

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – NOVEMBER 30, 2020

The regular meeting of the Planning Commission of the Township of Lower Makefield was held remotely on November 30, 2020. Mr. Bush called the meeting to order at 7:30 p.m.

Those present:

Planning Commission: Tony Bush, Chair
 Ross Bruch, Vice Chair
 Adrian Costello, Secretary
 Tejinder Gill, Member
 Dawn Stern, Member

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

APPROVAL OF MINUTES

Mr. Costello moved, Mr. Bruch seconded and it was unanimously carried to approve the Minutes of November 9, 2020 as written.

DISCUSSION OF MORRISVILLE BOROUGH COMPREHENSIVE MASTER PLAN

Mr. Bush stated the Planning Commission is being requested to provide comments on the Morrisville Borough Comprehensive Master Plan as it relates to Lower Makefield. Mr. Bush stated this also provides an opportunity for the Planning Commission to consider issues that should be brought to our own Township's attention. Mr. Bush stated Mr. Pockl has already provided comments which they could discuss and then the Planning Commission could make other comments.

Mr. Pockl stated he provided his comments to the Planning Commission members highlighting changes in the Morrisville Borough Comprehensive Plan. He stated his first comment was with regard to Zoning. Morrisville is proposing a Comprehensive Zoning Ordinance update, and they want to create a Down-town Zoning District and a Riparian Buffer Zone. The Riparian Buffer Zone

would be along the River. While he does not have the exact limits of the Downtown Zoning District proposed, he believes they are trying to have a more urban type of Zoning for their downtown area.

Mr. Majewski showed a slide of the Morrisville Borough Zoning Map. He noted the location of Lower Makefield at the top of the map and the Delaware River on the east side of Morrisville Borough. He stated currently their Zoning is as shown on the map. He stated most of the areas that adjoin Lower Makefield Township are Residential neighborhoods and areas of nature. He noted the Graystone area which Morrisville has preserved as a nature preserve, and that is the green area shown adjoining Lower Makefield along River Road and the Canal on both sides.

Mr. Bush asked if the proposed Riparian Buffer Zone comes up to where Morrisville meets Lower Makefield. Mr. Majewski stated it is proposed to be along the Delaware River, and he believes that it is also along the Canal.

Mr. Pockl stated with regard to Graystone, that is already a naturally-preserved area, and he does not feel that there will be much of a change since a majority of the area is already a natural buffer.

Mr. Pockl stated Item #2 of his comments relates to the proposal to create a boat launch on land owned by the Morrisville Municipal Authority in Lower Makefield Township. Mr. Bush asked if there is anything there at this time, and Mr. Costello stated he felt that there was a boat launch there now. Mr. Bush stated it appears that there is an informal launch there now although it is not clear at this time who owns it. Mr. Costello stated since it is in Lower Makefield, he felt the Township owned it. Mr. Pockl stated the location is on River Road approximately 425' north of the border of Morrisville Borough and Lower Makefield Township. He stated it is an existing boat, canoe, and kayak launch on property owned by the Morrisville Municipal Authority that Borough residents can access to launch their boats. It is opposite the intersection of E. Ferry Road and River Road.

Mr. Costello stated he felt that they were proposing to make improvements and create better access on the River Walk path. Mr. Pockl stated it indicates that they will work with PennDOT and Lower Makefield Township to provide a safe crossing of River Road to the boat launch area.

Mr. Bush stated he feels it should be better marked than it is now, and the Planning Commission could recommend that it be identified with signage. Mr. Bush asked if it is only accessible to Morrisville residents or is it open to the public at large. Mr. Pockl stated the document does not say. Mr. Bush stated if it is open to the public, it would be open to the entire public and not just Morrisville residents.

Mr. Majewski stated while people pull up at that location and launch their boats, he is not sure where they park their trailers.

Ms. Kirk stated she feels this would work the same way as the Township's boat launch on River Road. Mr. Majewski stated the one at River Road is a more formal boat launch, and they have a paved parking area and a portable restroom facility. Mr. Majewski stated the one they are discussing in the Morrisville Plan is informal and there is only a gravel driveway.

Mr. Costello stated he felt that they were proposing to make it more formal and more accessible. He agrees that there should be signage. He stated with regard to the reference of it being accessible to Morrisville residents, he interpreted that to mean that even though it is in Lower Makefield Township, it is open to residents of Morrisville as well; Mr. Pockl agreed.

Mr. Pockl stated looking at the area on Google Earth it shows the gravel area and they could probably fit five cars to the south and five cars to the north of the boat launch area so people could park.

Mr. Bruch asked if there is liability exposure to the Township if there were to be an issue since it is publicly-accessible. Ms. Kirk stated the property is owned by Morrisville Municipal Authority so they should have the necessary insurance coverage to provide for that. Mr. Pockl stated River Road is a PennDOT road at that location. Ms. Kirk stated she does not feel that the Township would have any liability; and although she recognizes that anyone can bring a lawsuit against the Township, information would be provided that it is owned by the Morrisville Municipal Authority and is on a PennDOT road.

Mr. Bruch stated he feels that it is important to have signage and make sure that it is properly marked. Mr. Bush stated he does not believe that there is any signage there now. Mr. Pockl stated it does not appear that there is any signage from the image on Google Earth which is dated August, 2019.

Mr. Pockl stated Item #3 relates to the trail at the towpath that will be brought up and across Bridge Street near Mill Pond. Design Plans are being finalized, and construction funding has been secured. He stated they are looking for better connectivity and a better crossing at Bridge Street.

Mr. Costello stated he believes that this is the last place on the towpath between Bristol and Easton that has to be dealt with in terms of a road crossing, and Mr. Majewski agreed. Mr. Pockl stated he believes currently there are steps up to the bridge and a curb so that there is no adequate crossing at this time. Mr. Pockl stated he feels this connection will be a benefit to the Township.

Ms. Kirk stated because it is the Canal towpath that is owned by DCNR, the State would have full oversight of the revitalization and reconstruction plans for that section. Mr. Pockl stated he agrees adding they may also be paying for a portion of it although he is not sure how Morrisville obtained construction funding. He stated Grants are typically obtained for this type of work. Ms. Kirk stated the State will have direct oversight as to how this is being accomplished, and Mr. Pockl agreed.

Mr. Pockl stated the next item is the establishment of Williamson Park Town Square. He stated this is a Concept Plan that has received favorable support from Borough Council, and it will turn Williamson Park into a Mixed-Use development featuring an amphitheater, four luxury apartment buildings, a hotel, several Retail shops, restaurants, a 22,000 grocery store, an Urgent Care, and a bank. Mr. Majewski stated Williamson Park is just north of the bridge over to Trenton, and he showed a slide of the location. He stated currently it is a park with ballfields, and they are looking at ways to possibly re-locate the ballfields to another location. Mr. Majewski stated the nearest point to Lower Makefield of this proposed new development is approximately a half mile away.

Mr. Costello stated Williamson Park is where Morrisville Little League currently plays, and we need to consider the impact on Lower Makefield's already over-crowded fields. He stated we need to consider what this will mean to Lower Makefield if Morrisville does not replace those fields.

Mr. Bush stated he feels this is something that Lower Makefield needs to consider including whether or not the Lower Makefield baseball fields are really over-crowded. He added that he believes that there are 50% more baseball fields in Lower Makefield than there were fifteen years ago, but there are 50% fewer kids in the League. He stated he feels it is misleading

because they no longer use the School fields; and if there is over-crowding, they could use the School fields like they used to. Mr. Bush stated that Morrisville Little League has a significant percentage of Lower Makefield residents in it; and while he is not sure what the exact percentage is, it is significant. Mr. Bush stated if Morrisville does go forward with developing Williamson Park, probably Lower Makefield Park & Rec should start talking to Morrisville Little League about accommodations that could be made for using Township fields.

Ms. Stern asked if it is definite that they will not be replacing those fields. Mr. Costello stated he understands that they were planning on trying to have fields in other places, but it was unclear. He stated he was raising the point that if they do this, it could impact Lower Makefield; and we should be in communication with Morrisville about that so that there are not issues in the future. Mr. Bush stated he agrees, and he has seen comments on Facebook already from Lower Makefield residents who are involved with Morrisville Little League. Mr. Gill stated Little League uses the smaller fields and there are only three fields of that size at Stoddard available now so there should be plans in place if they are going to start using our facilities. Mr. Costello stated he feels someone in the Township should be on top of this and understand the implications of this if and when this project starts.

Mr. Bush stated he read that this is a fairly substantial project as it is a \$150 million project, and he questions what kind of traffic this will put on the roads coming to and from Lower Makefield and if it will affect the Township roads that border Morrisville.

Mr. Pockl asked Mr. Majewski and Ms. Kirk how they will move forward with these comments, and he asked if he should draft a letter to go to Morrisville. Mr. Majewski stated at the end of the meeting, the Planning Commission will need to decide which comments they would like to forward to the Morrisville Borough Planning Commission. He stated the comment he has heard that he feels should be forwarded to them is with regard to signage being properly marked for the boat launch. He stated other items the Planning Commission has discussed are informational items, and there would not be specific comments for Morrisville Borough related to those other discussions. He stated at some point the Planning Commission will need to make a Motion.

Mr. Pockl stated his next comment relates to the open space parcel at the intersection of S. Delmorr Avenue and E. Philadelphia Avenue which will be developed into a park. He stated it is approximately eight acres. He stated Williamson Park is about forty acres so it will not be a one-to-one swap.

Mr. Pockl stated the next comment is with regard to the Morrisville Wastewater Treatment Plant's plan to re-locate the Borough's Plant to the Keystone Industrial Complex. He stated it is a brownfield site approximately three miles down from the current facility. He stated the Plan recommends that a joint Act 537 Plan be prepared with Lower Makefield, Yardley, and Falls Township.

Ms. Kirk stated she is not sure that Morrisville has secured that site. She stated she is not sure how the Act 537 would be impacted since Lower Makefield's Sewer system is being authorized to be sold. She stated the Act 537 Plan is usually prepared with the Township's Sewer Authority and Sewer engineer.

Ms. Kirk stated this may not come to fruition at this point; and if it does, it will probably not involve the Township, rather it would be whoever is the owner of the Township's Sewer system.

Mr. Pockl stated the next item is with regard to stormwater, and they are proposing a levee study which is in draft phase. He stated this spillway project is under consideration including a pump station behind the levee to pump water from the Canal back into the River. Mr. Pockl stated this is to address areas by Williamson Park where they currently have problems with flooding. He stated with the current levee, once the water breaches it, it has no way of getting back into the River when the River water subsides. Mr. Gill asked if the pumps would activate once the River level goes down, and Mr. Pockl stated theoretically they would activate once the flood waters start breaching the levee.

Mr. Majewski stated part of the plan that has been discussed for almost fifteen years is that along the Delaware Canal, there is sometimes flooding that happens from the Canal because it fills up not only from far upstream but also through all the streams that flow into it. He stated that can create flooding and backups within Lower Makefield. He stated there was discussion about putting a spillway in north of the Calhoun Street Bridge to allow the Canal to be drained down in advance of a flood so it would act like a large detention basin and alleviate flooding in Morrisville Borough and help alleviate flooding somewhat in Lower Makefield Township so we would not have to worry about flooding coming up from the

Canal. Mr. Majewski stated Morrisville is still considering doing this, and Lower Makefield would be strongly in support of this as they have been in the past.

Mr. Bush stated with regard to the prior discussion related to the Sewers, he feels the Planning Commission could make a recommendation that conforms to Ms. Kirk's comment that it may not be Lower Makefield which is involved, rather it may be the buyer of the Sewer system that would be involved. Ms. Kirk stated she does not know that they need to make that recommendation as Morrisville is aware of the situation. Mr. Bush stated he feels they should make a comment that the buyer of the Lower Makefield Sewer system would need to be involved in the Act 537 Plan. Mr. Bush asked if there is an expectation as to when the sale will be finalized, and Ms. Kirk stated she felt it would take a year for the Public Utility Commission to give its approval. She stated that process has started so she assumes that by 2021 it may be complete.

Mr. Majewski stated he feels the comment should indicate that Morrisville should be aware that Lower Makefield has entered into a Contract to sell the Sewer system to Aqua. He stated the Act 537 Plan would still be Lower Makefield's but our involvement would be minimal because Aqua would be servicing the area. Mr. Bush stated he does feel that it should be addressed in some way, and what Mr. Majewski is suggesting is a reasonable way to address it.

Mr. Costello suggested that they recommend that they update the language in the Master Plan to reflect the fact that a third party may own the Lower Makefield Sewer system. This was acceptable to the Planning Commission.

Mr. Majewski stated he recalls that the feeling was that the sale of the Sewer system could be finalized sometime in 2021.

Mr. Pockl stated the next item concerns the Land Use Planning areas. He stated there are two areas that share a border with Lower Makefield Township. One is the River front where they have some goals which are to focus on the River Walk along the River and nominating Graystone to the National Register of Historic Places. Mr. Pockl stated in the north Residential Planning Area, they recommend exploring a merger of Morrisville School District with Pennsbury School District as well as considering developing bike facilities along E. Trenton Avenue and Bridge Street.

Mr. Majewski stated with regard to the Trenton Avenue corridor, there was a meeting held a few years ago with PennDOT, Falls Township, Morrisville Borough, and Lower Makefield representatives about the whole corridor along E. Trenton Avenue and the possibility of trying to tie that together with walkways and/or bike lanes to create a more pedestrian-friendly corridor. Mr. Majewski stated Lower Makefield touches that a little bit at the area north of E. Trenton Avenue at a location he showed on the Plan where the CVS and Tires Plus are located.

Mr. Bush asked if the River Walk is on the Canal side or the other side of River Road along the River, and Mr. Pockl stated it is along the River. Mr. Bush stated in Lower Makefield that is private property, and Mr. Majewski agreed. Mr. Majewski added that the area at E. Ferry is owned by the Morrisville Water Treatment Plant. Mr. Bush stated the concept would be a massive undertaking as it would require either Easements, Eminent Domain, or some kind of Taking of private property which would be costly and will most likely not happen soon.

Mr. Majewski stated he feels that Morrisville wanted people to be able to cross the Calhoun Street bridge, go along a walkway to the levee, and then get to the other bridge. Further down there is open space along the River near the Railroad at Philadelphia Avenue where there is a Dog Park. Mr. Bush stated in terms of coming up into Lower Makefield, he does not feel it is realistic; and Mr. Majewski agreed.

Mr. Pockl state the final comment relates to compatibility with adjacent Plans. He stated Morrisville's Comprehensive Plan acknowledges that Medium-Density Residential and Residential Resource Protection in the Lower Makefield Township 2019 Comprehensive Plan are consistent with the adjacent Morrisville Land Uses.

Ms. Stern asked for further discussion about the potential merger of the School Districts. Mr. Bush stated he understands that this Plan was submitted to the Pennsbury School District; however, Mr. Pockl stated he is not sure that was done. Mr. Bush stated he knows that there have been discussions in the past between Pennsbury and Morrisville so this would not be a surprise to Pennsbury that this is something that Morrisville is seeking. Mr. Pockl asked Mr. Majewski if it indicated that the Pennsbury School District received this, and Mr. Majewski stated he does not know. Mr. Majewski added that the requirements of the Municipalities Planning Code just state that it be submitted to the School District, and he presumes

that it went just to the Morrisville School District and not necessarily Pennsbury although they could have submitted it there as well. Mr. Costello stated they will have to talk eventually if they want that part of their Plan to work.

Mr. Costello stated he would be in support of the recommendation that they make the area more bike accessible/pedestrian friendly. He stated with regard to the School District merging, that would be outside of the Planning Commission's purview.

Ms. Kirk stated with regard to a recommendation from the Planning Commission it would be that with regard to the boat launch, the Township would like some sort of signage at the launch to verify ownership of that section. Mr. Pockl stated he feels it should be identified as a boat launch. Mr. Bush stated he feels it should also indicate that it is open to the public and who it is owned by. Mr. Costello stated he agrees that those are important points.

Mr. Kirk stated with regard to the Williamson Park Town conversion, the comment would be about the effect on the Township with regard to the loss of the ballfields.

Ms. Kirk stated with regard to the Morrisville Waste Treatment Plant, a comment should be made reminding them that the Township is currently under a Sales Agreement to sell the system to Aqua and any future Act 537 Plan would need to involve the buyer of the Township's Sewer system.

Ms. Kirk stated with regard to Comment 8B – Bike Facilities – a comment should indicate that the Township supports the bike facilities.

Mr. Bush stated with regard to Item #4 with regard to the ballfields that is really more of an internal point about the loss of ballfields for Lower Makefield.

Ms. Kirk asked if they want to include that as a comment to Morrisville to offer a solution. Mr. Costello stated he feels this is more of an internal comment, and he would recommend that Mr. Majewski take this back to Park & Rec to advise them of this so that they can consider the potential impact.

Ms. Kirk stated she could put these recommendations in a memo and copy the Township Board of Supervisors and Park & Recreation for internal consideration. This was acceptable to the Planning Commission. Mr. Bush stated this would be useful for Lower Makefield for future planning. Mr. Bush stated he also feels that with regard to Comment #4 with regard to the development of Williamson Park Town that they should be cognizant of the traffic considerations. Mr. Costello asked if it would be appropriate to make a comment that any traffic studies that are done as they are developing this property should include Trenton Road, River Road, and Yardley-Morrisville Road traffic impact going north and west. Ms. Kirk stated any development would have to have notification to the Township. She stated at that point, the Township could actively make comments about the traffic.

Ms. Kirk asked if the Planning Commission wants her to make reference to the Morrisville about the loss of the ballfields, or should that just be kept internally to notify our Supervisors and Park & Recreation. The Planning Commission felt that this should be included in the comments to Morrisville so that they know that this is an area of potential concern for Lower Makefield, and that someone should look into this. Mr. Bush stated he agrees given the number of the Little League participants who live in Lower Makefield.

Ms. Kirk stated she can prepare a proposed memo, circulate it among the Planning Commission, Mr. Pockl, and Mr. Majewski and consider other comments before it is finalized and sent out. Mr. Majewski stated his only concern is that may push this out past the forty-five day requirement.

Dr. Weiss stated the Board of Supervisors will be meeting on December 16 if they wanted Board comment. Ms. Kirk stated if it was received November 9, she believes they have time to consider this at the Board of Supervisors meeting on December 16. Mr. Majewski stated typically this does not go to the Board of Supervisors unless it is felt necessary; and typically they only ask for the Planning Commission to weigh in. Mr. Majewski stated the Planning Commission could consider it at their meeting on December 14, and it could then go to the Board of Supervisors on December 16.

Ms. Kirk stated she will circulate a draft prior to the meeting, and the Planning Commission can consider it at their meeting on December 14 if they wish.

There was no public comment.

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It was noted that the last meeting of the year for the Planning Commission will be December 14.

There being no further business, Mr. Costello moved, Ms. Stern seconded and it was unanimously carried to adjourn the meeting at 8:21 p.m.

Respectfully Submitted,

Adrian Costello, Secretary