

Planning Commission Board
Wednesday, November 28, 2018 Meeting Minutes

The November 28, 2018 public meeting of the Upper Makefield Township Planning Commission Board was called to order by Chair Karin Traina at 7:00 p.m. In attendance were the following members of the Planning Commission: Chair Karin Traina, Vice Chair Kathleen Pisauro, Member Phil Feig, Member Ken Rubin, and Member Walt Wydro. Also, in attendance were Township Solicitor represented by Coby Grim and Planning and Zoning Director Dave Kuhns.

Public Comment: No public comment presented.

Confirmation of a Quorum, Vice Chair Kathleen Pisauro: Karin Traina confirmed quorum.

Approval of Minutes:

- A. October 24, 2018:** A motion was made by Ms. Pisauro to approve the October 24, 2018 minutes with no comment. The motion was seconded by Mr. Feig. The motion carried with a unanimous vote.

New Business:

- A. Sycamore Farms Home Owners Association – *Request to Revise By-Laws:***
Mr. Kuhns gave the following brief.

Sycamore Farms is located between Stoneybrook Road and Woodhill Road and fronts on Shannon Road. The Sycamore Farms HOA has been working on the revised By-Laws for a few years. The goals of the revised By-Laws is to simplify, remove the previous developer language, correct language and grammar, and to move forward with the regeneration and repair of their pond base. The big pond at the corner of Stoneybrook and Shannon Road is the focus of the HOA funding and maintenance efforts. There are three ponds in the community.

The current Sycamore Farms By-Laws note that Township approval is needed to make any changes.

Planning Commission's discussion included the following topics:

- Appropriateness of the Township to be involved with HOA By-Laws and the review of the By-Laws, with the following points as part of this discussion:
 - Precedent for all community HOA By-Law review by the Township.
 - Permits should be submitted when the HOA is making a change that requires a permit, for things such as a retention basin change. Township engage by HOA By-Law may not be a good precedent.
 - Article 14 Section 1, last sentence was read and discussed.
 - All HOAs are bound by the laws of the state of Pennsylvania and by the Township Ordinances regardless of the By-Laws of the HOA.
 - Townships may not be bound by HOA By-Laws.
 - Historically, the Township has not approved HOA By-Laws or changes to By-Laws.
- Review of the changes to the By-Laws did not appear to impact the Township.
- HOA is modifying funding in the By-Laws, specifically for the reallocation of basin repair and maintenance. This funding is done with private funds, there are no Township funding involved. Allocation of funding and changes to the allocation may be a private matter that Township may not offer opinion on. If the Township would to engage in the funding

decision, the Township would request a review by the Township engineer to better understand the costs required for funding. Need some historical reference to understand if this funding account was requested by the Township.

- Township is holding an escrow for the Township review process.
- Township does have an interest in ensuring all Stormwater management systems are working correctly and doing what they are designed to do.
- Discussion regarding Township maintenance to include roads and Stormwater management and how the Township engages in the maintenance of community maintained property.
- Sycamore Farms has been very cooperative with reforestation in the community and cooperative with the Township.
- HOAs are put in place to ensure the value of the community properties are maintained through the maintenance of the community properties, to include stormwater management and basin maintenance. Funding for the maintenance and repair may be a private funding decision.

Mr. Rubin made a motion to recommend to the Board of Supervisors that they do not act on the request to approve the By-Laws and that the Board of Supervisors notifies the homeowners association that this is a private matter that the Township does not get involved in, with the understanding that the Sycamore Farms community is responsible for the maintenance and upkeep of the retention basin and stormwater management systems at all times in accordance with all applicable State Laws and Township Ordinances. Ms. Pisauro offered a second to the motion. The motion carried with a unanimous vote.

Liaison Report:

Dr. Ford noted the passing of Mr. Dan Johannsson and the appreciation for his service to the Zoning Hearing Board.

Dr. Ford noted that the Township has been inundated with requests for variance by the Zoning Hearing Board that don't meet a hardship requirement. A couple of applications have been denied recently due to the hardship not being proven. The Board of Supervisors is looking into what can be done to ensure that the applications are proving the hardship requirement, and not allowing them to proceed to the Zoning Hearing Board unless they meet the criteria for a variance. The Planning Commission may be called upon to assist with the decisions. The Planning Commission may be asked to review the Zoning Hearing Board applications with a recommendation to the Board of Supervisors prior to the Board of Supervisors review.

Public Comment: No public comment presented.

Adjournment:

A motion was made by Ms. Pisauro to adjourn the meeting and was seconded by Ms. Traina. Motion carried by a unanimous vote. The meeting adjourned at 7:43 p.m.

Approved: 1/23/2019