

Planning Commission
Wednesday, January 22, 2020 Meeting Minutes

The January 22, 2020 public meeting of the Upper Makefield Township Planning Commission was called to order by Vice Chair Kathleen Pisauro at 7:00 p.m. In attendance were the following members of the Planning Commission: Vice Chair Kathleen Pisauro, Member Bud Baldwin, Member Ken Rubin, Member Phil Feig and Member Walt Wydro. Also, in attendance were Diana Nolan, BOS Liaison, Township Solicitor William Oetinger, Township Engineer Larry Young, and Zoning Director Dave Kuhns.

Public Comment: No public comment presented.

Confirmation of a Quorum: Ms. Pisauro confirmed a quorum.

2020 Planning Commission Reorganization: Ms. Pisauro announced that Ms. Traina has moved to serve a position on the Board of Supervisors and will no longer be on the Planning Commission as Chair. She will be missed after many years of service.

Mr. Baldwin made a motion to nominate Kathleen Pisauro as Chair for 2020. Mr. Feig seconded. Motion carried by a unanimous vote.

Mr. Baldwin made a motion to nominate Phil Feig as Vice Chair for 2020. Ms. Pisauro seconded; motion carried by a unanimous vote.

Approval of Minutes:

A. December 5, 2019: Ms. Pisauro noted the following changes:

- Second page, third line, there were too many words and requests it be shortened to note the 'Planning Commission asked if there was any feedback'.
- Sol Feinstone Land Development did not include the recommendation from Ms. Pisauro that the electrical service lines should be moved underground.

Mr. Baldwin made a motion to approve the minutes of December 5, 2019 with changes noted. Mr. Feig seconded. Motion carried by a vote 4 – 0, with Mr. Rubin abstaining.

Land Development:

A. McAllister Subdivision Plans, 237 Aqueduct Road:

The following were present representing the McAllister Subdivision, at 237 Aqueduct Road:

- Ed Murphy, Esquire
- Ed McAllister, Owner
- Terry DeGroot, Engineer, Terraform Engineering
- David Schrader, Architect

Mr. Murphy noted that this was the second presentation to the Planning Commission. The plan was introduced to the Planning Commission Fall of 2019. Mr. Murphy explained the property has been owned by the family for 60 years. The subdivision proposed that the two acre 'L' lot be subdivided and create a separate front lot, where the house exists. This will allow Mr. McAllister's daughter and son-in-law to buy it. Mr. McAllister's daughter and son-in-law presently occupy it. The back portion of the lot will be used for the McAllister Construction Company as it is currently used and has been used for the last 60 years. Access to the

Construction Company is currently through a property adjacent to the Construction Company to the east, a property owned by Mr. McAllister. Mr. Murphy noted that they had moved through the Sketch Plan process and the Zoning Hearing Board with approval for relief.

Planning Commission raised the following questions and comments in discussion of the Subdivision plans:

- Access easement was discussed and is included in the plan for the construction company access for any future owner.
- Noted that there would not be any physical changes to the property after subdivision, and the properties will look the same as they currently exist today.
- Waivers in Township Engineer letter are consistent with the property as it currently exists.
- Minimum acres for a subdivision in CR1 is five acres, Zoning Hearing Board granted relief to allow the lots to subdivide with just 2 acres. Mr. Murphy explained that lot size variance existed as it was originally granted and as such is grandfathered for subdivision.
- Nonconforming use of the property as a construction company was also discussed. The construction company has been in place since 1978. Mr. Murphy explained that this was a pre-existing nonconforming use since the construction company was in place prior to the zoning ordinance introduced in 1983. There was agreement from the Township Zoning Director that this was a pre-existing nonconforming use that has been documented and the construction use cannot be expanded. The Township Solicitor confirmed that business use would transfer to a future owner if the property were sold and there were no abandonment issues associated with the property.
- The construction company is completely surrounded by properties owned by Mr. McAllister.
- Future consideration for the lot with construction company was discussed to ensure a Single-Family Dwelling could be constructed if construction company was removed from the property. The Township Engineer confirmed that the dwelling could be constructed.

Discussion turned to reviewing the waivers noted in the Township Engineering review letter dated January 15, 2020. Planning Commission discussion included the following:

- Waiver for easement for the adjacent property. A formal easement to the access path for the construction company is already in place. This would be the only easement on the adjoining property. There was confirmation that a mortgage was not held on the adjoining property.
- There was confirmation that there were no curbs on Aqueduct Road.

Mr. Baldwin made a motion to approve the waivers documented in the Township Engineer's, Tri-Sate, letter dated January 15, 2020 on page 3, items 5, 6, 7, 8 and page 4, item 10, as well as the final minor subdivision request. Mr. Feig seconded the motion. Motion carried by a unanimous vote.

B. Vintage Farm Lot 9 Planning Module:

Mr. Rubin, who lives next door to the Vintage Farm Lot, asked the Township Solicitor if there was a conflict of interest. Mr. Oetinger confirmed that there was no conflict of interest.

Mr. Kuhns presented the Stonis family's Planning Module Lot 9 Vintage Farm. The family would like to build an indoor pool and accessory apartment.

Discussion included:

- Position of septic in relation to the neighbor's well.
- Footprint of the planned development was reviewed, approx. 4,700 sq. ft structure.
- There is a 61.5-foot setback from property line.
- Size of the lot was reviewed as 3 acres and impervious does meet the ordinance.
- The EDUs required to support the pool and pool house.
- The building permit is currently still in review with engineering and will not be approved until planning module is approved.
- Limitations on habitants in the three-bedroom guest house need to meet ordinance with an agreement recorded on the deed.
- Two septic systems will reside on the single lot.
- Going forward Planning Commission may want to consider having a representative or applicant present the planning module.

Mr. Baldwin made a motion to approve the sewage facility planning module for the Stonis property at 5 Vintage Farm Lane, 47-009-12,1 with the condition that a recorded agreement be signed with the county stating the accessory apartment can only be used in accordance with the zoning ordinance. Mr. Wydro seconded the motion. Motion carried by a unanimous vote.

Ordinances:

A. SALDO, Hydrogeologic Reports:

Mr. Baldwin opened the questions and discussions of the updated version of Section 22-608 of the Upper Makefield Subdivision and Land Development Ordinance sent November 29, 2019 from Mr. Zarko with CKS. Discussion included the following points:

- New ordinance removes reference to the groundwater studies done in the past, especially the R.E. Wright studies. These R.E. Wright studies were costly and helped define the uses and support of the different municipalities. From these studies, Upper Makefield took the role of providing the mass of water absorption for the three municipalities; Wrightstown carried the quarries and Newtown had the high intensity development. This agreement allowed Upper Makefield to take an active role in land preservation. This language should remain on Page 1 and 4.
- Page 1, paragraph 4th paragraph, Traditions and Dutchess Farm Subdivisions should be added to the except water-supply wells. 'Heritage Hills, Traditions, Dutchess Farm and Enclave'.
- Page 2 '1. All applications for subdivision and/or land development involving five (5) or less lots...' There was some discussion that this might be a typo, that this should be '5 or more', but resolved that this was correct. The cost of a hydrogeologic study is approximately \$10,000.00. This study would have been required for the case we just heard for the two-lot subdivision, which is costly. The Township Engineer explained that they would have asked

for a waiver for this study because they already had lots. The question was, should language be added to exclude this requirement if the wells exist on the lot.

- Peak Daily Demand, Peak Load and Peak Time were discussed to better understand. This was added to reduce the cost of the testing for smaller lot subdivisions.
- Well guarantees should be included.

The timeline for approval not being a concern, the Planning Commission wanted Mr. Zarko to attend a meeting to allow for expert understanding of the report.

Mr. Baldwin made a motion to table the discussion until an expert could attend to answer the technical questions they had. Mr. Feig seconded the motion. Motion carried by a unanimous vote.

Liaison Report:

Ms. Nolan was welcomed to the Planning Commission by Ms. Pisauro and Ms. Nolan then thanked the Planning Commission for their service. Ms. Nolan noted that the BOS reviewed the following:

- The Brownsburg Road subdivision for five homes. The concerns that came up were the trees and fencing around the basin.
- Council Rock School District was also reviewed with the only issue being the neon sign they wanted. The monuments for parking were also a concern that it did not meet the character of the community.

Road access for the emergency vehicles were on the plan that was a Planning Commission request.

- There has been a rise in thefts of cars in the area because residents are not locking their cars. Police encourage residents to lock their cars. Many developments are increasing security with monitors of licenses of cars. DUIs are also on the rise.
- A seven-foot fence is proposed for a resident on Aqueduct road for Zoning Hearing Board.
- There are a couple of new Board of Supervisor members and they welcome Ms. Traina from the Planning Commission to the Board.

Public Comment: Harry Barfoot, a resident, introduced himself and noted that he was interested in sitting on the Planning Commission and has submitted his application.

Adjournment:

A motion was made by Mr. Balwin to adjourn the meeting and was seconded by Mr. Feig. Motion carried by a unanimous vote. The meeting adjourned at 8:00 p.m.

Approved: February 26, 2020