

Planning Commission Board
Wednesday, August 28, 2019 Meeting Minutes

The August 28, 2019 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 Walt Wydro, Member Jack Wiseman, Member Phil Feig, and Member Ken Rubin. Also, in attendance were Township Solicitor Mary Eberle, Township Engineer Larry Young, and Zoning Director Dave Kuhns.

Public Comment: No public comment presented.

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

Approval of Minutes:

- A. June 26, 2019:** Mr. Rubin pointed out that his comments regarding the Comprehensive Plan funding were not included in the minutes. Ms. Pisauro made a motion to approve the minutes with the addition of Mr. Rubin's comments. Mr. Wiseman seconded. Ms. Traina abstained.

Land Development:

A. Wolfinger Preliminary Sub-Division Plan, 1410 Wrightstown Road

The following were present representing the property at 1410 Wrightstown Road:

- John VanLuvanee, Eastburn and Gray, PC
- John Richardson, Dumack Engineering

Mr. VanLuvanee gave a brief summary of the project status stating it has been a three year process which has included:

- Review by the EAC twice
- Obtaining ZHB variances
- Receiving BOS conditional uses

He explained that the last time the Wolfinger Plans were before the Planning Commission a postponement was granted and since that time, they have worked with Mr. Young extensively, completing infiltration testing, and developing a new, cleaner plan. They are requesting Planning Commission recommendation of the new plan for BOS review.

Discussion followed between the Planning Commission Members, Mr. VanLuvanee, Mr. Richardson, Mr. Young, and Ms. Eberle, focusing on "WAIVERS REQUESTED" in Tri-State Engineers' letter dated August 21, 2019.

Items discussed were:

- Driveway slope, driveway easement for three lots, shared driveway agreement.
- Detention basins including locations, depths, fencing, safety concerns, etc.

- Tree replacement, establishing a No-Mow Zone, tree inventory, donation to tree fund. Recommendation is to NOT grant waiver at this time, choice of replacement vs donation is up to applicant.
- Issues on basic configuration of plan: no-further subdivision condition (not imposed when lot was created - 1979), two tiers of flag lots (necessary to access five acres across stream), cul-de-sac (not possible with regulations), easiest and most logical way to accomplish subdivision, minimum amount of disturbance to wet lands, slopes, etc., three lots being put on 10 acres (too small to be lane lots).
- Width of lane (proposing three 20 foot lanes, owned in fee simple subject to the common driveway easement agreement), street appearance not changed, meets fire code requirements, allows fire truck access, sketch plan has been reviewed by Fire Marshal lot frontage is necessary for every lot.
- Fire Marshal needs to review new plans.
- Three proposed lots will be deed restricted from further sub-division and enforced by the Township.
- Driveway agreement, inclusive of entire frontage area, will be drafted by Ms. Eberle.
- No sidewalks or curbs along street frontage.
- Preliminary/Final land development plans up to BOS.
- Many adjustments have already been made per EAC comments. EAC needs to review new plan.
- Culvert is located on Lot #1 but Lot #3 will be responsible to maintain.
- Scale, contour lines to provide more detail and legibility
- Wells and Septic Systems have been located on most adjacent properties. Bucks County Department of Health permits will be required.
- Concern of location of well for Lot #1 (close to driveway and actually on Lot #2). Well should be moved to Lot #1.

Mr. Scott Wolfinger, owner of property, interrupted stating that he does not have resources, at this point, to replace an existing well that is working and that a new well is not necessary. He further explained that only his family will be living on the three lots (his son on one lot, his daughter on another, and himself on the third) so the location of the current well is not an issue.

The Planning Commission agreed, but are concerned with requiring and enforcing the relocation and drilling of a new well in the future, if/when the property is sold to someone other than the family.

- For future sale, there is a need for a recorded separate stand-alone agreement for Lot #1 that when sold require that a new well be drilled and installed prior to conveyance with the sole exception of when the initial transfer is made to Mr. Wolfinger's daughter.
- Questions as to whether there is another possible location for a new well on Lot#1 were discussed. Confirmation will be obtained thru a Hydrogeological Report. A Hydrogeological Report will be done, but deferred.
- It was clarified that 100 foot distances are being met for all three wells.
- Side slopes 2:1.
- Additional infiltration testing was performed and it was determined that infiltration systems are not possible on this site and therefore detention basins are proposed. There

would be more volume of water due to additional impervious however flow is directly into stream and there is no risk of stream overflowing.

- Explanation of 24 hour dewatering issues.
- All DEP permits and requirements will be met, however 1.0 freeboard will not be provided. Water does not overtop driveway.
- Many easement agreements are needed and all will be drafted prior to plan release. Storm water will be separate easement.
- Timing for payment, deferring of payment, request that fees be paid as building permits taken out for the two new lots and prior to recording of subdivision.
- Applicant needs to have preliminary plan approval that vests their right to proceed. Hydrogeological Report will be done and must show ability of drilling well on Lot #1 other than on the driveway.
- All other items on Tri-State's letter, dated August 21, 2019, are will comply except:
 - Ordinance (referencing May 9, 2019 Tri-State letter and clarifying property is not within A or AE district). Permits are required.
 - Requirement of a Highway Occupancy Permit (HOP) is not applicable.

Discussion by the Planning Commission followed as to whether to give Preliminary and/or Final Plan Approval. Preliminary approval would require that Applicant needs to come before the Planning Commission again. General opinion was to approve as Preliminary/Final with items agreed upon to be conditioned and until those conditions are satisfied, the Township will not release or sign subdivision.

Ms. Traina made a motion to recommend Preliminary and Final Plan Approval providing that:

- (11) Applicant must provide a Tree Inventory. Tree replacement will be waived if Applicant makes a contribution to the Tree Fund. Per Ms. Eberle this is a conditional waiver.
- (13) There will be a separate driveway agreement which will include all lots and will be amended to include subdivision language specified by Ms. Eberle.
- (14) Plan approval is required by the Fire Marshal.
- (19) Subject to approval by EAC.
- (22) Granted.
- (24) Must meet DEP water quality requirements. The No-Mow Zone is part of the water quality.
- (26) Granted as long as water does not over top the driveway.
- (28) Fees are to be paid prior to recording of subdivision and not deferred.
- All easements will be created prior to approval which is standard procedure.
- (30) Hydrogeological Report must be provided and will need to show that a replacement well, that meets all Township requirements, can be drilled on Lot #1.
- (34) All items re Floodplain in Tri-State's letter dated 5/9/19 are will comply except #2, which will also be will comply to the extent that it requires submission of As-Built drawing after culvert construction.
- (38) The well on Lot #1 must be replaced if sold outside the family. There must be a specific recorded agreement that the Solicitor feels will be enforceable when the lot is sold, entitled "**AGREEMENT TO REPLACE DRINKING WATER WELL**".
- All other items are will comply.

Motion seconded by Mr. Wydro.

The motion carried with a 5 to 1 vote.

Liaison Report:

Dr. Ford was not present. No liaison report provided.

Walt Wydro:

On behalf of the entire Planning Commission, Ms. Traina expressed appreciation to Mr. Wydro for his time and many years of service.

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 8:40 p.m.

Approved: September 25, 2019