

**UPPER MAKEFIELD TWP. PLANNING COMMISSION**  
**December 22, 2010 – 7:00 p.m. Meeting**  
**Municipal Complex, 1076 Eagle Road.**

**Present:** Walt Wydro, Chair; Karin Traina, Vice Chair; Bob Curtin, Greg Pitonak, Hank Lieberman, Kathleen Pisauro, Ken Rubin, 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:** Ms. Traina commented that a statement should be added to the minutes of the October 27, 2010 meeting that the Applicant did demonstrate that the materials proposed to be used *were* in keeping with the Sign Guide. Mrs. Pisauro made a motion to approve the minutes of October 27, 2010. Mr. Rubin seconded the motion. All were in favor and the motion passed.

**III. Liaison Report:** Ms. Ryan stated that the Board of Supervisors has approved the Haulers' OLD's Ordinance. The Board also approved the FCO Removal Ordinance. Provided Wrightstown and Newtown recommend approval, the ordinance will move forward.

She continued that the budget process was difficult this year because revenues are down again. The most notable thing the Board did was to move the Cable Fund to the General Fund which gives the Township another year to find other places to make budget cuts. The Board has put a freeze on hiring and has taken away co-pay reimbursements for Township Staff. With respect to professionals who work with the Township, the Board conducted interviews for general engineers as well as water and sewer engineers. Gilmore & Associates will be the General Engineers for 2011 and CKS Engineers will replace Mercuri & Associates for water and sewer engineering issues. Ms. Ryan said that the Board is taking a look at professional services in all areas and has decided that Solicitors and Engineers for the various advisory boards will only attend meetings on an as needed basis. In addition, Monday afternoon meetings of the Planning Commission will no longer be held until future notice.

Finally, John Silvers has stepped down as Supervisor. The Board will be conducting interviews for his replacement in early January.

**IV. Development Issues**

**A. Foster Preliminary Subdivision Plan, 16 Stoneybrook Road:**

Don Marshall, Esq. was present on behalf of the Applicants, Richard and Marilyn Foster. He explained that this is a Minor Subdivision Plan of approximately 20 acres which contains a house, barn, pool and several out buildings. Although the plan is denoted as a Minor Subdivision, it is actually two lots which were approved by Upper Makefield

Township on January 23, 1966 and so this is really more in the category of a lot line change. Whether the Township's current Subdivision Ordinance recognizes that may be more about procedure than substance because the Applicant is willing to go through the process of subdivision. Mr. Marshall raised this point should questions arise about whether or not this should be considered a minor or a major subdivision. He stated that the owner could have just deeded the lot off and applied for a building permit but that they felt it more appropriate to revise the subdivision and take another look at it.

Mr. Wydro asked why the barn is situated on one lot and the other buildings are on the other lot. Mr. Marshall explained that the owners purchased both lots, that there is one TMP and that the deed contains both lots. Basically, the owners treated the two parcels as one lot. Each lot following subdivision will be approximately 10 acres. The lot line is moving about 12 feet from what is shown on the subdivision plan approved in 1966.

Reviewing the Gilmore & Associates letter dated November 19, 2010, the first section is on the Requested Waivers. The Planning Commission agreed to the following waivers:

**SALDO Section 304.5** which requires grading to the full width of the right-of-way.

**SALDO Section 311.1** requires a stopping area which requires a slope not to exceed four percent grade. The Applicant is proposing a slope of 6.1%.

**SALDO Section 318.10** requires fencing on all stormwater detention and retention basins. The Planning Commission agreed to a waiver for the rear basin only.

**SALDO Sections 409 and 410** requiring sidewalks and curbs.

**SALDO Section 704.1** states the requirements of a minor subdivision. The Planning Commission agreed that this was a minor not a major subdivision.

**SALDO section 804.1B. (12)** requires identification of owners of adjacent properties, locations and dimensions of any streets and/or right of way easements and additional items. The Applicant is requesting a partial waiver to identify all items under that section. The Applicant requests a partial waiver and agrees to identify all septic systems and wells on adjacent properties with 500 feet of the parcels in question.

The next section of the letter reviewed pertinent sections of the JMZO. The Applicant will comply with the three sections of the letter required by the Ordinance as follows:

**JMZO Section 401.B & C** requires revisions to the record plan to include a per lot impervious surface breakdown.

**JMZO Section 401.B** requires density, open space and minimum gross site area to be shown on the Record Plan.

**JMZO Section 902** requires the Applicant to provide the percent of disturbances for each protected resource on the plan.

The next section of the letter deals with the SALDO review. The first section discussed is **Section 324.1** which addresses the requirement of street trees. The Planning Commission agreed that the plan already complies with the ordinance in this regard.

The Applicant will comply with the remaining sections discussed in the letter as follows:

**Section 325.4** requires replacement trees for trees removed during any stage of development, grading or construction.

**Section 325** requires review and recommendation of the plans by the Bucks County Conservation District.

**Section 328** requires clear site triangles provided for both driveways.

**Section 329** requires the customary fees to the Park and Rec Fund, Emergency Services Fund and General Fund.

**Section 408.1** requires monumentation.

**Section 413** requires certification of the private water supply for Lot 2.

**Section 415** requires the proposed septic system for Lot 2 meet the private sewage disposal regulations.

**Section 416.2** requires the placement of all utilities underground.

**Section 805.A.** requires that should the application receive final approval, the final approved plans must be provided in either AutoCAD or DXF format.

Finally, should the project receive final major subdivision approval, the Applicant will be required to enter into a Developer's Agreement.

The Applicant will comply with all comments under the Stormwater Management section of the letter.

The remaining comments in the letter pertain to the Codified ordinance. The Applicant will comply with all comments in that section which pertain to drainage and driveways.

Mr. Young's miscellaneous comments as well as the requirement of other agency reviews will be complied with by the Applicant.

Following discussion, Mrs. Pisauro made a motion to recommend the plan to the Board of Supervisors subject to compliance with the engineer's letter with respect to waivers

and compliance with items in the review letter agreed to at the meeting. Ms. Traina seconded the motion. All were in favor and the motion passed.

**B. Alden Preliminary Subdivision Plan, 2840 Windybush Road:**

Mr. Paul Wojciechowski of All County, Inc. was available on behalf of the Applicant, Dr. James C. Alden. The Applicant proposes to subdivide the property consisting of 47.061 acres into two building lots. The first lot would consist of 43.286 containing the existing dwelling and other buildings. The second lot would consist of 3.775 acres. However, this property is governed under Act 319 and has a Conservation Easement on the property of 19.682 acres. No part of the Conservation Easement will be within the proposed second lot. According to Mr. Young's review letter dated December 16, 2010, the Applicant's consultant indicated that in order to not breach the covenant or Act 319, only 2 acres may be conveyed per year. A staged conveyance is proposed.

Referencing the Gilmore & Associates review letter of December 16, 2010, there was only one waiver requested at submission and that was with respect to the partial waiver being requested from the water quality requirements to reduce woodland disturbance. It was agreed that Mr. Wojciechowski and Mr. Young will be conferring on the appropriate way to handle this issue.

Mr. Wojciechowski indicated that the Applicant will comply with all of Mr. Young's comments regarding the requirements of the JMZO as follows:

The plan will be revised to comply with the requirement to provide impervious surface ratios on an overall as well as per lot bases per **JMZO Section 401.B & C**.

The plan will be revised to show density and open space per **JMZO Section 401.B**.

The plan will be revised regarding certain site capacity calculations per **JMZO Section 902**.

The plan will be revised to show the wetland limits and transition area per **JMZO Section 903.B.2.b**.

Under the Subdivision and Land Development Ordinance comments of the letter, the first comment is with respect to **Section 302** which does not allow irregular shaped lots for purposes of accommodating septic systems. Lot 2 (Lot 2A) would be considered irregular in shape but only until the second conveyance of Lot 2B scheduled to occur in 2012. The Planning Commission felt the irregular shape could be allowed temporarily until Lot 2B is transferred.

The Applicant will seek a waiver for improvements along Windybush Road. The Planning Commission agreed to the waiver.

The applicant will comply with **SALDO Sections 311.1 and 318.10** regarding grading, the slope of the driveway and fencing of stormwater basins.

The Applicant requests a waiver from the **SALDO Section 324.1** requirement to plant street trees. The Planning Commission agreed.

The Applicant will comply with **SALDO Sections 325, 328, and 329** requiring Bucks County Conservation District approval, clear site triangles and the customary fees to the Park and Rec Fund, Emergency Services Fund and General Fund.

The Applicant requests a waiver from **SALDO Sections 409 and 410** which require sidewalks and curbing to which the Planning Commission agreed.

The Applicant will comply with **SALDO Sections 413 and 415** regarding well yield and water quality as well as meet the private sewage disposal regulations.

The Planning Commission agreed to a partial waiver from **SALDO Section 804.1B (12)** with respect to identification of certain items on adjacent lands but will comply with identifying wells and septic systems within 500 feet of the site.

The Applicant will comply with the remaining comments under the Saldo Ordinance with respect to the provision of digital copies of the final approved plans, enter into a Developers Agreement, post appropriate escrows and guarantees for site improvements and provide a title binder which identifies all easements and restrictions.

The Applicant agrees to comply with all comments Under the Stormwater Management Ordinance, with the exception of **Section 304.A.1 of the Delaware River South Watershed Ordinance**. Mr. Young supported this exception and it was agreed to by the Planning Commission.

The Applicant agrees to comply with all other comments in the review letter regarding the codified ordinances, Mr. Young's miscellaneous comments and the requirements of other agency reviews.

Following discussions, Ms. Traina mad a motion to recommend approval to the Board of Supervisors subject to the conditions and waivers discussed. Mr. Rubin seconded the motion. All were in favor and the motion passed.

## **V. Current and New Business:**

A. Township Sign Ordinances, Cont'd from October 27, 2010 Planning Commission meeting:

Discussing the current Sign Ordinance and Washington Crossing Sign Guide, Ms. Traina stated that she wanted to know what the Planning Commission's ability is to enforce the sign guidelines in a district that isn't officially a district where there is not an actual

ordinance for that district. She wondered if the Planning Commission can dictate colors, materials, etc. The Planning Commission discussed colors, materials, enforceability of the guide and the ambiguity of the sign ordinance. Ms. Ryan provided some history regarding the origins of the sign guide and encouraged the Planning Commission to obtain Mary Eberle's opinion on what latitude it has in requiring certain sign criteria.

At the next Planning Commission meeting, members will provide a list of comments and examples of signs which may be better representations of what should be contained in the sign guide.

The meeting was adjourned at 8:45.

Submitted by: Phyllis Mehler

Approved: February 23, 2011