

Planning Commission
Wednesday, October 28, 2020 Meeting Minutes

The October 28, 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 Harry Barfoot, Member Ken Rubin, Member Jack Wiseman. Member Walter Wydro was absent. Also, in attendance were BOS Liaison Diana Nolan, Township Solicitor Mary Eberle, Zoning Director Dave Kuhns, Zoning Administrative Assistant Denise Burmester.

Public Comment: No public comment presented.

Confirmation of a Quorum: Chair Kathleen Pisauro confirmed a quorum.

Approval of Minutes:

A. August 26, 2020:

Mr. Barfoot made a motion to approve the minutes of August 26, 2020. Mr. Wiseman seconded. Motion carried by a unanimous vote. Ms. Pisauro and Mr. Baldwin abstained.

Discussion Items:

A. Riding Academies Ordinance, JMZO – Discussion & Recommendation:

Ms. Eberle opened the discussion with a draft of the Riding Academies Ordinance that the Upper Makefield Board of Supervisors had ask her to prepare and present to the Jointure. The Jointure then sent to the Planning Commissions of each Township for review.

The ordinance changes were prompted by an incident with a property in Upper Makefield with the following attributes: greater than 10 acres, 3 dwelling units, driveways and parking areas. With the impervious space used by the property structures and driveway, the number of acres for pasture were significantly reduced.

JMZO §803.A-4 Use was changed to ensure there are sufficient pasture acres for the boarded horses to meander and allow pasture rotation for maintenance on the pastures for compliance with the three-inch minimum grass growth required to preserve the pastures.

Additional conditions requested by the Board of Supervisors are as follows:

- An employee or owner must reside at the property to address any nuisances or problems at the property in a timely manner.
- Off-street parking available for horse shows or competitions so there are no cars or horse trailers parked along the narrow country roads.
- Manure management ensuring the dumpsters should be no closer than 200 feet from any property line. This is an increase of 100 feet from the previous version of the ordinance.
- Fly, insect and vector management requirements were added with language that may guide a property owner to state authorities, such as Penn State, for environmentally friendly management programs.

Discussion of Planning Commission Members included the following:

- There is a recognition that pasture management has lagged behind stall management practices at riding academies. Pasture management practices are beginning to improve for all academies.
- There are currently three Academies. These Ordinance changes could change these properties into non-conforming properties for the acreage and employee or owner residence requirements. The existing Academies would be required to comply with the placement of the manure dumpster and the insect and rodent management once the Ordinance is approved.
- The 15 acres pasture requirement should not include the residential yard space around the residential dwelling.
- The language for residence requirement was modified to specify further that there should be a full-time resident on the property.
- The language regarding the prevention of flies, insects or vectors was discussed to ensure the enforcement of the condition. The following points were discussed:
 - Fly, insect and vector management is very specific to the property and the situation and can be difficult to document in an ordinance.
 - Response to Township requests to address any issues can be tracked and presented as evidence of taking steps to prevent the condition.
 - Members suggested the addition of language that if the Township requires expertise to address the condition, due to lack of response from the property owner or at the property owner's request, that the property owner would be responsible for the reimbursement of costs associated with professional consultation. Some members saw imposing this cost as a penalty. Ms. Eberle stated she would look into the language for expertise costs that might be appropriate.
 - Language was suggested that the flies, insects and vectors could be a nuisance as well as a health risk. Ms. Eberle noted that proving a health risk was legally difficult and costly.
- Clarification of what is meant by "Capacity" was requested, with the following points made:
 - Ms. Eberle noted that there are capacity calculations based on the number of horse stalls.
 - Capacity calculations are determined with the permitting process, and will be determined with the property owner and the Township Engineer.
 - ADA compliance for handicap spaces would also be addressed in the permitting process with the Township Engineer or a Third-Party ADA expert.
 - Maximum capacity requirements would apply to all events permitted for an A-4 Use.
- Use clarification was discussed in terms of the type of events that a riding academy may include. Birthday parties or weddings for clients is not a permitted A-4 Use.
- Concern was expressed for existing Riding Academies that have new a land development occur adjacent or within the vicinity of the academy. As the new residents arrive with the new development, concerns are often raised as they adjust to residing near a Riding Academy. Ms. Eberle explained that there are a number of laws in Pennsylvania that protect agricultural use against nuisance reports from neighbors. A riding academy is an agriculture use protected by the state laws.

B. SALDO Hydrogeologic Report Ordinance – Discussion & Recommendation:

Ms. Eberle opened the discussion noting that the version of the Ordinance before the Planning Commission was previously approved by the Planning Commission and the Board of Supervisors. This review by the Planning Commission is a final approval of the language as previously presented. If any changes are recommended at this time, the review process would be re-initiated to include all reviewing parties.

Planning Commission discussion included the following points:

- Clarification on the influence of recharge on the results of a pump test found on Page 7.a. Ms. Eberle clarified the pump test was not permitted to pump back to the ground section that is under test.
- Section E, Final Reporting was also clarified for the five or less lots. The Final report for five or less lots must be prepared by a qualified engineer at the owner's expense.
- All Township Professional time for reporting and review to be paid by the applicant for all Subdivision and Land Development applications, regardless of number of lots, as per the Professional Services Agreement and MPC.
- Timeline for lack of response by the Township to the protocol does not deem acceptance or approval, found on Page 9, section III was clarified by Ms. Eberle. Ms. Eberle explained that there are specific response periods mandated for SALDO under MPC and under the Township/JMZO ordinances.

No changes were suggested by the Planning Commission and the review was completed.

C. Holiday Schedule – Discussion & Recommendation

Ms. Pisauro noted that timing of the Planning Commission is an issue historically because of the timing of the November meeting always falling the Wednesday evening before Thanksgiving and the December meeting is close to Christmas. In the past the Planning Commission looked to schedule a meeting in mid-December. Mr. Kuhns noted that at this point there were no agenda items planned for November/December. December 9th was decided as the next meeting.

Liaison Report:

Ms. Nolan noted that the Board of Supervisors continue to receive variances requesting relief for impervious space. The Board has been asking the applicants to provide a stormwater management plan, downsize the project or remove other impervious space on the property to accommodate these requests. Applicants have been responding favorably to these requests. This allows the Zoning Hearing Board to make a decision with fewer conditions at the hearings, since the applicant has already made accommodations to address the issues/concerns regarding stormwater management. The budget will be advertised soon with no tax increase.

Ms. Nolan thanked the Planning Commission for the detail and diligence the committee provides for the recommendations to the Board of Supervisors.

Adjournment:

A motion was made by Mr. Baldwin to adjourn the meeting and was seconded by Mr. Rubin. Motion carried by a unanimous vote. The meeting adjourned at 7:58 p.m.

Approved: February 24, 2021