

Upper Makefield Township Planning Commission
March 28, 2012 Meeting Minutes

The March 28, 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, and Member Kathleen Pisauro. Vice Chair Karin Traina and Member Greg Pitonak were absent. Also in attendance were Supervisor Liaison Mary Ryan, Solicitor Mary Eberle and Director of Planning and Zoning Dave Kuhns.

PUBLIC COMMENT SESSION:

There were no members of the public present to comment.

APPROVAL OF MEETING MINUTES: Mrs. Pisauro commented that the minutes did not include some of the comments regarding the positive aspects of the Bamboo plant. The minutes of the February 22, 2012 minutes will be revised to include the following statement. Mrs. Pisauro provided some information regarding the environmental positives of bamboo including the increased oxygenation it provides. 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. With that change, Mrs. Pisauro made a motion to approve the minutes. Mr. Curtin seconded the motion. Mr. Rubin abstained. All others were in favor and the motion passed.

LIAISON REPORT: Ms. Ryan reported that there had been only one Board meeting since the last Planning Commission meeting. The Delaware and Lehigh Heritage Group made another presentation regarding the designation of River Road as a Highway of Distinction. Upper Makefield Township and Lower Makefield Township are the two missing links along this corridor that runs from Lehigh to Bristol. The group asked Upper Makefield Township to reconsider joining them. It has not yet been determined whether grant money once available to the participating municipalities will still be available in the future.

The Board heard the Nenner Waiver of Land Development. As the waiver is being considered by the Planning Commission this evening, she did not go into any details but stated that the Board felt the waiver was reasonable and the Applicant was on the right track.

Regarding Lookout Park, the Baseball League raised \$50,000 which was matched by the Township .50 cents to the dollar. There have been four new dugouts installed, the fence has been moved to allow for use of the fields by all ages and improvements were made to the batting cages. Ms. Ryan remarked that the park is looking great.

There was a recent meeting in Newtown regarding the Stoopville Road Project which is proceeding.

The Township will be accepting credit cards for all payments with the exception of traffic tickets. The link will be on the Township website.

The Township received a letter from DEP requesting a status update of our 537 Plan. Ms. Teoli is in the process of coordinating a meeting with the Board of Health and the DEP which will be a public meeting for informational purposes. She stated that she hoped all Planning Commission members would attend.

Following the liaison report, Mrs. Pisauro asked if the Township would be accepting credit cards for tax payments. Ms. Ryan said she did not think so, but was not 100% sure.

CURRENT AND NEW BUSINESS:

Washington Crossing Insurance Group: Ed Murphy, Esq. was present representing Mr. Howard Nenner. Mr. Murphy stated that in January, when Mr. Nenner first appeared before the Planning Commission, his plan contemplated the construction of a parking area as well as some additions to the existing building. At the time, Larry Young of Gilmore & Associates had issued a review letter regarding the plan viewing it as a Land Development Plan. When Mr. Nenner realized the extent of the process both in time and expenditures and due to a lease deadline at his current location, Mr. Nenner has scaled back his plans to eliminate any building additions which would increase the square footage of the building and therefore, the required parking area as required by the Township ordinance.

The Plan being presented to the Planning Commission today is a Land Development Waiver Plan with respect to which Mr. Young has issued a review letter dated March 21, 2012. Mr. Young stated that what *is* required to be reviewed following comment from the Planning Commission and the Board is the design and engineering of the parking area to the rear of the building. Prior to tonight's meeting the Applicant appeared before the Board of Supervisors to discuss in general, the Land Development Waiver approach and provided the same background to the Board as he has just provided to the Planning Commission and as Ms. Ryan alluded to during her Liaison Report, the Board indicated to the Applicant that it felt he was moving in the right direction.

Mr. Young stated that essentially this plan boils down to a parking lot, driveway and some Stormwater Management. Gilmore & Associates is in agreement that the plan is of such a small scale that Land Development is probably not necessary at this point. The only thing Gilmore & Associates needs from the Planning Commission, if it agrees with the waiver of Land Development, is the design of the parking lot since the plan has been scaled back so much. As the Supervisors can only grant waivers, the SALDO requirements must be known up front so that the Land Development process can be waived. Mr. Murphy stated that it could even be scaled back further because Mr. Nenner does not need the number of parking spaces required by the Ordinance. Therefore, the Applicant could set aside that area noted in green on the plan near the northern property line and only install seven spaces closest to the building. In response to a question by Mr. Wydro, Mr. Murphy stated that he will be preparing an updated written waiver request. Mr. Rubin asked if there is a waiver of Land Development, is notice still required to neighbors. Mr. Nenner said the neighbors are not aware of his plans but the property is going to look so much better, he doubts they would have a problem. Mr. Rubin continued that he felt the main issue with the waiver of Land Development is the notice to neighbors. He also stated that he would be in favor of eliminating parking berths because the Applicant is not going to be using them and asked what would trigger the requirement for additional parking. Ms. Eberle explained that the Reserve Parking Agreement will be filed and recorded and that any change is triggered when the Township deems that the parking is not sufficient. Mrs. Pisauro stated that she was uncomfortable with eliminating the requirement of notification to neighbors and it was agreed notice would be given. Mr. Rubin then requested clarification of the waivers which were being requested by the Applicant. Referencing the review letter, Mr. Murphy stated that under the SALDO requirements, waivers would be requested for site grading, road frontage improvements, sidewalks and curbs, planting strips and curbs along all roadways within the Washington Crossing Overlay District, street trees and the Environmental Impact Assessment. The Applicant will comply with all Additional Review Comments in the letter as well as the stormwater management facilities and replacement of trees for every tree removed or destroyed during grading and/or construction.

Following that clarification, Mrs. Pisauro made a motion to recommend approval. Mr. Rubin seconded the motion. All were in favor and the motion passed.

Edward Jones Sign Review, 1099 General Knox Rd.: Ms. Lori Hoppmann, Financial Advisor for Edward Jones was present at the meeting. She explained that as the tenant with the most exposure, she on behalf of all the tenants made application for the multi-tenant sign being proposed. The sign includes all tenants except one who did not require signage. The proposed site for the sign is in a mulched bed as shown on pictures provided to the group. The site previously had a similar sign with spotlights for illumination at night. Mrs. Pisauro made a motion to approve the sign. Mr. Rubin seconded the motion. All were in favor and the motion passed.

David Library, 1201 River Rd., Agricultural Security Application: No one from the Library was present but Ms. Eberle explained to the group that this was a simple proposal to become included in the Agricultural Security Area. The Planning Commission is required to review the application under the Agricultural Security Law. The area comprises approximately 68 acres on two tax map parcels and includes the buildings. The benefit to the landowner is that inclusion in the Agricultural Security Area makes them eligible for the Agricultural Security Area Conservation Easement Program that the state funds through the county. It also prohibits condemnation of the property without receiving approval from the Agricultural Security Board. It does not limit the ability for development and is mostly symbolic unless one is working toward a Conservation Easement in which case it's mandatory. Mrs. Pisauro asked if there were any notice requirements under this program. Ms. Eberle responded that there were not but that notices were posted in the general area of the library and published in the newspaper. It will also be published again before it goes before the Board. Mr. Pisauro made a motion to approve the Agricultural Security Application. Mr. Curtin seconded the motion. All were in favor and the motion passed.

Noxious Weed Ordinance: Ms. Eberle provided a revised version of the ordinance. Mr. Wydro asked if the list of Noxious Weeds refers to a National or State document. Ms. Eberle responded that the list is a culmination of a list from DCNR and another source that she could not immediately remember. Mr. Wydro's concern was that if the table of noxious weeds gets modified over time, then the ordinance must be revised unless the table refers to a document that is normally updated. Ms. Eberle suggested that the list could be adopted by resolution which the group felt was a better idea. Ms. Eberle reminded the group that the direction they were headed last time the issue was discussed was that a resident cannot propagate these noxious weeds or allow them to spread to neighboring properties. Mr. Wydro thought that the penalty of \$600.00 per day sounded high. Ms. Eberle stated that it was not excessive due to the cost to the Township for removal of noxious weeds from a property where the owner is in violation. She added that it is rare that a District Justice would impose a fine of \$600.00 per day.

Mr. Rubin expressed concern about the list stating he hadn't the faintest idea what plants are on the list and asked if there were many homeowners who may be in violation without even knowing it. Mr. Kuhns answered that there probably are. Ms. Eberle stated that most of the plants on the list are non-native ones which choke out the native species. Mr. Rubin suggested a Landscape Architect from Gilmore & Associates review the list. During the discussion, Ms. Eberle found that the list referred to was one from Penn State Extension. Mrs. Pisauro indicated that she was fine with the list since it came from Penn State. Mr. Wydro asked Mr. Kuhns if he has had to enforce the ordinance during the last year. Mr. Kuhns said that he had twice, both times for Canadian Thistle. Ms. Ryan pointed out from the audience that Bamboo was not on the list and Mr. Curtin stated that the list needed to be specific regarding types of bamboo. Ms. Eberle will research the bamboo issue for inclusion in the list and Mr. Young indicated that he will have the list reviewed by the Landscape Architect at Gilmore & Associates. The discussion is tabled until the next meeting.

Planning Commission Annual Report: Mr. Lieberman thought the Bank signage had been omitted from the report and Ms. Ryan stated that there were discussions of the Township Sign Ordinance. Mrs. Pisauro made a motion to approve the report with corrections regarding the previously mentioned items. Mr. Rubin seconded the motion. All were in favor and the motion passed.

Submitted by: Phyllis Mehler
Approved: June 27, 2012