

**Planning Commission Board**  
**Wednesday, March 27, 2019 Meeting Minutes**

The March 27, 2019 public meeting of the Upper Makefield Township Planning Commission Board was called to order by Chair Karin Traina at 7:00 p.m. In attendance were the following members of the Planning Commission: Chair Karin Traina, Vice Chair Kathleen Pisauro, Member Phil Feig, Member Ken Rubin, Member Jack Wiseman, and Member Walt Wydro. Also, in attendance were Township Solicitor Mary Eberle, Township Engineer Larry Young, and Zoning Director Dave Kuhns.

**Public Comment:** Ms. Traina requested a future agenda item to document the SALDO application review process through the Township committees and boards.

**Confirmation of a Quorum, Chair Karin Traina:** Karin Traina confirmed a quorum.

**Approval of Minutes:**

- A. February 27, 2019:** The Planning Commission members discussed missing items in the minutes including the Fallows Planning Module regarding the conditional use / signed recorded accessory apartment restriction. Additional discussion included the review and documentation of the Township review process that should be included in the February 27, 2019 minutes.

Ms. Traina made a motion to approve the minutes with the understanding that the discussion regarding the accessory building and tenant occupancy that was discussed during Fallows be added back in. Mr. Rubin seconded. Ms. Pisauro abstained.

**Land Development:**

**A. 485 Brownsburg West – Final Subdivision Plan:**

The following were present representing the property at 485 West Brownsburg Road:

- Mr. Matthew J. McHugh, Esq., Obermayer, Rebmann, Maxwell, & Hippel, LLP
- Ms. Kristin Holmes, with Holmes Cunningham Engineering

Mr. McHugh summarized the proposed 3 lot subdivision for 465 Brownsburg West and stated that preliminary conditional approval was received in July and that the Final Subdivision Plan was submitted previously for which an engineering review letter was received, dated March 21, 2019, from Larry Young, Township Engineer:

Mr. McHugh responded to questions from the Planning Commission concerning the Township Engineer's review letter dated March 21, 2019. Items discussed were:

- Building envelope – 15% woodland requirement
- Deferral of fee-in-lieu of replacement trees
- Clear sight triangle / sight distance
- Stormwater Management Ordinance, wetland disturbance
- Fire Marshal recommendations (separate letter)
- NPDES permit requirements for all lots (house already exists on lot #1)
- Easements and Ultimate right-of-way for Brownsburg and Pineville Roads

Ms. Traina opened the floor to questions from the public:

- Mr. McHugh briefly explained the proposed plan to subdivide the existing lot at Brownsburg and Pineville Roads to the neighbors in attendance: Mr. Chris Capriottie (470 Pineville Road) and Mr. and Mrs. Ray DeSimone (466 Pineville Road).
- Mr. Capriottie voiced concern that the neighbors just received the letter, dated March 11, 2019, regarding this proposal and are just seeing the plans for the first time. They haven't had time to review.
- The Planning Commission, Township Engineer, Mr. McHugh and Ms. Holmes discussed several concerns that the neighbors had about the proposal as well as the existing dwelling at 485 West Brownsburg Road:
  - Existing structure – clarified as being one building (not addressed since not relevant to this subdivision proposal but may be a current violation that the Zoning Officer should look into)
  - Driveway already in place to get to well
  - Wells
  - Tree inventory and replacement
  - Ordinance requirements
  - Wet land disturbance
  - Septic system
  - Water testing
  - Square footage of house footprint
  - Clearance distances
  - Subdivision right of applicant
  - Compliant based on size of subdivision
- Mr. McHugh offered to meet with the neighboring residents after the meeting to go over the plans in more detail.

A motion was made by Mr. Rubin to approve the application with the requested waivers provided that the resolution states that the applicant has agreed, to the extent feasible, that replacement trees will be installed along the west property line to include both lots.

Ms. Traina requested amending Mr. Rubin's motion to include that the items in the Township Engineer's review letter dated March 21, 2019 are Will Comply with these exceptions:

- D4 – regarding replacement trees add: in all cases, all efforts will be made to put trees on the property not only in the buffering before Tree Fund is utilized.
- D5 – recommending a partial waiver for the Site Triangle subject to the satisfaction of Township Engineer.
- F20 – would have to be a Declaration made to the Fire Dept. that NPDES permits were not obtainable.
- F21 – we are looking for ultimate right-of-way for Brownsburg and Pineville Roads as well as easement.

Motion seconded by Mr. Feig.

The motion carried with a unanimous vote.

**B. Washington Crossing United Methodist Church – 1895 Wrightstown Road - Land Development Waiver Request:**

The following were present representing the Washington Crossing United Methodist Church:

- Mr. Edward Murphy, with Wisler Pearlstine, LLP
- Ms. Kristin Holmes, with Holmes Cunningham Engineering
- Mr. John Gardner, Business Administrator of Washington Crossing United Methodist Church

Mr. Murphy gave a brief history of the Washington Crossing United Methodist Church's previous plans for expansion of the Church referencing his email dated March 1, 2019. The Church received ZHB relief and land development plan approvals in 2005, followed by appeal and settlement agreement in 2006 but none of the elements were ever implemented.

Mr. Murphy asked for a Waiver of Land Development based on the previous approvals.

The Planning Commission, Township Engineer, Mr. Murphy, and Ms. Holmes discussed several aspects of the previous plans for Washington Crossing United Methodist Church:

- Length of time between original plans presented in 2005 and now
- 2006 settlement agreement
- Whether all relief granted previously by ZHB is still valid
- Ramifications if waiver is granted
- 2011 Planning Commission plan approval
- Whether any municipal requirements (Stormwater) have changed since previous approval
- Driveway proposed location, slope, safety, etc.
- Township Engineer will work with Applicant's engineer as well as PennDot on the driveway concerns

Ms. Eberle summarized the discussion:

The Planning Commission recommends the grant of a waiver of land development subject to the following conditions:

1. The Planning Commission has expressed concerns with the slope and sight distance of the second driveway. The Applicant will address the concerns of the Township Engineer satisfactorily, reassuring him of the safety of the driveway, redesigning the driveway, or eliminating it at his discretion.
2. The Planning Commission recommends extension of ZHB relief subject to withdrawal of the 2011 plan.
3. The Applicant shall meet the requirements of the Township's Stormwater Management Ordinance.
4. The Applicant shall provide financial security to cover the cost of the Township's consultants.

A motion was made by Mr. Wydro to grant a waiver of land development subject to the conditions outlined by Ms. Eberle.

Motion seconded by Ms. Pisauo.

The motion carried with a unanimous vote.

**Ordinances:**

**A. Waste Management Ordinance Amendments to Chapter 20 Sections 20-108 and Waste Management Ordinance Amendments to Section 801.2 or ordinance 298:**

Ms. Eberle explained that these originated with the EAC, who would like to have ordinances in place to do two things:

- Prohibit dumping of leaves and debris into rivers, creeks, streams, etc.
- Prohibit deposit of leaves and debris into the stormwater system

Discussion followed by the Planning Commission concerning:

- Frequently dumping, etc. is done by lawn companies.
- EAC originally envisioned a separate stand-alone ordinance but instead a provision was made to existing ordinances for the deposit of debris and solid matter into places it shouldn't be and also an amendment was made to the existing Stormwater System Ordinance.
- Mowing, mulching, and blowing of grass clippings should not go into water.
- Notification and enforcement of ordinance.
- Nothing currently in place to dispose of leaves by Township except an ordinance which requires trash companies to pick up leaves in special bags.

A motion was made by Mr. Wydro to recommend approval of both ordinances as amended per his mark-ups.

Motion seconded by Ms. Pisauero.

The motion carried with a unanimous vote.

**Zoning:**

**A. Regional Comprehensive Plan – Walt Wydro:**

Mr. Wydro presented an update on the Regional Comprehensive Plan noting that a survey was conducted of Bucks County residents and the results of survey have been documented.

Based on the survey, he suggests that residents would benefit, citing several reasons, that there should be maps in a separate folder for streets, subdivisions, cemeteries, schools, biking trails, open space, parks, and recreation.

Mr. Wydro gave a brief description, history, and timeline of the BC Jointure and also explained that it is the only one in PA that has a common ordinance.

Mr. Guy Polhemus, a Washington Crossing resident, asked about on-line access to the Regional Comprehensive Plan.

Mr. Wydro explained that it is currently available on-line but not easily accessible and suggested to rectify that problem.

**Liaison Report:**

Dr. Ford was not present. No liaison report provided.

**Public Comment:** No public comment presented.

**Adjournment:**

A motion was made by Ms. Pisauro to adjourn the meeting and was seconded by Ms. Traina. Motion carried by a unanimous vote. The meeting adjourned at 8:58 p.m.

Approved: April 24, 2019