

**UPPER MAKEFIELD TWP. PLANNING COMMISSION**

**May 25, 2011 – 7:00 p.m. Meeting**  
Municipal Complex, 1076 Eagle Road.

**Present:** Walt Wydro, Chair; Greg Pitonak, Hank Lieberman, Kathleen Pisauro, Ken Rubin, Dave Kuhns, Director, Planning & Zoning, Mary Ryan, Liaison, Larry Young, Township Engineer, Stephanie Teoli, Township Manager

**I. PUBLIC COMMENT SESSION:** No members of the public were present to comment.

**II. APPROVAL OF MINUTES:** Mr. Lieberman made a motion to approve the minutes of March 23, 2011. Mr. Pitonak seconded the motion. All were in favor and the motion passed. Mrs. Pisauro made a motion to approve the minutes of April 4, 2011. Mr. Lieberman seconded the motion. All were in favor and the motion passed.

**III. LIAISON REPORT:** Ms. Ryan was present to provide the liaison report. There were three meetings of the Board of Supervisors since the last Planning Commission meeting. At the May 4<sup>th</sup> meeting, the Volunteer of the Year was announced as Barbara Hirst and the Board approved the Alden Final Subdivision.

The May 11<sup>th</sup> meeting was a special joint meeting with the Environmental Advisory Council to discuss the Riparian Buffer Grant Program. Ms. Ryan explained that some residents are under the impression that the fund has been created with tax monies. On the contrary, she explained that the grant monies resulted from a settlement with Toll Brothers. The meeting was held specifically to discuss how the fund can be better used. It was decided that the focus should be on the headwaters of Jericho Creek to identify areas the EAC thought would benefit from the process and contact those Homeowners in those specific areas to see if they want to apply to the program. The decision was made in order to control the velocity and flow at the points of origin rather than to do spot improvements. Mr. Lieberman asked if the Jericho National Golf Club property was discussed at that meeting. Ms. Ryan indicated that there were no specific discussions regarding the Golf Club at that meeting. Mr. Lieberman explained that he and a number of residents in that area have made efforts to get the Golf Club to participate in the program and that they have experienced opposition from the Club's owners.

At the May 18<sup>th</sup> meeting, the Board considered the Lubaczewski Zoning Hearing Board application to construct an addition to the residence and the Petty/Traina application to construct a fence in the floodplain. The Board decided not to oppose either application.

At the meeting held on May 18<sup>th</sup>, the Board passed Ordinance 298 which is the Neshaminy Creek Watershed Ordinance.

**IV. 537 PLAN UPDATE:** Tom Zarko of CKS Engineers introduced himself to the Planning Commission and was present to apprise the group of the status of the 537 Plan Update. Mr. Zarko stated that the most difficult issue with respect to the update has to do with the long term sewage disposal needs of the Taylorsville and Dolington areas. CKS Engineers has been

assigned the task of evaluating all potential alternatives to address those needs. Mr. Rubin asked if any of those options will involve the use of taxpayer monies generally. Mr. Zarko replied that he did not think so. A supplemental report will be prepared to be attached to the current 537 Draft. When the supplemental report has been issued, Mr. Zarko will return to the Planning Commission for its input. Although there is no specific timeline for issuing the supplemental report, Mr. Zarko said he is hoping to finalize the report in June.

## **V. DEVELOPMENT ISSUES:**

**A. Cohen Planning Module:** 384 Woodhill Road: This planning module was previously approved but was back in front of the Planning Commission because the applicant had not yet completed the septic system installation required to replace the Rural Residence Agreement. Now that the installation is complete, the module was on the agenda for another vote. Mr. Curtin made a motion to approve the Planning Module. Mr. Lieberman seconded the motion. All were in favor and the motion passed.

**B. Siligato Subdivision Plan:** 1040 Taylorsville Road: Ed Murphy, Esq. and Paul Wojciechowski of All County, Inc. were present on behalf of the Applicant. Don Marshall, Esq. was present on behalf of the Lafayette Homeowners Association. Mr. Murphy provided background. Several years ago, Mr. Siligato had a tenant who was a landscape contractor. Over the years, issues arose due to the intensity of the use which eventually resulted in the Township issuing a Zoning Enforcement Notice. The resolution of the legal settlement which resulted was that the tenant moved to another location. Since that time, Mr. Siligato has been trying to determine the best use for the land. After an approximately two year dialogue with the Homeowners Association of Lafayette Place, a resolution was reached which resulted in a Sketch Plan which was submitted to the Township. Following that, the Applicant applied to the Zoning Hearing Board for the relief required to implement the Sketch Plan and the relief was granted. Subsequently, this application for subdivision was submitted and a review letter was issued by Mr. Young of Gilmore & Associates dated May 20, 2011. The Applicant and his representatives are present today to highlight some of the issues raised in the engineer's letter. Mr. Murphy also indicated that the required documentation is being prepared to reflect all of the conditions of the Zoning Hearing Board decision as well as agreements reached with the Lafayette Hills Homeowners' Association. The inclusion of the Lafayette Hills Homeowners' Association is due to the fact that the former tenant had to access the Siligato property through the Lafayette Hills subdivision and this eventually became bothersome to the homeowners. The plan proposes an access easement to the site for the Siligatos as well as the other lots being created by the subdivision.

Prior to going through the review letter, Mr. Wydro asked about the bridge over Taylorsville Road and wondered if that route could be an alternate way to access the site rather than to create a new access road. The consensus was that the bridge could not accommodate certain size vehicles.

The review letter issued by Mr. Young summarized the variances and special exceptions granted by the Zoning Hearing Board and provided a review of the plan pursuant to the JMZO, SALDO and Stormwater Management Ordinances. The Applicant indicated that all JMZO issues

outlined in the letter will be complied with. The Applicant will also comply with the SALDO comments, with the exception of the following:

SALDO Section 302.6 regarding land subject to flooding was already satisfied at the Zoning Hearing Board level. Regarding road improvements required if the property abuts Taylorsville Road, the Applicant indicated the comment is not applicable as the property does not abut Taylorsville Road.

With respect to SALDO Section 413, there was a discussion regarding whether or not a hydrogeologic report is required. A hydrogeologic report is required when the subdivision “involves 3 lots.” The Applicant feels this does not apply because only two (2) lots are being created, even though there is a third lot, because that lot is existing. Ms. Eberle stated that the language is not crystal clear with respect to whether or not this section applies. Results of a hydrogeologic report would indicate whether or not a Well Guarantee would be necessary. Mr. Lieberman suggested that if the hydrogeologic report’s costs exceed the expense of providing a Well Guarantee, then the Applicant could consider just providing the Well Guarantee. Following discussion, Ms. Eberle suggested a waiver of the hydrogeologic report by the Planning Commission conditioned on the execution of a Well Protection Agreement. Mr. Lieberman made that motion. Mr. Rubin seconded the motion. All were in favor and the motion passed.

Regarding SALDO Section 804.1.B (12), Mr. Murphy stated that whatever requirements of this section have not yet been satisfied, will be provided through aerial photographs.

In response to a question from Mr. Wydro as to how the property will be accessed for the purpose of installing utilities, Ms. Eberle stated that the access easement will include a utility easement.

With respect to comments regarding wetland disturbance and wetlands transition area disturbances, Mr. Murphy stated that the plan shows that no wetlands or wetland transition areas will be disturbed.

One of the EAC comments was that the access road width be 18 feet. Mr. Murphy wondered why the EAC is suggesting a wider driveway than the 10foot one proposed. Mr. Wydro thought that the 10 foot proposed driveway was sufficient. The Applicant will contact the Fire Co. to confirm that the proposed 10 foot drive is wide enough to accommodate emergency vehicles.

Mr. Murphy stated that the remainder of the comments are “will complies” and that the Applicant will make revisions to the plan based on today’s meeting and then return to the Planning Commission for review.

## **CURRENT AND NEW BUSINESS:**

**A. Energy Ordinances from Bucks County, JMZO:** The Energy Ordinances from the County represent samples to be used by municipalities should they be interested in regulating solar, wind, geothermal and outdoor wood-fired boiler regulations. Mr. Pitonak stated that he had

reviewed the sample solar ordinance provided as compared to the Upper Makefield Township Solar Ordinance and noted that some areas are more lenient and some more strict. Mr. Wydro suggested Ms. Eberle prepare a memo comparing the two. Ms. Eberle stated that at the time Upper Makefield was considering a solar ordinance, the others members of the Jointure were not that interested in it and that is why it became a stand alone ordinance.

With respect to Wind Turbines, our Township does not really have a feasible area for that type of alternative energy system and there has been no interest expressed regarding wood fired boilers. Other than the Solar Ordinance, it was suggested that a geothermal ordinance be considered.

Mr. Wydro suggested the group think about whether or not it wants to pursue these ordinances and discuss the topic at the next meeting.

Prior to moving on, Mrs. Pisuaro told a story about what occurred in another township when a house with a solar roof array caught on fire. She said that the firemen on the roof of the structure kept getting shocked by the roof panels because the fire department had been unable to disable the system. For that reason, the firefighters were unable to fight the fire to the extent they otherwise would have been able to do and the house burnt to the ground. For this reason, she suggested our Fire Department be contacted regarding the issue of safety for emergency personnel fighting a fire at a residence with a roof solar array.

**B. Township Sign Ordinance:** Ms. Eberle stated that in mid April, she sent an e-mail to the group regarding the marked up copy of the current ordinance with recommended changes provided by Mr. Pitonak and Ms. Traina. As this e-mail was not part of the packet for this evening's meeting, this will be considered at the next Planning Commission meeting.

**C. Tiered Parking Ordinance:** The tiered parking ordinance was considered by the Board of Supervisors and as a result, some changes were requested and made. Mr. Lieberman made a motion to approve the ordinance. Mr. Rubin seconded the motion. All were in favor and the motion passed.

Mr. Curtin made a motion to adjourn the meeting at 8:45 p.m. Mr. Lieberman seconded the motion. All were in favor and the meeting was adjourned.

Submitted by: Phyllis Mehler

Approved after revisions requested by Mr. Rubin at the December 6, 2011 Planning Commission meeting.