

Planning Commission
Wednesday, May 27, 2020 Meeting Minutes

The May 27, 2020 public meeting of the Upper Makefield Township Planning Commission was called to order by Chair Kathleen Pisauro at 7:00 p.m. In attendance were the following members of the Planning Commission: Chair Kathleen Pisauro, Vice Chair Phil Feig, Member Bud Baldwin, Member Ken Rubin, Member Harry Barfoot and Member Jack Wiseman. The sixth member arrived at 8:18 pm during the Gas Station/Convenience Store Ordinance – JMZO discussion. Member Walter Wydro was absent. Also, in attendance were BOS Liaison Diana Nolan, Township Solicitor Mary Eberle, Township Engineer Larry Young, Zoning Director Dave Kuhns, Zoning Administrative Assistant Denise Burmester.

Public Comment: No public comment presented.

Confirmation of a Quorum: Ms. Pisauro confirmed a quorum. Ms. Pisauro welcomed Mr. Harry Barfoot as a new member to the Planning Commission.

Approval of Minutes:

A. February 27, 2020: Mr. Feig noted a correction, he did not attend the meeting, but was listed as participating. Baldwin noted a spelling error on page five. Ms. Pisauro requested additional details from the discussion regarding escrow requirements for Hydrogeologist's professional services and construction contingency. Ms. Pisauro noted that the language for a waiver request for a Hydrogeologist Report should be agreed by the Township Hydrogeologist as well as the Planning Commission.

Mr. Baldwin made a motion to approve the minutes of February 27, 2020 with changes noted. Ms. Pisauro seconded. Motion carried by a vote 4 – 0 with Mr. Feig abstaining.

Land Development:

A. Anderson Final Subdivision Plan – 282 Aqueduct Road, Continued from the June 27, 2018 Planning Commission Meeting – Discussion & Recommendation:

Mr. Kuhns introduced the Anderson Final Subdivision. Mr. Kuhns noted that this subdivision was before the Planning Commission June 27, 2018 and at that time was approved pending a Hydrogeologic Study. The plan in 2018 was a three-lot subdivision. The applicant has changed this subdivision plan to a two-lot subdivision. One lot with the existing home and the second lot for a new home. The plan was reduced to two lots to alleviate the cost of the Hydrogeologic Study.

Mr. Robert Cunningham of Holmes - Cunningham Engineering represented the applicant for the Anderson Subdivision. Mr. Cunningham further clarified that the plan was modified per a market study that found that there was not much interest in single acre lots. There was interest in buying a larger lot. Per the market survey, they changed the plan to two-lots to increase the acres for the second lot for a new home.

The Planning Commission discussion included the following:

- There is a steep elevation between the bottom of the retention basin and the house and a steep incline on Aqueduct Road. Mr. Young noted that the plan calls for a 3 to 1 slope, which is standard practice at this time.
- Mr. Young had the following notes on his review letter:

- Mr. Young considers this application a Minor Final Subdivision.
- Mr. Young would not recommend widening Taylorsville Road or Aqueduct Road or sidewalks for a single lot addition. Sidewalks do not currently exist along Aqueduct Road or Taylorsville Road near this subdivision.
- Mr. Young recommended that the stormwater drainage pattern should remain as it currently exists.
- Mr. Young agreed with the waiver request for additional features within 500 feet of the property with the applicant's agreement to provide an aerial to locate the septic and well on the adjacent lots.
- Mr. Young agreed with all waiver requests.
- Mr. Cunningham agreed to comply with all SALDO requirements with the following notes:
 - With the approval of the original three lot subdivision, a condition was set to pay a fee in lieu of planting. The applicant is still committed to paying the fees as defined by the Board of Supervisors.
 - Mr. Cunningham made a request to pay all fees for trees at the time of the Building Permit to avoid paying for trees that may not be removed based on the plan for the Dwelling.
 - Planning Commission did not agree that the buyer of the lot should be held responsible for the tree fees at Building Permit. Fees should be paid prior to recording of the plans, as per the Ordinance. A tree inventory should be conducted based on the plan submitted for subdivision and building envelope. Planning Commission noted that subdivision costs, to include tree fees, can be recouped by the applicant through the selling price of the lot.
- Planning Commission noted that the application was not signed by the applicant.
- Planning Commission reviewed the Bucks County Planning Commission letter with the following comments:
 - Members and Mr. Cunningham expressed concern with the recommendation to combine the two driveways. Both felt that a shared driveway may not be feasible due to the elevation changes between the lots.

Mr. Baldwin made a motion to recommend a Minor Subdivision Final subject to the conditions set forth in the March 24, 2020 letter from Larry Young, granting the waivers requested there in, and further granting the waiver for street trees, provided fees in lieu are paid prior to recording of plans; granting a waiver to replanting removed trees subject to a fee in lieu paid prior to recording of plans; further conditioned upon signing all the documents in the application packet. Mr. Rubin seconded the motion. Motion carried by a unanimous vote.

Ordinances:

- A. Gas Station/Convenience Store Ordinance - JMZO** — *Discussion & Recommendation: (Member Mr. Wiseman joined the meeting during this discussion)*

Ms. Eberle, the Township Solicitor, introduced the gas station and convenience store JMZO Ordinance. This Ordinance was introduced due to a curative amendment filed by Wawa in Newtown for failing to provide Gas Station and Convenience Store as a single and separate Use. In December each Township in the Jointure adopted a Resolution for the Municipal Curative Amendment declaring that their ordinances needed to be redrafted to accommodate this new Use. The Resolution gives the Townships nine months to pass a new Ordinance that provides for the Use. With COVID 19 and the introduction of Act 15 of 2020 the timeline was extended to the end of October 2020. To accommodate this timeline, comments need to be back to the Jointure by the end of July.

The Ordinance that the Jointure has worked on for a number of months includes E-30 as a new Use. In Upper Makefield Township the E-30 Use would be permitted in the VC-1 District, but only along PA 532 or Taylorsville Road. The parcel must have frontage on one of these roads with a minimum lot size of one acre, which is smaller than the requirement in some other Townships. The maximum size of the building in Upper Makefield at 4,000 square feet is also smaller than what is permitted in other Townships. Wawa has a mandatory 5,600 square foot prototype building. But with the COVID 19 Wawa is looking to redesign their stores, to include drive thru.

The following items were discussed with the Planning Commission:

- Historically, there was a similar discussion for the Planning Commission with a gas station that was impacted with the Washington Crossing Overlay. Placement of a Gas Station/Convenience Store may need to be outside the Washington Crossing Overlay.
- Discussion turned to identifying where a Gas Station/Convenience Store could be placed in the VC-1 District in Upper Makefield. Mr. Kuhns define the area on Taylorsville Road as just below Heritage Hills, where all the commercial activity starts, to a couple of properties beyond the traffic light. The VC-1 section of PA 532 starts just above the light on the Newtown side of the light to the river. A map was presented to further facilitate discussion. The group reviewed the properties in VC-1 identifying lots one acre or larger and lots that could be combined to achieve the minimum lot size. Planning Commission members agreed that they should work to find more than a single parcel as an option for placement of a Gas Station/Convenience Store. It was noted the Township has not received any proposed plan from Wawa and requested a copy of the plan submitted to the other Townships to allow them to better understand property requirements. It was agreed that Ms. Eberle, Mr. Kuhns and Mr. Young would work together to identify possible location options to be presented at a future meeting.
- The existing Use E-10 - Service Station was reviewed and is not permitted in VC-1.
- Members discussed traffic flow and safety concerns regarding left turns out of a property onto Taylorsville Rd. or PA 532. Members suggested that a condition of the Ordinance should require traffic studies to show that both Right and Left turns from the property do not pose a traffic flow or safety concern. There was discussion of how there may be roadway modifications to accommodate safety issues. Both roads are State Roads and PennDOT would have jurisdiction over roadway issues. Recommend that the Township Engineer should also have agreement of the traffic flows.
- The number of fueling stations was discussed. The E-30 Ordinance initially defined 12 fueling stations. There is some discussion with other Townships of reducing the number

of fueling stations to 8. The Planning Commission members agreed with the reduction in the number of charging stations to 8.

- Electric Charging stations were supported by the other Townships as long as parking spaces can be accommodated separately from parking requirements. Members discussed length of time for a charge, and acknowledging that people may come off Interstate 95 to charge their vehicle. There was agreement that the future may provide for more of a demand for electric charging stations.
- Ordinance does not allow indoor seating.
- The canopy size of the station to accommodate the fueling stations was discussed and Members felt that the 100 foot length in the Ordinance would be larger than required for 8 fueling stations. Mr. Young will do some research to determine a reasonable canopy size for 8 fueling stations.
- Number of parking spaces was discussed to include the number of parking spaces defined for employee parking. Employee parking spaces is difficult to enforce when based on number of employees because the number of employees can be changed by business operations. Parking based on square footage of the retail space may be a better definition of parking needs, similar to the Retail Parking.

Ms. Pisauro verified all concerns were addressed. Discussion will continue in a future meeting.

Liaison Report:

Ms. Nolan acknowledged the state of things with the COVID 19 conditions.

Ms. Nolan noted the Board of Supervisors meetings have been focused on basic needs with only one meeting a month at the police station.

The Board of Supervisors did agree to retain counsel for Scotts Farm.

Ms. Nolan passed on the sad news that Amy Polhemus passed away.

Adjournment:

A motion was made by Mr. Baldwin to adjourn the meeting and was seconded by Mr. Barfoot. Motion carried by a unanimous vote. The meeting adjourned at 8:30 p.m.

Approved: June 24, 2020