He stated with regard to the item which Mr. Majewski raised, they did check the underground utilities, and that is not an issue.

Mr. Tracey moved, Mr. Bryson seconded and it was unanimously carried that the Planning Commission recommend approval of the Minor Subdivision Plan for Maryanne E. Widenmeyer as prepared by Kelly & Close Engineers dated October 19, 2017 subject to compliance with the comments contained in the Remington & Vernick Engineers review letter dated January 19, 2018.

#### DISCUSSION OF ORDINANCE AMENDMENTS SALDO REQUIREMENTS

Mr. Majewski stated as part of the ongoing review of the Township Ordinances, he looked at items which he feels are the next items to begin discussing. He stated they are trying to eliminate the amount of paper coming into the Township. He stated currently the Ordinance requires that twenty-five sets of all Plans and reports be submitted to the Township which creates numerous boxes of paper. He stated they do not need this many and typically they store them and then throw them away later. Mr. Tracey asked if this is based on project size; and Mr. Majewski stated it is for any Plan, and the Minor Subdivision that was just

discussed was required to submit twenty-five sets of Plans. Mr. Majewski stated now there is the possibility of electronic submissions. He stated the Township puts together the information and puts it on the OneDrive so it can be accessed from a tablet or laptop. Mr. Majewski stated the Township does not currently require an electronic version of the submission although they do request it, and typically it is provided. He stated they want to mandate that the Township be provided an electronic submission of the Plans and the reports so that they can be posted on the Township Website.

Mr. Majewski stated he is recommending they require six full sized sets of Plans. He stated the Township engineer, sewer engineer, and the Township traffic engineer would need the full sized sets. He stated the Environmental Advisory Council stated they wanted a full sized set as did the Fire Marshall, and one would be for the Township file. Ms. Kirk requested that a full-sized set be provided to the legal counsel as well since they need them for the Waiver, and the print on the 11 x 17 sets can be difficult to read.

Mr. Grenier asked how many have to be signed and sealed by the engineers, and Ms. Kirk stated you only need one original to Record, and she stated paper copies cannot be any larger than 24 by 36. Ms. Kirk stated she knows that it is scanned in Doylestown; and Mr. Bryson stated the last time he did it, he had to take the scan with him with the document, and then he left with the original. Mr. Grenier stated each agency also has requirements as to whether the Plans are rolled or folded. Mr. Majewski stated traditionally the Plans were folded, although he does not care, and currently that is not prescribed in the Ordinance. Mr. Pockl stated he feels a rolled set is easier for larger Plans, and for smaller Plan sets it is easier if they are folded. Mr. Bryson stated he has made some submissions where he e-mailed it to the Township Manager/Zoning Officer and the Township engineer; and that was it until it was finally approved, and then he submitted one signed and sealed set. Mr. Grenier stated some agencies want the Plans folded so that they fit in their files.

Mr. Bryson asked why a set of Plans is sent to the Pennsbury School District. Ms. Kirk stated it is because of traffic, and Mr. Majewski stated they also look at them so they can do projections for enrollment and projections of potential tax revenue. Mr. Majewski stated the School Board, Police Department and the Citizens Traffic Commission only need full sized Plans of the sheets showing traffic control markings and signs.

Mr. Bryson asked if Mr. Majewski should talk to the different groups and find out what they really need; and Mr. Majewski stated that is what it did, and these are his recommendations based on talking to the different groups.

Mr. Wallace asked what other Townships have done recently; and Mr. Majewski stated he came with these numbers and did find out about another Township that has done this recently with similar numbers.

Mr. Halboth stated he feels electronic is the way they should go, and asked if these organizations/people really need full-size drawings. Mr. Majewski stated some people still feel the need for the full-size drawing; but as people get larger monitors, that need will go away.

Mr. Pockl asked if there are certain entities that would only require Final Plan as opposed to both the Preliminary and the Final; and Mr. Majewski stated most like it at the Preliminary Plan stage including the Historic Commission and Farmland Preservation; and once that is approved, unless major changes have been made, they would not really need to see the Final Plans.

Mr. Majewski stated he will fine tune this. All Planning Commission members felt this was going in the right direction and that they should do as much as then can electronically.

Mr. Majewski stated currently the Applicants submit the Plans to the Township so that the Township can submit it to the Water Company, Bucks County Planning Commission, Bucks County Conservation District, and PennDOT; and in other Townships that is typically the Applicant's job. Mr. Majewski stated some Applicants here do that as well, but currently the Ordinance indicates that the Township will submit it to them as well which does not make sense.

Mr. Majewski stated the Bucks County Conservation District is reviewing the Plans submitted; however, once Mr. Pockl issues his review letter which could require changes to the Plan, it then has to be sent to the Conservation District again. He stated if more changes are required by the Township engineer, they would have to be submitted again. Mr. Majewski stated the Conservation District has indicated they do not want to review the Plans so many times, and they would rather see the Plans after revisions have been made. Mr. Majewski stated the Bucks County Conservation District is getting the Plans from the developer so he has stopped sending them to the District. Ms. Kirk asked if they could just indicate it is the Applicant's responsibility to insure that all outside agencies and approvals are obtained. Mr. Pockl stated the Applicant needs to provide a letter showing that they have received approval from the organizations before Final Plan Approval.

Ms. Kirk stated the Township does get a letter from the Bucks County Planning Commission, and she asked where the other agencies send their approval letters. Mr. Majewski stated they are sent to the Applicant and with a copy to the Township.

Mr. Wallace stated despite what the Ordinance says, currently the Applicant is providing copies of the approval letters from the outside agencies; and Mr. Majewski agreed. Mr. Bryson stated five to ten years DEP did not want anything coming to them until they had Final Land Development Approval; but then when you send in the Plans, the Conservation District could indicate they want certain things changed, and the Applicant then has to go back and change their Plans.

Mr. Pockl asked how they know that the Applicant is submitting the same set of Plans to the Township and the Conservation District, and it was noted that the Plans have to be dated. Ms. Kirk stated the Plans are listed in the review letters. Mr. Grenier stated it is not that uncommon for Plans to be slightly different.

Mr. Majewski stated the Bucks County Conservation District is not saying they should wait until the very end, rather they did not want them with the first submission and they should wait until the comments have been narrowed down to a point that there are not significant changes going to be made. Mr. Majewski stated they also are doing this with PennDOT, but they do not want to wait until the very end and have PennDOT make significant changes, which would require the Applicant to come back to the Board of Supervisors for an Amended Approval.

Mr. Bryson stated he feels the Planning Commission is in favor of limiting the hard copy submissions. He stated although he has never seen it in an Ordinance, he feels it would be good to require an electronic submission. Mr. Majewski stated that is required already in some Ordinances.

Mr. Majewski stated based on the comments from the discussion tonight, he will come back with something the Planning Commission can look at.

Mr. Bryson asked if the other items they discussed a few months ago made their way to the Supervisors and been approved; and Mr. Majewski stated it still needs to be advertised. Mr. Bryson asked if he is going to do everything all at once, and Mr. Majewski stated he is not. He stated he wants to get the first group done first. Ms. Kirk asked if these items will also be submitted to Bucks County Planning Commission for review, and Mr. Majewski stated he has not done that.

Mr. Majewski stated the next category of Ordinances to review is the Plan Notice requirements. Mr. Majewski referred to the handout, which outlines the three Sections that discuss this. He stated the problems they have with it is that the Ordinance states that the developer is required to send out the first Notice to

those within 1,000 feet for a major Subdivision or Land Development; however, there is no Notice requirement for Minor Subdivisions or Informal Sketch Plans. Mr. Majewski stated it also states that it has to be within fifteen days from when you receive the Plans.

Ms. Kirk asked how they would know when it is going to be on the Agenda; and Mr. Majewski stated you do not, so this is why they have to do double notice. He stated you have to give Notice that there is a Plan, and later send another Notice giving the meeting date. Ms. Kirk stated it should state “Notice shall be mailed no later than fifteen days prior to the scheduled meeting on the Plan.” Mr. Majewski stated they had discussed that as soon as they get the Plans, they will post them on-line, and they also talked about publishing a Notice in the newspaper to say that Plans have been submitted for an Application, and to contact the Township; and when it gets closer to the time that they would be before the Planning Commission send out the letter with the date. Ms. Kirk stated they should also indicate that at the time of the meeting an Affidavit of Service with the listing of the property owners and a copy of the letter that was mailed should be submitted. Ms. Kirk stated before the Planning Commission would hear the proposal, the Applicant would have to provide a piece of paper that on behalf of the Applicant they mailed Notice of the meeting to the listed property owners as required by the Ordinance, and the Planning Commission should be provided a copy of the letter that was mailed so that the Planning Commission can see it and the listing of the property owners that were sent the Notice. Ms. Kirk stated usually the Township generates that list.

Mr. Grenier stated he does this in his position, and they do a copy of the letter, and the list the Township provides; and you could also add a photocopy of the receipt cards. Ms. Kirk stated this way you know that the Applicant did what was supposed to be done so that any interested resident had an opportunity to know that the matter was being considered by the Planning Commission on a specific date. Ms. Kirk stated if the Applicant does not comply, they would get “bumped” to a future meeting.

Mr. Bryson stated he feels they should strike this whole section from the Ordinance; however, Ms. Kirk stated they cannot as the MPC requires that a Notice provision has to be provided to ensure interested residents are notified of the pending proceeding. She stated the MPC does not state when Notice has to be sent or how. Mr. Bryson stated he has made 200 Land Development Applications, and he has never done this once. Mr. Bryson stated he had never even seen it before the situation came up with Snipes. Mr. Majewski stated most other Townships give no Notice, and their Notice is that they publish meetings at the beginning of the year of when the various Boards and Commissions will meet, and it is up to the residents to check the Agenda. Mr. Majewski stated when he reads the MPC, it does not say that

you have to do any kind of Notice. Ms. Kirk stated she has seen this issue litigated in the Bucks County Courts. Mr. Grenier stated he does it weekly in New Jersey. Mr. Bryson stated that is New Jersey where it is standard operating procedure.

Mr. Bryson asked if this is checked at all in the Township adding “obviously we do not because Snipes came through, and it was not checked,” and that was a Township Application. Mr. Majewski stated it was checked, and all the letters were mailed; although there were several residents who claimed that they did not get them, and there is no way to prove that the U. S. Mail did not send them.

Mr. Bryson stated if it is absolutely required he would agree they should work out the details; however, if it is not required, he questions why they should do it. Mr. Majewski stated whether it is required or not, he feels it is a good idea; and it has been Township policy to do it. Mr. Grenier stated he feels the Board of Supervisors feels that the residents have a right to know what is going on in their back yard, and it is a matter of transparency. He stated they are trying to make sure that the residents are aware and have the opportunity to comment. He stated not all of the Township Boards and Commissions put their Agendas or meeting Minutes on the Website. He stated this gives the residents an opportunity to review a project; and when there is an issue such as Snipes, you can indicate that they were given an opportunity to review the Plan before the project came in so they can have constructive comments ready to discuss at the meeting. Mr. Grenier stated in addition to the letters going out, it is also being recommended to put out a newspaper Notice; and the Applicant would have to provide a Proof of Publication which would then show that legally everyone has had the opportunity to be notified. Mr. Grenier stated they should also put it on the Township Website.

Mr. Bryson stated the only proof they would have to indicate that everyone who was required to be notified, was notified, would be the “green cards.” Mr. Bryson stated the Applicant could show a copy of the letter and the list; but unless there is a proof of receipt, someone could claim that they did not get notice. Mr. Bryson asked who they are going to pay to track that for each Application. Ms. Kirk stated that would be the Applicant’s responsibility to provide that documentation. Mr. Bryson asked who would verify it. Ms. Kirk stated she has done that at meetings, and reviewed their Affidavit of Service. Mr. Bryson stated they would have to go through “50 cards;” and Ms. Kirk stated it does not take that long to do. Mr. Grenier stated he has done a couple thousand at a time. Ms. Kirk stated it would depend on the circumstance that they are going to require; and if they require 1000’ feet it would be more work than 300’.

Mr. Majewski stated the Ordinance also states that you are required to send out Notice to everyone within 1000' feet, but then it later says that you only need to send out Notices to abutting property owners for the first Planning Commission meeting for Preliminary and Final; and it does not require Notice to anyone within 1000' for subsequent meetings so that if there is more than one meeting on the project, the Ordinance only requires that Notice be sent for the first meeting. Mr. Majewski stated the first Notice that goes out to everyone within 1000' describes the size and scope of the project. He stated that was a flaw with the Snipes Notice since it said, "Snipes Athletic Fields," and they should have listed it would be four football fields, skate park, concession area, and parking. He stated the new Notices are fairly explicit.

Ms. Kirk stated she feels they should eliminate this entirely since none of the other Notice requirements state you need to specify the nature and scope of the project. She stated if the Plans are on file, and it is on the Township Website, she does not feel they need to outline the nature and scope of the project in the Notice.

Mr. Majewski stated he feels it is important since if it only says "Subdivision," more people get "panicked;" and if they knew it was only a Lot Line change, etc. they would not have been calling the Township. Mr. Majewski stated while it is also good to be open and transparent, it is also good for the Township since the more information you have there the less concerned people get. Ms. Kirk asked if they are going to do this consistently for all the Notices or just the first Notice that is sent out for an Application. Mr. Majewski stated they do need to clarify what they are going to exactly do. He stated they should consider if the newspaper Notice should be put out prior to every meeting or just at the beginning of the project. He stated they also need to determine if they are going to send out the individual Notice by Certified Mail since there are problems with that since if people are not home and then do not pick it up at the Post Office, they do not get it. He stated with Registered Mail, it states it was delivered. Ms. Kirk stated for the Affidavit of Service, if you send it Certified, you get more of a response back from the Post Office as opposed to a First Class mailing. Mr. Majewski stated that is something they have to decide whether they do an Affidavit of Service, Registered Mail, or Certified Mail. He stated they also need to decide if they are going to do 1000' which is fine if you only have to send out 500 letters at \$.50 each, but if you send it out Registered Mail at \$4.00, that would be \$2,000, and whether that would be required for every meeting or just the first Planning Commission meeting and then advise that there may be subsequent meetings, and the residents should check the Agendas.

Mr. Grenier stated this is difficult since it hard to decide which meeting to go to since you never know exactly what is going to be discussed at certain meetings. Ms. Kirk stated usually the first meeting is the most important since that is when it will be the first time it is publicly discussed. She stated some projects are two to five years long.

Mr. Bryson stated it is possible that an individual would not sign for the Certified Mail, and they could then technically hold up the project from being heard. Mr. Majewski stated that is why he is not in favor of Certified Mail. He stated people are not home and a Notice is left that they have to go to the Post Office to get it, and people do not have time to go there. Mr. Bryson stated if they do not have that, someone could state they did not receive Notice. Ms. Kirk stated there is a Mail Box Rule in the law, and there is a presumption that mail was delivered; and they could rely on that. She stated this should be included in the Ordinance that Notice has to be sent First Class mail, and the Applicant has to provide a copy of the letter, and the listing of the residents; and it is presumed delivered. Mr. Bryson stated they need to make it simple or they are going to have to get a green card.

Mr. Majewski stated the attorney for the Snipes Appellants did not agree with the Mail Box Law, and indicated they did not get Notice; however, Mr. Majewski added the Township has all the mailing labels that went out. Ms. Kirk stated one of the letters was mailed to the first name of the person on the Deed, and their spouse complained that they did not receive Notice even though they live in the same house.

Ms. Kirk stated she has structured a proposed Affidavit of Service where it is either by Certified Mail or they personally put it in the mail box of the individual and certify that they delivered the letter. Mr. Majewski stated they would be requiring an Applicant to spend several thousand dollars for every meeting. Ms. Kirk stated at the Zoning Hearing Board it is done for the first meeting, and for subsequent meetings residents are expected to check when is the next meeting. Mr. Halboth stated if they do a diligent job for the first meeting, he does not feel it is unreasonable to put the burden of following up on the effected individuals given all the resources that are available. Mr. Majewski stated while he agrees with that, sometimes there is a large lapse in time between; and then he would be in favor of a follow up since it could have been laying dormant for a year, and people might stop checking the Agendas. Mr. Pockl stated the Preliminary Plan could change, and he feels they could do it for every Preliminary Plan submission.

Mr. Bryson stated he feels this discussion shows the problems with this, and he feels they should just eliminate it.

Mr. Wallace asked how they provide Notices on Facebook, and Mr. Majewski stated they currently do not; and Mr. Wallace stated he feels they need to do that. Ms. Kirk stated that is not a legally-acceptable form of Notice.

Mr. Grenier stated he feels Certified Mail is the best way to do it since you then get a receipt although that may also be true for Registered Mail. Mr. Grenier stated he uses Certified Mail for these types of Applications. Mr. Grenier asked where they get the listings from – the Township or the County; and Ms. Kirk stated she feels it is best to get it from the Township. Mr. Tracey stated the County is not always up to date, and Ms. Kirk agreed.

Mr. Wallace stated he feels social media will be acceptable legally in the future; and Ms. Kirk stated while that may be, it is not now. Mr. Wallace stated he feels it is much more effective than putting a Notice in a newspaper.

Mr. Majewski stated going back to Mr. Bryson's comments, most other Townships do not provide notification.

Mr. Wallace stated he feels there should be some type of notification, but they need to determine what it should be. Mr. Wallace stated he feels that most of the important items he receives come electronically. Ms. Kirk stated there is a portion of the Township that relies on the mail and the newspaper. Mr. Wallace stated there should be a mix of how to provide Notice. Ms. Kirk stated Mr. Majewski has suggested that they provide Notice in the paper, post it on the Township Website, and also have some direct Notice requirement by the Applicant. Mr. Wallace stated one problem is that some of the projects take so long; and while initially there may have been notification, it is now two years later. It was noted people could have moved in and out of the neighborhood. Ms. Kirk stated she does not know how they could address that. Mr. Majewski stated they could require Notice every six months.

Mr. Halboth asked if there is something on the Township Website showing that the project is still active. Mr. Majewski stated they now have the Plans posted on the Township Website.

Mr. Majewski specifically noted the Caddis Assisted Living proposal, and they revised the Plans to take into consideration the neighbors' comments on the Plan. He stated they have reduced the building size from three stories to two stories and eliminated Variances, and this is why they have Sketch Plans. Ms. Kirk asked if that will be coming back as a Revised Sketch Plan; and Mr. Majewski stated it will not to the Planning Commission, but they will go to the Board of Supervisors and discuss it there.

Mr. Tracey asked if the Applicant pays for the services that the Township provides for the Affidavit of Service, etc. Ms. Kirk stated the Township is not providing the Affidavit of Service, and that would be the Applicant's responsibility. She stated the only thing the Township would provide would be the current listing of property owners within the required radius. Mr. Majewski stated he assumes Mr. Tracey is asking what is being done currently, and he believes that the Township absorbs that as part of the Application. Ms. Kirk stated it is not sufficient considering the Fee that is charged.

Mr. Tracey stated he feels this goes to the issue of transparency; and the Township has been doing it historically, and there is no reason why they should not continue to do it, but he feels there is a cost issue that needs to be addressed. He stated he feels the cost issue can go a long way to putting the responsibility on the Applicant and require that they follow all proper procedures as far as being competent with their submissions. Ms. Kirk stated historically because the Township started out as a fairly small community, it was easier for the Township to do it; but as the Township grew, it became less cost effective. Mr. Majewski stated ten to thirteen years ago the requirements was only with 200' to 300', and it was then increased to 1000' which was fine until you about a development like Regency at Yardley.

Mr. Bryson expressed concern about the impact on smaller projects such as the one that came before the Planning Commission this evening who would have had to spend a lot of money on notifications.

Mr. Majewski stated his concern with requiring Notice to be by Certified Mail is that people may not be home when it is delivered, and they would have to go get it from the Post Office which takes more time when if it had been sent by regular mail, they would have already read it.

Ms. Kathleen Hirko, 1450 Dolington Road, stated Ordinance 363 is where it talks about the Notification within 1000'. She stated it indicates that it should be mailed within 15 days of submission of the first Plan submission - Sketch or Preliminary. Ms. Hirko stated for Snipes the Sketch Plan was approved in June, 2016; and no Notices went out at that time so the neighbors were not aware that the Sketch was approved. She stated the first Notices that went out were mailed in November, 2016 notifying the residents of the Planning Commission meeting.

Ms. Kirk stated that was all dealt with at the Hearing with the Judge, and this is why it was Remanded back to the Township Supervisors.

Mr. Majewski stated what was presented in June was not a formal Sketch Plan; and therefore the Section Ms. Hirko cited does not apply. Mr. Majewski stated for an Informal Sketch Plan when an Applicant wants to talk informally to the Planning Commission, there is technically no Notice required, and they want to get away from the “technically” and work out something that works.

Ms. Hirko stated she feels the issue was there was a Sketch Plan, but none of the residents were aware of what was going on at the time until they got the Notice in November that there was a meeting; and that meeting got shut down, and it went all the way until April. Ms. Hirko stated she feels the real problem with what is happening is that the Sketch is done and it has gone to the Planning Commission with no Notice, and there is nothing leading up to that for the residents to be aware that was even going on. She stated there is no involvement by the people who live around there before you get to that point. Ms. Kirk stated Notice is not required at that point. Ms. Kirk stated when a Plan is being submitted for its first official action is when Notice has to go out to the residents. Ms. Kirk stated at the June meeting, it was not a formal Sketch Plan so there was no required formal action. Mr. Bryson stated the Plan was presented, but no vote was taken. He stated an Applicant can come in to show what they will be coming in with; and that is what they did. Ms. Hirko stated in this case it was the Township. Mr. Wallace stated they are now trying to decide what is the best method of notification to Township residents.

Ms. Hirko stated she was trying to find out how the people did not know anything about this. Ms. Kirk stated it is the Township’s position that the procedure was followed as required, and Notice was sent out; and this is what was litigated. Ms. Kirk stated the residents were saying that they did not get anything. Ms. Hirko stated she was looking for a better way to notify the residents about a project before it gets this far. Mr. Grenier stated one of the reasons they are discussing this tonight is because they want to rectify the issue. He stated they are considering Informal Sketch Plan, versus Formal Sketch Plan, versus Preliminary Plan versus Final Plan. He stated he feels they need to break down the review into its parts and decide the number of parts and when they will send out Notice; and it is not a simple thing to do.

Mr. Majewski stated the Court decided that the Township should hold another meeting and give at least ninety days so that the homeowners have three months to prepare and will have had plenty of time. Ms. Hirko asked where they are in that process. Mr. Grenier stated March 4 is the official ninety days and is the first day that the Board of Supervisors could actually take action. He stated they are looking into a process right now. Ms. Hirko asked if the residents will get another letter, and Mr. Grenier stated they are deciding how they will provide Notice recognizing that it can be costly for those making Application including residents, and Ms. Hirko stated it can also get costly if it is not done right.

Mr. Tracey stated he feels everyone agrees that there are procedural changes that need to be made in the language so that it can facilitate a clearer understanding of what the Township wants done and the residents' expectations.

Mr. Wallace stated at a previous meeting, Mr. Majewski had a chart of the development review process; and he feels that would be a good item to put on the Township Website so that people can be made aware of it recognizing that it is a complex procedure. Mr. Majewski stated that was the reason why he reviewed it at a prior meeting because a number of residents had contacted him prior to a Sketch Plan for a project, and they had asked him if it was a "done deal;" and he had advised them that it was not, and that a Sketch Plan is submitted precisely so the Planning Commission can review it and make comments on what they like and do not like. Mr. Majewski stated the residents also have a chance at the Sketch Plan to indicate what they do not like. He stated recently resident comments were made when Caddis made their Sketch Plan presentation. He stated the Sketch Plan is the very first stage, and the Township strongly encourages everyone to come in with a Sketch Plan. He stated they can then discuss issues that the Township has with the Plan. Mr. Majewski stated in that case of the Caddis assisted-living facility, the Applicant listened to comments made by the residents and made a number of changes based on that.

Mr. Grenier stated the Sketch Plan is the closest thing the Township has to a public workshop, and there is no formal approval.

Mr. Majewski stated by law the Township has ninety days to proceed from the date of the next Planning Commission after the Plans are received in order for the Board of Supervisors to act on the Plan.

Mr. Majewski stated the issue with Notice is that people do not always look at the newspaper, social media, the Township Website, the Township Newsletter, or the mail. Mr. Wallace stated the point is to have it accessible to people; and it is then up to the residents to take advantage of it. Mr. Halboth suggested that they specify the newspaper that the Notice needs to be advertised in.

Ms. Kirk stated she felt the Township selected the newspaper they will advertise in at their Organizational Meeting; however, it was noted Lower Makefield has not done this. Ms. Kirk stated whatever Notice requirement they are using they should make sure that it will meet the legal requirement in the event of a legal challenge.

Mr. Majewski stated some other issues to consider in the Ordinance are those that require frequent Waivers on almost every Application. He stated one has to do with Minor Subdivision and Lot Lines changes; and there is one Section of the Ordinance that lists the requirements for a Preliminary Plan and the requirements for a Final Plan, but for a Minor Subdivision there is only one Plan which is the Final Plan so these must be combined into one set of requirements.

Ms. Kirk stated tonight there was a Lot Line change, but the Plans stated it was a Minor Subdivision Plan which may mean something different; and she asked if the Township distinguishes between these two Applications. Mr. Majewski stated he agrees Lot Line Change and Minor Subdivision need to be split up.

Mr. Majewski stated another issue is that there is a requirement to show everything within 800' but they have a Notice requirement of 1000'. He stated they could have 500', and the key maps could show everything including the properties so you can see them on the key map which can be done with the Bucks County GIS system. He stated years ago they had to use the Tax Maps.

Mr. Majewski stated he feels whatever the requirement is that has to be shown, to be shown, it should be consistent with the Notice requirement; and he feels a lot of people are leaning toward 500' rather than 1000'.

Ms. Kirk asked if they should include a requirement for an aerial map of existing features. Mr. Bryson stated there are licensing issues with Google which is what most people would use. Mr. Majewski stated you are allowed to use the Delaware Regional Valley Planning Commission official orthophotos which come out every five years, and requiring that in some form would be good. Mr. Grenier stated for residents it would be an issue using Google; however, for developers they would subscribe to a service and have a License Agreement.

Mr. Majewski stated the next issue has to do with referencing a benchmark, and the Ordinance discusses US Coast and Geodetic datum which is outdated and needs to be updated. He also stated there is also a requirement to show everything within 200' of the site, and he feels a sentence should be added that an aerial could be used to help identify things within 200' of the site.

Mr. Pockl stated with regard to the benchmark, his concern is putting it on the property versus putting it in the right-of-way or the center of a manhole. Mr. Majewski stated they should describe what it is they are using, and Mr. Pockl stated they should be more specific what they want.

Mr. Majewski noted the issue with stormwater management, and for almost every project they request a Waiver for the pipe size the Township requires, and he reviewed the changes to the Ordinance he is recommending. Mr. Pockl suggested some more general language, and that it would be subject to the approval of the Township engineer. Mr. Bryson stated the project engineer will be designing it to stabilize the hydrology going through, and he questions why they would dictate anything. Mr. Majewski stated they would not want pipe sizes that are too small. Mr. Bryson stated they could indicate that it has to be a minimum of 15.

Ms. Kirk stated then if there was an issue, they could request a Waiver. Mr. Majewski stated he feels they should make it a minimum of 14 because the elliptical pipe that is the smallest is equivalent to an 18" is 14 by 23. Mr. Bryson stated it should state "capacity of a 15" pipe." Mr. Majewski stated striking the second sentence would solve the issue.

Mr. Pockl stated the next Section states, "The top of storm drainage pipes beneath cartways shall be at least six inches below sub-grade elevation;" and he feels that will vary based on the thickness of the pavement section. He stated they could indicate that it should be 1' from the top of the pipe to the bottom of the pavement section. Mr. Bryson asked if they could not say "sufficient coverage no less than 1'; and Mr. Pockl stated it should be "1' from the bottom of the pavement section." Others noted that Mr. Pockl's suggestion could be difficult. It was agreed to consider this further.

Mr. Pockl asked about a maximum cover since there are some pipes that if you put them 15' below the ground, the weight of the soil is too much, and it does not meet the manufacturer's classification. Ms. Kirk asked if it would be better to state that maximum coverage shall not exceed what is recommended by the manufacturer, and those present were in favor of that suggestion.

Mr. Majewski stated the next issue has to do with grading. He stated it is required that swales have to be a minimum of 2%, but there are swales now that are used for water quality; and 1% is now the standard. Ms. Kirk asked about slopes for stormwater management, and Mr. Majewski stated even for stormwater management 1% is adequate. Mr. Pockl stated the problem is contractors have a hard time grading to 1%, and you get a lot of "bird baths." He stated it is also very difficult to measure out in the field, inspect, and verify. Ms. Kirk stated if they allow 1%, they may go even shallower. Mr. Pockl stated most contractors will have an electronic level so that they can get the grade, but the inspector measuring with a 4' electronic level will not be able to pick that up. Mr. Pockl stated the Pennsylvania BMP Manual does stipulate a minimum of 1% for vegetative swales. Mr. Majewski stated with the laser levels, there is no reason why they cannot grade it to 1%.

Mr. Bryson stated if they leave it at 2%, they will keep coming in for Waivers; and if they make it 1%, they will have issues with ponding. Mr. Grenier asked if they should just reference the Pennsylvania BMP Manual. Mr. Bryson stated they could indicate that non-BMP swales have to be 2%. Mr. Pockl stated they could state conveyance swales should be 2%, and vegetative swales acting as a BMP should be a minimum of 1%. Mr. Majewski suggested that it be 2% unless otherwise specified by the Pennsylvania BMP Manual.

With regard to the item regarding the protection slope, Mr. Majewski stated this comes from an old BOCA requirement. Mr. Pockl stated he feels the minimum would have to be 2%. Mr. Majewski stated they need an area that will protect the foundation of the house against sliding. Mr. Majewski stated what he is proposing will comply with the Federal law as to ADA requirements and provide some protection.

#### OTHER BUSINESS

Mr. Bryson asked about the status of the Comprehensive Plan, and Mr. Majewski stated it will be before the Planning Commission next month. Mr. Grenier stated the Board of Supervisors set a deadline of April for this.

#### 2017 PLANNING COMMISSION ANNUAL REPORT

Mr. Tracey stated everyone was previously provided this Report to review. Mr. Tracey stated he feels Mr. Majewski did a great job presenting what the Planning Commission did in 2017. It was noted that no action needs to be taken on this Report, and the Planning Commission found it to be in order.

Mr. Majewski stated he will be posting this on-line, and he will add the hyperlink to the Meeting Minutes.

There being no further business, Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to adjourn the meeting at 9:25 p.m.

Respectfully Submitted,

Chad Wallace, Secretary

