

TOWNSHIP OF LOWER MAKEFIELD
PLANNING COMMISSION
MINUTES – MARCH 10, 2025

The regular meeting of the Planning Commission of the Township of Lower Makefield was held in the Municipal Building on March 10, 2025. Mr. Coyle called the meeting to order at 7:35 p.m.

Those present:

Planning Commission: Colin Coyle, Chair
 Tejinder Gill, Vice Chair
 Adrian Costello, Secretary
 Tony Bush, Member
 Virginia Torbert, Member

Others: James Majewski, Community Development Director
 Maureen Burke-Carlton, Township Solicitor
 Melanie Aroniss, Township Engineer
 Daniel Grenier, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Bush moved, Mr. Gill seconded and it was unanimously carried to approve the Minutes from the February 10, 2025 meeting.

#697 – HOWIE LOT LINE CHANGE APPROVAL
Tax Parcel #20-008-049, #20-008-075, #20-048-075-001
R-2 Residential Medium Density Zoning District
1566 Woodside Road & 1515 Rolling Green Road
Proposed Lot Change & Lot Consolidation

Mr. Kenneth Howie and Ms. Michelle Williams were present.

Mr. Majewski stated the Applicant has re-submitted the Plan to address some of the comments from the Remington & Vernick review letter. He added that he understands that the shed being too close to the property line was one of the issues, and they have indicated that they will remove the shed. There are still a few items to be discussed.

Mr. Majewski stated there is a requirement for a Wetlands Delineation; however, they are not doing any work right now, and he had suggested that there could be a partial Waiver to defer the need for a Wetlands Delineation until any work is proposed on the property. Mr. Majewski stated the other issue was the Right-Of-Way Dedication that they are requesting a Waiver from since the surrounding properties do not have the Right-of-Way dedicated. Mr. Majewski stated the Township has no plans to widen the road in that area. Ms. Carlton stated a Waiver would be appropriate for this since it was in the review letter.

Mr. Coyle asked if they would be required to do a Wetlands Delineation at a later time or would that depend on the work that gets done. Mr. Majewski stated the wetlands are tiered based on what the ground conditions are surrounding the wetland. He stated in this case, there are the ponds and a small ditch/wetland area between them; and the buffer from that would be 100'. He stated if they were not working within 100', the Township would not require anything from the Applicant for that.

Ms. Torbert asked if there would be a Deed Restriction so that if the next owner wants to put in something closer than 100', they would be aware of this requirement. Ms. Carlton stated while that could be done, she prefers to keep Deeds cleaner, and this does not necessarily have to be on the Deed; and it could be on the Notes. Ms. Carlton stated requirements regarding wetlands delineation could change in the future, and the requirements that might be put on the Deed could change causing an issue. She stated if the homeowner wants to do something in the future, they would have to come back to the Township and abide by the Ordinances at that time. Mr. Costello stated he feels that the Waiver is asking for something that they would have to do anyway; however, Ms. Carlton stated they do not have to do it now because the action that they are taking does not require them to do a Wetlands Delineation. Mr. Costello stated in the future, they would have to follow the Code at that time, and Ms. Carlton agreed. Mr. Majewski stated a Waiver would be required now; and in the future if they were to do something, it would be triggered by the Ordinances. Mr. Bush stated the Waiver is that they would not have to do the Wetlands Delineation now, and Mr. Majewski agreed because they are not building any structures at this time. Mr. Coyle stated the Waiver is just for this Application, and not for something they might do in the future; and Mr. Majewski agreed.

Mr. Majewski stated the Applicant indicated they would comply with the other items that were in the Remington Vernick letter, and those will be fixed before the Plans are Recorded.

Mr. Costello asked if anything needs to be stated with regard to the shed since they have indicated the shed will be taken out before this change takes place. Mr. Majewski stated they will have to revise the Plans to indicate that the shed will be removed. Mr. Costello asked if the shed will be taken out before the Lot Line is changed, and Ms. Williams stated it will not. She stated it will fall down before it is taken out. She stated the shed is grandfathered currently; but if the ownership changes, the shed will be removed prior to the new owner. Mr. Coyle asked if that is an agreement that has been made between the Applicant and the Township, and Mr. Majewski stated they are stating right now that they will remove it.

Mr. Costello asked how that is enforced if the property is sold in ten to twenty years. Mr. Majewski stated it will be removed soon because Ms. Williams is trying to sell her home. Ms. Williams stated it will probably fall down before it is removed. Mr. Majewski stated this can be handled by a Note on the Plan to make sure that it is properly addressed. Mr. Gill asked if the shed does fall down, do they have to actually remove the pieces of the shed. Mr. Majewski stated if they did not, that would then be a Property Maintenance issue, and they would have to clean that up.

Mr. Costello stated at this point he is not 100% comfortable with regard to the shed. Mr. Coyle stated this is also not how the matter was left at the last meeting; and the Planning Commission was very clear that they were not going to grandfather the structure, and they did not want to trust that the next buyer would remove it. He stated he could be in favor of an Agreement to have the shed removed within 90 days or prior to the close of the sale of the property since there would then be a firm timeline. He stated the property could come off the market, and he does not feel that there is a compelling reason for a Waiver from the Ordinance for the shed not to be removed.. Mr. Gill stated he agrees, and his notes indicated that the shed would be gone at the time of the sale.

Mr. Bush stated they could require that the shed be removed the later of 90 days or the sale of the property. Ms. Carlton stated her notes indicated that the shed was to be removed in a reasonable amount of time. Mr. Coyle stated he would have an issue with the word “later” since that could put the obligation on the new owner. Mr. Costello stated the word should be “earlier.”

Ms. Williams stated the property is not on the market, and this is inhibiting her from putting her house back on the market. She stated the shed is currently being used to store gardening items, and it will be caveated in a potential sale of the property that the shed is to be removed. She stated that is what everyone agreed on, and that is what she is confirming verbally with everyone.

Mr. Howie stated he feels they could agree that before the sale of the property the shed would be removed, and that would mitigate any timeframe issue. Mr. Costello stated at the end of the last meeting, they were advised to either move the property line around the shed so that it goes 10' around the shed or take the shed out. Ms. Williams stated the shed will come out. Mr. Bush stated he feels a hard deadline should be given for when the shed has to come out.

There was discussion whether 90 days or 120 days would work for everyone. Ms. Williams stated the shed is utilitarian, and she asked if the deadline could be Labor Day. Mr. Howie stated the request would be 120 days, and Ms. Williams agreed. This was agreeable to the Planning Commission. Mr. Coyle stated the Planning Commission wants to know that the shed will be removed even if Ms. Williams decides not to sell the property or the sale takes longer. He stated it should be removed 120 days or prior to the close of a sale of the property whichever is the sooner. Mr. Coyle stated he does not want the obligation to pass to the next property owner. Ms. Williams stated there will not be anything that looks disparaging at the back of the property.

Ms. Torbert asked what would happen if a prospective property owner wanted the shed to remain. Mr. Coyle stated the agreement is that they will not close on the sale of the property while the shed is standing.

Mr. Coyle stated the Motion would be to grant the Waiver request required to show the wetlands delineation. Mr. Majewski stated there is also a Waiver request to show the sewage and water facilities on the Plan. Ms. Aroniss stated Mr. Howie sent in a letter a few hours ago listing the Waivers that they are requesting. She stated the letter indicates that both properties currently have well water and septic systems which were noted on the Plan. She stated they are also requesting a Waiver for providing statements on the Plan from the County Health Department or other Agencies regarding the sufficiency and acceptability of water supply and sanitary sewers as well as from the Bucks County Conservation District regarding soil erosion and sediment control.

Mr. Coyle asked if the Planning Commission received a copy of the letter from Mr. Howie; and Ms. Aroniss stated a copy was sent to the Township and Ms. Carlton at 6:43 p.m. Mr. Coyle asked that this be provided to the Planning Commission in the SharePoint. It was noted that what is being suggested is that they be able to write on the Plan that they are serviced by septic and well as opposed to get something in writing from the County Health Department. Mr. Coyle stated nothing that they are doing would impact the well or the septic system. Mr. Majewski stated there is also no soil erosion because there is no work contemplated.

Mr. Costello asked how will it be known that the shed has been removed as required. Mr. Majewski stated this is typical for many developments which have Notes on the Plan indicating things to be removed or relocated, and the Township makes sure that is done prior to a certain point. Ms. Carlton stated there will be a Note on the Plan, and it is incumbent on the purchaser to look at those Notes. She stated a Township representative will also go to the property to make sure it has been removed; and if it is not removed before the sale, it will be incumbent upon the new purchaser to remove it. Ms. Carlton stated it should also come up in the Title Report. Mr. Costello stated he assumes that the Township will be notified that the property has been sold; and Mr. Coyle stated there is a Move-In Permit that the new buyer has to file, and that would trigger a filing at the Township Office.

Mr. Coyle moved, Ms. Torbert seconded and it was unanimously carried to approve the Application for the Lot Line change and granting the Waivers requested by Mr. Howie in his letter of March 10, 2025 subject to the provision that the shed, which is non-conforming, be removed from the William's property in 120 days or prior to the close of a sale of that property whichever date is the sooner and that the Township Code Enforcement shall inspect the property for compliance with that provision.

#692 – TORBERT FARM SUBDIVISION DISCUSSION

Consideration of Preliminary Subdivision Approval

Tax Parcel #20-016-011

R-1 Residential Low Density Zoning District

1700 Yardley-Newtown Road at Creamery Road

Proposed Subdivision of 106-acre farm into 78 single-family Residential dwelling Lots

Ms. Torbert stated she had recused herself from the Wright Farm discussion because there is some property that still belongs to the Estate of her husband; however, she is not recusing herself from the Torbert Farm because it was sold a year and a half ago without Conditions, and she has no continuing financial interest in it no matter what happens to it. She stated she feels that she can be objective.

Mr. Mike Meginniss, attorney from Begley, Carlin, was present with Mr. Justin Geonnotti, engineer with Dynamic Engineering. Mr. Meginniss stated the property is located at 1700 Newtown-Yardley Road, and it is Zoned R-1. He stated it is a little over 108 acres. He stated they are present to discuss their proposal to construct 78 single-family detached dwellings on the subject parcel.

Mr. Meginniss stated his predecessor, representing the Applicant, was before the Planning Commission about a year and a half ago with a substantially similar Plan. He stated while they are present for Land Development consideration, because of the length of time which has lapsed in this matter and the review letters from Remington Vernick, SAFE, and other consultants in the Township, they felt it would be better to almost approach this like a Sketch Plan discussion, provide an update, and get feedback from the Planning Commission. He stated they will then re-submit and get a new letter from Remington Vernick and the Township consultants and come back before the Planning Commission at a subsequent meeting asking for action.

Mr. Meginniss stated if any members of the Planning Commission would like to have a walk-through at the site, they would be willing to facilitate such a meeting subsequent to the discussion this evening.

Mr. Meginniss stated the primary reason for the delay has to do with what was envisioned as a potential re-alignment of Creamery Road. He stated the site is at the intersection of 332 and Creamery. He stated the way the site is currently oriented, there are points of ingress and egress into the site from Creamery and Palomino Way as shown on the aerial. He stated there are four internal roads which parallel Creamery Road. He stated in the 1980s or 1990s on the Township's Official Map, there was a jog in Creamery Road which was depicted but never constructed. He stated there were discussions over the last fifteen to eighteen months regarding attempting to bring to fruition the reorientation of Creamery in such a way that would allow it to connect with Mirror Lake Road in an area noted on the aerial. He stated Mr. Geonnotti, the Township, and PennDOT worked for about nine months looking into whether

that was possible; but the end result of that was to arrive back at the point that was depicted in the initial iteration of the Application. He stated Mr. Majewski's office wrote a letter on June 14 indicating that the Lower Makefield Township Board of Supervisors reviewed the feasibility of the potential re-alignment of Creamery Road and Mirror Lake Road as contemplated on the Township's Official Map; and based on this review, they have decided not to further pursue the re-alignment of the intersection.

Mr. Grenier stated the Board of Supervisors never voted on that, and that is not the direction from the Board. Mr. Meginniss stated the correspondence the Applicant received and the dialogue that was held led them to the Plan that is before the Planning Commission. Mr. Meginniss stated they are at the point where Creamery would be mostly undisturbed, but Mr. Geonnotti will discuss the improvements that are depicted at the intersection between Creamery and Mirror Lake; and those improvements have been discussed with the Township and PennDOT.

Mr. Geonnotti stated once they understood that Creamery Road was not to be re-aligned, they went back to the existing lay-out, and they have gone through four cycles of PennDOT review, two cycles of PennDOT reviewing the Traffic Impact Study, and they are currently reviewing the off-site improvements. He stated what came out of the Township meeting was that there would be turn lanes added. He stated as you come south on Creamery Road, they are going to be adding a right-turn lane of about 190' and there would be modifications to the signal to allow a dedicated right turn and a lane that makes a left onto the By-Pass. He stated this was included because of the queuing that happens in the morning, and the additional turn lane gives enough capacity for the morning and peak-hour queue so that there is not a back-up down Creamery Road; and it increases the level of service of the signal. Mr. Geonnotti stated the original intent was to align Mirror Lake Road so that the intersection would almost be eliminated, and there would be a four-point intersection coming in at Mirror Lake Road. He stated to improve Mirror Lake Road based on what they are working on now with PennDOT, there are going to be dedicated turn lanes added; and as you travel west-bound along the By-Pass, there is going to be a dedicated left-turn onto Mirror Lake Road which is not there today as it is a single lane and you have to stop at the light if someone is trying to make a left which backs up the traffic. He stated they are able to make that left-turn movement within the existing roadbed of the By-Pass; but in order for the geometry to work on the other side of the road, there will be some widening that occurs on the south side of Mirror Lake Road to allow for a shift of the existing turn lane to allow the geometry to flow through. He stated this was vetted out

through multiple iterations of review, comments, and design with PennDOT; and they are on the third cycle of review with them, and expect comments back this week.

Mr. Meginniss stated they also show a point of ingress/egress on Palomino Way; and while the Applicant's team feels it makes sense, they are not insistent on it. He stated they are fine with closing off Palomino if that is something that would be beneficial to the community on Clydesdale Circle, and they could put bollards up or a gate of some kind so that emergency vehicles can access if needed. He stated they are looking to the Planning Commission to comment on this. He stated they also had consultation with the Township, and modified the cart-way width to 30' as opposed to the Ordinance requirement of 36', and there was also a modification of the right-of-way from 56' to 50'. He stated the intent was to limit the impervious surface. He stated they are proud that the Plan shows a lot of green space, and the Township consultants agreed it would be better with the 30' and the 50'; however, if that is something that the Planning Commission and Board of Supervisors have thoughts on, they would be willing to discuss that as well.

Mr. Meginniss stated the walking trail in the area currently ends along their property frontage at a location he showed on the aerial. He stated as part of the improvement project with the widening that will occur along Creamery Road, the 8' walking trail will extend all the way down to the intersection of the By-Pass and Yardley-Newtown Road and cross the By-Pass at that intersection. He stated the signalized upgrades will allow for the pedestrian crossing. He stated there is an existing asphalt walk which continues down Mirror Lake Road. He stated there is an Ordinance requirement to install sidewalks along all property frontages; however, there would be no benefit to install a walking trail or any kind of pedestrian path along the frontage of the By-Path since it goes to I-95 which is not where you would want to send pedestrians. He stated through consultation with Township staff, they will be requesting a Waiver for that; and there will be a Fee-In-Lieu paid to extend the walking trail to allow the connectivity between the two existing dead ends of the path.

Mr. Meginniss stated as noted in the Remington Vernick review letter, the Applicant has the NPDES Permit which is atypical at this stage of the development; and that illustrates the work that Dynamic Engineering has done to get to this point even before receiving a recommended approval from the Planning Commission and moving to the Board of Supervisors.

Mr. Bush stated he appreciates Mr. Meginniss indicating that he wanted to have a conversation and get feedback and was not looking for Preliminary/ Final approval. He stated he sees the intersection of Creamery and the re-alignment of the road as the last best opportunity that the Township has to fix a problem that should have been fixed a long time ago adding that he knows that the developer did not create that problem. He stated the traffic light on Creamery and 332 was put in by the Delaware River Joint Toll Bridge Commission about 15 years ago when the plan was to expand the Scudders Falls Bridge and put in sound barriers back to 332, and they paid for that improvement at the intersection. He asked if the Township has gone back to them and asked for more money or gotten them involved in any way; and Mr. Majewski stated the Township has not. He stated the funding source for how we got the traffic light is no longer available from the Toll Bridge Commission. He stated we could reach out to them to see if they have other sources of funding. Mr. Bush stated they may have a different program now since they are doing bridges further up the River where they are doing road improvements leading up to bridges and in the vicinity, and he feels that is worth looking into by the Township.

Mr. Bush stated there are three traffic lights within a third of a mile of the site. He stated the Remington Vernick letter indicated that two of them with the expanded improvements on Creamery Road and Mirror Lake Road are 328' apart. He stated there are enough examples in the Township of poor traffic designs; and he feels that if we have a chance to fix this, we should do it now as well as take the developer up on their offer of engaging in a discussion with the Township.

Mr. Grenier stated if they are talking about a Sketch Plan at this point, as Chair he sets the Agenda for the Board of Supervisors, and he would welcome the developer to come before the Board of Supervisors to make a Sketch Plan presentation. Mr. Meginniss stated that it is noted in a number of the review letters that this is the largest undeveloped piece of land in the Township. He stated while they are confident in their design which the Dynamic team has spent a lot of time on, they understand the scale of the project and want to make sure that it is done to the greatest extent possible with the Township stakeholders believing that they are partners and that this is going to be a development that everybody can be proud of.

Mr. Bush stated as Shady Brook and the Wright Farm get developed, there is going to be more traffic in that area and three traffic lights stacked up is not good. Mr. Grenier stated that is why the Board is so concerned about

the interchange. He stated he spoke to Board members who indicated that they never really stated what was indicated in the letter that the Applicant received from the Township. Mr. Grenier stated the estimate they were told for the re-alignment of about 1,500' of Creamery was about \$7 million, which is a little more than it cost for the work for Prickett Preserve on the By-Pass, 295, and Stony Hill; and he asked that there be a "realistic" review of the estimate because he does not feel it should be \$7 million.

Mr. Geonnotti stated while they are using the term "Sketch Plan" in the discussion tonight, there has been an exorbitant amount of time, money, and engineering that went into both the original Land Development Plan that was submitted under Torbert Farm. He stated they subsequently met with Township staff. He stated they had an engineered concept showing the alignment of Creamery Road and the estimate was put together. He stated he is aware of the work that was done on Prickett, but a lot of that work was done as widening and signal improvements. He stated what was in the estimate that was put together for Creamery is the construction of a brand new road and associated with that comes stormwater and the re-allocation of all of the stormwater that is existing. He stated they put a lot of time, money, and effort into presenting what the proposal for the re-alignment of Creamery would cost and how it would be done; and they were amenable to doing it until they were given direction not to do it. He stated they then went ahead and spent more money putting together a fully-engineered Plan set again as well as four submissions to PennDOT with the direction they felt there was consensus on.

Mr. Meginniss stated Mr. Geonnotti's team has worked on this Plan for almost two years. He stated they are having a conversation as if they were before the Township to discuss a Sketch Plan as opposed to asking for action. He stated they are sincere about taking comments and feedback, but he does not want to undermine the engineering, the time, or the expenditure on the Applicant's end.

Mr. Coyle stated the tone of Mr. Meginniss' appearance tonight is completely different from the tone of the prior counsel when he appeared before the Planning Commission. He stated they are now able to have a real conversation, and the last two years could have been spent better if we had this conversation the first time. Mr. Coyle asked the Applicant what they would like from the Township in terms of Waivers or a Zoning Overlay to build something that re-aligns the road. fits the Official Map vision, and creates a more attractive part of the community. He stated during the term of this Application, the Township passed the Open Space Ordinance. He stated the Wright Farm Plan shows a

comfortable buffer between a very major road and the back yards of those homes. He stated the Plan being shown tonight has the back yards of the homes going right up to Yardley-Newtown Road. He stated that is not just an issue of quality of life for those who will be living in those homes for mitigating sound, it is also about keeping the community beautiful. He stated we want to find a way to build a better development, and he asked if there is something that the Township can give the developer that would lead to a better development for the community and the people who live in the Township. He stated he would be open to having that conversation.

Mr. Meginniss stated they would be happy to have that discussion between now and whenever the next meeting is. He stated he does not feel that anyone was disparaging the Creamery Road alignment or the feasibility and the desire from an engineering and functionality standpoint for traffic flow, but they were looking at arriving at a point where it is designable and doable which was seriously analyzed and was one of the main reasons why there was a gap in the presentations.

Mr. Coyle stated he recognizes that the developer “has a dollar amount that they want to hit,” and he asked if they went with larger properties but fewer homes would they still be making the dollars that they want. He also asked about bifurcating the property into two developments with one having a small number of very luxurious homes and the rest one-acre or three-quarter acres homes. He asked if there is something the Township could do to make the development attractive financially to the developer and more attractive to the Township. Mr. Meginniss stated he appreciates the willingness to entertain the potential for creativity, and he will discuss that with the Applicant. He added the result of that may be that they feel that what they have shown is the best they can do, and they will be back before the Planning Commission with a Revised Plan and revised review letters to move forward with or there may be something that everyone agrees would be an improvement.

Mr. Grenier stated ultimately the Planning Commission is a recommending body. He stated early comments from the Board of Supervisors included considering the Open Space Ordinance, which is really a density-development Ordinance. He stated this Plan was not designed with that in mind. He stated the Ordinance passed after the Applicants’ design was submitted, and there have been significant design changes to the lay-out relative to the initial design relative to Permitting that would be considered design changes. He encouraged the Applicants to review the new Ordinance. He stated the Board of Supervisors is open to other ideas, and there could be different ways to get more buffers and more open

space. He stated he is in favor of the connectivity. He stated later on in the Agenda is an updated Stormwater Management Ordinance. He stated there have been updates since the initial submittal about one year ago, and he does not know if this Plan shown includes reference to those updates. He stated there are significant updates coming which will probably be authorized for advertisement at the Board of Supervisors meeting next week, and that is what is on the Agenda for the Planning Commission to discuss this evening. He asked that the Applicants look at that to see if they can incorporate some of those items.

Mr. Grenier stated the comments on this Plan on social media “are not nice,” and people are looking for some creativity and something more modern in the lay-out and not so “cookie-cutter.” He stated he feels that the Board is open to different densities generally, and something more unique that connects better to the “flavor” of the Township. He stated they are looking for something a little better, a little different, and a little more modern that takes into consideration all of the stormwater management and flooding issues that the Township has been trying to address over the last two years since the flood of 2023 that killed seven people and where several people lost their properties; and that is what the Township is trying to address in the new Ordinance.

Mr. Grenier stated he believes that the basins shown on this Plan drain into a creek across the street where two years ago there was another Subdivision that drained through a creek into wetlands and a forested area into someone’s back yard where there is also a creek where they had a dam and a pond and ultimately a floodplain after that so it is part of a larger watershed that has had historic issues. He stated “old-school basins” are not what we are looking for anymore, and we are looking for green infrastructure and those types of features. He stated the Planning Commission and other groups in the Township have been updating the Ordinances for the last two to three years to address all of the issues that have been major concerns for a long time; and now we have the people in place to make those changes.

Mr. Grenier asked that the Applicant consider all of the above; and once they have done a Sketch Plan they could come before the Board of Supervisors for review of that.

Mr. Coyle stated they are not currently asking for a lot of Waivers, but he would feel better voting in favor of a Plan if they present something else that they could do.

Ms. Torbert stated there could be a cluster with the same amount of homes, a cluster with more homes, or a cluster with less homes. She stated she feels the idea of a cluster is a positive, and she does not know what the difference would be in terms of how much money the developer would get out of each property. She stated most of the northern end of the Township is houses on either half or third acres, and there is only one development in the north part of the Township where the houses are on one acre lot each. She stated she does not see a huge difference between building large houses in a cluster situation on less acres and leaving more open space whether it is Farmland Preservation or buffers, etc. She stated she is in favor of the idea of a cluster development.

Ms. Torbert stated the Torbert Farm as you go down Yardley-Newtown Road is part of the viewscape when you come into Lower Makefield. She stated the idea of having either fields in the front or buffering would contribute to that viewscape.

Ms. Torbert stated she felt in the last iteration, Palomino was just going to be an emergency entrance, and she asked if what is shown now is a change from the last Plan. Mr. Geonnotti stated he believes that they offered the same concession that it could be for emergency only. He stated Palomino Way was a dead-end street proposed to be connected when Torbert Farm was to be developed; however, it does not need to be an entrance to this proposed development, and that could be discussed with the Township.

Mr. Meginniss stated generally they are looking at an attempt to marry both the homebuilder's product with the community's Ordinance to the greatest extent possible and find where those two points meet. He stated their client generally builds high-end, single-family detached dwellings on lots that are an acre plus. He stated while he understands the comments regarding some of the revisions and flexibility, looking at the Ordinance constraints with the product that the homebuilder likes to build, the Plan almost creates itself in terms of the density; and you then design it the best you can with the lay-out, the storm-water facilities, the utilities, infrastructure, connections, etc. He stated what they have heard this evening is that there may be some flexibility with regard to the Ordinance constraints if there is the possibility of having a situation where the product is still viable in a lay-out that makes sense. He stated they are now hearing that there may be flexibility on the Township's end, and they will have discussions on their end to see what the results of those are.

Mr. Coyle asked if there is a way to look at how Google maps would route if there was the connection on Palomino. Mr. Coyle stated he does not see how people would logically want to go that route. Mr. Geonnotti stated it is never a bad idea to have another access in and out of the community; however, he agrees with Mr. Coyle that he does not feel most people would go that way. Mr. Coyle stated he sees this as an emergency access only. Mr. Majewski stated the only traffic you would probably get between the two developments would be by delivery services or neighbors visiting neighbors; and it would not be used as a cut-through. Ms. Torbert stated since there are two entrances on Creamery Road, she does not feel it is necessary to disturb the neighborhood with an access on Palomino.

Mr. Coyle asked if there are driveways onto Palomino at this time, and Mr. Majewski stated he believes that there are for two houses. Mr. Coyle stated at this time when a truck makes a delivery onto Palomino they would have to make a U-turn or a K-turn to exit, and if there were a connection it may actually be a little safer even if it increases the through-traffic a little bit. He stated this would be a question for the traffic engineer.

Mr. Costello stated what they are showing on the plan for the roads are a lot of straight lines which he feels encourages speeds faster than they should be. Mr. Geonnotti stated there were concerns about the linear streets in this neighborhood. He stated the Ordinance has one-acre lot requirements, and it is a rectangular lot; and when you lot it out to make it the most-efficient lay-out from the stormwater, road, and utility standpoint you do get a rectangular lay-out. He stated he agrees that it is a “boring,” linear lay-out, but you will only see that from an aerial view. He stated they did address the issue of speeding through the neighborhood. He stated all of the intersections have stop controls at each point, the streets will be reduced in width, and they limited parking to one side. He stated when they were considering re-aligning Creamery Road, there was a more creative lay-out because of the way the re-alignment worked; but after the discussion with the Township, they went back to the original lay-out to where they are now.

Mr. Geonnotti stated there were also concerns about the viewshed off of the By-Pass. He stated at the Wright Farm there were concerns about Farmland Preservation, and ultimately they are moving back to open space with trees. He stated on this property these are one-acre lots so from the By-Pass to the back of the houses, the building envelope will be well over 100’ so there will be a substantial buffer between those two. He stated it will be a berm with a large amount of plantings to protect the viewshed of the back of the houses.

Mr. Coyle asked if they could bring an elevation rendering of that at the next meeting, and Mr. Geonnotti stated they can. He stated they can also do a 3-D rendering of what it would look like driving down the road.

Mr. Geonnotti stated stormwater concerns were brought up previously by a neighbor. He stated a large part of the Farm is diverted up to the north, and they are taking all of the stormwater that is going north and collecting it into the basins. He stated farm fields are not really good at managing stormwater, and all the water runs off the farm, and there are no stormwater controls on the farm now. He stated everything on this 110 acres, especially when it is cultivated, goes off of the farm uncontrolled. He stated as part of the development they are meeting all rate, volume, and water quality controls. He stated there will be a significant improvement of stormwater management coming off this site. He stated the Township's stormwater regulations are currently extensive, and they already have their NPDES Permits. He stated the basins are planted with a bio-retention media that will be a green infrastructure, and it substantially improves the stormwater management on the site. He stated there were 12 months of discussion with the staff about this Plan.

Mr. Coyle stated they recognize that the Applicant received a letter from the Township indicating that the Board of Supervisors had decided that they did not want to re-align Creamery Road. Mr. Geonnotti stated that letter triggered significant full site designs and PennDOT improvements, and now they are being told differently. Mr. Coyle stated they are not asking the Applicant to come back with a fully-engineered Plan and invest a lot of money. He stated Mr. Grenier offered to have the Applicant go before the Board of Supervisors informally, and they could come back with an informal site rendering to get feedback as to how they should proceed. Mr. Geonnotti stated they have that Plan.

Ms. Kathy Tipton, 1078 Creamery Road, stated her house is across the street from this property. She stated the viewscape that she bought her house for will be gone. She stated while they knew that it would probably be gone at some point, they did not expect anything like this. She stated their biggest concern is the traffic since she cannot get out of her driveway now or pull into her driveway safely because the speed on the road is "horrendous." She stated there will be two entrances/exits on Creamery Road and it will be made "bigger" toward Yardley-Newtown Road. She stated she is also concerned about the water. She stated she wants it kept to the viewscape that she bought and does not want to see this.

Ms. Torbert asked if the road closest to 332 is about 300' from the intersection, and Mr. Geonnotti agreed. Ms. Torbert stated she feels that is a little short. Mr. Geonnotti stated that was brought up in a number of the review letters; and they worked with PennDOT on this, and the distance between those two intersections meets PennDOT criteria. He stated they will be working with the Township traffic engineer to further assure everyone that the stacking that needs to occur within that distance is sufficient based on the turn lanes and the length of the turn lane. He stated they will need a Waiver based on the technical criteria of the Ordinance, but PennDOT is satisfied with the stacking distance. Ms. Torbert stated it would be nice if that entrance was further down if they are going to be doing a reconceptualization. Ms. Torbert stated when she lived on the property PennDOT came in and put the loop ramp in within 300' of her driveway, and entering became very difficult because two lanes came into one right behind her, and she saw cars go into the cornfields a number of times and almost hit the back of her car.

Ms. Torbert stated she feels that the houses that are along 295 are going to need sound barriers, and she does not know when that happens. She stated many of the developments to the north, including The Ridings, have sound barriers. She stated she was told that her property did not qualify for a sound barrier because there was only one house. She stated there will now be some houses close to 295. She stated there is a hill down to 295, and there is a lot of growth there; but she feels at some point sound barriers are going to be needed for those homes.

Mr. Gill asked with regard to the 300' from the intersection if there could be a restriction on left-turns out of the development. Mr. Geonnotti stated while they understand that point, they did work with PennDOT; and it will be a full-access driveway, and it is safe based on sight distances and travel speed. He stated this neighborhood will not produce a lot of traffic in and out split between the two intersections. Mr. Geonnotti stated with all of the improvements shown on the Plan being shown this evening, all of the intersections and the travel ways show a level of service increase which is an improvement on all of the level of services based on the turn lanes.

Mr. Grenier noted the Grading Plan (sheet 89) Pods 3 and 4. He stated looking at aerial photography both of those discharge points on the other side of Creamery appear to be existing streams which are probably unnamed tributaries to Buck Creek. Mr. Geonnotti stated those are existing points of discharge.

He stated currently the whole farm flows down to those two points where they are conveyed underneath Creamery Road onto the other side of Creamery Road into existing Drainage Easements on both sides of the road. He stated those will be maintained points of discharge along the property which is what they are permitted to do. He stated in order to permit the design, all of that has to be decreased within rate control, volume control, etc. Mr. Grenier stated he would encourage them to look at the new Stormwater Management Ordinance because it is much better.

Mr. Grenier stated there are existing culverts that drain from the farm; and looking at arials, there seem to be two channelized areas with bed and bank that get to those culvert points that drain to the two existing unnamed tributaries to Buck Creek. He asked if there was a wetland delineation done to determine if those are Waters of the U.S. Mr. Geonnotti showed on the aerial where the discharges eventually go into Buck Creek. He stated the entire site had a wetlands investigation completed, and there are no wetlands on site. He stated the only natural resource that is on the site is a small pocket of very, very small steep slopes which some members from the Planning Commission who did that site walk a number of years ago indicated that they could not believe were documented to be steep slopes because they were not that steep. He stated those “steep” slopes will be protected to the extent required.

Ms. Torbert stated that the two swales were put in at the direction of the Bucks County Conservation District about ten years ago. She stated at the back of the property between the property and The Ridings, there are some plantings and a drain; and water that runs that way goes into that drain that is in the back of another property. Mr. Geonnotti stated that is another Drainage Easement that flows to the north to Clydesdale Circle through another Easement and another pipe. He added that is the one that they are going to be reducing the flow from because it is unmanaged right now, and it is flowing off the property toward an existing Residential neighborhood. He stated there were concerns with that uncontrolled flow from the farm, and that will now be controlled through the basins.

Mr. Grenier asked if the Conservation District required any Drainage Easements to be placed over those swales, and Mr. Geonnotti stated they did not. He added that it is an active farm, and farms operate differently from the rest of the properties in the Township. He stated the farm swale could move year after year, and it is completely unregulated, and can be filled in. He stated when crops are in season, the water off of the crops flows pretty quickly, and it gets captured into the swale and channelized and directed off site. Mr. Grenier

stated their plan from a drainage perspective is to leverage the existing culverts that they drain to and collect water beforehand, and then drain it out; and Mr. Geonnotti stated that is all stormwater design. He added that you are required to maintain existing points of discharge off of a site for the pre and post, and that is where the reductions occur from the existing flow to the proposed flow, and they are following the requirements.

Ms. Karen Fell, 1550 Doe Trail Lane, stated she understands that ten to fifteen years ago, the owner of the property on the corner of Creamery and Doe Trail on his own decided to change the way the culvert crossed over and did his own construction; and she believes he was issued a “stop work” at some point. She asked if there is a way to confirm through an As-Built, etc. to make sure that the existing culvert is properly constructed. Mr. Majewski stated violation notices were issued by the Township, and that individual was forced to remove items that were not permitted to be in that drainage swale and to restore it back the way it was with some modifications to improve it for him and for the community. He stated he believes that everything is flowing good there except when there are cornstalks that clog it. He stated when Creamery Road was repaved four or five years ago, they did additional work along the swales along the road to better channel the water into that swale so that it did not jump over the road. He stated mud had been seen going down Doe Trial Lane, and since that work was done, he does not believe that has happened; however, Ms. Fell stated it still happens.

Mr. Grenier asked Mr. Geonnotti when he did his topographic survey and got the pipe inverts, etc., did he do off-site as well to confirm; and Mr. Geonnotti stated they did, and they also pulled Deeds and Titles of the properties across the street to confirm the existence of that Easement, and that is plotted. Mr. Grenier asked if there was anything unique there. Mr. Geonnotti stated as Mr. Majewski indicated, it was obvious that there were modifications done to the one swale; but it was restored. He stated they will be connecting into that and substantially improving the flow going through that area which will hopefully help.

Ms. Aroniss stated they have put together a comprehensive review letter, and they are happy to meet with the Applicant’s team if they have anything they would like to review. She stated most of their comments that were significant were related to stormwater making sure that everything gets conveyed safely through the inlets and there is not a lot of ponding in the future roads. She stated Dynamic seems agreeable to meeting with the Township engineer making sure that their concerns are addressed.

Mr. Costello moved, Mr. Bush seconded and it was unanimously carried to Table the matter.

PROPOSED STORMWATER ORDINANCE UPDATES DISCUSSION AND APPROVAL

Mr. Majewski stated Mr. Jonathan Robinson from HRG is present. He stated this was before the Planning Commission a few months ago, and the Planning Commission was provided an initial draft of the Ordinance. A Sub-Committee was formed with one member of the Planning Commission, a member from the EAC, Mr. Grenier, Mr. Kratzer, Mr. McLoone, and himself to go over the draft, and the proposed Ordinance is now before the Planning Commission which Mr. Robinson will discuss. Mr. Grenier stated Mr. Robinson made a presentation to the Board of Supervisors at their last meeting and the Board felt it was important to bring this back to the Planning Commission to review and make recommendations; and the goal is that at the next Board of Supervisors meeting on March 19, the Board will vote to advertise.

Mr. Robinson stated the main goal of updating the Stormwater Management Ordinance is to provide a comprehensive and modernized Ordinance which meets the current and also projected Stormwater Management Regulations that have been given to us by the regulating bodies including PADEP and the County through Act 167 Plans. He stated the Ordinance will also address stormwater quality and quantity, introduce construction standards for stormwater facilities, and also promote innovative Best Management Practices (BMPs) through Low-Impact Development (LID) and Green Infrastructure (GI). He stated by doing this we should accomplish the minimization of impacts of unmanaged stormwater, increase the quality of life of residents within Lower Makefield Township, and enhance the resiliency of more frequent intense storm events.

Mr. Robinson stated they used a number of resources, and he particularly noted the Draft PADEP 2028 Model Ordinance, and the major points from that regarding stormwater calculations were included in the Township Ordinance. He stated the other key source pulled from was also a draft and was technical guidance from PADEP the PCSM Manual (Post Construction Stormwater Management Manual), and that should be formally adopted by the PADEP in the next year or two.

Mr. Robinson stated they started the process in February, 2024 and went through one revision of the Stormwater Management Ordinance to increase stormwater regulations within the Township by addressing some “low-hanging fruit” to address stormwater calculations and capture within the Township. He stated they developed a work plan to update the Ordinance, developed recommendations for the Ordinance which were presented to the Board of Supervisors, and drafted the Stormwater Ordinance. This was then reviewed with the Township and the Township Sub-Committee, and they are now looking to move the adoption forward.

Mr. Robinson stated under General Provisions in Article 1 an Erroneous Permit Section and a Waivers Section was added. This will make us Regulatory compliant with the Model Ordinance and the Act 167 Plans.

Mr. Robinson stated in the Definition Section in Article II they added, expanded, and deleted definitions for consistency throughout the Ordinance. He noted specifically the impervious area definition. He stated in conjunction with typically-impervious surfaces like asphalt, roofs, and concrete, they also wanted to confirm that traditionally semi-impervious area like rocks, crushed stone, and aggregate would be considered fully impervious. He stated in addition permanent water storage areas like pools and ponds will be considered fully impervious as well. He stated elevated surfaces like decks and awnings with fully-vegetated surfaces beneath them would not be considered impervious. He stated if someone were to install pervious pavement, that would be considered partially impervious in accordance with the Township’s Zoning Ordinance.

Mr. Robinson stated that just because the definition of impervious area within the Stormwater Management Ordinance is changing, that does not mean that the definitions within the Zoning Ordinance or the Subdivision and Land Development Ordinance have to change. He stated this Ordinance is mainly for stormwater control and will not affect lot coverages for the Zoning Ordinance. He stated if someone currently has crushed stone or rocks on their lot, just because it is considered impervious for stormwater calculations, does not mean that it is considered impervious for their lot coverage.

Mr. Costello asked why crushed stone would be considered impervious, and Mr. Robinson stated whenever crushed stone, rocks, or aggregate get fully compacted, the water basically runs off like it would off of asphalt or concrete. He stated typically when there are those types of ground surfaces on a lot,

they are not maintained adequately so they do get compacted over time. Mr. Grenier stated when you crush stone, they are all different sizes so they lock in, and when there are fines on top of it and that gets wet it almost turns into concrete, and there is a lot of run-off. Mr. Costello asked about a rock garden, and Mr. Grenier stated that would not necessarily be crushed stone. Mr. Costello stated someone might put gravel down, and Mr. Grenier stated he feels it would depend. He stated if there was a lot of dense aggregate that was being used as a patio, he feels that would cross over. Mr. Coyle stated that some residents who want to put a pool in and already have too much impervious, will take the driveway out and replace it with crushed stone to get around the issue; and they will no longer be able to do that, and they would have to mitigate the water on site. Mr. Grenier stated there is pervious pavement and other options that could be used to mitigate that.

Mr. Robinson stated the previous iteration of the Ordinance did leave some gray area on what was considered impervious or not, and it was left up to the Township engineer's discretion; however, that was changed, and this proposal takes a hard stance. He stated if the Applicant were to provide justification for a Waiver or partial Waiver of the definition of impervious area, that would be subject to Planning Commission/Board of Supervisors approval.

Mr. Robinson stated Article III includes the Stormwater Management Standards. He stated they added a Section regarding riparian buffers, and it is now required for Easements to be provided for all riparian buffers around all water bodies including ponds, wetlands, rivers, streams, etc.; and it has to the greater extent of either the 100 year floodplain or the Zoning Ordinance regulations for setback requirements. He stated also in this Section they provided minimum management requirements for those riparian buffers; and if an Applicant is required to install an Easement for riparian buffers on their property, there are standards to maintain it including removing invasive species and re-planting within the buffers if trees were to fall.

Mr. Robinson noted Section 304 – Stormwater Management Facilities Standards and stated that as was noted in the goals they are showing that they prefer surface and open-air BMPs to be implemented. He stated underground stormwater management facilities can cause maintenance issues long-term, and to avoid that they prefer that open-air stormwater facilities are implemented such as rain gardens, detention basins, and infiltration facilities, etc. He stated they also recommend that non-structural and green infrastructure Best Management Practices are implemented throughout the lot so you avoid the situation of having just one large detention facility in the corner of the Lot; and stormwater

management can be more dynamic and spread throughout the lot. He stated they also added standard construction requirements for those BMPs/storm-water facilities that would be implemented on the lot.

Mr. Robinson stated the next Section is the Conveyance Facilities Standards which is for any stormwater facility that would convey stormwater from one place to another such as a storm sewer, gutters, and swales. He stated Section 306 discusses the calculation methodologies for stormwater, and they added some clarification on the design storms that will be utilized for calculation, some guidance for the methodology of time of concentration calculation, and for major Permits which is any Stormwater Management Plan with greater than 5,000 square feet of impervious area. He stated 100% of the existing impervious area on the lot will now be considered meadow. He stated whenever there is a re-development within the Township typically those facilities have not utilized stormwater calculation and facilities that meet current day standards, and they are confirming that those lots that may not have had stormwater facilities when they were first constructed, will now meet the standards that are set forth today.

Mr. Robinson noted Section 307 in Article III which is the Volume Control Standards and Methodologies Section. He stated they are increasing the amount of stormwater that will be captured on the lot by 20% and making it a requirement to re-use, evapotranspire, or infiltrate the entirety of the stormwater volume requirement on site. He stated with regard to Section 308 – Peak Rate Control Standards and Methodologies we are now consistent with Act 167 Ordinances, and decreasing the peak rate of stormwater leaving the site so not only have we increased the amount of stormwater that is held on the site and infiltrated into the ground back into the aquifer, but we are also reducing how fast the stormwater leaves the site by 80% of the peak existing rate. He stated this will reduce localized flooding in surrounding areas.

Mr. Robinson stated Section 309 is Water Quality Standards and Methodologies, and they included this Section to meet PADEP Standards; and it works in line with the Post Construction Stormwater Management Spreadsheet that was provided by PADEP. Mr. Robinson stated the next Section is Stream Channel Protection Requirements, and they are now consistent with Model Ordinances. He stated Section 311 is Hot Spot Uses, and we have expanded the existing Section and now require a Stormwater Pollution Plan for any hot spot uses which are uses that would have pollutants on site that could easily enter waterways such as a gas station.

Mr. Robinson stated Section 312 is Erosion and Sediment Control and Grading Requirements, and they included this in the Ordinance to be consistent with the Township's existing Subdivision and Land Development Ordinance and the 2028 Model Ordinance.

Ms. Torbert asked what is now considered to be a benchmark storm; and Mr. Robinson stated whenever you are modeling stormwater controls you do so in two conditions – in the existing condition which is what the development looked like without any new work on it, and in the post-development condition, and you implement stormwater management facilities to reduce how fast the water is coming off the new impervious area before it leaves the site. He stated you also capture volume from that impervious area and infiltrate it into the ground. He stated within that volume and peak rate control, you model different types of storms – the one, two, five, ten, twenty-five, fifty, and hundred year storm. He stated you are increasing the amount of rainfall that you model each time to see what the stormwater will act like during that storm. He stated ideally you would be reducing the volume and the peak rate of stormwater leaving the site for all of those storms.

Ms. Torbert stated her concern is that we used to talk about a 100 year storm, but we have now been getting those quite frequently. Mr. Robinson stated the Ordinance references the most recent rainfall data that is available from NOAA. He stated he has heard that NOAA will be releasing new rainfall data soon, and this Ordinance addresses that by stating that the design storm shall be modeled off of the current version of NOAA or any latest version that replaces that.

Mr. Coyle asked what would happen if NOAA decides to stop releasing data and performing that science. Mr. Robinson stated if that were to happen and there is new data that is utilized industry-wide, that would be a simple change within the Ordinance that could be addressed at a later date. Mr. Coyle stated at this time there is no second source of record that could be cited, and it would just be addressed at the time if it became a problem; and Mr. Robinson stated they could look into whether there are other available sources that have been utilized if the Planning Commission desires.

Mr. Grenier stated there has been a lot in the news lately about NOAA and National weather service entities, etc. that are related to this data that could potentially be well understaffed or no longer have a mandate to provide certain information. Mr. Grenier stated currently NOAA is the standard everywhere; and if that data goes away, it will not only impact our stormwater management

design and criteria moving forward, it will impact a number of other things as well. Mr. Coyle stated hopefully that will not come to pass; but if it does, it will be addressed.

Mr. Robinson noted Article IV – Stormwater Management Site Plan and Report Submission Requirements, and they have increased the amount of requirements for Plans that are submitted to the Township to provide additional information for ease of review for Township staff and the Township engineer. He stated they also clearly identified what the Stormwater Management Report requirements are which is the Report that shows all of the calculations and how the stormwater management works on-site. He stated they also added some Special Submission requirements for different investigations around sites including sub-surface investigation and infiltration testing, Wetland Delineation Reports, and Geo-technical Reports. Mr. Robinson stated all of the requirements that have been added and the new submission requirements are clearly outlined in Section 404 of the Submission Section within the Summary Table for Minor and Major Stormwater Management Permits.

Mr. Robinson stated they added some new Sections for Submission Review Procedures and Project Close-Out Requirements including As-Built Plans for both Minor and Major Stormwater Management Plans and post-construction infiltration testing in accordance with the new Model Ordinance released by PADEP.

Mr. Robinson stated Article V is Operations and Maintenance, and they have included Sections for Performance Guarantees for Land Development Applications, and Applicants are required to submit financial security for stormwater controls for Land Development Applications. He stated they have also required Operations and Maintenance Plans and Agreement for all Stormwater Permits both Major and Minor Permits. He stated they also added language for the Stormwater Management Facility and Operating Maintenance Fund to allow for the Maintenance Fee to be based on the acreage of the Stormwater Management Conservation Easement. He stated whenever there is a stormwater management facility implemented on a lot whether it is a conveyance facility or a stormwater capture facility, they are now required to have Easements, and the Maintenance Fee will be based on the acreage of the Easements.

Mr. Robinson stated Article VI is Fees, and they expanded the expense covered by Fees within the Ordinance.

Mr. Robinson stated Article VII is Prohibitions, and in Section 701 they added an Illicit Discharges Section in accordance with the new PADEP Model Ordinance. He stated they prohibit dumping of pollutants into the waterways and storm sewers, and they prohibit open storage of pollutants on lots. He stated if a pollutant were to enter a waterway, the person responsible would have to contact the Township and DEP. He stated to enforce these prohibitions they have expanded Article XIII the Enforcement and Penalties Section of the Ordinance adding increased inspection and reporting requirements for Applicants and owners of stormwater management facilities and also increased the Notification/Enforcement Sections to expand upon the procedures for informing Applicants of violations of the Stormwater Management Ordinance.

Mr. Robinson stated they updated the Appendices to coincide with all of the updates they made including the Stormwater Management Site Plan Application and creating any Post-Construction BMP Investigation Report. He stated they also updated the Small Site Design Worksheet for Minor Stormwater Management Permits. He stated if an Applicant were to implement a new development that was less than 5,000 square feet of impervious area and not a Commercial or Industrial Use, they Applicant can utilize the worksheet without engineering design. He stated it uses sample details and construction information for stormwater management facilities, and creates standards for non-structural BMP specifications to be implemented on those smaller lots. He stated it clearly identifies procedures and calculation tables for ease of use. He stated this would typically be used by residents who may want to add an addition to the house or extension to their driveway; and they can utilize this design worksheet, submit it to the Township staff for their review; and it would not need to be signed or sealed by a registered engineer.

Ms. Torbert asked about the Minor Developments. She asked if residents are going to have to hire an engineer to do the other parts of the Application apart from the worksheet; and Mr. Robinson stated they should not have to do that. He stated the Small Site Design Worksheet has a Plan View where the Applicant can hand draw or draw electronically on a computer what they propose to construct with simple dimensions and distances to proposed stormwater management facilities, and it would not have to be generated by an engineer. He stated there is also a Calculation Worksheet with instructions that they should be able to complete without the help of an engineer. Mr. Majewski stated they have developed a Stormwater Management Impervious Surface Calculation Spreadsheet that they have people fill out with their information, and it calculates it for you. He stated if people have difficulty with that, the Township staff will do it for them. Ms. Torbert stated after the Worksheet

there is a diagram that would show the structural items to be put in, and she did not feel she would have the ability to draw that. Mr. Majewski stated HRG came up with some standardized templates for people to use, and the Township staff will work with people through the process. Ms. Torbert stated she wants to make sure the Township staff is going to be able to do this or if they are going to need engineering services. Mr. Majewski stated the Township staff is already doing this, although what is now proposed does have some additional items; but he does not feel that it will be an issue since the Township has been doing this for some time. He added that a lot of contractors know how to do this already.

Mr. Bush noted Section VII with regard to Prohibitions and asked if the prohibitions against dumping, open storage, etc. did not exist before. Mr. Robinson stated they were not clearly stated in the Ordinance, and it was just “loose language” about not impacting the public health and safety of residents. He stated while the Township could point to those standards within the previous Ordinance, they wanted to make it clear what the prohibitions would be. He added that they still have the general language about impacting the public health and safety.

Mr. Robinson stated they feel that after working with the Township they have created an Ordinance that is Regulatory-compliant with the PADEP Model Ordinance and the Act 167 Model Ordinance. He stated they also believe that this Ordinance is not only consistent with those Ordinances but also consistent with the Township Ordinances including the Subdivision and Land Development Ordinance and the Zoning Ordinance. He stated they believe the Ordinance is modern as it looks forward to the future regulations that PADEP will be implementing. He stated they are also going toward the resilient and sustainable infrastructure that can be implemented within the Township. He stated they have worked in conjunction with the Township staff and the Stormwater Management Sub-Committee and they have received approval and concurrence from the Township.

Mr. Majewski thanked Mr. Grenier and Mr. Coyle for their hard work as well as Mr. Dresser, Mr. McLoone, and Mr. Kratzer. He stated this is now a very current, modern Ordinance which will serve the Township well for the next five to ten years. Mr. Coyle thanked the staff, HRG, and the Board for all the work that went into this. He stated someone had asked him why we need to have the most restrictive Stormwater Ordinance in the Commonwealth; and, Mr. Coyle stated he feels that the residents of Maplevale would have preferred

that we had a more restrictive Stormwater Management Ordinance in the past. He stated he is in favor of having a Stormwater Ordinance that holds people to account.

Mr. Grenier stated he agrees with Mr. Majewski and Mr. Coyle. He stated since he got on the Board of Supervisors almost eight years ago and ran on stormwater infrastructure, infrastructure improvements, sustainability, etc., he has been discussing the need to do certain things for years. He stated with the flooding events in Maplevalle as well as some other developments that have come on-line that people have been very concerned about, the Board and others wanted to see what they could do to move forward; and this is an instance where everyone is moving in the same direction. He stated while there were Ordinances in place, we wanted to update them and make them more modern.

Mr. Grenier stated there is a Model Ordinance coming out, and we are aligning with that Ordinance which will be the norm over the next few years across the Commonwealth. Mr. Grenier stated he has written these Ordinance for New Jersey and Florida, and we are not as strict as they are. He stated this Ordinance coupled with the Open Space Ordinance and our Green Development Ordinances will put the Township in a good space moving forward. He stated these are organic Ordinances, and we need to see how we can improve them in the future.

Ms. Torbert stated the Township has had the Low Impact Ordinance for some time, and she asked if anyone has taken advantage of it. She asked if there is any way that this Ordinance can leverage developers to take advantage of it.

Mr. Grenier stated they considered the Low Impact Development Ordinance in this Ordinance.

Ms. Torbert asked comparing this new Ordinance to the old Ordinance is there any way to calculate the additional hours of paperwork and Fees for the Minor Developments. Mr. Robinson stated for the Minor Stormwater Permits, Mr. Majewski had indicated that the Township already has a Minor Stormwater Management Permit in a different format; and this new Minor Stormwater Management Permit is in close alignment with that, and a few additions have been added to hopefully help with clarification and add additional stormwater management facility alternatives including tree planting and impervious area disconnection that may lessen the impact of the implementation of structural stormwater management facilities like rain gardens or infiltration trenches and create more natural stormwater management practices. He stated they clearly lay out a process as to the calculation; and while it may take a little additional time, he does not feel it will have a detrimental impact on residents.

Ms. Torbert asked if there is a reason that you cannot use non-structural remedies like trees, rain gardens, and rain barrels to mitigate more than 25% of the total that you have to mitigate. Mr. Robinson stated that is the current guidance from the PADEP and is within the BMP Manual and has been referenced in the PCSM Manual. He stated that guidance may be subject to change in the future; and if so, that could be an Amendment to the Ordinance in the future. Ms. Torbert stated she feels that we would want to encourage non-structural rather than structural. Mr. Robinson stated that the previous thought was that the non-structural BMPs may not have the same impact as the structural; however, after years have gone by with more modern stormwater management regulations, it is understood that non-structural BMPs may actually have a better impact than structural BMPs in some instances. He stated until PADEP changes their regulations, he feels it is best practice to formalize what they have.

Mr. Coyle stated in defense of the 25% limit, it has come up in the past where trees could be planted; but five years later, the trees could be removed. He stated the next homeowner may not realize that the trees are stormwater management. Ms. Torbert stated she likes the idea of rain gardens, but she understands that they require a lot of maintenance. Mr. Grenier stated it depends on how they are designed as to how much maintenance is required. Ms. Torbert asked if a developer wanted to put in more large-scale rain gardens which are more attractive than basins, would that be the Homeowners Association that would maintain it. Mr. Grenier stated it could come in as part of the Site Plan process with smaller drainage areas/rain gardens before they get to the discharge points, and that would spread out the stormwater management over the whole area. He stated those would be Deed Restricted, and there would have to be an Operations and Maintenance Plan to manage them as part of the system. Mr. Coyle stated O & M could be the HOA that would be responsible, but it could also be done some other way where they could pay money to the Township. Mr. Grenier stated the Township maintains about 150 basins, and some HOAs maintain some as well, and it depends on the Final Agreement as to who has to manage it.

Mr. Coyle moved, Mr. Costello seconded and it was unanimously carried to recommend the adoption of the new Stormwater Management Ordinance to the Board of Supervisors.

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There being no further business, Mr. Gill moved, Mr. Costello seconded and it was unanimously carried to adjourn the meeting at 10:00 p.m.

Respectfully Submitted,

Adrian Costello, Secretary