

## **Upper Makefield Township Planning Commission**

### **February 22, 2012 Meeting Minutes**

The February 22, 2012 public meeting of the Upper Makefield Township Planning Commission was called to order by Chair Walt Wydro at 7:00 p.m. In attendance were the following members of the Planning Commission: Chair Walt Wydro, Member Bob Curtin, Member Hank Lieberman, Member Kathleen Pisauro and Member Greg Pitonak. Vice Chair Karin Traina and Member Ken Rubin were absent. Also in attendance were Supervisor Liaison Mary Ryan, Solicitor Mary Eberle, Director of Planning and Zoning Dave Kuhns and Executive Director of the Bucks County Planning Commission Lynn Bush

Prior to beginning the business of the meeting, Mr. Wydro asked the group to stand and observe a moment of silence in remembrance of Dave Kulig. Following the moment of silence, Mr. Wydro spoke about his experiences working with Dave Kulig and what an inspiration he was.

Mr. Wydro asked the group to announce their name when making a motion so that the person transcribing the minutes can be sure to identify the correct person.

#### **PUBLIC COMMENT SESSION:**

There were no members of the public present to comment.

**APPROVAL OF MEETING MINUTES:** With the completion of the blanks left in the minutes for the insertion of the correct name, Mrs. Pisauro made a motion to approve the minutes of the January 25, 2012 meeting. Mr. Curtin seconded the motion. All were in favor and the motion passed.

**LIAISON REPORT:** Mrs. Ryan began by echoing Mr. Wydro's sentiments with regard to Dave Kulig's passing. She also informed the group that Paul Wojciechowski of All County, Inc. had also passed away along with former Supervisor, John Kupits.

There have been a couple of Board meetings since the last Planning Commission meeting. Earth Day will be on April 21<sup>st</sup> this year and there are plans to plant a tree in remembrance of Dave Kulig.

The Board approved the addition of Heritage Conservancy as a third party on some of the Township's Open Space Easements. She explained that early on in the process, the easements did not have a third party and as the Board gained more experience in that area, it realized the importance of a third party to the easements for added protection.

Phase II of Streetscape has been completed and all signs are in place.

There were residents assigned to open volunteer positions but the Township is still looking for someone for the Historical Advisory Commission.

The Board has agreed to add checks written by the Township each month as part of the minutes of the Board of Supervisors meetings.

The Board approved some capital improvements for Look Out Park. The Baseball League has raised a significant amount of money for improvements and the Township has agreed to provide one dollar for every two dollars raised by the league. There are new dugouts planned as well as changes to the fields which will allow them more versatility.

There was a joint meeting with the Environmental Advisory Council. The EAC has completed its walk through of the head waters of Jericho Creek and have made some recommendations in terms of

doing some education for residents. There is still quite a bit of money in the Riparian Grant Fund and so with the completion of the walk through the Board thinks it can get started on some major projects.

**CURRENT AND NEW BUSINESS:**

A. Financial Drive Through Ordinance Continued from 1/25/12 PC Meeting: Mr. Wydro began by stating that this subject was briefly discussed at a previous meeting and the consensus was that no one thought there should be an exit to any major street from a drive-through. The group discussed whether or not the ordinance would apply to financial establishments only. The Bucks County Planning Commission is recommending that the ingress and egress be on an arterial street or collector street or in a Shopping Center. Ms. Bush explained that the Bucks County Planning Commission looked at the Newtown Shopping Center and saw that there were 3-4 facilities that had drive throughs but none had access to an arterial road. She continued that the reason is that it would force everything out to the road instead of to an internal road.

Mr. Wydro felt that the ordinance should apply to any business, not just financial institutions. Ms. Eberle stated that making it all inclusive makes her nervous because it's difficult to anticipate every type of business that may someday want a drive-through.

After a brief discussion, it was decided that Ms. Eberle will send the Upper Makefield Township Planning Commission comments to Terry Clemons and Lynn Bush for discussion at the next Joint Zoning Council meeting.

In a final comment, Ms. Bush stated that what the ordinance was trying to address was the issue of having the drive through not being the prominent view from the road.

B. Noxious Weed Ordinance: Ms. Eberle stated that the list of noxious weeds from the State has not been amended since she began practicing law and there are more noxious weeds out there than what the State has on its list. She continued that one could argue that we as a Township are stuck with the State's list but if we amended our list to include those which have exploded on the scene in the last 25 years, at a bare minimum, it may serve as a deterrent and give Dave Kuhns the opportunity to talk to residents who are not practicing good vegetative maintenance. Ms. Eberle asked the group if they were interested in updating the UMT ordinance to include the list provided to the group. One commented that you almost have to be a botanist to understand what some of the plants are, questioned how it can be enforced and what a Homeowner is realistically expected to do or know what is growing on their properties. Mr. Kuhns stated that historically, the only weed complaints we have received are with regard to Canadian Thistle because the seeds are very light and get carried with the wind. Heritage Conservancy. Mrs. Pisauro provided some information regarding environmental positives including the increased oxygenation and the Planning Commission recognized that not all types of bamboo were detrimental to the environment or noxious. Some are self contained and do not spread rapidly.

Mr. Wydro stated that there may be a saving grace to the ordinance which defines weeds by specific names "...or any other plant or vegetation whatsoever not edible or planted for an ornamental or agricultural purposes." Therefore, he continued that you could plant bamboo and not be in violation of the ordinance. Ms. Eberle will draft a new ordinance for review and add an additional list of plants at the end of the ordinance. Ms. Ryan noted that she wasn't sure the Township should add a list to the ordinance because some of them are invasive but not noxious. Ms. Eberle said then that maybe it's not a matter of disallowing certain plants but one of control so that the plants don't spread. Ms. Eberle then suggested that if you let something grow onto a neighbor's property, you wouldn't be a good

neighbor so it won't be a question of being able to identify plants but rather to prevent the gardening proclivities of one person affecting the neighborhood.

### III. Discussion with Lynn Bush Regarding Two Ordinances:

A. Energy Ordinances, Solar and Wood Fired Boilers: Ms. Bush explained that the Joint Zoning Council and the various Planning Commissions in the County met to discuss how to deal with alternative energy sources. Up until a couple of years ago, there was nothing in any of the Ordinances to provide guidance to Homeowners or Municipalities.

Initially, the County tried to come up with something that would address all of the technical issues associated with these energy sources and so, it became very complicated. Therefore, the Joint Zoning Council decided to pare it down to consider the classic zoning considerations such as setbacks, heights, placement in a yards etc. and decided to stay away from the technical issues. They understood that some of the Townships already had alternative energy ordinances such as Upper Makefield Township's Solar Ordinance. They also decided to put wind energy aside because everyone they spoke with felt that there was little practical attraction to wind as a true energy generator.

The result is two draft ordinances both of which would amend the Joint Municipal Zoning Ordinance to add new uses. Reviewing the Accessory Outdoor Wood-Fired Boilers, the first paragraph provides a definition of the boilers which is the same as DEP's definition and the first subsection requires compliance with all DEP requirements. The rest of the ordinance provides for setbacks from the property line, placement of the boilers, which are not allowed in front yards, stack heights and the requirement of compliance with all municipal and county regulations. There was a brief discussion regarding distance from a residence and noxious fumes which are not addressed in the draft ordinance, or in the DEP ordinance. Ms. Bush assumed that the DEP already took air quality into consideration because one is only allowed to install an "EPA Type II Approved Boiler. DEP also regulates what can and cannot be burned in them. Ms. Eberle suggested the addition in the ordinance of wording regarding the fact the if provisions conflict, the stricter standards shall apply.

Mrs. Pisauro made a motion to recommend approval. Mr. Pitonak seconded the motion. All were in favor and the motion passed.

The motion covered the solar ordinance as well and all standards are similar to what Upper Makefield Township has in its stand alone ordinance.

B. Sycamore Street Planning Study & Zoning Recommendations: Ms. Bush explained that the Bucks County Planning Commission has been working directly with Newtown Township. Its Sycamore Street. zoning district is TC. TC only exists in Newtown and these recommendations would not affect districts in Upper Makefield Township. She explained that the TC Zoning Dist in Newtown begins at the former site of the St. Andrew Elementary School. This site has been purchased by DeLuca and there may be parking proposed for this site. It continues on passed the former Chrysler Facility, which was the genesis for the financial Drive-Through Ordinance, including Bill Marsh Ford, the old Acme site, the Goodnoe Farm House and the Sycamore Street Center. A vision for the land use in this area was developed. They also discovered that there were many non-conformities mainly because the area had developed over time prior to zoning. The Township developed a series of goals for Sycamore Street to guide the development of vacant, underutilized or potentially changing parcels. The goals are to encourage economic development but on a neighborhood scale and to make a connection between Sycamore Street in the Township and State Street in the Borough. Mix uses, public spaces; public amenities are encouraged and large parking lots discouraged. The Township also would like to remove

some of the nonconforming uses. The ordinance would change the purpose and intent of the TC District based on what she just explained. The intention is to modify the uses by right to include more mixed uses and less residential uses. They discussed the need to control drive through facilities and added some uses such as museums, specialty shopping centers, mixed use buildings and different heights on the east and west sides of the street. They are requiring some public space be added, and encourage the reuse of existing buildings rather than removal.

After a brief discussion, Mr. Curtin made a motion to recommend the Bucks County Planning Commission and Newtown proceed with the plan. Mr. Lieberman seconded the motion. All were in favor and the motion passed.

Mrs. Pisauro made a motion to adjourn the meeting. Mr. Curtin seconded the motion. All were in favor and the meeting was adjourned at 8:40 pm.

Submitted by: Phyllis Mehler

Approved: March 28, 2012