

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – APRIL 23, 2018

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on April 23, 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
 Charles Halboth, Member

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

Absent: Craig Bryson, Planning Commission Member

APPROVAL OF MINUTES

Ms. Burke moved, Mr. Halboth seconded and it was unanimously carried to approve the Minutes of March 12, 2018 as written.

Ms. Burke moved, Mr. Halboth seconded and it was unanimously carried to approve the Minutes of March 26, 2018 as written.

Mr. Halboth moved, Mr. Wallace seconded and it was unanimously carried to approve the Minutes of April 9, 2018 as written.

COMPREHENSIVE MASTER PLAN – UPDATED SEWER AND TRAFFIC
RECOMMENDATIONS DISCUSSION AND MOTION TO APPROVE

Mr. Majewski stated at the last meeting they had reviewed the suggested changes by the Citizens Traffic Commission, and the Township traffic engineer, Phil Wursta from TPD, was present; and he had expressed some concerns about the Roadway Sufficiency Analysis and Transportation Capital Improvements Plan. Mr. Wursta has come up with some suggested changes to that as noted in the draft before the Planning Commission this evening.

Ms. Burke asked why the language regarding coordination with Middletown and Falls regarding circulation and road improvements in the vicinity of Oxford valley Road and Route 1 Interchange on Page 5 was deleted; and Mr. Majewski stated he is not sure why that was eliminated, but it was eliminated in 2013 when the draft was reviewed at that time. He stated the Citizens Traffic Commission language somewhat to that effect is back in. Ms. Kirk stated the Section that is on the last page about a Transportation Improvement Plan would encompass that.

Mr. Halboth stated Page 4 begins a write up on the Scudders Falls Bridge, and he asked that purpose of that. Mr. Tracey stated when the Comprehensive Plan was first prepared, the Scudders Falls Bridge was still under study. He stated he feels they are trying to show that progress has been made. He stated he feels it is important since the previous Comprehensive Plan mentioned that traffic was building across I-95, and he feels it is important to show that there is continuity between the previously approved Comprehensive Plan, the draft, and the current status of the Bridge project. Mr. Grenier stated it does seem like it is more of a status than a plan. Mr. Grenier stated this section of Taylorsville gets backed up every day in both directions so he is wondering if there should be a statement addressing that issue which could be broad but still recognizing that there is an issue there. Mr. Halboth stated they could indicate that the effects of the Scudders Falls Bridge on the Township are indeterminate at this time and it bears continuing monitoring. Ms. Burke stated the last sentence does state: "Access to the bridge from Taylorsville Road is difficult during times of peak traffic." Mr. Grenier stated he believes the statement made by Mr. Halboth would be good to add following that. Mr. Pockl stated on the next to last page there is language concerning an after study once the Scudders Falls Bridge project has been completed. Ms. Kirk stated it also indicates they should take corrective actions as necessary.

Ms. Kirk stated the longer they continue to postpone approving this, the more changes will be wanted; and she feels the recommendation for an ongoing traffic improvement study is comprehensive and will capture everything that needs to be done.

Ms. Sue Herman, 1977 Boxwood Drive, asked Mr. Majewski to confirm that the other language changes are the same that were agreed upon at the last Planning Commission meeting. Mr. Majewski stated with regard to truck traffic, they left in the words, "on the Interstate and major highways." With regard to the Oxford Valley/Big Oak Road area it was to be "illustrated by recent development proposals," and Mr. Majewski agreed to make that change. Ms. Herman asked if there were any other changes other than to the Act 209 Section, and Mr. Majewski stated there were not. He reviewed the paragraphs that were struck.

Mr. Grenier noted the section about preserving the “bucolic and open space character of Lower Makefield,” and asked if they should not just say “in order to preserve the bucolic character” rather than include “open space” which is being used as a adjective. Ms. Burke stated she would prefer that they leave it as written.

With regard to the Sewer portion, Mr. Majewski stated this was developed by our sewer engineer, Ebert Engineering; and they had taken the draft which was four years old, and they incorporated additional information regarding a more current status of some of the sewage planning efforts that are going on. He stated they developed that draft in conjunction with the Township Sewer Authority.

Mr. Tracey stated he feels that they filled in a lot of the details since a lot of the projects are being impacted by sewer connections; and there are a number of projects in the planning stage that have been impacted. He stated this re-write has done a good job of addressing the 537 Plan, what is being done in Yardley Borough, and what will be done with the Neshaminy Interceptor. Ms. Kirk stated she serves as the solicitor for the Sewer Authority, and the comments provided in this edited version accurately reflect all the projects that the Sewer Authority is juggling at the same time especially looking at current infrastructure to see where we need repairs, modifications, upgrades, etc.

Mr. Majewski stated with regard to the Land Use Implementation section, a change has been recommended following discussion by the Planning Commission regarding permitted uses in the O/R Office Research District. Ms. Burke stated she feels this opens the door to the possibility of putting apartments in that area; and because of that, she is not in favor of the language.

Mr. Wallace stated he agrees with Ms. Burke, and he felt they had decided there was no reason to make a recommendation about the area; and they had agreed to leave it as is. Mr. Majewski stated the Planning Commission had actually recommended that this language being shown be put forward. Mr. Wallace stated he recalled discussing that there was no reason to put it in, and since it had caused “controversy for some folks,” and there was no real benefit, they had decided not to do it.

Mr. Majewski stated the discussion had been over several years, and they were all in agreement that something had to be done for the O/R District to allow further uses. He stated if the Residential component is the problematic part, they could strike that one line and that would put the apartment issue to rest yet leave it open to look at other uses other than what is currently permitted in the O/R.

Mr. Wallace stated there is a process to go through if you want to make changes, and they could go through the Zoning Hearing Board process. Mr. Wallace stated he questions what the Township is gaining by including this in the Master Plan, and he feels it is causing concern.

Mr. Grenier stated he understands the apartments are a “big deal.” He asked if the intent of having this in the Plan was to allow for a mixed-use type of development that would not be solely apartments, and there could be a first-floor Retail and a second-floor Residential. Ms. Burke stated she felt the idea was that it would not be Office, but it should be something Retail.

Mr. Wallace stated this started with the Capstone project that was approved ten years ago for Office; however, there was already a significant amount of Office space not currently being used. He stated that precipitated the need to look at the O/R District. He stated he feels there is a system in place to develop something other than what is permitted, and a developer could present it through the proper channels already in place; and he is not sure why they are including this here unless there is a benefit to it.

Mr. Grenier stated the problem is that when you totally “nix” any type of Residential development such as an apartment on the second story where there is some type of Retail on the first story, you start to limit yourself to Big Box stores. He stated people would probably like more of an Edgewood-Village type development in this area. He stated it would be like DeLorenzo’s where they have the Retail on the first floor and the apartments on the second.

Ms. Burke stated she agrees with Mr. Grenier, but she feels that putting it here “opens up the door to too much.” Ms. Burke stated if someone wants to do something like Mr. Grenier is proposing, they would go through the normal channels and ask for a Use Variance or request a change to Zoning. Ms. Kirk stated it does state “either expand Permitted Uses or create an Overlay District.” She stated that is what Edgewood Village is, and that enabled second floor units to be Residential. She stated if they strike the word “Residential” and just allow Overlay Districts someone could maybe expand the Edgewood Village Overlay District to that section. Mr. Grenier asked if the Overlay District is already written to allow for second-story Residential, and Mr. Majewski stated the Historic District allows second-story apartments. Ms. Kirk stated it was done that way because of the attempt to develop a pedestrian-friendly area of the Township.

Mr. Halboth stated he agrees with Mr. Wallace, and he feels the statement is advocating different uses; and he is afraid that when a project would come along, when considered on its own merits and was looked upon negatively, this statement would be used as an excuse that the Township was advocating these types of projects. Ms. Burke and Mr. Wallace agreed. Mr. Wallace stated he does not see what the Township would be gaining with this, and he does not see why they need to address it all. Mr. Halboth stated he feels the whole section should be taken out, and Ms. Burke and Mr. Wallace agreed.

Mr. Majewski stated they could go back to the prior draft which is shown in red. Mr. Majewski stated they could include the statement: "Consider allowing for mixed use projects either as permitted Uses or through the establishment of an Overlay District." He stated in that way, they are not getting into any specifics but indicating that possibly in the course of the Planning Commission's work, they would look into possible mixed uses. Mr. Majewski stated regardless of what is adopted here, they still have to go through the whole process of Amending the Ordinance to determine exactly what they want to allow.

Ms. Burke stated she still agrees with Mr. Halboth's statement, and she feels this opens the door for someone to come in and state that in accordance with the Master Plan, this was contemplated and should be allowed. She stated she would rather not have anything in the Master Plan; and as something comes up, they will deal with it "one by one." Mr. Majewski stated that is different from what was talked about by the Planning Commission a year ago.

Mr. Halboth asked who is intended to perform the review of permitted Uses; and Ms. Kirk stated in the past it has either been the Zoning Hearing Board or there has been a special Committee selected by the Township consisting of Zoning Hearing Board members and other parties to review the Code. She stated she was on one of those Committees many years ago to review the existing Zoning Code and process changes and updates, and they used the Master Plan as a focal point as to where you would look. Ms. Kirk stated someone will have to update the Zoning Code, and Mr. Majewski stated it would be looked at by the Planning Commission. He stated this is an area where they would probably want to bring in someone who is better skilled in Planning for an area such as this for Commercial development.

Mr. Grenier stated he recalls that approximately a year ago Bucks County came to a Board of Supervisors meeting talking about how the O/R District was restrictive. Ms. Kirk stated that may have been at the urging of Capstone. Mr. Tracey stated Capstone made several different proposals. Mr. Grenier stated he recalls that Bucks County Planning Commission came in separately before the Board of Supervisors.

Mr. Majewski stated if the Planning Commission feels this section should be left the way it was, they can recommend that. Ms. Burke stated she feels it should not just be the way it was, she feels it should be deleted altogether. She stated the whole section should be deleted. Ms. Burke and Mr. Wallace stated Item #1 should be completely eliminated. Mr. Wallace stated he feels what they want is someone coming to the Planning Commission and presenting an option. Ms. Burke stated she would be in favor of that as opposed to just “opening the door.” Mr. Halboth stated the market would determine what a developer wants to do. Mr. Wallace stated he does not see what the Township is gaining by having this section in here.

Mr. Tracey stated he feels they should have something even if it is just review permitted uses in the O/R Office/Research District. Ms. Burke stated it is “too blanket” because it gives someone the opportunity to say the Master Plan says “the Office Research does not work.” Mr. Tracey stated while the points are well taken, he was on the original Planning Commission that spent a lot of time discussing this. He stated he feels Office Research is a difficult issue. He feels if it is taken out it will come back to the Planning Commission, and they can consider it then.

Mr. Grenier stated generally speaking they know that O/R does not work. He stated on one hand he feels if they do not have some language, “we are tying our hands a little bit;” however, he also does not want the situation the Planning Commission is concerned about to happen. Mr. Wallace other uses are still potentially available to be done, but the developer would have to go through the channels that currently exist. Mr. Halboth stated it is difficult to predict what developers would want to do and what would be economically viable; and when the time comes that they want to do something, it might be something completely different. He stated there may be a vision for that section of the Township which is currently O/R; and even though they do not know what it might be, that would be a reason to keep it as is. He stated if there is a vision, such as a mixed-use, walkable area similar to a larger Edgewood Village, they could write this to lend itself to that use. He stated if they do not know what that is yet, they could leave it as is.

Ms. Kirk stated the Comprehensive Plan is a guide as to the future, and there is nothing in it that would prohibit the Township five years from now saying they need to re-visit the O/R District. She stated the fact that it is not in the Plan does not mean that you cannot do it in the future. Mr. Majewski stated conversely just because it says in the Plan that you will explore Uses, does not mean that you have to let everything in.

Mr. Grenier asked if they were to put in some language without naming specific Uses, legally where would that put the Township in terms of what they would have to potentially allow if the Township were challenged in Court if there was something the Township did not want there. Ms. Kirk stated there is always the possibility of someone coming in and saying what they have is not in the spirit and intent of the Comprehensive Plan so they could have a problem if something more concrete were put in. She stated the fact that it is not addressed specifically as to the O/R District other than the Township being mindful of updating and reviewing the Zoning Ordinance, is probably more than sufficient. Mr. Grenier stated if that is in there, he feels it covers what they are getting at.

Ms. Burke moved, Mr. Wallace seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the final version of the Transportation Planning Section and the Sewage Facilities Section as submitted tonight, and recommend approval of the Implementation Section with the elimination of Paragraph 1 as submitted tonight.

ORDINANCE AMENDMENTS – SALDO NOTICE REQUIREMENTS DISCUSSION AND MOTION TO APPROVE

Ms. Burke stated she received an e-mail this afternoon from Mr. Gerald Arth which she distributed to the Planning Commission members. She stated Mr. Arth indicated that he finds the changes to the Public Notification Procedures to be unnecessary and regressive and designed to provide less Notice to fewer people who would actually be concerned with and effected by proposed developments rather than promote transparency and the flow of important information. Ms. Burke stated he is urging that the proposed Amendments be rejected. She stated he is objecting to lowering the distance for required Notice to landowners from 1,000' to 500' adding he feels there is no defensible rationale for this especially since the costs are borne by the developer and likely to be de minimus. He also objects to what seems to be a lengthening of the time for the Applicant to submit proof of the giving of Notice changing it from fifteen days after the Plan is submitted to ten days before the first Hearing, and he objects to the elimination of the requirement that the Applicant verify the giving of Notice. Ms. Burke stated he also feels that the proposed changes eliminate the need for the developer to give written Notice to abutting landowners of the proposed development including a statement of the size and scope of the proposed project, and with these changes all the developer would need to do is publish in a newspaper of general circulation a Notice of the time and place that the Planning Commission will consider the Preliminary and Final at least ten days before that meeting. He feels this will

lead to a result of landowners not getting Notice, adding few if any may read the newspaper; and even if they do, the Notice will not tell them anything useful about the proposed development. Ms. Burke stated she agrees with his objections.

Mr. Wallace stated they discussed the distance previously, and they had reviewed what other Townships did; and the Plan was to get Lower Makefield in line with what other Municipalities were doing with regard to notification, and what was in Lower Makefield's SALDO regulations was not "up to what it needed to be." Mr. Majewski stated he had looked at twenty different Municipalities in the Bucks County area, and eleven of them have no requirement for Notice for Subdivision and Land Development. Mr. Majewski stated it is also not a requirement of the Pennsylvania Municipalities Planning Code. He stated some Townships do still send out letters anyway to keep the local people informed who are nearby the proposed development. Mr. Majewski stated eleven Municipalities do not require Notice, and of the remaining they have different requirements. He stated one notifies "adjacent" owners, another may notify people at the discretion of the Board of Supervisors, and another Township notifies those within 500'. He stated when you get to the more rural areas such as Solebury and Wrightstown, where the Lots are quite far apart, they have 1,500' as the requirement. He stated Plumstead which is also rural has 1,000'. He stated a few others provide Notice to "abutting" landowners. Mr. Majewski stated for a Township comparable in size to Lower Makefield, Lower Makefield exceeds the Notice requirements. Mr. Majewski stated he came up with the 500' radius; and rather than sending it by regular mail where there is no way to verify that the homeowner received it, they will require it be sent Certified.

Ms. Burke stated she agrees with Certified, but she disagrees with decreasing of the number of feet and also with publishing it in a Newspaper as she feels the notification should all be Certified as it is at the expense of the developer and is not costing the Township money. She stated the people want to be notified.

Mr. Wallace stated the reference is to post it in the newspaper, but they also discuss other ways as well such as using social media to send out notifications; and the Planning Commission did not just recommend putting it in the newspaper. Mr. Grenier stated most places in the Country that have a notification requirement, require that in addition to the mailings, they require a newspaper of record like any Legal Notice you would see. Ms. Burke stated she feels that is fine if that is in addition to something, but it should not take the place of anything. Mr. Wallace stated he feels the way it reads is that we are "trying to get away with" putting an ad in the newspaper, and that is not all they are doing. Mr. Majewski stated they are putting it in the newspaper, sending Notices out Certified, and they are also proposing to post the property which is what they do for Zoning Hearing Board

Applications. He stated it would be posted at the property so that anyone going by can see it. He stated it would be a sign large enough to be seen by people driving by and people living within 500' would get Notice by Certified mail.

Ms. Burke stated any Public Notice she has ever seen had a copy of what the Application is. She stated Mr. Arth seems to indicate that we are taking away the need to include a statement of the size and scope of the proposed project; however, both Mr. Majewski and Mr. Grenier indicated that is in there. Mr. Grenier stated Mr. Majewski will provide the developer with “a technical guidance document” to show what needs to be included and it will be at least as much detail if not more than before.

Ms. Burke stated that is in there for the Certified letter; however, when they go to replace 178-19.E it indicates that the Township at the expense of the developer shall provide Notice of the time and place of the first Planning Commission meeting held to discuss the Preliminary Plan for the project by publishing it in a newspaper of general circulation. She stated it does not say anything there as to the size and the scope.

Ms. Kirk stated the problem they ran into is that 178-12.G and 178-19.E seemed to be contradictory so the intent was to put everything under 12.G as to how the letters and written Notice have to go to property owners and instead of having a separate section dealing with another type of Subdivision Plan, just replace it in its entirety with the publication. She stated the proposal is to put everything for the mailings and postings under 178-12 and do a different process under 178-19. She stated it is not replacing something, and it is just eliminating the contradiction that currently exists.

Mr. Majewski stated the newspaper ad will be done by the Township and will include pertinent information as to the size and the scope of the project.

Ms. Burke asked that they add that language.

Ms. Kirk stated as she reads it, within five days of the submission of the Plan by the developer, the developer is now under an automatic burden that within five days he has to send out the letters to Certified Mail that Plans were submitted to the Township for a proposed Subdivision project. She stated it is not the developer indicating the date when it will be before the Board because that would change depending upon the review, rather it is telling people that Plans have been submitted and allowing those people to contact the Township to verify when it will be before the Planning Commission and the Board of Supervisors. Ms. Kirk stated there can be last minute requests for Continuances; and she feels the proposal now would be much less confusing for the resident. She stated residents should contact the Township to confirm when it will be going before the Board or a Commission.

Mr. Majewski stated Mr. Arth was indicating that the Township was changing it from within fifteen days of submission to within ten days of the first Planning Commission meeting, but that is two separate issues. Mr. Majewski stated they are providing Notice to the residents within five days of the submission when previously it was fifteen days. He stated they want to get the Proof of the Certified Mail cards back within ten days. Mr. Majewski stated the ten day issue was so that before they schedule a meeting, they want to make sure they have all the Certified cards back and have the opportunity to possibly notify people on our own if they did not get their card.

Ms. Burke stated she would be in agreement with this, but she is not in favor of reducing the distance from 1000' to 500'.

Ms. Kirk stated where they indicate “a list of the names and addresses to which Notices have been sent along with the Return Receipt cards given to the Township,” she asked that they also provide a list of the names and addresses to which Notices have been sent and a copy of the Notice letter along with Return Receipt Cards. She stated in this way the Township will have on file the actual copy of the letter that was sent out to people so you can see what was said. Mr. Majewski stated they have listed earlier that the Notice shall be in a form approved by the Township as the Township wants to make sure that the developer sends the Township the letter before they mail it out.

Ms. Burke stated she feels the developer should provide the copy of the letter and verify that they sent this letter. Ms. Kirk stated she feels this would be appropriate for record-keeping purposes, and they should give a copy of the Notice letter itself. Mr. Wallace stated it would then be a package of material to demonstrate that they did provide Notice.

Ms. Kirk stated by making the developer go to the Bucks County Board of Assessment to get the addresses within 500' no one could then come back and say the Township gave them the list. She stated the Board of Assessment has the most current information on file. Ms. Burke asked about the verification. Ms. Kirk stated what the developer submits is their verification which would be the copy of the letter, the list of the people they mailed it to, and the Return Receipt cards. Mr. Majewski stated the Township will verify which is why they want the list which the Township will check to make sure it is accurate.

Mr. Halboth stated he feels the distance issue is difficult because it “is not one size fits all.” He stated with regard to the Marrasso property the difference between 500’ and 1000’ would not have made a difference as to who came to the Planning Commission meeting; however, with the Octagon Center, they may not have had anyone notified if they had the 500’ limitation. He stated he feels 1000’ is the proper way to go. He stated he feels the notification should be streamlined; and if notification is given to a wide range of potentially-involved people, they should be referred to the Township Website to keep up with when the scheduling would be for the various Hearings. Ms. Kirk stated it does indicate that “the Notice has to instruct all interested Parties to contact the Township regarding the date of such meetings.” Mr. Majewski stated over the last eight months or more, they have been putting in the letters when the Hearing will be, that the Plans are posted on-line, and that people can come in and inspect the Plans in the Township Building.

Ms. Burke stated her problem with this is that years go by and someone new may have moved in who never got the Notice. Ms. Kirk stated it has been her experience that when the developer submits a request for Preliminary Plan approval, the residents within a certain amount of feet are notified; and when they submit for Final Plan approval, they have to go through the same Notification process again.

Mr. Majewski stated that is also why they use the newspaper publication; and while Mr. Arth indicated a lot of people do not read the newspaper, it is the legally-recognized standard in the State of Pennsylvania for notifying people of meetings. Mr. Majewski stated they also put in that in the event that the Plan is still under consideration a year after the last time there was a meeting, the developer needs to re-advertise it. Ms. Burke asked what about “re-mail,” since it does not say that; and Ms. Kirk stated the MPC does not require that. Mr. Majewski stated the problem with the mail is that people claim they did not get the letter. Ms. Burke stated she feels that if more than a year has passed, they should add that the developer has to notify again. Ms. Kirk stated she does not believe the MPC allows for redundant notifications. She stated there is a fine line and we cannot make something more restrictive than what the State requires.

Mr. Majewski stated they would have them send the mailing by Certified Mail and have them post the property; and as long as the Plan is pending, the Township would check to make sure the property is still properly posted so that anyone new to the neighborhood driving by would see the sign. He stated hopefully they will ask their neighbors or the Township. He stated they would also have the newspaper notification so adjacent property owners would be advised as well as the general public.

Mr. Wallace stated it is not just the newspaper where it is being advertised, and they are doing much more. Mr. Grenier stated they are doing Certified mailings, newspaper Notices, and are posting the property. Mr. Wallace stated it is also on the Website. Mr. Grenier stated while it is not by Ordinance, they put it on the Website, and he also posts everything on Social Media so more people will have access.

Mr. Pockl asked how long it takes Township staff to verify one hundred mailings, and Mr. Majewski stated it would take a few hours to verify the green cards. Mr. Pockl stated it would not be a significant issue of adding Township staff time by keeping it at 1000' as opposed to the proposed 500'. Mr. Majewski stated while it would take extra time, it would not be overly burdensome. Mr. Pockl stated this time would not be paid for by the developer, as the developer would not be paying the Township staff hourly rates/benefits; and Mr. Majewski agreed, but added that the Fees have been increased to be at a level to be commensurate with our level of effort to administer projects. He stated when a project goes on for a long time, the amount that had been provided to the Township for the Filing Fee was not sufficient to cover Township costs. He stated he feels they now have the Fees up to a level that handles most normal projects through the process.

Mr. Wallace stated part of the reason they looked at 1000' was that they wanted to make sure they had relatively the same requirements as other Municipalities. He stated while they had the 1000' requirement, it may have appeared to be a stronger Ordinance, but what they are now considering is actually strengthening the Ordinance by these additional requirements. He stated at this point the discussion is just whether it should be 500' or 1000' or some other distance.

Ms. Kirk stated State law has not caught up with technology, and publication in a paper of general circulation is the approved form of Public Notice – not social media so they are meeting the requirements of the Law.

Mr. Kevin Cauley, 1355 James Court, stated what he has heard with regard to signs being put up, advertising in the newspaper, and sending letters out Certified Mail sounds good; however, he has not heard anything tonight that says it is for the benefit of the residents if the notification is reduced from 1000' to 500'. He stated he does not feel it matters what the other Townships are doing. He stated he feels if they are going to make a change, the foremost consideration should be whether it benefits the residents. He stated he is in favor of the other steps they are discussing.

Mr. Grenier stated when the Planning Commission previously discussed this, there were some people who wanted to eliminate notification completely. Mr. Grenier stated the argument was that they wanted transparency on these projects, and there was no reason not to have notification. He stated they wanted to make sure they could verify that those who needed to get Notice did get the notification, and that is why Certified is very important. Mr. Grenier stated they recognize that the newspaper is not the same medium it was previously, but that is the legally-acceptable method. He stated the posting is so that it will be visible to those driving by it so that if you live nearby, you will see that posting at some point whether you live 500' or 1000' away.

Mr. Cauley reiterated that he does not feel they have demonstrated a benefit to the residents of reducing the notification requirement from 1000' to 500'. Mr. Grenier stated they had asked Mr. Majewski to run an analysis of a few different projects using 200', 500', and 1000' to see what would be the change in the number of notifications. He stated this would depend on where you are in the Township and how big the Lots are; and if there were a townhome development within 500' to 1000', that would obviously significantly increase the number of notifications which could be several thousand in certain instances, and at the cost per Certified Mailing of over \$6, it would be a significant expense if you had to go through the Notification process a few times.

Mr. Cauley stated he felt it had been established that this cost would be borne by the developer and the incremental time spent verifying by the Township would be de minimus. Mr. Majewski stated while it would not be de minimus, it would not be burdensome. Mr. Cauley stated if they look at the pending Snipes Development where they are supposed to put up 80' high lights, it is hard to say that people will not be effected beyond 500' so he is having a problem understanding the rationale of how this will benefit the residents to reduce the notification radius from 1000' to 500' as this has not been demonstrated. Mr. Wallace stated that is only one aspect, and they have done several other things that have significantly strengthened the Ordinance requirements for notification. He stated he understands Mr. Cauley's point but he needs to recognize the additional steps they have added that give a lot of protection to the residents like Certified Mail since currently that is not required.

Ms. Beth Cauley, 1355 James Court, stated she does not get the newspaper, and she is not a high-tech person and when they indicated they would provide notification other ways, she did not understand how people would know, especially Senior Citizens. Mr. Tracey stated they would get a letter by Certified Mail; however, Ms. Cauley stated she is referring to people who would not get the letter but are within a certain area. Ms. Burke stated it would be on the Township Website.

Mr. Grenier stated if you are within the required radius, you would get a Certified letter. He stated this would be a benefit to the Township since if it is by Certified Mail, that would be more of a guarantee that the letter was received than normal so that we do not end up with a lawsuit that costs the Townships thousands of dollars. Mr. Grenier stated newspaper Notices are also available electronically so anyone looking at the Bucks County Courier times on-line could look at Legal Notifications. Ms. Cauley stated she does not feel very many people get that paper. Mr. Majewski stated to Ms. Cauley's point about older residents who are not that "tech-savvy," the newspaper is actually good for them. Ms. Cauley stated she was asking for herself as Mr. Grenier had mentioned social media. Mr. Grenier stated while they cannot write that into the Ordinance, Mr. Majewski does put the information on the Township Website. Ms. Cauley stated she is not sure where on the Website you would look for this. Mr. Grenier stated there is a Calendar of Events where all meetings are listed; and if you go to Township Departments under the Planning Department, you can see information about all the projects.

Ms. Cauley stated they also indicated that they would be posting a sign on the property. She stated she lives fairly close to Moon Nursery, and she was "shocked" when she saw houses going in there even though she goes past there several times a day; and it was only by word of mouth that she found out that it was becoming a housing development, and she never saw a sign. Mr. Majewski stated that is why they are adding that. Ms. Cauley asked how big the sign will be since if it is small not that many people will notice it is there. Mr. Majewski stated they do prescribe a sign requirement, and it is to be at least six square feet in size so it would be 2' by 3' and the map of the project has to be a minimum of 11" by 17". He stated driving by you would not be able to see the map; however the 2' by 3' sign is big enough to get the attention of those going by, and they could either stop and read the sign, call the Township, or take other measures. Ms. Cauley stated she does not believe that a 2' by 3' sign is that large either. Mr. Majewski showed what a 2' by 3' sign would look like. Ms. Burke stated if the 2' by 3' sign is conspicuously posted along the perimeter, she feels if you are walking along, you will notice it and recognize it is something you should look into.

Ms. Cauley stated she does not feel what other Townships are doing should be a consideration. She stated they could also say "look how beautiful and bucolic Upper Makefield is" and they are doing things differently than Lower Makefield which is higher density than Upper Makefield. She stated we should look to Upper Makefield and model after them. She stated as to the notification, it does not matter what other Townships are doing; and if the 1000' has been in place, she does not see the point in lowering it to 500'. She stated she feels it would be more progressive to increase it to 1,500'. She stated for a project brought by the Township, she feels it is "cheap" to notify 150 people for a \$3 million project and Notification would be "a drop in the bucket" compared

to the \$3 million the Township plans on spending at Snipes. She stated most times it is an outside developer who would be notifying and not the Township, and the outside developer would be bearing the cost. She added she feels \$6 is “pretty cheap” when you look at the cost of most developments.

Mr. Bill Gaboda, 1230 Ash Lane, thanked the Planning Commission for doing what they have proposed to strengthen the Notice other than reducing it from 1000’ to 500’; and he would ask that they keep it at 1000’ as it is better to notify too many people than too few.

Ms. Cauley asked if they are taking out the “scope and sequence;” and Ms. Burke stated she asked Mr. Majewski to put that back in.

Mr. Jaan Pesti, 1367 Brentwood Road, stated he questions whether those who have an adverse reaction to the lights, water run off, noise, and traffic stops at 500’ or 1000’ or more. He stated he feels they need to give notification to those who are going to be adversely effected by what happens no matter what other Townships have done.

Mr. Don Faust, 1509 Dolington Road, stated he appreciates the clarify provided this evening which answered a lot of question in his mind; however, no matter what they do, he feels reducing the notification is “going to smell like a rat to a lot of people.” Mr. Faust stated the prior Ordinances set a paradigm that we are living by; and if they reduce it, it will look like they have done six good things and one bad thing. Mr. Faust also stated that comparison to other communities is meaningless because the main reason he chose to live here was because it was different from other communities. He noted he also looked at Upper Makefield; and they are doing things that he sometimes envies as they are not having sewer problems because they do not have a sewer system and everybody has their own septic tank which is “smart.”

Ms. Burke moved, Mr. Wallace seconded and it was unanimously carried to approve the proposed changes with the exception of the following:

- 1) It shall be changed from 500’ to 1000’
- 2) Sections 178-23.E and 178-19.E shall include the size and scope of the proposed project

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There being no further business, Ms. Burke moved, Mr. Halboth seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Chad Wallace, Secretary