

Upper Makefield Planning Commission

January 25, 2023 Meeting Minutes

The January 25, 2023 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, and Member Jack Wiseman. Also in attendance were Township Solicitor Will Oetinger, Tri-State Engineer Larry Young, Board of Supervisor Tim Thomas, and Planning & Zoning Director Denise Burmester.

CONFIRMATION OF QUORUM

Chair Kathleen Pisauro confirmed a quorum.

RE-ORGANIZATION OF THE COMMISSION

A motion was made by Mr. Wiseman and seconded by Mr. Baldwin to approve the leadership as was in place in 2022, with Kathleen Pisauro as Chair and Phil Feig as Vice-Chair. Motion carried by a unanimous vote.

APPROVAL OF MINUTES

A motion was made by Mr. Baldwin and seconded by Mr. Feig to approve the December 14, 2022 meeting minutes. Motion carried by a unanimous vote.

SUB-DIVISION – 439 BROWNSBURG RD WEST - TRIUMPH

Minor Subdivision – Preliminary Final

Mr. Ed Murphy, Esquire, along with Chris Pinto from Triumph Builders and Kristin Holmes from Holmes-Cunningham Engineers provided an overview of the Conditional Use and Subdivision applications with waivers, requesting approval for a minor sub-division.

Discussion followed with the following topics:

- It was stated the need for a requirement to ensure if the mortgage goes into default, they cannot remove the easement for the driveway. This was agreed.
- Tri-State Engineering letter dated January 19, 2023 section C.1 – The applicant presented that the variance is needed for the culvert development as there is an existing culvert being replaced with no trees to be removed. Culvert as a whole to be repaired for emergency conditions.
- Item C.2 – Applicant stated that no trees will be removed.
- Item C.5 – Planning Commission recommendation for field visit in the Spring, and suggestion for no-mow sections. The applicant to double the no-mow section to 100ft.
- Item D.7 – Applicant accepted compliance to escrow agreements.
- Item G.20 – Applicant agreed there will be no pull over area in the East area.

PUBLIC COMMENT - 439 Brownsburg Road.

John Ryan, resident of 447 Brownsburg Road, lives next door to the proposed sub-division. Mr. Ryan is requesting denial of the sub-division due to concerns with current riparian flooding. He

explained how water run-off in storms has been an ongoing problem for a number of years walking through a prepared presentation and letters from concerned neighbors highlighting ongoing remediation expenses incurred by him and his neighbors and the need for diligence for stormwater operation and maintenance agreements. Mr. Ryan was encouraged to bring his presentation to the EAC for further consideration.

A motion was made by Mr. Rubin and seconded by Mr. Baldwin to approve the subdivision of 439 Brownsburg Road with the following conditions:

1. New ultimate owners sign a Stormwater Operations & Maintenance Agreement that is recorded.
2. Easement for the driveway that will not be superseded by a mortgage.

Motion carried by a unanimous vote.

Waiver - Approved

Mr. Murphy provided an overview of the applications for the Waiver's requested in conjunction with the subdivision at 439 Brownsburg Road.

Discussion followed with the following topics:

- Waivers – Typical stated waivers. Existing driveway slopes are existing and non-compliant, so no ordinance is applied. Slopes will not be changed.
- Existing septic system is in good condition and will remain and new system will be added for the new home.
- Existing house will not be changed.

Conditional Use – No opinion offered.

The applicant explained that the Conditional Use was for widening the driveway and the widening would impose a small section of riparian Zone 1 & 2. This small imposition was a compromise to a separate driveway for the new Single Family Dwelling that would cause much more disturbance to the riparian zones. Planning Commission discussion:

- Due to flood soil plain soils, the applicant had decided not to disturb the soils that would require Zoning relief if done.
- The “pull-over” area on the East side would be closer to the street. Once across the culvert, the road is wide enough for two vehicles to pass each other as it currently exists.

Planning Module

The Planning Module for 439 Brownsburg West was approved with the following conditions:

1. The owners who buy from Triumph, sign, and record a Stormwater Operations and Maintenance Agreement.
2. A driveway easement is signed and recorded that is binding with a mortgage.

A motion was made by Mr. Baldwin and seconded by Mr. Barfoot to approve the Planning Module as proposed for the new Single Family Dwelling at 439 Brownsburg Road. Motion carried by a unanimous vote.

LAND DEVELOPMENT – 106 BUCKMANVILLE ROAD - FENWICK

Daniel Lyons, Esquire, Dan Humes from Van Cleef Engineering and Mr. Fenwick, owner provided an overview of the Grading application requesting removing existing house and construction of a new single family dwelling toward the rear of the property and removal of trees.

Discussion followed with the following topics:

- Removal of 95 trees (19% of trees). A number of them are dead or are Ash trees. The steep slopes and ordinance requirements were reviewed in regard to access to the new single family dwelling. The applicant stated the bulk of the disturbance of the steep slopes has been minimized. Consideration of tree replacement was discussed in compliance with the Township SALDO and reference to 1403.H.4 that states Resource Protection Standards - protect 85% of trees on a property. Therefore it may trigger payment to the tree fund or replace the trees. Calculations are done by canopy not caliber.
- Mr. Humes stated that they will be eliminating existing home and will need new bridges in the riparian zones. Per Mr. Young, there is need for Special Exceptions and Zoning variance and Conditional Use for riparian buffer that was not listed in the Tri-State Engineers Letter.

A motion was made by Mr. Barfoot and seconded by Mr. Rubin to approve the removal of the trees as presented with the following conditions:

1. Tree Replacement per ordinance JMZO §1403 H.4.
2. No tree removal until all grading and building permits have been approved for home building.
3. Submission of a Tree Replacement Plan.
4. Plan to minimize the removal of live trees.
5. Buffer tree planting on the back southwest property line.

Mr. Baldwin abstained. Motion carried with a 5 to 1 vote.

COMPREHENSIVE PLAN – PRINCIPLE 5 – BUILD AND MAINTAIN LIVABLE COMMUNITIES

Ms. Pisauro started the discussion on how the Bucks County Planning Commission received updates on activities and procedures and dates that they are meeting.

Discussion followed with the following topics:

- Pg 50. – Request for a review of the language specific to Upper Makefield Township with the Township Hydrogeologist to ensure the accuracy.
- Pg. 51 – Water Replenishments are essential. Water replenishment refers to sub-divisions only. Should apply to all development.
- Pg. 52 – The small paragraph regarding promoting recharge of ground water needs stronger language.
- Pg. 55 – Township Engineer to confirm the Delaware River South Stormwater Management plan date.
- Pg. 68 – Stormwater management to be added in strategies section.

- Trails with bike and pedestrian paths separate.
- Pg 58 – States we are falling short on yard waste recycle – states reporting thru municipal ordinances, but again not listed in the strategies section on page 68.
- Pg. 59 – Recommend removing language to increase administration staffing and technology.
- Pg. 60 – EMR Services – need to update with current regulations and providers.
- Pg. 67 – Natural Resources – add information regarding water supply monitoring.

LIASION REPORT

Board of Supervisors – Tim Thomas

There was no BOS Report.

ADJOURNMENT

A motion was made by Mr. Baldwin and seconded by Mr. Barfoot to adjourn the meeting at 9:49 p.m. Motion carried by a unanimous vote.

Respectfully submitted,



Denise Burmester

Director of Planning & Zoning

Approved: February 22, 2023