

## UPPER MAKEFIELD TWP. PLANNING COMMISSION

March 23, 2011 – 7:00 p.m. Meeting

Municipal Complex, 1076 Eagle Road.

**Present:** Walt Wydro, Chair; Karin Traina, Vice Chair; Greg Pitonak, Hank Lieberman, Kathleen Pisauro, Ken Rubin, Mary Eberle, Planning Commission Solicitor, Dave Kuhns, Director, Planning & Zoning, Mary Ryan, Liaison, Larry Young, Township Engineer.

**I. Public Comment:** No members of the public were present to comment.

**II. Approval of Minutes:** Mrs. Pisauro pointed out that Mr. Pitonak, not Mr. Rubin, seconded the motion to have Karin Traina continue in her capacity as Vice Chair of the Planning Commission. She also pointed out that the minutes should mention discussion of the Wells Fargo signs and the question of whether or not the Applicant should have returned to the Planning Commission. Ms. Traina said that the minutes should reflect that there was discussion regarding allowing the Planning Commission to provide recommendations to the Zoning Hearing Board.

**III. Liaison Report:** Ms. Ryan stated that the Alden Subdivision Plan was recently before the Board. As the Applicant had not revised the plan since the issuance of Mr. Young's review letter, the Board requested the Applicant do so and the Board expects the Applicant to return to complete the process.

Regarding the Washington Crossing Inn Sketch Plan, the Board gave the Applicant "a big thumbs down" on the plan. Of specific interest to the Board was the issue of the Inn proposing a possible hook up to the Washington Crossing Historic Park's sewage system. The Board asked Dave Kuhns to work with the Township's water and sewer consultant to see what the possibilities are there. The Board did not take a vote on the plan.

The tiered parking ordinance issue arose due to the fact that the Washington Crossing United Methodist Church has a tiered parking lot which wasn't' immediately clear on the Church plans until well into the process. The Board of Supervisors thought that another applicant might come forward proposing a tiered parking lot which the Board would want to disallow and that is the purpose of the ordinance. Mr. Wydro stated that the Church sits up on a mound and he thought that there were very few other locations within the Township which could support or achieve a tiered parking area. Ms. Ryan said that there are actually several properties especially along the Taylorsville corridor that are also on a slope and are zoned commercial and could support a tiered parking lot. This ordinance would prohibit that

During Ms. Ryan's liaison report, there was discussion of the proposed plans for the Washington Crossing Inn, off street parking and specifically the contract entered into between the Washington Crossing Inn and the Washington Crossing Historic Park to use

the Park's parking facilities. The effect of the agreement was to create a commercial use in an area zoned POS (Park and Open Space). Ms. Eberle stated that it doesn't matter that the lease was signed or not if the use is not permitted in that zoning district. She continued that this is a code enforcement issue and it is important to do something now so that there can be no claims of municipal acquiescence in the future.

Finally the Board decided to refinance the Township's Open Space loan. The Board approved the refinancing and the loan has been restructured to a 15 year loan and has been paid down with the money which was left over.

#### **IV. CURRENT AND NEW BUSINESS**

**A. Tiered Parking Ordinance:** Prior to discussing the ordinance, Mr. Wydro asked if the Planning Commission should make a recommendation to the Board of Supervisors regarding the issue of *valet* parking for the Inn on Park property. Ms. Traina said that she thought the Planning Commission had made its feelings of opposition clear and that the Township should uphold the JMZO forbidding the valet parking lot, that the Township does not support what the Inn has been doing and the Inn has never come forward seeking relief.

With regard to the tiered parking ordinance, Mr. Wydro asked Ms. Ryan, as a member of the Board, what is wrong with a tiered parking lot if it cannot be seen, i.e. buffered from street view. What is objectionable under those circumstances? Ms. Ryan responded that it would allow for a more intensive use of a property. If an Applicant can add double the parking space for use, then an Applicant could increase the floor space of an office or retail facility that is available for development. Therefore, in an effort to keep the development of buildings small, the Board wants to keep the parking lots small.

Mr. Lieberman thought that the language in Section B should be revised to be more specific regarding visibility. Ms. Eberle suggested a change to

“...and landscaped with a visual vegetative screening from the roadside to the satisfaction of the Township”.

With no other comments, Ms. Pisauro made a motion to recommend approval of the ordinance with the changes requested by Mr. Lieberman. Ms. Traina seconded the motion. All were in favor and the motion passed.

**B. Township Sign Ordinance:** At the last meeting, it was agreed that Ms. Traina and Mr. Pitonak would suggest changes to the sign ordinance or guideline. Mr. Pitonak summarized some of the changes he made in verbiage and he also suggested removing the pictures of the sample signs based on the Planning Commission's recent experience with the Wells Fargo signs.

Ms. Eberle interjected that the original intent of the guideline was to provide flexibility and allow dialogue between the Applicant (or builder of the sign) and the Planning Commission.

Following the last meeting, there was a consensus that the sign ordinance was fine as is but that the guideline should be revised. Mr. Pitonak will circulate his document with changes so that the members of the Planning Commission can review them for the next meeting.

**C. Bucks County Well Regulations:** Mr. Wydro referenced the memorandum from Tom Zarko of CKS Engineers dated February 24, 2011 regarding the County's new well requirements. First, Mr. Zarko notes that the County regulations do not supersede the Township's regulations. Mr. Wydro stated that he knew the Township requirements were more stringent than the County's, he now wanted to consider if there were any conflicts and suggested that Mr. Zarko provide an analysis of conflicts. Ms. Ryan thought that the third bullet point of the memo answered that by stating the County regulations were more stringent but that in either case the more stringent rules should apply. Ms. Eberle stated that the way Mr. Zarko's memo is written, the conclusion would be that both the County and the Township regulations must be met. So, to comply with both, you must comply with the most stringent. But, she continued, there is a legal question involved because she was not sure that the County regulations *do not* supersede the Township ones. Generally, where our regulations are in conflict with the Dept. of Health, we are preempted from acting in that sphere. Ms. Eberle said she would discuss this with Mr. Zarko. Mr. Wydro then continued with the second bullet point which states that Township regulations for documenting the viability of proposed non-production wells are more extensive as compared to the County regulations. The Township requires a more intensive assessment of well output and water quality characteristics as compared to those required by the Dept. of Health. Mr. Wydro felt that was a plus for the Township and we should leave those requirements in our ordinance. He felt that was also the case for construction requirements, the inclusion in our ordinance of regulations with respect to geothermal, monitoring , test and agricultural well requirements, for well abandonment, the right to inspect well construction and testing activities not currently addressed by the Township ordinance. With respect to minimum well depths which are not part of the County regulations, Mr. Wydro felt the Township should keep its more stringent requirements. With regard to well locations near pollution sources and well disinfection, Mr. Wydro felt the Township regulations should mirror the County's and that the Township should duplicate the County's process. Further discussions were with regard to required inspections and whether or not the Township needs to adopt anything the Health Dept already regulates. Ms. Eberle will discuss drafting a more detailed checklist with Mr. Zarko regarding where conflicts exist between the Township and County regulations. This issue will be on the agenda for a future meeting but as Mr. Wydro stated, the next Planning Commission meeting may be reserved for discussions of the FEMA Floodplain Maps.

**D. Planning Commission Annual Report:** Following review, Mr. Rubin made a motion to approve the report. Mr. Pitonak seconded the motion. All were in favor and the motion passed. The report will be presented to the Board of Supervisors.

**E. Neshaminy Creek Watershed Stormwater Management Ordinance:** Mr. Wydro stated that this ordinance had been enacted by the County at the beginning of the year so it is currently in effect. The Delaware River South Stormwater Ordinance which has not been recently updated by the County governs the majority of the Township. The ordinance under consideration affects only a small portion of the Township; approximately 25 acres. Ms. Eberle stated that the end result to be achieved is a stand alone ordinance of Upper Makefield Township. She continued that changes need to be made to the model ordinance first but that the Township must adopt it by May. Mr. Wydro stated that he would distribute the presentation materials given to the Joint Planning Commission at its last meeting. Mrs. Pisaruro suggested that as Ms. Eberle has already reviewed this for other Townships and knows what changes need to be made, why not do that for the next meeting. Everyone agreed and the ordinance will be considered at the next Planning Commission meeting.

**F. FEMA Floodplain Maps:** Mr. Wydro stated that at the last Joint Planning Commission meeting, the new FEMA floodplain maps were discussed. As there was no quorum for that meeting, he suggested Upper Makefield take the helm to move this along. The FEMA maps are not very detailed with respect to geological elevations and the resolution is poor. The maps which the Township has are of better quality. Rather than do this as a jointure, Mr. Wydro suggested making it the subject of the next Planning Commission meeting which would be a public meeting to unveil the maps. He proposed reviewing the two slide presentations presented to the Joint Planning Commission as well as the FEMA pamphlet which outlines the time schedules for public comment prior to the finalization of the maps by FEMA. Although he has not confirmed this, Mr. Wydro has heard that the new maps have increased the flood plain areas which means additional required insurance coverage for those affected and hence could have a huge impact on home values. Following discussion regarding scheduling of the special meeting, preparation of the Planning Commission for that meeting and dissemination of information to residents, it was agreed that there will be a special meeting on Monday April 4, 2011 to discuss what the County expects from Upper Makefield.. Ms. Eberle suggested that perhaps the Neshaminy Stormwater Management Ordinance could be considered at the April 4 meeting as well assuaging concerns about pushing this ordinance to a May meeting.

Ms. Traina made a motion to adjourn the meeting Mr. Pitonak. seconded the motion. All were in favor and the meeting was adjourned.

Submitted by: Phyllis Mehler

Approved May 25, 2011