

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – JANUARY 13, 2020

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on January 13, 2020. Ms. Kirk called the meeting to order at 7:35 p.m.

Those present:

Planning Commission: Craig Bryson, Chair
 Tony Bush, Secretary
 Adrian Costello, Member
 Chad Wallace, Member

Others: James Majewski, Director Planning & Zoning
 Barbara Kirk, Township Solicitor
 Andrew Pockl, Township Engineer
 Frederic K. Weiss, Supervisor Liaison

Absent: Ross Bruch, Planning Commission Vice Chair

REORGANIZATION

Ms. Kirk called for a Motion for Chair of the Planning Commission for 2020. Mr. Bush moved, Mr. Wallace seconded and it was unanimously carried to appoint Craig Bryson as Chair.

The meeting was turned over to Mr. Bryson.

Mr. Bryson called for a Motion for Vice Chair of the Planning Commission for 2020. Mr. Bush moved, Mr. Wallace seconded and it was unanimously carried to appoint Ross Bruch as Vice Chair.

Mr. Bryson called for a Motion for Secretary of the Planning Commission for 2020. Mr. Wallace moved, Mr. Bryson seconded and it was unanimously carried to appoint Tony Bush as Secretary.

Mr. Majewski noted that Mr. Wallace’s term expires this month, and if he is interested in continuing to serve, he should advise Ms. Barbara Ellison. Mr. Wallace stated he did receive a letter today which he will respond to. Mr. Bryson noted his term will expire in August, and it was noted that when the time comes, he can advise the Township if he is interesting in continuing to serve.

Mr. Bryson stated Dr. Weiss will be the Planning Commission's new Supervisor liaison.

APPROVAL OF MINUTES

Mr. Costello moved, Mr. Wallace seconded and it was unanimously carried to approve the Minutes of October 28, 2019 as written.

#673 – PENNSYLVANIA AMERICAN WATER COMPANY
EDGEWOOD ROAD WATER TREATMENT FACILITY EXPANSION – SPECIAL EXCEPTION
Tax Parcel 20-034-044-001 & 20-034-045-002
R-2 Residential Medium Density Zoning District – 1145 Edgewood Road

Mr. Roger Phillips, engineer with Gannet-Fleming, was present with Mr. Jim Gable, PA American Water Company. Mr. Phillips stated at the Water treatment plant across the street from the Township Municipal Building PA American will be doing some disinfection improvements. He showed a Plan of the existing plant, adding what is shown in green are the locations of the improvements. He stated they are improving the disinfection system in several ways for several reasons. He stated they will add an ultraviolet system that will disinfect the water as it comes out of the plant. He stated they are also adding a sodium hypochlorite process which will replace the chlorine and ammonia gas that is now used in the disinfection process. He stated this is being done for safety reasons; and once the project is complete, there will no longer be canisters of chlorine or ammonia on the site, and they will be using sodium hypochlorite which is a strong bleach. Mr. Phillips stated the difference is that if there were to be a spill, if it were chlorine gas that is released, that is a hazardous chemical; but if there was a spill of the sodium hypochlorite, it could just ruin your shoes and pants.

Mr. Phillips stated there are also carbon contact tanks that are being installed, and he showed on the Plan the proposed location of the carbon contact basins. He stated the tank will be open to the atmosphere. He stated in the future there is a plan to add a second tank next to it, and that has all been included in the Zoning Application for impervious coverage.

Mr. Bryson asked what the Special Exception is for. Mr. Phillips stated the Special Exception is for the Use. He stated in the Township's Zoning Code in the R-2 Residential District, a Utility is permitted by Special Exception. He stated this will go before the Zoning Hearing Board. Mr. Phillips stated this property was granted the Special Exception in 1996. Mr. Wallace asked why they are requesting a Special Exception now, and Mr. Phillips stated it is a renewal of that original Special Exception because of the additions that are being made. Ms. Kirk stated because of the expansion and the alteration of the treatment process, Lower Makefield has historically indicated that they should renew the Special Exception request; and Mr. Majewski agreed.

Mr. Phillips stated in addition to the Special Exception, the property was granted a Variance for impervious cover in 1996 to 24%; and the addition proposed will take them to approximately 29% so there is a Variance that is going in front of the Zoning Hearing Board for that additional impervious coverage as well.

Mr. Phillips showed the proposed location of a new building that will contain the UV unit and the location of a proposed smaller building that will be the carbon storage that is fed into the carbon contact tanks. He stated there will also be a small amount of paving added to facilitate the delivery of the carbon. He noted the location of the existing loading docks, and he showed where the deliveries will take place. He stated as part of the project, they are adding a containment area and a spill containment system so that if something would happen when they are off loading the chemicals, it would be contained in this area and not running off the site.

Mr. Phillips stated they will also be doing stormwater compliance, and this project will comply with the Township's Stormwater Ordinance. Mr. Majewski stated he understands that they have already done some stormwater testing in the grass area on the west side of the building, and Mr. Phillips agreed.

Mr. Phillips stated they will have two underground storage basins for stormwater at a location he showed on the Plan that will do the infiltration, the rate control, and the water quality to meet the Township's Ordinance. He stated they have done perc testing on the site, and it complies. He stated they have completed their NPDES submission which is now before the Conservation District for review.

Mr. Bryson stated they will have to come back to the Planning Commission for Land Development, and Mr. Phillips agreed. Mr. Phillips stated they hope to be back before the Planning Commission within the next two months with the Land Development Plan.

Mr. Bryson asked Mr. Pockl if he has started reviewing the Plan, and Mr. Pockl stated he has not. Mr. Phillips stated they intend to submit the Land Development Plan in the next several weeks as they wanted to wait until after the Zoning Hearing Board Decision.

Ms. Kirk stated in the Application it states that the impervious surface will go to 28%; however, Mr. Phillips had indicated it would go to 29%. Mr. Phillips stated it will be 29%. He stated he did speak to Mr. Majewski about that. He stated it will actually be 28.6% so they will round that up to 29%. Ms. Kirk asked the total square footage of the additional buildings being added to the site, and Mr. Phillips stated it is about 8,559 square feet. Ms. Kirk asked if all of them will be to the rear of the existing building; and Mr. Bryson stated they are all towards the ballfield, and Mr. Phillips agreed they are all on the ballfield side. Ms. Kirk stated no one driving along Mill Road or Edgewood Road would necessarily notice any difference in the way the treatment facility is currently configured, and Mr. Phillips stated they would not unless they “looked really hard.”

Mr. Pockl stated there is a single Residential property that is located on the corner of Mill Road and Edgewood Road. Ms. Kirk stated based on the buffers from the trees that exist, she does not feel anyone traversing Mill Road normally would be able to see the addition. Mr. Majewski stated it is buffered.,

Mr. Bush asked Mr. Majewski if there is any issue with where the infiltration bed is, and he asked if it is near the Railroad crossing. Mr. Majewski stated it does not impact the Railroad at all.

Mr. Pockl asked if there is currently a stormwater management system on site, and Mr. Phillips stated there is a basin toward the back lower corner at the bottom left. Mr. Bryson asked if they did perc tests in the existing basin, and Mr. Phillips stated they did not. Mr. Bryson asked if they would be able to expand the existing basin; and Mr. Phillips stated the existing basin is too small, and there is no room to expand it. Mr. Phillips stated the basins to be put in will be underground basins, and they will not be seen and will just look like lawn.

Mr. Phillips stated as part of the expansion there is no anticipation of more employees, more deliveries, or more traffic. He stated it is just a better process.

Mr. Costello asked about the setbacks, and Mr. Phillips stated they are in conformance with all of the setbacks.

Mr. Wallace moved, Mr. Bush seconded and it was unanimously carried to recommend to the Zoning Hearing Board approval of the Special Exception as requested.

SALDO ORDINANCE AMENDMENT DISCUSSION

Mr. Majewski stated when they had the Hearing for the Mixed-Use Overlay Ordinance, one of the items that was contained in the Bucks County Planning Commission recommendation was that the Township develop Design Standards for the amenities that would go into the project. Mr. Majewski stated he reached out to Evan Stone, Director of the Bucks County Planning Commission, to see if he had any recommendations on Design Guidelines he had seen; and Mr. Stone sent him a copy of Design Guidelines that he had prepared for the Mall Conversion Overlay District that they had done at the Granite Run Mall. Mr. Majewski stated while that was much larger in scope than what Lower Makefield is considering, part of the Design Guidelines include similar things such as creating plazas, pedestrian traffic, opportunities for outdoor dining and seating, and to make it a more “pleasant project” with fountains, gathering spaces, etc. Mr. Majewski stated he wanted to introduce the concept of developing these Design Guidelines as part of the Subdivision and Land Development Ordinance Amendments to be discussed in the future by the Planning Commission. He stated he will provide the information to the Planning Commission members in the form of a PDF. Mr. Majewski stated having these Design Guidelines would provide comfort to the Township in having the developer do what the Township would like the developers to do so that the Township can guide their behavior. Mr. Majewski stated this could be done not only for the Overlay but also for Commercial projects in general to try to encourage more friendly Office Parks and Commercial enterprises similar to what is being done at the Lower Makefield Corporate Center with their recent Site Plan revisions.

Mr. Bryson asked if the Board of Supervisors has scheduled the Overlay approval yet. Mr. Majewski stated that is yet to be scheduled although it may come up within the next month or so. He stated he understands they are looking at traffic issues. Mr. Majewski stated once the matter is scheduled, the Board of Supervisors would have to authorize advertisement of the Ordinance, and then there would be a minimum 30-day review period. He stated it would be reviewed by the Bucks County Planning Commission, and it would come back to the Lower Makefield Planning Commission in its advertised form. He stated it would be a minimum 45-day process until it would go back to the Board of Supervisors for any action.

Ms. Kirk asked how quickly the Design Standards would need to be advertised so that they would become applicable to the Prickett property. She stated she knows there is a timing issue to get them obligated under the new Ordinance. Dr. Weiss stated because the Planning Commission asked that there be certain considerations as part of their recommended Approval, it went back to the County Planning Commission. He stated the Design Standards could be incorporated in the Ordinance itself if they want. Ms. Kirk stated that would then make it under Zoning which would then require additional review. Dr. Weiss stated the Ordinance itself would be passed by the Board of Supervisors. He stated the Lower Makefield Planning Commission could discuss what Design Standards they want so that when it comes before the Board of Supervisors, the Board could incorporate that as part of the Ordinance and then start the forty-five day clock.

Mr. Majewski stated Design Guidelines such as these are probably better in the Subdivision and Land Development Ordinance as opposed to the Zoning Ordinance because if someone has a better idea, the Planning Commission could recommend Waiving it, and the Board of Supervisors could act on that Waiver. He stated if it were in the Zoning Ordinance, that would take it to the realm of a Variance which is a different level of hardship and necessity for the Variance.

Ms. Kirk asked if the Mixed-Use Overlay District gets approved, how quickly do they feel Prickett or Mr. Dwyer will be submitting an Application for Land Development and Subdivision. Mr. Majewski stated he feels that they will be submitting it fairly quickly thereafter which is why he wanted to introduce these Design Guidelines so that the Township is in line when it is appropriate to advertise an Ordinance prior to the developer's submission.

Ms. Kirk asked in order to make an Applicant obligated to follow the new proposed Ordinance, does it have to be advertised before they submit for Land Development; and Mr. Majewski stated he believes so. Ms. Kirk stated if they are going to do this in anticipation that Prickett will be coming in, it would behoove the Planning Commission to start coming up with Design Standard ideas sooner rather than later if they want to make sure that the proposed project will have to comply with what the Township would like to see.

Mr. Bryson stated the Applicants came through, and the Planning Commission provided recommendations on what they wanted to change, and the Applicant made the changes. He stated he understands that the only reason it would come back to the Planning Commission for Final is if the Board of Supervisors modified it. He stated if the Board of Supervisors approves it the way the Planning Commission recommended it, it would not have to come back to the Planning Commission.

Ms. Kirk stated it would have to come back to the Planning Commission because what the Planning Commission recommended was approval of a Zoning Overlay; and what Mr. Majewski and the Bucks County Planning Commission are recommending is assuming the Overlay District is approved, they would be setting forth certain Design Standards under the Subdivision and Land Development Ordinance in anticipation that there will be a Mixed-Use Overlay District that can then also be applied to other Commercial Real Estate.

Mr. Majewski stated while the Planning Commission made a recommendation, that was an informal petition, and it was not officially advertised so it will have to come back to the Planning Commission to either authorize their prior recommendation or modify it if they wish.

Mr. Bryson stated if the Planning Commission wants to make recommendations on changes to the SALDO, they need to proceed with that quickly.

Dr. Weiss stated currently it is in the hands of the developer whether they are going to proceed with this; and if the developer decides to do what the Township asks, it is possible it will be before the Board of Supervisors for advertising at the second meeting in February.

Ms. Kirk stated assuming everything is going along that direction, Mr. Dwyer has been before the Planning Commission multiple times trying to use this property; and she feels that he will have a Subdivision Application in immediately, and the Township will want to try to make sure that the Design Standards at least get advertised in order to hold the developer to them under SALDO so that there will not be an issue in the future.

Mr. Bryson asked about the Zoning Decision for the warehouse, and it was noted that was approved. It was noted this was only for the Dwyer piece.

Mr. Pockl stated theoretically the Township could implement Design Standard requirements while reviewing the Land Development process as well. Ms. Kirk stated if there is a certain design mechanism that the Planning Commission believes should be implemented in a project of this nature, short of having the Ordinance be pending and advertised, there is nothing to hold the developer to accept it. Ms. Kirk stated if the developer puts the Application in before the proposal is advertised, the developer is not bound by it.

Ms. Kirk stated Mr. Majewski will circulate a copy of the Granite Run information and the Planning Commission members should consider what they would envision that the buildings and open space should look like. Mr. Pockl stated he can also provide some other Ordinances from other Municipalities that have Design Standards within them as well.

Mr. Costello asked if this would be just for the Mixed-Use areas or the total Township. Ms. Kirk stated Mr. Majewski had indicated that it may be applicable to all Commercial buildings in the Township. Mr. Majewski stated it would primarily be for the Mixed-Use. Mr. Bush stated it would not apply to Edgewood Village as there are already Design Standards for them, and Mr. Majewski agreed. Mr. Majewski stated they are required in that area to follow the Edgewood Village Design Guidelines, and they are under the purview of the Historical Architectural Review Board.

Mr. Wallace stated this would only apply if the developer was going to develop under this Ordinance; however, Mr. Majewski stated while that would be correct, it is still something to think about in general for the remainder of anything Commercial/Office in the area. Mr. Majewski stated they can concentrate on the Overlay but also think about the remainder.

Mr. Bryson stated he feels someone is going to have to create something or make a list of ideas. He stated while the Bucks County Planning Commission could do this, he feels it would take them a while; and he does not feel that we have the time to get them to provide that in a short period of time. Mr. Majewski stated what has been provided by Mr. Stone could be used as the basis to start from.

Ms. Kirk stated Mr. Pockl also indicated he could provide one or two others. She stated she does not want the Planning Commission to assume that they have a lot of time; and if this is what they want to recommend, they need to proceed sooner rather than later. Mr. Bryson stated Abington has a good document as well. Ms. Kirk stated the documents can be circulated to all Planning Commission members, but they may not discuss it until a meeting.

2019 ANNUAL REPORT APPROVAL

Mr. Majewski stated the Annual Report was provided to the Planning Commission members. Mr. Costello stated included in the Report it indicated that the Planning Commission just voted for approval of certain project; however, he felt that there

were Conditions/recommendations attached to certain projects. He noted particularly the Overlay District and the Office Park. Mr. Majewski stated virtually every Application is a Conditional Approval so he did not indicate that.

Mr. Majewski stated the one change he is going to make was to the Petition for Amendment to indicate that it was "informal" since it was not a formal process. He stated it was not advertised, and they did not go through the formal process. He stated this was for the Petition for the Amendment to the Zoning Ordinance. Ms. Kirk asked why that was considered "informal" since it was Filed, and there were two meetings at the Township Building and they then had to move the subsequent meetings to the School. Mr. Majewski stated "none of those meetings count." He stated the Board of Supervisors felt that rather than immediately advertise the Ordinance, it would be good to get the Planning Commission's input on everything, and then go through some revisions to get something more defined; and that happened from the first meeting to the second meeting. Mr. Majewski stated the Planning Commission therefore essentially made an informal recommendation that the Petition move forward. He stated to legally move this forward, the Board of Supervisors needs to advertise the Ordinance; and it would then go through the legal, formal process. Ms. Kirk stated this means that it will have to come back to the Planning Commission again, and Mr. Majewski agreed.

Dr. Weiss stated the Lower Makefield Planning Commission will be one of many groups that will be looking at it during the 45-day period. He stated if the Board of Supervisors votes to advertise it, there will be a 45-day period for comment. Ms. Kirk stated she felt they had done it somewhat in reverse as an accommodation, and she did not realize all four meetings of the Planning Commission were going to be considered as an "informality." Dr. Weiss stated he feels the Ordinance that was seen by the Planning Commission will be substantially changed between now and when it is advertised. Mr. Majewski stated they had considered initially whether it should just be advertised and have the formal meetings, potentially change it, and then re-advertise it; or was it better to have several Hearings and get input and then develop something that could be advertised. Dr. Weiss stated those meetings were used to get the community's input, and they will now proceed from there.

Ms. Kirk asked who is "tweaking" the Ordinance with the additional revisions. Dr. Weiss stated currently everything is in the developer's hands, and the Board of Supervisors has given them their parameters with the input from the Planning Commission. He stated he had advised the developers from the beginning that the Board will not consider the Overlay District or the project if the traffic is not improved, and they are still having those conversations.

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Mr. Wallace moved, Mr. Bryson seconded and it was unanimously carried to approve the 2019 Annual Report.

There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Tony Bush, Secretary