

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – AUGUST 9, 2021

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building and remotely on August 9, 2021. Mr. Bush called the meeting to order at 7:35 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

Absent: Daniel Grenier, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Costello moved and Mr. Gill seconded to approve the Minutes of July 12, 2021 as written. Motion carried with Ms. Stern abstained.

#684 – 1181 OXFORD VALLEY ROAD LLC MINOR SUBDIVISION DISCUSSION AND APPROVAL

Tax Parcel #20-034-066

R-2 Residential Medium Density Zoning District

Proposed plan to subdivide The Lot containing an existing single-family dwelling into 2 single-family Residential Lots (creating 1 new building Lot) consisting of 2.38 acres and 1.01 acres

Mr. Larry Young and Mr. Cody Spadacino, engineers with Tri-State Engineers, and Mr. John McGrath, Sr., property owner, were present. Mr. Young stated the property at 1181 Oxford Valley Road is 3.4 acres in the R-2 Zoning District. Toward the back of the property are two single-family dwellings that are serviced by septic systems, a barn, and several wells that also service the houses.

The proposal is to create a flag Lot, and leave everything on the back of the Lot on its own separate Lot, and create a parcel out front along Oxford Valley Road. Proposed is a new single-family dwelling with a short driveway out to the existing driveway. About 95' of that driveway will be shared, and there will be an Access Agreement with the owner owning both Lots, and the Agreement will be Recorded when the Record Plan is Recorded. The Agreement will also call out the responsibilities for the maintenance of the shared portion of the driveway.

Mr. Young stated there will be two seepage pits/infiltration beds – one toward the front of the proposed house and one toward the back of the proposed house.

Mr. Young stated public water is coming from Oxford Valley Road, and the Applicant acquired an Easement from the third Lot in on Victory Drive to run public sewer out Victory Drive. Mr. Young stated they spoke with Mr. Hucklebridge who saw Plans and accepted that type of improvement to run to public sewer. Mr. Young added that there is no public sewer in Oxford Valley Road in front of the property.

Mr. Young stated they have full Zoning compliance with the new Lot. He added that there are a few existing non-conformities with setbacks not created by new Lot lines; and they are existing Lot lines and existing buildings. Mr. Young stated they have received several letters including one from the Township engineer who he spoke with late this afternoon. He stated they also received a letter from the Yardley Makefield Fire Company which was satisfied with the Plan. He stated they also received a letter from the traffic engineer, who indicated they had no objection to the Waiver for the shared driveway. The Applicant will owe \$1,077 for the Traffic Impact Fee. Mr. Young stated they have an adequacy letter from Bucks County, and they also have a review from the Bucks County Planning Commission. Mr. Young stated he indicated to the Township engineer that they will comply with the items listed in the Township engineer's letter. Mr. Bush asked Mr. Young if he is referring to the June 23, 2021 Remington & Vernick letter, and Mr. Young agreed that they will comply with all items.

Mr. Young stated they are requesting four Waivers including to limit the number of Plan sets to be sent to the Township, to have the shared driveway, to allow a side Lot line to not be 90 degrees as they will be paralleling the existing Lot line, and to not be required to put in seven street trees as there are already ten trees remaining along the frontage.

Mr. Bush stated the Planning Commission did not see the Bucks County Planning Commission letter, and he asked Mr. Majewski if there was anything in that letter that was different from the Remington & Vernick letter; however, Mr. Majewski stated he has not seen the letter from the Bucks County Planning Commission. Mr. Young showed his copy of the letter to Mr. Majewski. Mr. Majewski stated the letter is dated July 14, and it comments on the Waivers that were listed. They ask that the Applicant provide justification for the Waiver requests. He stated they noted that on the Existing Features Plan there is an unidentified structure on the property and also that compliance with the woodlands needs to be shown and what is preserved on the Plan. He stated they also mentioned the shared driveway and recommend that regular maintenance, repair, and snow-removal responsibilities be established and that any Access Easement or Maintenance Easement outlining the maintenance responsibilities should be incorporated in the Deeds for the Lot.

Mr. Majewski stated they also noted that a Sewage Facilities Planning Module Application needs to be submitted for the proposed septic. Mr. Young stated that is in process, and they submitted the initial mailer.

Mr. Bush asked if they will comply with the Bucks County Planning Commission letter of July 14, and Mr. Young agreed they would.

Ms. Kirk stated she understands they will provide public sewer to the new Lot, but she asked if there will also be a connection to the existing house or will that remain on septic; and Mr. Young stated that will remain septic as there are no failures in that septic system. Ms. Kirk stated she felt the Township's Subdivision and Land Development Ordinance required a connection into the public sewer if it was within 1,500' of the new Lot. Mr. Majewski stated they would have to connect to the public sewer. Mr. Young agreed that they would do that.

Mr. McGrath stated the sewer they are putting in from Victory Drive through the Easement will have a manhole installed on his property which will have the ability to tie the sewer into the existing house and the new house, and they will tie in the existing house.

Mr. Pockl asked about the replacement trees that will be required. He stated the Plan removes approximately seven trees in excess of 10" that are viable trees adding that the other trees that are in excess of 10" are dead. He stated according to his calculations, the seven trees to be removed, based on their size, would require forty-three replacement trees. Mr. Young stated he did talk

to the engineer about this earlier today, and they are going to “tweak” the location of the building slightly to save a few more trees and they will then plant some more trees on the Lot. He stated if they cannot fit all of them in, they will donate the Fee-In-Lieu. He stated they are going to try as much as they can to minimize the tree disturbance.

Mr. Costello stated there is no request for a Waiver from the Tree Replacement Ordinance, but there is a request to Waive the street trees. Mr. Costello stated there are already ten trees along the frontage; and since this is not a large frontage, he asked why they would need seven more street trees. Mr. Young stated what is indicated is that seven trees would be required given the frontage of the Lot. He added that there are ten existing trees that will remain there so that would satisfy the Street Tree requirement. Mr. Costello stated that would therefore not be a Waiver request, and Mr. Young stated it is that they are not providing street trees as they are already there.

Mr. Pockl stated he would support that Waiver given the fact that there are ten trees on the Lot along the Oxford Valley Road frontage.

Ms. Stern asked if any of the street trees are coming down, and Mr. Pockl stated he was not sure. He added that the main point is that based on the size of the frontage along Oxford Valley Road, it is indicated that a new Lot would require street trees every 35'; and given the length, that would calculate out to seven street trees. He stated since there are ten existing street trees that will remain, he would support the Waiver of not planting any additional street trees.

Mr. Majewski stated he does not feel a Waiver is required since they do have street trees at this time.

Ms. Stern asked if the street trees are remaining as is, and Mr. Pockl agreed.

Mr. Bruch stated with regard to the replacement trees, as of now there is no request for a Waiver, but depending on the movement of the building it is possible that they may need to seek a Waiver for those trees. Ms. Kirk stated it was indicated that they would pay a Fee-In-Lieu of the replacement trees that could not be planted. Mr. Costello stated paying the Fee-In-Lieu would not require a Waiver, and Mr. Pockl agreed.

Mr. McGrath stated there are quite a few ash trees on the property which are dead at the top. Mr. Bruch asked if there are special provisions about ash trees in the Ordinance; and Mr. Majewski stated there is nothing built into the Ordinance about ash trees, and he does not feel that they can tell people they have to replace a tree that needs to be cut down or replace a dead tree. Mr. Majewski stated they can work with the Applicant once they refine the building envelope to see if they can save the Applicant some money for the Fee.

Mr. Costello asked how the shared driveway would be incorporated so that there are no issues with any change of ownership of the properties. Ms. Kirk stated there would have to be a Recorded Easement between each of the two property owners that goes with the land and not with the person who occupies the property. She stated it would be an Easement that requires access for that driveway to the rear Lot. Mr. Costello asked if it clearly states whose responsibility it is for maintenance, repair, snow and leaf clearing etc. Ms. Kirk stated it would generally outline duties and responsibilities; and generally the person whose land contains that section of the driveway is responsible to maintain it, and it just allows the other property owner the ability to use it to get to their property. Mr. Bush stated he believes that the Bucks County Planning Commission suggested that the Agreement lay out who is responsible for snow-removal specifically in the Agreement, and the Applicant had stated that they were agreeable to doing that in the Recorded Deed. Ms. Kirk stated she understands the letter that was issued by the Bucks County Planning Commission was a draft letter which is why a copy had not yet been circulated to the Township, and that could be addressed at the time it goes in front of the Supervisors for final approval. She stated that would require the proposed Easement to outline the conditions subject to the review and approval by the Township solicitor and the engineer. Mr. Majewski stated that would also include any remedies between the Parties in case there was a dispute.

Mr. Majewski stated the address of the property is 1181 Oxford Valley Road. He stated across the street from this property is the Community Center which has an address of 1550 Oxford Valley Road, and other numbers in the 1100's are over a half mile away from this site. He stated he feels it would benefit everyone to re-number the existing house and the proposed house so they would match much more closely the Township's numbering system. This was acceptable to the Applicant.

Mr. Majewski asked if anyone has moved into the older house yet; and Mr. McGrath stated they have, but they could still re-number the house. Mr. Bush asked if that is something that requires any input from the Post Office; and Mr. Majewski stated it does not as the numbers are assigned by the Township, and the Post Office adheres to them.

Mr. Pockl stated there is a concrete sidewalk along the frontage of the property which appears to be in good condition as is the existing concrete driveway apron that enters onto Oxford Valley Road.

Mr. Costello stated Mr. Pockl's letter does not specifically mention connecting the old home to the sewer, and he asked if that should be included in any Motion. Ms. Kirk stated that will be a requirement under the Subdivision and Land Development Ordinance even though it was not included in the review letter. Mr. Bush stated with regard to the shared driveway, the Agreement should be part of the Recorded Deed, and Ms. Kirk stated that would be in compliance with the Bucks County Planning Commission review letter.

Ms. Stern asked for further clarification about the street trees. Mr. Costello stated he understands that the requirement for the Lot size is seven trees; and based on their Plan, there will be at least ten trees remaining. Mr. Pockl stated the Plan submission shows one tree to be removed at the corner of the asphalt driveway and the concrete sidewalk. It is a large tree that appears to be dead or diseased. He stated they show no other street trees to be removed.

Mr. Costello moved and Mr. Bruch seconded to recommend to the Board of Supervisors' approval of the proposed Minor Subdivision subject to compliance with the review letter issued by Remington Vernick dated June 23, 2021, compliance with the Township engineer's review letter dated July 6, 2021, and compliance with the final version of the Bucks County Planning Commission review letter. The Planning Commission recommends approval of the proposed four Waivers.

There was no one from the public wishing to speak on this matter.

Motion carried unanimously.

#680 – THE POINT (TROILO) PROPERTY – INFORMAL SKETCH PLAN UPDATE

Tax Parcel #20-021-003

H-C Historic Commercial Zoning/TND Traditional Neighborhood Development
Overlay District

1674 Edgewood Road at Yardley-Langhorne Road

Proposed plan for renovation of the existing Ishmael House into a 1-unit dwelling, renovation of the existing Quill House into a 2-unit dwelling, construction of a new 2-story 6-unit dwelling, and two (2) new 2-story 4-unit dwellings with 23 parking spaces

Mr. C. T. Troilo was present with the latest version for the Point in Edgewood Village. He stated currently there are two existing structures. He stated when he was previously before the Planning Commission he received comments, and what is being shown is the latest proposal. He stated this is just a Sketch Plan and no engineering has been done. He stated they are looking to see if the Planning Commission feels that they are on the right track and should continue further.

Mr. Bush stated when Mr. Troilo was before the Planning Commission earlier there were comments from the Commission members about traffic flow, parking, etc.

The Sketch Plan was shown. Mr. Troilo stated one of the suggestions from the Planning Commission was to try to utilize an Easement or shared driveway to access the parking lot on his property; and while they did look into that and developed a few sketches, it did not work. He stated they are therefore back to coming in off of Edgewood Road.

Mr. Troilo stated the last drawing had a row of five double townhouses, and it was suggested that was too “monolithic” and large of a structure; and that they needed to provide more of a Village feel. He stated in the latest version the two structures that are on the property stay exactly where they are and would be refurbished. He stated they are proposing three other structures – two being four units, and one being a six-unit structure. He stated they are located across Langhorne-Yardley Road.

Mr. Troilo showed where parking would come in off of Edgewood Road. He stated they only provided twenty-three parking spaces with the idea of working with the Township on improving some spaces at Veterans Square for shared parking.

Mr. Troilo stated they are proposing some green space. He stated what has been shown may have the three buildings “too uniform in a row,” and they may need some movement. He stated they have provided some spacing between the buildings and sidewalks for walkability.

Mr. Bush noted there are now three buildings when previously there had been four, and he asked if they will be Residential or Commercial; and Mr. Troilo stated it is all Residential. Mr. Troilo stated there will be a total of seventeen Residential units. He stated he is not sure if they are classified as townhouses or apartments, but they are 1,000 square foot rentable units. Mr. Gill asked about the two existing buildings. Mr. Troilo stated the proposal now is for the Ishmael House, which is the stone house on the corner, to be turned into Residential. He stated it is too small for Commercial viability, and it works better as a single-family dwelling. He stated the other house is currently a “double,” and they are proposing to refurbish it in its current configuration.

Mr. Pockl asked what would be the frontage of the houses, and he asked if the front entrance is off of Yardley-Langhorne Road or off of the open green space. Mr. Troilo stated he would imagine that there would be “fake frontage” on Yardley-Langhorne Road so that it would look like that was the front, but he feels the tenants would access it from the back from the parking lot. Mr. Majewski stated that would be similar to DeLorenzo’s across the street where from either side it looks like the front.

Mr. Bruch asked about the seventeen units with regard to bedrooms and bathrooms. Mr. Troilo stated Building #1 will probably be two-bedrooms, one-bath. He stated Building #2 is a double, and it has two floors with the first floor having the living room and kitchen and two bedrooms and one bathroom upstairs. Mr. Troilo stated the new units would all probably be the same with two bedrooms, one bath, and a common kitchen/living area. He stated each side would have a single unit on each floor. Mr. Troilo stated the six-unit building is the same with another unit on the back. He stated the number of units they have come to is driven by the economics of site development, etc.; and this is the number that they need to get “in the black.”

Mr. Pockl asked Mr. Troilo if he investigated garage parking underneath the units. Mr. Troilo stated they did not. He feels it may be too tall to do something like that, and they are trying to keep them in scale and smaller than the DeLorenzo’s building scale and keeping more in line with the existing cedar siding building.

Mr. Majewski stated Mr. Troilo had indicated that using the driveway from next door would not work; but it is possible that if they were able to come to an agreement with the neighboring property owner, they could shift the whole parking lot onto the property which would result in a little more green space, and they could then possibly tie the back end of the driveway back out to the existing driveway on the adjoining property. He stated if they were to shift the whole lay-out to the right and pushed the parking lot closer to the building just off-site, there would be more green space on this property. Mr. Majewski stated it is tight to try to fit almost anything in there.

Ms. Stern asked if there is any Commercial proposed at this point, and Mr. Troilo stated at this point there is not.

Mr. Costello asked if there are any major Waivers/Variations that they anticipate with the proposed lay-out; and Mr. Troilo stated on the surface it seems to comply and they are trying to avoid any Variations or Waivers, but they will know more once it is turned over to the engineer.

Mr. Pockl asked how many shared parking spaces would be required at Veterans Square, and Mr. Troilo stated it would be eleven. Mr. Pockl stated they are required to have two parking spaces per unit for the seventeen units, and Mr. Troilo agreed. Mr. Majewski stated he believes that would require a Variance since it indicates that shared parking must be within 250' of any unit being used. He stated technically with the parking lot to the right of the buildings on the left, it would be a little bit further away than the 250' distance.

Mr. Bruch asked if the twenty-three parking spaces fit within the requirement for seventeen units. Mr. Majewski stated the seventeen units would require two spaces per unit so they plan to handle the shortage by using spaces at Veterans Square.

Mr. Majewski stated some other Variations may be identified as they go through the process, and their engineer will look into that.

Mr. Pockl stated he would be concerned with the parking for Building #1 as that seems to be a long way from any parking.

Mr. Bush asked if Shared Parking Agreements need to be in a dedicated area of a parking lot or in specific spots in a parking lot. Mr. Majewski stated he will have to review the Ordinance. He added that the Veterans Square parking area is currently stone; and if they are going to be given credit for parking in

that area, we would want the spaces fully improved, so the developer would be paving part of the Township lot with the understanding that the tenants would be able to use that. He stated apartments of this size typically do not need two spaces per unit, and the count is usually a little less so he feels that there will be excess parking although the worst-case scenario is two spaces per unit.

Mr. Bruch asked if one of the parking spaces will be taken up by the proposed dumpster. Mr. Troilo stated he believes that is an old Note as this Sketch was overlaid over an older Plan. Mr. Bruch stated whether you are in Building #3 or #1 which are the furthest to the south, people will be crossing over the green space rather than walking around on the sidewalk. Mr. Troilo agreed, and stated they have not really laid anything out at this point. Mr. Bruch stated the concerns that he had last time were related to the Commercial properties and people crossing over Edgewood Road which is dangerous, and this eliminates that concern for him.

Mr. Bush agreed with Mr. Bruch. He added that Building #1 which was proposed as Commercial did not have adequate parking, and he is glad that it will be Residential. Mr. Bush stated previously there was mention of possibly having an exit on the other end of the parking lot going onto Yardley-Langhorne Road, and he asked if that was looked at further. Mr. Troilo stated the concern was that people may use the parking lot as a street to cut off the point, and they were trying to stay away from that.

Mr. Costello stated he would agree with Mr. Troilo. Mr. Pockl stated perhaps an emergency access out that way would be in order. Mr. Majewski stated in this case since there are roads on two sides and a parking lot on another, he does not feel they would need an emergency access although the Fire Department and Police personnel will weigh in on that.

Mr. Bush stated it is contemplated that there will be shared parking of the space in Veterans Square, and he asked if the Township has anything planned for that space at this time. Mr. Majewski stated currently there is the Veterans Monument and a small playground there. He stated on the Master Plan there is contemplation of a performance area in the far corner of the grass at some point where there could be events, but there are no clear-cut plans for that at this time. He stated this would not be an everyday event.

Mr. Bush stated when the Traditional Neighborhood Development Overlay was being considered, there was discussion about having part of the parking lot be dedicated for use for Edgewood Village generally although he is not

sure that was included in the Overlay. Mr. Majewski stated it did not with regard to this specific property; however, the thought was that if there was something in close proximity, it could be used. Mr. Majewski stated it seems that the distance that was called for in the Overlay means that only one property could use spaces there. Mr. Majewski stated he agrees with Mr. Bush stated that there was discussion about this, and it was felt that it would make sense to use this as a public space for the benefit of all of the businesses and residences in the Village.

There was no one from the public wishing to speak on this matter.

Ms. Stern asked the footprint of the proposed buildings. Mr. Troilo stated while he does not have the exact square footage, for scale they could use the existing double building, and the proposed buildings would be larger than that. He stated he believes that they are approximately 50' by 50'. Mr. Majewski stated for scale you can also see some of the other surrounding buildings on the right side of the drawing set back off of the road, and he noted the Chapel building on Edgewood Road. He stated at the point on the opposite side of the street is the yellow building which is the Dogwood Skate Shop which was a duplex, and it is fairly similar width but a little bit deeper of a unit than the one across the street.

Mr. Costello stated with more Retail going in at Edgewood Village as well as the Wegmans project, he feels there will be pedestrian traffic across the end of Edgewood Road; and he feels the intersection is troublesome. Mr. Bush stated perhaps there could be a crosswalk for pedestrians along Edgewood Road that is not at the intersection. Mr. Majewski stated that is a Township Road, and it would need to meet safety standards. He stated mid-block crossings are discouraged unless the "at the intersection crosswalk is worse." He stated there has been a lot of discussion about the intersection by a number of Boards and the Township traffic engineer and the need to have a way to get across the street, and possibly a mid-block crossing would make sense. He noted that the Woodside Presbyterian Church sometimes uses the Veterans Square parking lot for overflow parking. Mr. Costello stated he just wanted to make it known that even though that this may now just be Residential, it does not make the pedestrian concerns go away; and he would encourage them to consider this further.

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There being no further business, Mr. Costello moved, Mr. Gill seconded and it was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,

Adrian Costello, Secretary