

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – DECEMBER 10, 2018

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on December 10, 2018. Mr. Wallace called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

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

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

APPROVAL OF MINUTES

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

DISCUSSION AND MOTION TO APPROVE HERITAGE TREE ORDINANCE

Mr. Majewski stated there was a question about whether or not this would apply to trees on Township properties, and he stated if the Township so chooses, they could elect to do that.

Mr. Wallace stated he understands that if someone decided to nominate a tree and volunteers to opt into the program, that would be a Deed Restriction on their property; and when they sell their home that would have to be disclosed to the potential buyers.

Ms. Kirk stated she took her written notes from the last meeting when this Ordinance was discussed and e-mailed them to Mr. Bray; and from what she has seen, he has covered all the items that the Planning Commission had addressed.

Mr. Bryson stated he assumes that the EAC is doing this so that they can capture a lot of trees that are on Township property. He stated he understands that the EAC will send it to the Supervisors who would have to approve it. Mr. Bryson asked if it would come to the Planning Commission first, and Ms. Kirk stated she does not believe so. Mr. Majewski stated he believes that the genesis of this was a tree at the Patterson Farm that is the largest of its kind in the State of Pennsylvania.

Mr. Majewski stated if a tree that was on the list died or becomes compromised in some way, there are provisions that would allow it to be either pruned and/or removed if necessary. He stated you could not just arbitrarily take it down. Mr. Wallace stated the Ordinance does a good job of spelling out the requirements.

Ms. Kirk stated it also clearly sets forth that if there is a tree that saddles more than one property, all the property owners have to agree to have it registered. Mr. Wallace asked what would happen if a tree gets larger and starts encroaching on another property, and Mr. Grenier stated they usually do not make it into the program until they are as big as they are going to get.

Ms. Burke joined the meeting at this time.

Ms. Kirk stated someone would have to make a recommendation to the Board of Supervisors that a tree on Township property would qualify as a Heritage Tree. Mr. Grenier stated it is written that the trees would “almost be included by default in the program” assuming they are identified. Ms. Kirk stated she assumes that the Township Supervisors would want to have the final say as opposed to one individual making that decision. Mr. Wallace stated his understanding was that each tree that was nominated would go through a process. Mr. Grenier read from the Ordinance under “Public Lands,” which states: “Trees on public lands shall be nominated and considered for special status designation in the same manner as on private lands.”

Mr. Bryson moved, Mr. Wallace seconded and it was unanimously carried to recommend to the Board of Supervisors approval of the Heritage Tree Ordinance draft dated November 20, 2018.

DISCUSSION OF UPCOMING ORDINANCE AMENDMENTS

Mr. Majewski stated there will be a number of Ordinance Amendments coming in for review by the Planning Commission. He stated one of them will be a Grease Trap Ordinance, and this has been lacking in the Township. He stated the Township recently passed the Property Maintenance Ordinance update that partially covers

that; however, to ensure that the sewer lines are clean a more enhanced Ordinance is necessary. He stated that has been worked on by the Sewer Authority and the Sewer engineer for quite some time.

Mr. Grenier stated he is the Sewer Authority liaison. He stated this matter was on the last Board of Supervisors Agenda; however the meeting went very late so they decided to postpone the matter to their next meeting. He stated the Board of Supervisors would not be recommending that it be advertised at this time, and they will just be discussing it at their next meeting.

Ms. Kirk stated this would apply to Commercial establishments such as restaurants, schools, etc. Mr. Majewski stated they have had problems with some of the Commercial establishments with grease in our lines downstream, and this will give the Township enhanced ability to make sure that they are properly maintaining them.

Mr. Bryson asked if something could be done about roosters in the Township. Mr. Majewski stated he believes roosters are not permitted unless you have a lot of a certain size, but he agreed to look into this matter for Mr. Bryson. Mr. Majewski stated they will be considering whether people can have chickens on lots smaller than five acres. It was noted that it is becoming more popular for people to have chickens.

Mr. Majewski stated another item is that in the Act 537 Plan we have to do enhanced work toward eliminating problems with our sewer laterals. He stated individual laterals can contribute significantly to I and I, and eventually they will have to have an Ordinance requiring sewer lateral inspections prior to people selling their homes. Ms. Kirk stated this will happen within the next year since it needs to go into effect in 2020. Mr. Majewski stated it will be a little bit of a burden on the current homeowner who is selling the house in that if there is anything to be repaired, they have to repair it; however, it is a benefit to whoever is purchasing the home so that they know they are getting a sewer lateral that is in acceptable condition.

Mr. Majewski stated the lateral inspection will need to be done and any deficiencies corrected before the sale. Ms. Kirk stated this cannot be waived as it is being required by the DEP.

Mr. Pockl stated he assumes part of that would be to prevent sump pumps from being connected into the sanitary sewer line, and he asked how they would inspect for that. Mr. Majewski stated they would have to hire someone to do a camera inspection of the lateral. Mr. Bryson stated the problem is they usually go from the clean out to the road. He feels at least 10% of people dump their sump pumps into the sanitary lateral. Ms. Kirk stated she is not sure how far the

DEP is requiring the inspection to go. Mr. Majewski stated he feels the Township is new enough and affluent enough that we do not have a significant problem with sump pumps being tied directly into the sewer. Mr. Bryson stated they could send letters to the residents indicating that there are problems with infiltration, and they could provide a voluntary inspection. Mr. Majewski stated that would cost money for the Township to do it, and the thought was that this would be done at the time of sale. He stated a number of Townships have a Use and Occupancy inspection prior to selling a home where the Township comes in and does a quick inspection for general safety situations. Mr. Pockl stated maybe the Township would develop a checklist for inspection, and one of those checklist items would be if the sump pump is connected to the sanitary sewer lateral.

Ms. Kirk asked if the Township is going through the U and O resale process, and Mr. Majewski stated they are not at this time although they have talked about it. He added it would be both a burden and a benefit since it would be a burden to the person selling, and a benefit to the person buying. Mr. Majewski stated they have not gone through yet whether or not, from a policy perspective, that is something that is desirable since there are overhead and costs for administrating it. He stated we have a good housing stock in Lower Makefield, and we do not have a lot of unsafe houses.

Mr. Majewski stated another item they will be addressing is that there are new Fire Codes that have been enacted in the State, and we will need to update our own Code to be more in keeping with the current regulations. He stated a sample Ordinance has been put out that will eventually be coming before the Planning Commission.

Mr. Majewski stated related to all the utilities that are coming in such as Comcast and PECO we want to put out an Ordinance that would enhance our standards for restoration; and if they would dig up a road that had recently been paved, it could not just be patched, and they would have to do a full lane width restoration for a certain width so it would be more substantial. He stated Falls Township is going through that process; and that should be coming to the Planning Commission soon. Mr. Bryson asked if they would be able to enforce that on the utility companies, and Mr. Majewski stated they can.

December 10, 2018

Planning Commission – page 5 of 5

There being no further business, Ms. Burke moved, Mr. Wallace seconded and it was unanimously carried to adjourn the meeting at 7:50 p.m.

Respectfully Submitted,

Chad Wallace, Secretary