

# Upper Makefield *Township*

## **Planning Commission Board Wednesday, April 27, 2016 Meeting Minutes**

The April 27, 2016 public meeting of the Upper Makefield Township Planning Commission was called to order by Chair Karin Traina at 7:01 p.m. In attendance were the following members of the Planning Commission: Chair Karin Traina, Co-Chair Kathleen Pisauro, Member Ken Rubin, Member Phil Feig, and Member Bud Baldwin. Also in attendance were Township Solicitor Mary Eberle, Board of Supervisor Liaison Mary Ryan, Township Engineer Larry Young and Director of Planning and Zoning Dave Kuhns.

### **Public Comment**

There was no public comment.

### **Approval of Minutes:** March 23, 2016

Bud Baldwin made a motion for adoption of the minutes. Motion was seconded by Ken Rubin. All were in favor.

### **Land Development:**

Laughlin Sketch Plan, Eagle Rd. and Stoopville Rd.

Rob Cunningham with Homes Cunningham Engineering was there representing Jules Laughlin who owns a tract of land in Newtown Township and Upper Makefield Township at the intersection of Stoopville Road and Eagle Road. Mr. Cunningham presented a site rendering with a revised sketch plan for the portion of the property that will be developed along Eagle Road. Ms. Laughlin with another engineer submitted a previous by right large lot sketch plan and after much internal discussion and comments from EAC, they decided to go back to the drawing board. The new rendering is a large lot cul de sac layout with 4 lots in Upper Makefield Township. The changes were made for planning purposes trying to develop more of a community than the previous plan but this plan requires some relief. Mr. Cunningham received a letter from Tri-State Engineering with recommendations and variances. Karin Traina asked Larry Young if the Planning Commission was to review this tract of land independently from Newtown Township. Mr. Young responded affirmatively and after reviewing the previous plan, that this was a better option that this is more of a cluster with 20 acres of deed restricted open space in this plan. Upper Makefield Township will not own the open space but an HOA will maintain the open space. As far as natural resource disturbance, Mr. Cunningham did some of the work to know that he will need variances. Mr. Young thought that the 20 acres was a good thing to preserve and deed restrict. Mr. Cunningham explained that with the new plan

Ms. Laughlin's tract is 15 acres of permanently preserved land and with the cluster option we can preserve about 48 acres in Newtown and Upper Makefield. Mr. Cunningham further stated that looking at the intent of the Conservation Management in the Zoning Ordinance to preserve the agricultural and natural resources to the maximum extent possible that this plan did a better job than the large lot plan. Mr. Cunningham answered that there will be 2 separate Home Owners Associations: one in Newtown and one in Upper Makefield. Ken Rubin asked if any maintenance obligations associated with the large 20 acre lot will be the responsibilities of the buyers of the 4 lots. Bud Baldwin had some concerns with the plan where some of the houses developed more soil disturbances than is being requested.

Mr. Baldwin said that the disturbances are going exceed percentage that is being proposed of what he mentioned: septic and impervious surface and suggested that the sketch plan needs to be enlarged.

Mr. Rubin's opinion was that this plan was superior to the large lot plan. In terms of the basin, Mr. Rubin felt that it is better to be included within someone's lot instead of general land because the basins are taken care of better. Kathleen Pisauro thought that it was a superior plan to the previous submission but questioned the visibility and the safety of the driveway on Eagle Road, Phil Feig is ambivalent on the location of basin lot and would like to see more concrete plans before comment. Mr. Cunningham was open to all comments and will return with more details.

### **Zoning Matters**

#### **Solar Panels Ordinance, Codified**

Dave Kuhns gave the Planning Commission a letter with some talking points in the packets and explained that the Planning Commission worked very hard on the ordinance a few years back but now we are finding some short comings and somethings that need adjustment. Deidre Murphy of 1040 Creamery Road was there because her neighbor began construction on an array of solar panels comprising of 2,000 sq. feet of hardscape in a previously pastoral area. This is equivalent to 5 two car garages. Ms. Murphy had 2 requests of the Planning Commission to uphold the current requirements that you have enacted in the current Solar Panel Ordinance and not sign off on this project until all requirements have been met. Secondly, to consider amending your current policy for an even stricter code and there are several stipulations that need clarification. Ms. Eberle said that Pennsylvania is property right state and is most favorable to the property owner. Ordinances must be subjective rather than objective Mr. Rubin commended the Murphy's for coming to the meeting. Aspects of the Ordinance discussed was adding notification in, strengthening the language around the vegetation, increase setback, reduce height limitation. Mary Eberle will send a memo from the Planning Commission to the Board asking them how they feel about the Planning Commission pursuing an Ordinance amendment.

#### **Special Events Ordinance, Codified**

The Planning Commission went through each page of the Ordinance and further discussion ensued as to what defines a special event including items like the amount of people, whether or not on public land, does it impede the flow of pedestrian traffic, does it have amplified sound and does it require partial or complete road closures. The question arose, when is a permit required. Mr. Rubin stated that it is not clear in all cases how to comply with certain requirements of the Township for example where to display the permit. Ms. Traina wanted closure to replace the word "impact" in Section 504A and all agreed. Regarding the sound issue, Ms. Traina said introducing sound limitations in this would be too restrictive and we should let the existing sound ordinance stand. Ms. Eberle asked if there should be a time limit on amplified sound and can we leave this and come back to this amplified sound issue. She added that the amplified sound issue cannot be resolved until the bigger question of whether State Park events are considered Special Events is answered. Ms. Traina wanted the Board's opinion on whether they are looking to do an ordinance for all special events or an ordinance for road closures or impact. After much discussion on clarifying the original intent it was finally decided that Ms. Eberle would draft an ordinance for "no road closures except for the Revolutionary Run".

### **Liaison Report Presented by Mary Ryan**

Ms. Ryan had nothing to report.

### **Adjournment**

Ms. Pisauro made a motion to adjourn the meeting, Seconded. All were in favor.

The Meeting was adjourned at 9:40 P.M.

Submitted by: Debra McFadden Approved: May 25, 2016